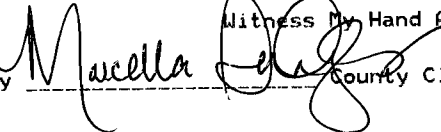




COUNTY OF SANTA FE ) BCC MINUTES  
STATE OF NEW MEXICO ) ss PAGES: 152

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County Clerk, Santa Fe, NM

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**April 10, 2012**

Liz Stefanics, Chair – District 5  
Kathy Holian, Vice Chair – District 4  
Robert Anaya – District 3  
Danny Mayfield – District 1  
Virginia Vigil – District 2

**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**April 10, 2012**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Liz Stefanics, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance led by Daniel Fresquez and State Pledge led by Ted Roybal, roll was called by Deputy County Clerk Vicki Trujillo and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner, Virginia Vigil, Chair  
Commissioner Liz Stefanics Vice Chair  
Commissioner Kathy Holian  
Commissioner Robert Anaya  
Commissioner Danny Mayfield

**Members Excused:**

[None]

**V. Moment of Reflection**

The moment of reflection was led by Dale Lucero from the IT Division.

**VI. Approval of the Agenda**

- A. Amendments**
- B. Tabled or Withdrawn Items**

CHAIR STEFANICS: Ms. Miller, are there any changes?

KATHERINE MILLER (County Manager): Yes, Madam Chair. There are two items that are tabled. Under Staff and Elected Officials items, XI. B. 1 and XI. C. 1. Both of those are tabled for a future meeting.

CHAIR STEFANICS: Okay, I have another change. I'd like to just comment that XI. C. 3 won't be heard until 3:30 or later. There are individuals coming to testify about

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that, including our Mayor. So I just wanted to get that out. Are there any other changes.

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the agenda as amended.

CHAIR STEFANICS: Is there a second?

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Thank you. There's a motion and a second. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

**VII. Approval of Minutes**

**A. Approval of March 13, 2012 BCC Minutes**

CHAIR STEFANICS: Are there any changes, Ms. Miller?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the minutes.

CHAIR STEFANICS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Thank you. There's a motion and a second. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

**VIII. Presentations**

**A. Santa Fe County Fair Board Update**

COMMISSIONER ANAYA: Madam Chair, just a couple items. I was going to ask Jackie Baca and Christina Turner to please come forward. But Madam Chair, Ms. Miller, if you could – I know we do a lot of preparations leading up to the fair, if you could work with your staff and provide us an update as to progress on things we're working on. I know there's welding and the entrance to work on. So I'm going to continue to have this on for the next couple of months at each meeting. We don't need to take a lot of time but if you could give us a snapshot of where we're at on those improvements preparing for the fair that would be great since it's a standing item for the next few months.

So I'd like to go ahead and turn it over to two of our valuable staff at the Extension Office to give us an update on programs and things and also talk about in the coming meetings we're going to be bringing students and kids here with us to do presentations and whatever else you want to do in the next few months. We want to market the fair; that's part of the reason we're giving you this opportunity as well. So the floor is yours.

JACQUELYN BACA: Well, thank you and good afternoon, Madam Chair and Commissioners.

CHAIR STEFANICS: You're welcome very much. Please state your name for the record.

MS. BACA: My name is Jacquelyn Baca and I'm the 4-H home economist here in Santa Fe County.

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CHRISTINA TURNER: And my name is Christina Turner and I'm the 4-H agent in Santa Fe County.

CHAIR STEFANICS: Thank you. Welcome both.

MS. BACA: And today we are here on behalf of the Santa Fe County Fair Board just to give you a little update on some of the things they have been working on thus far. The County Fair is going to be August 2<sup>nd</sup> through the 5<sup>th</sup> this year so that very first week of August, and of course preparations are already underway. Right now some of the big things the Fair Board is working on include the PR Committee is putting together some of the promotional ads and working with local media to secure those ads to make sure we get plenty of media coverage, both with some of the paid advertisements that we arrange and of course the free press releases. It seems the media is always more likely to assist us with those free press releases when we have a paid ad. So we're trying to work with them to get that taken care of.

We also just last night at the Fair Board meeting – final changes Fair Book were approved, and this included some additions to some of the indoor classes and exhibits. It is our hope to have that Fair Book online so that the public can be looking at the Fair Book and getting their items ready to enter into the fair by May. We're hoping to have that Fair Book online by May.

MS. TURNER: And of course as Jackie said, we are already well under preparations for the fair and a large part of our fair is of course the exhibitors, both the youth and the adults, but another part of the fair is the spectators, the public that come to visit us. So right now, we are really working on things like invitations to be sent to possible entertainment that might come and join us for the fair. We're working on vendors that might come and sell food or other items. Anything that we can do to really draw more public to come and visit us at the fair. We're also of course taking care of some of the things like judges that we need to have judge both our livestock and our indoor exhibits. So preparations are well underway and those are some of the things that we're going to be doing from now until probably June.

MS. BACA: And we just want to remind you all that again, the County Fair is August 2<sup>nd</sup> through the 5<sup>th</sup>, and we hope that you all received our promotional County Fair calendar and we hope you all have them hanging up in your offices to remind you of the dates. And we also brought some promotional gifts so you can put those up in your offices as well. We thank you for all of your support.

COMMISSIONER ANAYA: Thank you, Christina. Thank you, Madam Chair. I did want to add, we talked a little bit at the last meeting, Commissioner Mayfield brought it up, and working as close as we can with the senior programs to encourage those seniors to put their work into the indoor exhibits. So we want to continue that. But thank you very much for your efforts and we look forward to more information and more work going forward.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. On that point, Commissioner Anaya, I am going to bring a resolution forward at our next meeting, just ask that the County Fair Board work in cooperation with our senior services director, Mr. Ron Pacheco, in trying to ask that the participants from our senior centers here in Santa Fe County, and also local youth groups, such as our Boys & Girls Club. Just get them more aware about our fair. Thank you.

CHAIR STEFANICS: Thank you. And Commissioner Mayfield, on that point, we've talked in the past about the County Fair Board and staff working in conjunction with the Food Policy Council. And so I think that there might be some other groups, but we really feel like if we're going to focus on some growing and some ag that that group as well, we don't want there to be a disconnect.

COMMISSIONER MAYFIELD: Definitely, Madam Chair.

CHAIR STEFANICS: Great. Any other comments? Okay. Thank you, ladies, very much for being here today. We look forward to the fair later this summer and we hope everybody in Santa Fe County – you don't want everybody because that would be too many people. But we hope many people from Santa Fe County will get involved. Thank you.

**IX. Approval of Consent Calendar**

CHAIR STEFANICS: Commissioners, are there any items you'd like to remove from the Consent Calendar?

COMMISSIONER MAYFIELD: Madam Chair, I would like to remove A. 1 and have an oral update given to us and also A. 2, please. I have a question.

CHAIR STEFANICS: Okay. So there is a motion to remove A. 1 and 2, or a request. So that's the entire thing. So we're not taking a vote on the Consent Calendar then. So let's move on. We have removed item X. A. 1.

**X. Consent Calendar**

**A. Miscellaneous**

**1. Ethics Board Quarterly Report**

CHAIR STEFANICS: Mr. Randy Forrester, are you here? So, Ms. Miller, who's going to present on the Ethics? Is that going to be Ms. Penny Ellis-Green?

MS. MILLER: Yes, Madam Chair, because the Ethics Board members are out of town, so we need Penny to do that.

CHAIR STEFANICS: Here she is. Ms. Penny Ellis-Green will present about the Ethics Board, and Commissioner Mayfield, do you want her to do a full presentation or do you just have questions?

COMMISSIONER MAYFIELD: Madam Chair, I read the summary memo and I think the summary memo was great; no ethics complaints were brought to the board during this past quarter. I would assume if ethics complaints were brought about the board, they would do a presentation on that, so I think if the public knows there have been no complaints filed that's not a bad thing either, to let the public know.

PENNY ELLIS-GREEN (Deputy County Manager): Madam Chair, that's correct. Every quarter, by ordinance, the board would come in front of you to report if there are any ethics complaints and what the results are.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Penny, I guess I just have a question and this question may be for our County Attorney. I was going to ask our chairman of the board. I was trying to find out what I did with my ethics forms. Quick question. As far as our Ethics Ordinance, and I'm looking at the 2212; I don't know if everybody has a copy. But there was something in here, Madam Chair, Mr. Ross,

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Ms. Penny Ellis-Green, as far as accepting tickets. The reason I bring this up is that the Santa Fe Boys & Girls Club sent me some tickets recently for a function, a dance that they were having and that's where I have questions. If – I did not attend that function but if we're sent those tickets, those tickets should be paid for? I don't think we could accept as a donation to us? Steve, Penny, do you guys know how that would conform with this ethics code?

MS. MILLER: Madam Chair, Commissioner Mayfield, I actually do recall that particular item in the Ethics Ordinance. There is a provision within the Ethics Ordinance that if you are requested to attend and sent tickets to something like that, particularly organizations that we support and they're asking you to come in your official capacity, representing the County, that those are acceptable. It specifically states in the ordinance for non-profit organizations that we – in the community and in those instances you're being asked in your official capacity to attend those. Those are typically their fundraisers but they want community leaders at them, and they do send complimentary tickets to members and it is a provision within the Ethics Ordinance that allows you to accept those.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Miller, and I want to support all these non-profits. I also recall that there were some tickets sent, say, for the Soup Bowl, I guess a while back there was a Soup Bowl. Would that be something that we would be asked to attend in our official capacity? And can you also point out to me where it does say we can accept those type of tickets?

MS. MILLER: Steve's looking.

CHAIR STEFANICS: While we're waiting, the question that we're pursuing right now is what sort of tickets and for what functions and at what value can the County Commissioners accept.

COMMISSIONER MAYFIELD: Madam Chair, just so we can go on, we can have that information brought back at a later time. Mr. Ross can get that back to me, just so I know and I'm perfectly clear on this Ethics Ordinance where that can be accepted for myself, I'd appreciate that.

CHAIR STEFANICS: Thank you. Ms. Miller, perhaps if we don't find it really quickly, that could become one of your items to report on at the very next meeting? Or even later today, that would be great. Because I think the clarification is being asked so that we are not in doubt about that activity. Anything else on Ethics?

COMMISSIONER MAYFIELD: No, thank you, Madam Chair.

CHAIR STEFANICS: Anyone else with a comment? Question? Okay. Thank you. Thank you very much, Ms. Ellis-Green, for coming.

**X. A. 2. Request Approval of Change Order No. 1 to the Contract Between Santa Fe County and Meridian Contracting Inc. for the Construction of the Santa Fe Rail Trail Segment 1 to Construct an At-Grade Railroad Pedestrian Crossing in the Amount of \$75,025 Exclusive of Gross Receipts Tax**

COMMISSIONER MAYFIELD: Madam Chair, I just looked at this change order and I saw it was \$75,000 I guess to install an at-grade rail crossing for pedestrians, and I did look at the invoice costs and I'm just going to guess \$72,000 is a realistic figure. It seems pretty expensive. I don't know if anybody can comment on that.

CHAIR STEFANICS: So Mr. Leigland, are you here? Mr. Leigland, while you're coming up we're asking about item X. A. 2, the approval to the change order between Santa Fe County and Meridian Contracting for the construction of the Santa Fe Rail Trail Segment to construct an at-grade railroad pedestrian crossing, and Commissioner Mayfield has some questions.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, I don't know if you heard, I just wanted to know – I see the breakdown of the \$72,000. Can you explain this crossing to me? This at-grade crossing for pedestrian traffic?

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioner Mayfield, I apologize; I was out in the hall. Let me just turn to the item here. I think the Commission is familiar with this particular project and so the trail itself at some point crosses the rail alignment. There was an informal crossing there for some time and we're just formalizing it. And we knew that the DOT was going to come back to us with some technical requirements, but they were taking a long time to give it to us and we didn't want to wait to award the contract so we knew that we had to come back with these changes after the DOT gave us the formal requirements.

So we designed the formal requirements and this is the new cost. So I'm getting to the item here. Excuse the delay. I'm on the page now. So Commissioner Mayfield, what was your question?

COMMISSIONER MAYFIELD: Just the cost of \$75,000 for a change order. That's a reasonable cost. They're saying it's going to take only five additional working days?

MR. LEIGLAND: That's right. Yes. So if you're looking at that you can see what that material breakout is from the contractor, his proposals.

COMMISSIONER MAYFIELD: So item 9 of 11, what is that?

MR. LEIGLAND: That I believe is if you cross the rail line, you know how between the tracks you'll have those rubber things sometimes? So that's so that people don't fall into the tracks or cyclists can cross it in safety. Those sorts of things.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Leigland, what I'm looking on the invoice here comes up to the full amount of \$75,025. I'm also seeing on the summary memo that they are indicating an additional five days of work. So are they doing that work for free or are we going to pay for those additional days of work or no?

MR. LEIGLAND: You're wondering about the labor costs?

COMMISSIONER MAYFIELD: Yes.

MR. LEIGLAND: I believe that – actually, I don't know that question. I'm guessing either that or the labor is included in the material breakout.

COMMISSIONER MAYFIELD: So material costs are include in the material breakdown?

MR. LEIGLAND: I'm not familiar with the details of this proposal so I don't know how the labor costs are allocated. I understand your question but I can't answer that right now.

COMMISSIONER MAYFIELD: That's fine, Madam Chair. If you could just get that back to me. If they have to bring additional labor costs to us are you going to bring us another amendment?

MR. LEIGLAND: Yes, sir.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair.

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CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: I would respectfully ask the Manager, Ms. Miller, if there are agenda items on the agenda that we have the appropriate staff to answer the questions that the Commission has. Like in this case, he doesn't have the background. If you could help us make sure we have somebody that will I think that will be helpful. Thank you.

CHAIR STEFANICS: Thank you, Commissioner. Any other questions or comments? Okay. Thank you, Mr. Leigland. So we need a motion for that. Commissioner Mayfield.

COMMISSIONER HOLIAN: Madam Chair, I was going to move for approval.

CHAIR STEFANICS: Okay.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: There's a motion and a second.

**The motion passed by unanimous [4-1] voice vote.** [Commissioner Anaya voted against the motion.]

**XI. Staff and Elected Officials' Items**

**A. Community Services Department**

**1. Overview of the Santa Fe County Senior Services Program.**

RON PACHECO (Senior Services Director): Madam Chair, Commissioners, thank you so much for the opportunity to update you on our program. Without further delay I want to introduce to you Teresa Casados, our program manager. We're very fortunate to have her and she will be doing the update, so thank you very much.

CHAIR STEFANICS: Thank you. And Ms. Casados, could you tell everyone what your position is with Senior Services in case they don't remember?

TERESA CASADOS (Senior Services Program Manager): Yes, Madam Chair. Thank you very much, Madam Chair and members of the Commission. My name is Teresa Casados and I am the program manager. I work with the Senior Services program along with Ron Pacheco. And I just want to say thank you guys very much for allowing us to come here today and give you a brief overview of what we are doing with the senior program, and how that is evolving.

As the Commission is aware, Santa Fe County did not always oversee six programs. The City operated five senior centers within Santa Fe County and so prior to that, in the beginning, Santa Fe County had one senior center which was operated and open five years ago, and that is the Ken and Patti Adam Senior Center in Eldorado, New Mexico. That center was opened after residents in that community went to the legislature and obtained funds to build that center. The County then oversaw it with a staff of four people. They had a program director, a program manager, one cook and a driver who provided transportation in that area.

Since that time the County has taken over the operation of five additional centers. The Bennie Chavez Community Center, which is located in Chimayo, New Mexico; the El Rancho Community Center which is located in El Rancho; the Abedon Lopez Senior Center, which is located in Santa Cruz, New Mexico; the Edgewood Community Center which is



located in Edgewood, New Mexico; and the Rio en Medio Community Center which was recently renovated and remodeled. And I'd like to say we had a great grand opening there on March 28<sup>th</sup> where we had a lot of seniors come from different centers and from the City of Santa Fe to partake in the activities we had there for the grand opening and it was a huge success and we're really excited to have that center reopened.

So currently the staff looks like this for the operation of these six senior centers. We are currently staffed with 19 full-time employees and one part-time employee who fills in as a cook when our cooks are sick. So we have our program director, our program manager, we have an inventory specialist who oversees all of the inventory and the ordering of food and supplies for the kitchens where all of the food is prepared, three activities coordinators, a senior secretary who does all our menu planning and our transportation. We have six drivers, three of which are full-time meals-on-wheels delivery drivers, and three which provide transportation on a daily basis. Then we have six cooks. We have three activity coordinators, who all oversee this program to keep it running on a daily basis.

Within these centers which are operated daily from nine to three we serve congregate meals. The photos that you see here in this presentation are of our six cooks in the centers throughout the county. So as you can see our numbers have started to climb and the program is growing. We started out with about 6,400 meals in the first quarter. Then we saw a dip in the second quarter, which my understanding is typical because of holidays – Thanksgiving, Christmas, cold weather, seniors don't necessarily come out to partake in congregate meals, but even at that we've served over 19,000 meals as of March 31<sup>st</sup> to Santa Fe County seniors.

So this graph here shows the different centers, and as you can see Edgewood, New Mexico has the highest level of participation for congregate meals, followed by Eldorado, and some of the other centers, you'll see Rio en Medio was open for the first month that the County took over operation and served about 250 meals that month. Since then it's been closed; we've just reopened it in March but you'll see just for that last week of March that it was open it did about 70 meals which is pretty amazing for that one center for just a little over a week.

So we work really hard to maintain the congregate meals to make sure that the seniors are satisfied with our menus. All of the menus are prepared in-house and then they are sent off to New Mexico Agency on Aging for their approval prior to us publishing it and serving it in the senior centers. We've worked really hard with the seniors to get their input on the meals, to have the cooks give input on what they'd like to see in their centers. We're introducing new items, two items every month, and we give cards for feedback from seniors because we want to make sure that the experience they come, that they're enjoying the food that they're being served. So we're always open to their feedback.

In addition to congregate meals that are prepared at the senior centers we do home delivered meals. These are our three drivers that go into people's homes every day. They are the eyes and the ears of our program with those seniors on a daily basis. Again, those numbers have grown. We started out with about 5,300 meals the first quarter. This last quarter we served almost 7,000 home-delivered meals. So those numbers are where we're seeing the most growth, which is kind of surprising to us, but there's a huge need for communities. We've started delivering meals to Cundiyo and also to some areas, Cerrillos. Visiting nurses approached us and said there was a huge need in Cerrillos. We did some assessments out there and discovered that there were people who if we did not feed could go

days without receiving a meal. So we're doing meals out there twice a week from our Eldorado center and the numbers continue to grow.

This chart shows where those meals are prepared. So although it looks like most of those meals are prepared in Chimayo it's actually delivered in the Chimayo area. So this is by area. And you can see that there's a huge need there. We're meeting that, but there's also demand elsewhere that we're not able to meet at this point in time but we are addressing that.

In addition to meals a huge part of what we do everyday is transportation. So we have three full-time transportation drivers and we have an assistant in our office who takes all the transportation calls and then dispatches drivers to where they need to be. So individuals countywide are able to go to doctor and dentist appointments, to pick up prescriptions, to go to their physical therapy appointments, to go in for cancer treatments, go into the grocery store. And a lot of those just receive transportation to go to and from our senior centers to participate in congregate meals and activities that we provide there.

So as of March 31<sup>st</sup> we've provided a little over 4,500 rides to these seniors to be able to accommodate their needs. So when they are transported to and from the County centers they are able to partake in the activities and these are our three activity coordinators that we have. Each coordinator is responsible for planning and carrying out activities in two centers. So as you can see, the day of going to a senior center and playing bingo has been replaced. People are coming in, they're taking computer classes, there's spiritual meditation, there's art classes, they can participate in tai chi, there's tin-working. I was even up in Chimayo the other day when they were all doing origami and building little origami pouches to go and get holy dirt at the Santuario, which I thought was pretty amazing. There's retablo work, yoga class – so there's all kinds of activities that seniors can partake, and we want to build each center based on the needs of that population. So whereas a book club or memoir writing may be in high demand in Eldorado it may not be so much in Santa Cruz, whereas tinwork and weaving is what they want to see. So we leave it to the activity coordinators to basically plan the programming around the seniors that are coming to that center and thus far it's been very successful and we had huge participation in the activities at the centers.

So just some of the highlights from the County operating from July 1<sup>st</sup> through now is the reopening of the newly remodeled Rio en Medio Center, which I talked about earlier, the completion of a commissary, which is adjacent to that Rio en Medio Center, which will be able to – we will store all of our food at one location, and it will give us the ability to buy food in bulk, therefore saving money, because we'll have a place to store it. Now we're buying food basically on a week-by-week basis. So we'll be able to buy, store and then deliver out of that area.

Expansion of the program services to the communities of Cundiyo and Cerrillos, as I spoke on earlier. Right now we're doing home-delivered meals to both those communities. Also acquiring funds to begin replacement of fleet vehicles. We recently were awarded \$274,000 from state capital money to replace some of our fleet, which is a huge accomplishment for us, because some of the vehicles that we have right now really do need to be replaced and taken off the road. So we're going to be replacing a handicap vehicle, a couple of meals on wheels trucks so we will be able to provide more service to individuals in more rural areas, because we can store the food on the vehicle longer while they're transporting it. Buy smaller vans to transport people in town and people to and from centers. Right now we're running 15-passenger vans and unless we're going on a field trip with them

we rarely have more than eight passengers on board at one time. So we're going to buy smaller vans to be able to save on fuel and still accommodate the seniors' needs. In addition to that the handicap vehicles I spoke of and a cargo van so when we get the commissary we'll have the van to be able to transport the food to and from the centers.

Another one of our accomplishments is just the increased participation in all services. Everything that we offer, the activities, the congregate meals and the home-delivered meals have seen an increase since July.

In our future, one of the things we're looking at is expanding services to seniors residing in the area off of Highway 14, lower Agua Fria, La Cienega, 599, Rancho Viejo, Cerrillos and Madrid. That's an area of the county that right now is very underserved. We're trying our best to be able to provide at least home-delivered meals to those individuals, offering them transportation if they need to come to and from doctor's appointments, and even offering to transport them to senior centers, but there's not necessarily huge participation there but there is huge need that we've identified so we're going to work towards coming up with a plan to be able to address that in the future.

So like I said, we're looking to be able to accommodate the growth of the programs countywide. Population is aging. People are very, very active. They want to remain active, and we want to be able to provide them a way to do so. And so just looking at how we expand that program and planning for it before it just kind of knocks on our door and we have overwhelming seniors there and we don't have the ability to serve them.

So addressing the needs of services in the southwest sector of the county is high on our priority list looking forward, and also continuing to replace our fleet, so looking for additional funding to be able to continue to replace that and make sure that we have safe vehicles to transport seniors in and safe vehicles for our drivers to travel to homes. And then addressing capital needs for seniors countywide as far as infrastructure and equipment goes. So those are some of the needs we're looking forward to and putting plans in place to be able to come at a later date to bring forward those plans

So that's the senior program as it is today. It's grown a lot from July. It's continuing to grow and we just want to make it a place where seniors can come every day, have a great meal, participate in activities and go home and at the end of the day be pleased with and want to come back tomorrow and do it again.

CHAIR STEFANICS: Thank you, Ms. Casados. I have a couple of questions before I turn it to my colleagues. First of all, the last time I was out at the Ken and Patti Adam Senior Center somebody approached me and told me that they were dismissed as a volunteer driver for home-delivered meals. Could you address that?

MS. CASADOS: Absolutely. Madam Chair, we had volunteer drivers who were working on the route in Eldorado and delivering foods to homes. As you are aware and the Commission is aware we had some issue with volunteers who did not want to fill out paperwork and so we worked back and forth with HR on paperwork that we were requiring volunteers to fill out to continue working. We were able to resolve that but prior to that we started losing volunteers and so we were faced with days where we didn't have anybody available to do a route and we were scrambling to find a driver. So we decided to bring a full-time driver in to that area to serve those meals. We did leave one route available so if volunteers want to continue and be involved and participate there is still one route available that they can do so, but it was easier for us to just have to find a relief driver for one route

than five routes, because there were five separate routes in Eldorado handled by volunteers.

And so since then we've talked with those volunteers to say that if they want to continue volunteering in a different capacity that we would love to have them help us to form some sort of a senior companionship program there and still be able to visit with seniors on a daily basis, go into their homes and report and be our eyes and ears there and provide companionship. So they would just be volunteering in a different capacity.

CHAIR STEFANICS: So, Ms. Casados, are you suggesting that they would drive to one person's home, spend some time visiting, and more or less be a volunteer just for that person?

MS. CASADOS: Absolutely. Because the meals and wheels driver is not afforded the opportunity to spend much time with the senior. You're kind of in, you deliver the meal and you're out and you're on your way again. So our thought is this would provide them an opportunity to go into a home and spend more time with one senior, maybe read with them, go to a library with them. They'll provide just more one-on-one attention. Because some seniors never really see anybody else other than their meals on wheels driver.

CHAIR STEFANICS: And my second question before I turn it over to others is does our senior – do any of our senior centers hire any healthy, able-bodied – I shouldn't even say that because disabled people would be qualified as well, but hire any seniors for any jobs? Like paid employment?

MS. CASADOS: At this point in time the only senior that we have actually from a senior center is our relief cook in Eldorado. Sally was a senior there; we had a need for a cook; she was interested in doing so. She filled in for several months and has remained on as a part-time relief cook and comes in as needed. And our instructors that come in. They're not actually County employees. They are paid hourly. They are contractors. But if they want to come in and provide art lessons or yoga lessons or any type of activity – weaving instructors, we do look at those individuals in that capacity.

CHAIR STEFANICS: Well, the reason I ask the question is that if we have some vacancies, and I understand we have a limited budget, but we certainly should not be discriminating against the population that we're serving. So if there are some individuals who qualify I hope that we will consider them for a position.

MS. CASADOS: Absolutely. And when we have positions available as in the past, we post them on the County website and it goes through the process there, but we've also put up in – like just recently we had a cook position vacant in Chimayo and we post it there in the center that the position is vacant and give information on how people can apply. So definitely, if there are seniors in that community who are interested in applying for a job then we do give them information on where that information can be found and how they can apply.

CHAIR STEFANICS: Okay. Thank you. Commissioner Vigil, and then Commissioner Anaya, then Commissioner Holian.

COMMISSIONER VIGIL: Having taken over the senior services in Santa Fe County it's a huge responsibility. Teresa, I'm glad you're on board to help us through that. Ron, and all the professional staff that you've been able to provide for that. First of all, an observation. There's about four senior services up north, and I know how they got established through Santa Fe County, what we've been able to do historically is partner with the state legislature to provide for infrastructure to promote these kinds of services and that's how four

centers got settled up north. However, now that the County has taken over the services I'd like to make sure that needs assessment, and it sounds from your presentation is a critical piece of this, particularly right now because the area I serve does not have one single senior service in it. And to the extent that there needs to be some kind of equity, and I heard you say that the needs have shown that lower Agua Fria and Highway 14 and other areas like that are underserved.

So I guess what I would like to know is how well do you all coordinate with the Agency on Aging with regard to needs assessments for these senior centers. Is that independent? Does that come from the County and then it gets reported to the Agency on Aging? Is that how it goes?

MR. PACHECO: Madam Chair, Commissioner Vigil, thank you for asking the question. Commissioner Vigil, typically this process begins on the local level. It isn't the state or the COMMISSIONER ANAYA that will identify an area of need. We are fully aware that closer to town, in your district there is a need for more services, and here's the plan. The plan has been to look at Highway 14, although I noticed today that the school has picked the site that wasn't the site we wanted them to pick because we've been talking to them about letting us partner out at Turquoise Trails for a site. So we've looked at two sites on Highway 14 and in the future we're going to come to this Commission and propose to build a center. That will help serve the people on 599, Aldea, Lower La Cienega, Rancho Viejo, that area. Because there's a huge need there.

One of the things that we can also tell you is that we are looking very closely in the near future to putting equipment at the Rufina apartments, kitchen equipment in there, because we have money to put kitchen equipment in there, and that is located in the traditional Agua Fria district, right on the corner of Rufina and – right behind Home Depot. There's a facility there that we have money to put equipment in. We're going to move forward, put the equipment in that facility, and in the near future we're going to ask the Commission to allow us to expand in that area, because one of the issues that I am seeing now, Commissioner, is I get calls regularly from the Highway 14/La Cienega/Airport Road/traditional Agua Fria are for customers who are desiring home delivered meals, and as Teresa mentioned earlier it is not easy for us in the time span that we have to serve that area. So the way that we're looking to do it in the interim is to put equipment at Rufina, get a limited amount of staff there and begin a daily home-delivered meals program there and possibly a congregate meals program at Rufina, so that seniors can come into the center and have lunch in that area of the county, as well as we can take meals out and serve the needs in that area of the county.

This is something we're looking to do in the next three to six months, so a lot of it is in the works now with the Rufina apartments and getting the money spent for the equipment; this is very important. So that is our plan in the near future to be able to send meals out there within the next, as I say, three to six months.

COMMISSIONER VIGIL: Okay. Another use of dollars originally allocated for those purposes and we had to really work towards not losing them and keeping them engaged for our seniors –

MR. PACHECO: We're not going to lose them; we're going to use them to do just what you mentioned, to start serving an underserved area that we're well aware of and getting calls for.

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COMMISSIONER VIGIL: Okay. So do you have actual figures in terms of what the needs assessment is?

MR. PACHECO: Actual figures, I can tell you what we've been doing up until recently is taking a waiting list, but at this point we've had so many people call that what we're trying to do is accommodate them with frozen meals. Because what I can do is I can get frozen meals that we have stored, take them to a family who has a microwave and that will hold them. That's only going to help them for a very short amount of time. We want to be able to deliver hot meals.

The state does not give us any numbers. What we have done is we look at the census data that shows a growing population in those areas and we know now that there is a need, because we're getting the calls on a daily basis. In fact today, Teresa and I were just strategizing on how we're going to help these families. One of the problems we have, Commissioner, is it's very difficult for us to say no, and we need to learn that word but we're not doing it. So by serving frozen meals in the interim we're able to take care of the need, but we need to establish a kitchen where we can deliver hot meals, and we know that there's enough need there to do it. So in terms of an assessment I can tell you know there are enough seniors between the traditional Agua Fria Village, the Airport/599 area who need meals who we could certainly serve.

COMMISSIONER VIGIL: Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: On that point, I'd just like to follow up. It would seem to me that based upon Commissioner Vigil's question that you all could take census data and you could do a percentage and that the State Agency on Aging probably has a percentage of what population would go to a center, which ones need home-delivered meals, and which ones would never utilize the services. And it would be very interesting for all of us to see it throughout the entire county, because I bet every Commissioner sitting up here is very concerned about their seniors. So you might want to look at that.

MR. PACHECO: Madam Chair, Commissioners, I will ask the question to the Area Agency on Aging in terms of what kind of data they do have now, census data or other data from their SAMS program, which is the registration program. We will ask the question. If they have that data we will bring it to this Commission and share it with you.

CHAIR STEFANICS: But we might need to extrapolate. They might not have the data; we might have to do the study is what I'm suggesting. Commissioner Anaya, you're next.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Ron. Thank you, Teresa. You said something just a minute ago, Ron and I want to just tell you that I don't want to hear you say no. I think you guys have done a very good job, yourself, Teresa and the department at accommodating seniors in need. I know that there's been some individuals that had some medical issues and transportation issues in District 3 that aren't in very close proximity to senior centers that you and your staff, Teresa, and the rest of the team have been very accommodating to do that. And I think that as a program and as a County we have an obligation and responsibility to do that. So I appreciate it very much and I know that the balance of the Commissioners appreciates it very much.

Relative to some of the comments that were just made, relative to need, I very much appreciate the comments that Commissioner Vigil made and Commissioner Stefanics. I would say this. I think somewhere in the line of assessing need we do as a Commission and



we should as a Commission take into consideration how long a community has been in existence as a part of that calculation of need and when we're going to pull the trigger if you will to actually build a center. Madam Chair, Commissioner Vigil, communities like the traditional community of Agua Fria which have been around for hundreds and hundreds of years, literally, communities like La Cienega and Cerrillos, these long-standing communities have been waiting a long, long time. And I think that all seniors need to have service without question, without regard to any status. All our seniors need to be served, but we do need to be cognizant of some of those very, very long-standing communities that maybe have been waiting, if you will, for a long time for those services.

I want to say something very simply and very clearly. The County Commissions that were hire prior to this Santa Fe County have done a lot for senior programs. And I just listed – I wrote down and listed names that came to mind quickly. Former Commissioners Bennie Chavez and Ray Chavez, former Commissioner Jake Martinez, former Commissioner Marcos Trujillo, former Commissioner Rudy Fernandez, former Commission Mike Anaya, former Commissioner Jack Sullivan, former Commissioner Bruce King, former Commissioner Don King. This list goes on and on and on. And if it had not – former Commissioner Ben Lujan. If it had not been for those Commissioners, those that I listed and those that I did not list that sat on this bench, those legislators that they work with would not have provided the funding that they did.

So Santa Fe County and these prior Commissions and Commissioners need to be very much applauded for their efforts because if it hadn't been for their diligence and their work we wouldn't have what we have. So thank you very much for your work, all of you, and relative to 14 I guess my closing question would be, we've been talking about it quite a bit. Can you give me some kind of real timeline? I know you mentioned a couple sites but what are some real possible timelines that we could be looking for some more direction or movement?

MR. PACHECO: Madam Chair, Commissioner Anaya, here's the plan as it stands now. I have gone to two different sites with Mark Hogan. Both sites are further down Highway 14, a little closer towards the turnoff towards Cerrillos, so they're perfect locations as far as we're concerned. The census data clearly shows that area in need for aging seniors. The question is, we've identified two sites. I will be meeting with Mark again tomorrow to discuss where we're at with those sites, and the following step will be, Madam Chair, Commissioner, in this year's capital package to the legislature our hope is that we'll have identified a site and we can ask for money to begin the planning process. So that's my hope is that we go through the capital process that we're facing now. We just got the package from the state, is that in that package some place we can ask for the beginning funding to start looking at design concepts and architectural concepts, as soon as we've firmly found a site.

So in my mind I need to iron out the site. We know the need is there, and we'll iron out that site with Mark Hogan, and we'll move forward from there to start asking for the support to start to design and build that site. And Commissioner, one of the things that we'll be coming before this body to talk about is is that site going to be a community center/senior center? Is it going to be a senior center? Are we going to have full comprehensive services at that site. These are the kinds of things we'll be wanting to iron out in the near future as we move forward with some sort of design concept.

CHAIR STEFANICS: On this point.

MR. PACHECO: I hope that answers your question, Commissioner.

CHAIR STEFANICS: Thank you, Commissioner Anaya. In terms of my meeting with some individuals along Highway 14 and I recognize that we split the road is that they would really like to have a combined senior/community center, so some of the funds, not the entire amount of funds comes just for a senior center, so that the community could in fact utilize it for various things because there are no vacant areas except for the fire house and the gym that's been built for the Turquoise Trail Charter School. But that's just what I'm hearing; you might be hearing something different but I'd be very interested in hearing from your communities as well.

But I'd like to know – I understand that one piece of land is being looked at by the Turquoise Trail Fire Department and that that's owned by Rancho Viejo.

MR. PACHECO: Yes, ma'am.

CHAIR STEFANICS: What are the other sites?

MR. PACHECO: Madam Chair, one of the other sites is right adjacent to the fire station as you mentioned. I believe that site is owned by Rancho Viejo. The other site is on the corner of the property that now houses the Turquoise Trail Charter School. There was some discussion at one time that the public schools may be interested in a County site to build a new Agua Fria school, and those discussions, there was talk about us being able to inhabit that corner as a result of this agreement. We now know that Agua Fria will not be on County land so I will have to revisit that particular topic and decide if that site is still in play, because we have not had a conversation since that time. The hope would be that that site is still in play as one of two alternatives. If it isn't we may have to look for another site.

CHAIR STEFANICS: And the water lines on – still on this point, the water lines go down to the school area. The County water lines.

MR. PACHECO: It's my understanding that they do.

CHAIR STEFANICS: Yes. We just built them. Because they had contaminated water there, so there would not be the expense of building down to the fire area but again, it just depends on what we can work out financially. So are there any other areas that are being looked at along Highway 14? Just those two?

MR. PACHECO: Madam Chair, Commissioners, at this point I'm only aware of those two sites. There was a third site that the County owns at the Valle Vista housing area but my feeling was that that was a little too close to Cerrillos Road for us.

CHAIR STEFANICS: Okay. Commissioner Anaya, you still have the floor.

COMMISSIONER ANAYA: Madam Chair, I would just say that absolutely a multi-type use is more appropriate, if we can have senior programs, youth programs, community programs. I'm very supportive of that and happily, as I've said in the past, would work with you to find some additional support on the Commission to help make it a reality. But once again, I really appreciate the work. One other comment I would make on transportation. When we look at the statistics of the work that you do it's a broad range of services that you provide. There's some communities – Glorieta we haven't mentioned. Communities like Glorieta which work off the Eldorado side and Stanley that work off Edgewood and Galisteo that work off Eldorado and probably Stanley.

As we prioritize, and Ms. Casados, you'll remember from your Workforce days, as we look at priorities of service and how we deal with those resources, I would hope that those people that are needing transportation and needing food, that we're looking at those



outermost areas away from those senior centers first and then working our way in as we deal with those priorities. But I know you do well and like I said, you don't say no, you guys do what you can to help the seniors. So thanks again, Madam Chair. I don't have any further questions.

MR. PACHECO: We'll just add we are currently serving transportation in Glorieta and we're very proud to do so.

CHAIR STEFANICS: Thank you, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Teresa and thank you, Ron, for the presentation. I am very proud of our senior services programs. I brag about them all the time. So I just want to tell you how much I appreciate it. I do have one question. My understanding is indeed you do serve meals in the Glorieta area, the Cañoncito area and in hopefully the Canada de los Alamos area as well?

MR. PACHECO: Madam Chair, if I could just clarify. We're currently serving meals in the Canada de los Alamos area, those hills, because I know that we take home-delivered meals there. We're not taking home-delivered meals as far as Glorieta, although we are serving transportation needs. The issue with Glorieta is whether or not you fall in the Pecos service district, which is San Miguel, and what happens when we get clients in that line we talk to San Miguel to find out who they belong to and we have that discussion. Currently, I'm not taking hot delivered meals to Glorieta, but it isn't out of the question that we could do so in the future. But we are providing transportation to several ladies there and we're happy to do so.

COMMISSIONER HOLIAN: And all those areas do have transportation services? Like Canada de los Alamos and so on and so forth? And I am very pleased that one of the senior services, Eldorado, is almost in my district now. Thank you.

CHAIR STEFANICS: Commissioner Holian, several people from your district do attend the library and the senior center there. So it's widespread out in that area.

MR. PACHECO: If I may, Madam Chair, I just want to leave you with one thought. I want to be able to thank you, this Commission, for all the support, especially the support that we've gotten from the County Manager's office right down the line. We're very fortunate that we've had your support, the County Manager's support and it really is reflected in the way we're able to operate. So thank you all the way down the line because without your support, the Manager's support this wouldn't be an easy job. So thank you all.

CHAIR STEFANICS: Thank you, both of you, very much, Ms. Casados and Mr. Pacheco.

**XI. A. 2. Update on the Refurbishing of Public Housing Units for Home Sales [Exhibit 1]**

DODI SALAZAR (Housing Director): Madam Chair, Commissioners, at the last Housing Board meeting you act for information regarding the cost to renovate public housing units for home sales. We have conducted some research and determined that it would cost approximately \$38,657 to renovate a two-bedroom unit, which is 761 square feet, and \$48,300 to renovate a three-bedroom unit which is 890 square feet. These costs would include the following renovations.

CHAIR STEFANICS: Ms. Salazar, we don't have that handout, correct? After

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you're finished can we get a copy of it? Or do you have it now?

MS. SALAZAR: Madam Chair, I do have a copy and I apologize for it not being in your packet but we just finished pulling the information together yesterday. The costs would include the following renovations: Asbestos abatement – in Valle Vista the asbestos exists in the ceiling so this would abate the asbestos in the ceilings only; replace all interior and exterior doors, including jambs and locks; full bathroom renovations to include replacement of bathtub, toilet, sink and vanity; installation of carpet in the living room and the bedrooms; installation of tile or linoleum throughout the unit; replace cabinets and countertops in the kitchen; replace light fixtures, outlets and switches; replace water heater, refrigerator and stove, and painting and drywall repair.

We are currently replacing the existing windows at the Valle Vista housing neighborhood so these costs do not include the replacement of the windows.

Just a little bit of background information, with the approval of the Housing Authority's 5-H homeownership plan we were approved to sell all of the units in Valle Vista, which includes 112 units. To date we have sold 41 units. Of the units that were sold, 29 of them were in renovated public housing units. The sale of the renovated units occurred between July 2001 and February 15, 2008. The units were sold at 95 percent of the appraised value. For example, a three-bedroom unit sold for an average of \$86,856. A four-bedroom unit sold for an average of \$97,390, and a five-bedroom unit sold for \$109,250.

Prior to the units being sold the units were renovated at an average cost of \$32,866 per unit, but this does not include the abatement which was done in-house. Our own staff actually did the abatement. The cost of the abatement would have run approximately \$12,000 at that time. That would have brought the total average renovation cost to \$44,866.

There were several public housing units where the home sales proceeds received by the housing authority was \$50,000 or less. When you deduct what it costs to renovate the unit, the net proceeds ended up being very minimal. You also asked about the costs to renovate a unit for handicap accessibility. We have estimated that it would cost approximately \$44,250 to renovate a two-bedroom unit for handicap accessibility, and \$49,626 to renovate a three-bedroom unit. These estimates include the previously mentioned renovations plus the additional work needed to bring the units into ADA compliance. And I stand for any questions.

CHAIR STEFANICS: Thank you, Dodi. Questions, comments from the Commission? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this came up in our Housing Board meeting; Commissioner Vigil brought it up. I think the three-bedroom units make more sense on the market to sell. So for the next meeting I'd be supportive of an action item that had a three-bedroom handicap unit and a three-bedroom non-handicap unit for sale. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Any other comments? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Dodi. I'm impressed that you got back with us on this. I actually would be supportive of getting an action item at our next housing meeting also and recommend that we place that on there for everyone to weigh in on it.

MS. SALAZAR: Madam Chair, Commissioner, I will do that.

CHAIR STEFANICS: Thank you. It seems like you have some interest here. Any other comments? Thank you very much for your presentation today. We really

appreciate it.

MS. SALAZAR: Thank you.

CHAIR STEFANICS: And we will take that up at our next meeting which is April 24<sup>th</sup>. So we have a Housing Authority Board which is the five County Commissioners and two other members. They meet at 10:00 on April 24<sup>th</sup>. So if anybody's interested in that item you've been given notice. It's not held here in the chambers; it's held down the hallway in the Legal Conference Room.

**XI. C. Public Works Department**

**2. Resolution No. 2012-52, a Resolution to Establish a Solid Waste Task Force for the Purpose of Developing and Submitting Alternatives to the Santa Fe Board of County Commissioners for Revising the County's Solid Waste Management Policy to Improve Solid Waste Disposal Services for Santa Fe County Residents**

MR. LEIGLAND: Madam Chair, Commissioners, this is a task force created at your request to examine our Solid Waste Ordinance and to look at pictures. We want to look at big-picture things such as recycling, we want to look at our fee structure. If you look on the paragraph C of the resolution you'll see who this board is going to consist of. It's going to consist of, as per the new policy, two County Commissioners, Commissioner Holian and Commissioner Mayfield, who also sit on the Solid Waste Board. It's going to have some staff members, including – and I think this is a real improvement – we're going to have field staff so they can let us know the day to day operations go, sometimes something that we don't know sitting in our Public Works building. And then we're also going to have three constituents.

The idea behind three constituents is that we would have constituents from the three districts that are represented by the Commission. And I will tell you that I already have interest from two constituents –

CHAIR STEFANICS: Wait a minute. Why not five?

MR. LEIGLAND: Well, because two of the districts are going to be represented by the Commissioners themselves. We just thought that –

CHAIR STEFANICS: So I guess, Commissioner Mayfield, Commissioner Holian, you don't want constituents? You think that you can represent them?

COMMISSIONER MAYFIELD: Madam Chair, I was going to ask for an amendment to this resolution myself, and that was going to be one of the amendments I was going to ask for.

CHAIR STEFANICS: Okay, well, I want to clarify this because in the past we haven't set up task forces where – this is a policy change where we said we would have constituents from every district so I want to clear this with the Commissioners that are on this.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I can actually go either way but of course I would like to be able to also appoint someone from my own district.

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CHAIR STEFANICS: Okay. So it sounds like you have three of us saying that perhaps you need to go to the five, one from each district. So let me take comments from the Commission. Commissioner Vigil.

COMMISSIONER VIGIL: I would just comment with regard to getting the five is just because constituents aren't in the district doesn't mean they wouldn't utilize a solid waste service. So it might not be a bad idea to be inclusive rather than exclusive. And I actually know county residents who use the City solid waste. In my district I know it's a necessity, but I would think that there are Commissioners whose constituents would use those services no matter where they're located.

MR. LEIGLAND: Madam Chair, this is the first time we've had a committee with the new policy for other Commissioners, so we're still learning. It's easy to add the two.

CHAIR STEFANICS: Great. Commissioner Vigil, are you finished?

COMMISSIONER VIGIL: I am finished.

CHAIR STEFANICS: So Commissioner Mayfield, why don't you do all of yours?

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, on a similar point, the resolution 2009-129 that established the first task force for solid waste. If you go under – it's in our packet, so under Now, therefore be it resolved, if we look at how the task force was comprises last time, I just want your thoughts why we wouldn't ask for, say, similar, if this does go forward. We asked for an individual from the Treasurer's office, we also asked for a representative from our County Attorney's office and other technical staff that the Manager deemed appropriate or necessary. Were there reasons why we weren't going to be inclusive of those folks also?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, well, we just wanted to – if you look at the new conditions, I think we wanted to focus a little bit more on some operational things at the transfer stations themselves. That's why we drew a little bit more on staff. So we'll see for instance the solid waste superintendent and the solid waste utility manager. So that's one reason.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Leigland and Manager Miller, I think you know where I'm coming from. I think that this should be a service offered to the taxpayer through the tax dollars. But that being said I think one of our biggest hang-ups have been, at least with this Board, have been the financial issues of these transfer stations. So if we had somebody from that perspective of maybe the Finance Department, just to let the folks know out there. These are some outlying issues as far as the finances to operate these transfer stations. That is my two cents to add into that.

MR. LEIGLAND: Commissioner, I see your point.

COMMISSIONER MAYFIELD: So, Madam Chair, I guess we could always have the staff attorney look at this.

MS. MILLER: Madam Chair.

CHAIR STEFANICS: Ms. Miller.

MS. MILLER: To Commissioner Mayfield's point. I actually think they could attend or not attend but I do think your point about the Treasurer's office is actually important since they're the ones who sell the permits currently, and if we do have any changes we'd

want their input as to the difficulties of that. So I think having someone from Finance and having somebody from the Treasurer's office would be a good amendment to that. As far as Legal I think we can make sure that whatever is recommended is legally reviewed regardless of whether they're at the meeting.

CHAIR STEFANICS: So Commissioner Mayfield, do you have other items or do you want to make that as an amendment?

COMMISSIONER MAYFIELD: Madam Chair, I'd like to make that as an amendment just to be inclusive of technical staff. The five and then the other technical staff that the Manager feels is appropriate if that's a representative from the Attorney's office, the Treasurer's office, Finance Department, I think we should at least have that caveat in there.

CHAIR STEFANICS: Okay, is there a second to the motion to amend? I'll second. So we have an amendment that adds more people, one from each district, and the staff. And the elected. Any further discussion on the amendment?

**The amendment passed by unanimous [5-0] voice vote.**

CHAIR STEFANICS: So, Commissioner Mayfield, you still have the floor.

COMMISSIONER MAYFIELD: Madam Chair, just a couple questions to the proposed resolution 2012. Madam Chair, Manager Miller, when did the new fee structure go into place? Because under the last ordinance, the fee ordinance, taxpayers or users of the transfer station are going to be receiving another increase this year going into effect this June? Or July?

MS. MILLER: Madam Chair, Commissioner Mayfield, under the current ordinance, yes. I do believe that Public Works wants to bring some proposals forward on either holding off on that increase or making some possible changes prior to the beginning of the fiscal year but I'll let Adam address that, but you are correct. The current ordinance as it stands would have an increase.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Miller, on that point, before Adam gets to me, I'm glad to hear you're maybe bringing back a stay on that, but right now you guys have it automatic in ordinance. The fees are going up. So if that stays intact when are those fees going up?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, at the beginning of the fiscal year, in July.

COMMISSIONER MAYFIELD: Okay, then I'll hear your comments.

MR. LEIGLAND: So as the County Manager mentioned we're actually also working on a revision to the ordinance that's separate to this task force because this task force is looking at bigger things. They'll address the fee structure and it will either at the minimum be a stay as you called it, or actually rewriting the fee structure all together. So that will be coming to you – I have it written down here at the end of May. I'm think I'm planning for the end of May. By the time we've published title and general summary, that sort of thing that will be the soonest. And that will be for – start in effect at the beginning of the new fiscal year in July 2012.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Leigland, look, I'll probably more than likely be supportive of any reduction in fees for transfer fees use. That being said, why do we need a task force if they're going to tackle that issue. That's a huge issue for me and that's one reason why I definitely want to be on this task force.

The other issue that I have in that line is that this resolution – I thought I read it in here last night. I don't know if I can read it again right now, is that we're asking to report back in a year with this task force. Is that in this current resolution?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, no. If you look on paragraph D it says reported on a date to be determined by the task force and no later than 12 months.

COMMISSIONER MAYFIELD: No later. Madam Chair, on that I would ask that this task force get together and we come back hopefully within three months to this Board.

COMMISSIONER HOLIAN: Madam Chair, on that point.

CHAIR STEFANICS: On this point.

COMMISSIONER HOLIAN: Actually, I don't want to have that kind of deadline put on it, because then that – this is a complex problem and we may need more time, so actually writing such a strict deadline into this resolution I really couldn't agree with.

CHAIR STEFANICS: Okay. Yes, Commissioner Anaya, on this point. Commissioner Holian is before you if it's not on this point. So, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I'm done on that point. Thank you. And I'm done. I may offer another amendment before we close on it but right now I'm done. I just want to hear –

CHAIR STEFANICS: Well, on this point, I would suggest that 12 months if far too long for this as well, and I am not a person who deals well with longevity, but maybe we could be more specific about getting the work done. So is there anything else that you would recommend, Commissioner Mayfield, Commissioner Holian?

COMMISSIONER HOLIAN: Madam Chair, I could compromise and say six months.

COMMISSIONER MAYFIELD: Madam Chair, I would offer that as an amendment that that section be changed to no later than six months after adoption of this resolution.

CHAIR STEFANICS: Okay. Is there a second?

COMMISSIONER HOLIAN: I'll second that.

CHAIR STEFANICS: Okay. Is there discussion on that length of time? So all those in favor of amending this to six months, no later than six months please say aye. Anybody opposed?

**The motion passed by unanimous [5-0] voice vote.**

CHAIR STEFANICS: Okay, so we've now amended that amount of time as well.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. That's all I have.

CHAIR STEFANICS: Okay. Thank you. Commissioner Holian and then Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So Mr. Leigland, how do you plan to find the citizen members of the task force? Advertising for this or should we go out and try to find people in our own districts?

MR. LEIGLAND: Madam Chair, Commissioner Holian, that's a good question and actually if I may say so I'm a little bit worried about six months because some times it takes us a long time just to get and approve the members. But to answer your question specifically, we'll treat this as we do the other committees. And I will mention we've actually already had two interested constituents, one from District 2 and one from District 5 who approached me at the Solid Waste Management Authority Citizen Advisory Committee, so we already have some people. So we could also – Randall, Mr. Kippenbrock, who is the director of that authority, he's going to help us get some people as well. But I would ask the Board to find interested people as well.

COMMISSIONER HOLIAN: Madam Chair, I also would like to add an amendment to the amendment and say six months from the time that the task force convenes. Because it's too uncertain as to when the task force is actually going to convene.

CHAIR STEFANICS: On that point, I have a question. Are these volunteers for this limited time task force going to be going through our volunteer background check? Yes. So that does take a period of time. So I know there are many people who are interested in this topic. So if we're going to do it correctly we need to advertise for the positions and we need to let the public know that the background checks will be needed. Go ahead.

COMMISSIONER HOLIAN: So Madam Chair, I was just making a motion that we amend the amendment so that it's six months from the time that the task force actually convenes.

CHAIR STEFANICS: Okay. So then after adoption of this resolution, it's after the task force starts convening.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, just I guess a point of clarification from Manager Miller. Manager Miller, we received – I know I receive multitudes of individuals that want to apply for different task forces, different community functions we have, different community boards that we have. Does HR – and I'm assuming that all those folks have already been vetted out through our Code of Conflict form, whatever they have to fill out, knowing that maybe specifically somebody hasn't applied for this task force. But isn't there a list of folks that have already passed to serve in some capacity with Santa Fe County in a volunteer capacity where we could just kind of already know that they've been vetted through that background process and try to get them on board immediately if they have an interest on this?

MS. MILLER: Madam Chair, Commissioner Mayfield, we don't keep a comprehensive list like that. In addition, we would probably still go back and check because something could have occurred. Like let's say they applied for a particular board six months



ago we would still want to check and make sure they don't have any conflicts of interest or anything that's arisen in the last six months. We do keep in mind if people have indicated that they're willing and then if we have difficulty finding somebody we do go back and contact people – would you be interested in this or not?

Typically, we look to you if you have people have expressed an interest to you first and then we advertise as well. And then if we're still having difficulty we kind of go back through any of our other lists or areas where we've had people indicate they're interested.

COMMISSIONER MAYFIELD: Thank you. Madam Chair and Mr. Ross, it's kind of been a bone of contention with me for a while as far as some of these background checks with volunteer folks, what are these folks dealing with on a task force with finances or anything else that would warrant the background check that we've asked HR and respectfully the Attorney's office to look into? Why do they still need to complete these background – just to sit on a task force?

MR. ROSS: Well, Madam Chair, Commissioner Mayfield, because this body has asked that they do. We have resolutions and other policy documents in place that require background checks of pretty much anybody that does anything for the County with the possible exception of the folks we were discussing last time.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Ross, and maybe we just haven't formalized it, but I thought this Board has also asked that we try to expedite that if it came to folks serving on our senior services board, helping out with just crafts, maybe a simple task force. I don't want to call this a simple task force by any means, but folks that are just addressing land use issues. They've still got to go through a comprehensive background check just to serve on a task force for land use issues? Excuse me, for transfer stations, solid waste issues?

MR. ROSS: Madam Chair, Commissioner Mayfield, I've kind of lost track of who has to actually undergo a background check but I think Bernadette can answer that question.

BERNADETTE SALAZAR (HR Director): Madam Chair, Commissioner Mayfield, the background check that we do is basically a national search to ensure that there's not any convictions of any crimes that would have an impact on the person's ability to make a decision in regards to the County. And to answer your question, yes, we have reduced the number of volunteers who have to go through that. Basically if they're under the ordinance of the Ethics Ordinance, the revision that we did not too long ago, excludes people who are being supervised by other County employee, people who don't make any decisions relative to the County, those types of volunteers do not have to fill out that packet of paperwork.

COMMISSIONER MAYFIELD: And on that note, Madam Chair, Mr. Ross, is an advisory board on a task force making a decision for the County?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes, it's a policy making body.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Okay, there is a motion that Commissioner Holian had.



COMMISSIONER VIGIL: I'll second it.

CHAIR STEFANICS: Thank you very much. So there's a motion and a second and the motion was at the convening – no later than six months after the convening of the group. So is there further discussion on that motion?

**The motion passed by majority 3-2 voice vote with Commissioners Holian, Vigil and Stefanics voting in favor and Commissioners Anaya and Mayfield voting against.**

CHAIR STEFANICS: Okay. Thank you very much. It's a 3-2 vote. Now we're back on the resolution and Commissioner Holian, you still have the floor.

COMMISSIONER HOLIAN: Madam Chair, thank you, I'm done.

CHAIR STEFANICS: Thank you very much. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, four comments for the record for the viewing audience, the public here and the listening audience, I would agree with Commissioner Mayfield that tax dollars already paid by constituents and residents of Santa Fe County should be used for solid waste. Number two, I don't support the current ordinance, the current structure and the current fee increases that are set to go in place. Number three, I brought forth an ordinance to reduce the burden and responsibility of citizens from a 24-punch permit to a 12-punch permit, which was rejected with Commissioner Mayfield and I voting to reduce that burden to a 12-punch permit and a \$40 charge. And number four, we don't need a task force to reduce the burden on our citizens. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Anybody else before we vote on the entire amended resolution? Okay, all those in favor of Resolution 2012-52 as amended three times please say aye.

**The motion passed by majority 3-2 voice vote with Commissioners Holian, Vigil and Stefanics voting in favor and Commissioners Anaya and Mayfield voting against.**

- XI. C. 3. **Resolution No. 2012-53, a Resolution Authorizing Amendments to the Aamodt Settlement Agreement, Authorizing Execution of a Cost Sharing Agreement and a Cooperative Agreement, and Directing County Staff to Prepare Plans and Analysis of the Design of the County Water System That Will Serve the Pojoaque Basin and in Order to Inform County Residents of the Availability and Cost of Water Utility Service to Be Provided as Part of the Water Rights Settlement of the Pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque in the Case of *New Mexico Ex Rel. State Engineer v. Aamodt* [Exhibit 2:Resolution Text]**

CHAIR STEFANICS: Could I see a show of hands for all those individuals who came for this item? [Approximately 20 people raised their hands.] Great. Thank you so much for your public participation. Second question is how many of the people who raised their hands would like to speak? Okay. So we have a great deal of concerned citizens about

this but we have three, four hands that went up that would like to speak. So, Mr. Leigland – did you wish to speak before Mr. Leigland?

COMMISSIONER MAYFIELD: No, but I was for public comment but thank you for doing that.

CHAIR STEFANICS: Yes. In fact we had asked for this to be held because we also had our Mayor of the City of Santa Fe who was going to attend. He's not quite here. He's got five minutes but we'll start. So, Mr. Leigland, please proceed.

MR. LEIGLAND: Madam Chair, Commissioners, this is a – obviously this is a very complex issue with a complex resolution. It's kind of divided into two pieces. The first half deals with the existing settlement agreement, the amendments and the kind of sub-amendments, and I must admit that those are not my area of expertise so if there are questions on that part of it I will turn it over to the experts. The second half of this resolution deals with more of the technical issues, having to do with the ultimate regional water system.

I put two items on your desk before the meeting ex??? One was a letter of support from one of the groups that's been very involved in this and I also put a copy of the resolution because the resolution through my mistake didn't make it into the packet material.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, that's a point that I have and thank you, Mr. Leigland for bringing that up but first I just want to recognize former Governor Charlie Dorne of Tesuque is here. Governor George Rivera is in the audience. We also have Lt. Governor Telache from Pojoaque Pueblo, and we have Governor Philip Perez from Nambe. We have members from the Pojoaque Nambe community actually out there and Pablo Sedillo with Senator Bingaman's office. Thank you all for being here. Mr. Leigland, I've received four or five different resolutions on this packet. I have received amendment after amendment, so I think I received something as late as today. So I've seen two resolutions consolidated together, I believe. There were two separate resolutions that came to me at separate times. So which one are we working off of please?

MR. LEIGLAND: Well, first I think you should have only received two. One was the original one that we've been working off for some time that as I said through our mistake didn't make its way into the packet so we sent that out last week.

COMMISSIONER MAYFIELD: And there's an amendment to that one, correct?

MR. LEIGLAND: And then the one that you received late, there was an amendment to that one.

COMMISSIONER MAYFIELD: And what was that amendment?

MR. LEIGLAND: That was just the striking of one of the paragraphs in the recitals.

COMMISSIONER MAYFIELD: You'll get to the striking of that paragraph, right?

MR. LEIGLAND: Yes. In the recitals, and I don't have the original one in front of me here, but it just mentioned the 611 acre-feet of water rights associated with Top of the World that will remain after – when the cooperative agreement, the cooperative agreement which is before you today sells some of the Top of the World, most of the Top of the World water rights, the Bureau of Indian Affairs will purchase them from the County.

That will leave 612 of Top of the World. One of the recital paragraphs dealt with that but we felt that wasn't really relevant to what was before you today. That's not in mediation so we struck that. And that's what the amended – that's what the second agreement has.

CHAIR STEFANICS: Commissioner Mayfield and Mr. Leigland, I'm a little confused. What is it – which resolution then are we looking at that's correct?

MR. LEIGLAND: Madam Chair, the one that I left on your desk.

CHAIR STEFANICS: Okay, so I have two that were left on my desk. Are they exactly the same?

MR. LEIGLAND: Madam Chair, I know the one I left on your desk. I don't know – I could come up and take a look at it. I don't know how you want to deal with that.

CHAIR STEFANICS: If I had two I'm wondering if other people had two.

COMMISSIONER HOLIAN: I only have one.

COMMISSIONER VIGIL: I only have one.

CHAIR STEFANICS: Okay. How do we distinguish which one is correct?

MR. LEIGLAND: Well, the one that is correct does not make any reference to 612 acre-feet of water rights of Top of the World.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, has all the community been given a copy of this new amended resolution? Has it been posted on our website?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I can't answer that question.

COMMISSIONER MAYFIELD: Can somebody answer that question for me please?

MR. ROSS: Madam Chair, Commissioner Mayfield, was the question has this been posted on the website?

COMMISSIONER MAYFIELD: Has it been accessible to everybody to see it? Don't we have to have it within 24 hours?

MR. ROSS: No, we don't have to have it within 24 hours but that's the deadline for finalizing the agenda. But it's been available today. My copy here I can provide to somebody. I know this is the most recent one.

COMMISSIONER MAYFIELD: Fair enough. Madam Chair, if I can just have the indulgence throughout this. Is there anybody in the audience care to have a copy of the new resolution that we're working off of just so we're all working off the same resolution or proposed resolution? So Mr. Ross, I think we might need a few copies out there.

COMMISSIONER ANAYA: Madam Chair, on this point.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this whole issue has been in litigation for 44 years. Forty-four years? Is that my understanding?

MR. LEIGLAND: Madam Chair, Commissioner –

COMMISSIONER ANAYA: Forty-four years. Forty-four years as I read in my packet. And I have the utmost respect for all of the people, the governors and the people in this audience. But I have to tell you that on this point as a County Commissioner I am in no position whatsoever today given the questions that were just raised in the last two minutes to take a resolution that's been going back and forth and make a decision today. Another thing – and Madam Chair, I'm going to look to you, Ms. Miller, and you, Mr. Ross. Probably

the second week I was a Santa Fe County Commissioner, I sat in on a meeting that you were having with Commissioner Mayfield and you were going over the very complex issues associated in this agreement and issues binding to this agreement that were going to affect the people sitting in this room, the community and the County and the region for years and years to come.

And at that time I said I think it's really important that we take a lot of time to make sure – not the past Commission – not two Commissions ago – but that this Commission come up to speed with the detail and the complexities associated in this agreement. And I don't feel that the public and with utmost respect to the people sitting in this audience that we've done that. Or this Commission. So I'm going to ask why. I mean respectfully. I'm going to ask you, Mr. Ross, as somebody that's been entrenched in this, why? Why are we sitting here in this meeting today with the resolution before us to move forward on final plans and expenditures when we as a Commission haven't even received, in my opinion a detailed assessment and breakdown of the complexities in the project itself.

And I'm saying this as a Santa Fe duly elected County Commissioner.

CHAIR STEFANICS: Commissioner Anaya, I'm going to add on to your questions so it might add another way to look at this. Will this be the one and only resolution that we will be doing regarding this matter? Along with Commissioner Anaya's questions. And then secondly, is there a time urgency? And thirdly is this more the setting of an educational forum? And I just wanted to add those questions to Commissioner Anaya's. Thank you, Mr. Ross.

MR. ROSS: Madam Chair, this is a continuum. The water settlement is going to go on for decades. It has already gone on for decades, so we're in the middle of a process here. And so the intent today is through this resolution is to, number one, provide the education that is needed for the Commission to make a decision concerning the items that are set forth in this resolution. There are lots more items that are going to come before the Commission during the next ensuing decades. Lots more decisions that have to be made about this project.

Concerning whether it's time sensitive, it's not a critical item now but it will become critical fairly soon because of the construction schedule that everybody is working under.

COMMISSIONER ANAYA: Madam Chair, on this point.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I can go find the day that I went to your office and had the discussion, but it was probably the second week I was a Santa Fe County Commissioner. So going back to the first month that I was a Commissioner, and I'm sitting here 12, 13, 14 months now? Is it 15? Fifteen months now? And this is the first time that we're going to have the complexity and the discussion to just move forward without any other breakdown and even questions on the resolutions themselves? I just don't think it's appropriate whatsoever.

MS. MILLER: Madam Chair, Commissioner, I actually feel a need to point some things out. At the beginning of the year I indicated that we could have a study session. I asked the Board, would you like to have a study session. The Board did not want to have a study session on this issue because – we even sent out a thing asking who – which study session would you like to have. So we did not schedule a separate study session. We did put it on the agenda because we need to start discussing it. You do not have to vote on it today. If

you want to continue this discussion you're welcome to continue this discussion. But we have brought forward a couple of times that this would be coming forward and that we need to have discussion on it. So this is the first discussion on it.

CHAIR STEFANICS: Thank you, Ms. Miller. Yes, Commissioner Anaya, and then Commissioner Holian.

COMMISSIONER ANAYA: Madam Chair, I beg to differ on the request that we said no to. I'd like to see that on the record. Because I would have absolutely as I told –

CHAIR STEFANICS: Commissioner, I'm the one who sent out this survey, and two Commissioners responded to the survey. I sent out a survey as soon as I was chair about how many study sessions, the topics, the times that people would like to have them, etc. and two Commissioners did respond.

COMMISSIONER ANAYA: Madam Chair, I absolutely would want a study session on this issue before we vote on any resolutions to get into the complexities and had I been asked that specific question I would have absolutely said that. This is a huge issue. This affects the entire region. It affects each of these tribal entities in the audience. It affects Santa Fe County budgetarily and otherwise for years and years to come. It's a very, very serious matter. We need to deal with it seriously. Absolutely we need to discuss it. If it's a study session or a full-blown separate multiple series of Board meetings we need to do it. That's my take. On the record.

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Thank you. We have Commissioner Holian and then Commissioner Vigil.

COMMISSIONER HOLIAN: Madam Chair, I think that the most productive thing to do now is rather than argue about what we said that we wanted to do in the past, I think is to have that discussion today, have a presentation. I would really like to hear from the people who are out there as to what their opinions are of this, and so I would just like for us to move forward at this point.

COMMISSIONER VIGIL: Madam Chair, if there is further discussion that needs to happen there isn't a better opportunity than today. We have a lot of the folks that have been working on this for quite some time, and so there's no need to deal and as has been said, we don't have to take action on it if we don't have sufficient information. I'm okay with that. But this really is a specific engagement process that we're involved in right now, and I'd like for those folks who are here to testify, to testify.

CHAIR STEFANICS: Thank you, Commissioner Vigil. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, absolutely. Absolutely on that point. We need to hear the discussion. We need to hear the feedback but we're just not in any position to vote on a resolution today. But without question we should hear the feedback.

CHAIR STEFANICS: Thank you. I think we feel all very strongly about this. So Mr. Leigland, would you go ahead and present what it is you intended to request from us. Then we will take comments from the audience, and then we will go back to the Commission discussion. I do think out of respect for everyone who's come here today we want to make sure that if you came with something specific to share with us we want to hear it. And we do really appreciate your time here today. So, Mr. Leigland, will you please go ahead.

MR. LEIGLAND: Thank you, Madam Chair. So as I mentioned earlier this resolution has sort of two parts. The first part has to do with authorizing amendments and

then the approval of two what I call sub-agreements because they are agreements that are required by the settlement. So just to remind the Board, the original settlement agreement was approved by this Board in 2006. But then when Congress passed the enabling legislation in 2010 there is a difference in their language and the 2006 settlement agreement language, so the settlement agreement had to be amended, and that is one of the things we're asking this Board to approve is the amended agreement.

I included the amended agreement in the supplemental material that's in the packet and what I included is what I called the draft changes, because it shows you the changes that were made, and also some –

CHAIR STEFANICS: If you please, Mr. Leigland, when you refer to things like that let the Board of County Commissioners what section. We have six sections of papers with this. We'd like to know what section you're referring to that compares what we approved versus the 2010.

MR. LEIGLAND: Madam Chair, of course. So what I'm referring to now is in the supplemental material which has the six marked tabs. I'm referring to tab 5 which is the actual text of the amended settlement agreement.

CHAIR STEFANICS: Now, can you identify, either briefly or in a summary or on certain pages, the differences between the 06 and the 10?

MR. LEIGLAND: Tab 4 actually summarizes the major changes. That's the one-page summary of the major changes.

CHAIR STEFANICS: Thank you. That's succinctly. So tab 4 has all the changes that occurred between 06 and 10. Go ahead.

MR. LEIGLAND: And then just for your information tab 6 is just a copy of the federal legislation that precipitated the change. The other things that the resolution asks this Board to approve is the cost-sharing agreement which is found on tab 2 of the supplemental material, and the cost-sharing agreement just allocates, as the name suggests, how the costs are going to be allocated among the various parties. The agreements – and then the third thing in this first part of the resolution is found on tab 3, that is called the cooperative agreement, and that specifies the sale of the Top of the World water rights.

So those are the first three things that the resolution asks this Board to consider.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and this may only be for my benefit, but I know we'll get to the resolution today but I'm going to ask, instead of going backwards from say tab 5 to 1, because I have questions, and I'll probably have a lot of questions, so if you could go through the cost-share agreement, and then go through tab 2, and then go through tab 4 talks about some settlement changes that were done. I would just ask that we go through each tab and answer those questions and then get to the resolution at the end.

MR. LEIGLAND: Okay. Madam Chair, I would like to turn over the podium to the experts on this, because I am by no means an expert on actual agreements. I know what they say but I think the questions that will be coming will be beyond my ability. But before we get that maybe I can briefly explain the second half of the resolution because I think that's much more clear.

The County has the obligation to examine what our role in this settlement agreement is going to be in the regional water system, what our role if any is going to be. So this



resolution lays out a data collection and analysis process in order to answer many of the questions that the County and the potential non-pueblo county members would have. For instance, what's the potential customer base based on future demographics? What are the financial implications. The resolution itself outlines all these various data collections. That is going to be an in-house data collection effort, and we owe this information to the Bureau of Reclamation because they're the lead agency on this and some of the information we gather we owe to them. But we also owe it to the acequia parties. So that's the second half of it, and I can answer questions on that. But to get to Commissioner Mayfield's point I'd like to turn to the podium over to the experts with the chair's indulgence.

CHAIR STEFANICS: Yes. Would you please introduce your experts?  
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, on that point. That's what's causing me a little bit of confusion, the second part of the resolution and that's the resolution that was a separate resolution I received a while back, I think, from Mr. Ross. But that's kind of like the cart before the horse. There's a lot of questions that are unanswered, but today I think you're asking us to sign off on the cost-share portion of the settlement without the and now therefore be it resolved, that we're going to answer all these questions after the fact. So wouldn't we want to answer these questions before we sign off on this, or have these questions answered before?

MR. LEIGLAND: Madam Chair, Commissioner, I think that question is best answered by Mr. Utton. He's our expert.

CHAIR STEFANICS: Okay, so why don't you come on up, introduce yourself, start with your presentation and then we'll go back to Commissioner Mayfield if his question is not answered.

JOHN UTTON: Thank you, Madam Chair and members of the Board. I'm John Utton. I represent the County. I'm a water lawyer. I've been representing the County in the Aamodt case for a number of years and have participated as your lawyer along with Mr. Ross in negotiating these matters and so I think the chair would like me to give just a brief overview then we can go through the cost-share agreement. There is a one-page summary that's attached. I believe it's tab 1. It's only one page long and it might be helpful just to take a quick look at that so it can give you a framework and then we can jump into the specific documents. As Mr. Ross mentioned this is a long, ongoing process. Commissioner Anaya mentioned the number of years that this has been litigated and even though it was litigated for decades we have been in settlement negotiations for the last decade and it's been a very difficult process. This really does involve some of the most challenging, most difficult issues in terms of land and water faced anywhere, and the fact that the parties have been able to come together and come up with a solution that certainly, no settlement is perfect. It's a creature of compromise. It certainly has its warts and deficiencies but I think by and large this is much better than the litigation alternative. It resolves this long-standing, divisive dispute between neighbors, particularly pitting pueblos versus non-pueblo members in the basin over whose water it is, who gets to use it, fighting over that resource, coming up with a regional solution that people can buy into that would end that fighting.

The federal government and the state government, and also the State Engineer, Scott Verhines is here. I think he wasn't mentioned, and Dale Sanders who is the chief counsel of the State Engineer's Office. The state is putting \$50 million into helping build the county

portion of the system. The federal government is putting about \$150 million into the settlement. And the County is putting in something too but it's a much smaller portion. But the County is integral to making this work. The basic framework of the settlement is the pueblos have the earliest water rights. They have enough of a claim, enough water rights that's going to be recognized under almost any scenario that they could trump many of the other water users in the basin, both surface water, acequias and domestic well owners. Under the settlement the pueblos are putting aside the right to try and exercise that priority to prevent others from using their water, to some extent. I'll get into that. The pueblos are still preserving a portion of their right with the most senior priority, but by and large they're saying we will give up making those large claims, we will not make priority calls if we can get this water system. And under the water system the federal government is not only going to build the water system for the pueblos, they're going to acquire up to 2,500 acre-feet of water rights that would be diverted from the Rio Grande, most of that coming from San Juan/Chama project contracts and then from the Top of the World water rights.

In a nutshell what we did to settle this case is we made the pie bigger. Rather than fighting over this small – really scraps of water that comes down off the Sangres into the Nambe and Chupadero, Rio en Medio, down the Tesuque to the Pojoaque, we said rather than fighting over that we're going to bring in more water from the Rio Grande, which is going to be a drinking water system that will provide a reliable and safe supply, to the pueblos, and then the other portion of it is to the other county residents. That's one of the things that I think became apparent is if the federal government is going to build this big water system we don't want it to be restricted to pueblo-only users. What if other county residents 20 years from now want to hook into this because their well fails or there is water quality reasons, or they just don't want to be self-supplying. They want to have a water utility they can hook into.

We wanted it to be available equally to any county resident within the service area – pueblo member or non-pueblo member. And the federal government gave us a good deal. They said, okay, they will pay for the major infrastructure of this system and if you want to upsize it, if you want to make it a little bigger so that other county residents can hook in you only have to pay the marginal costs, the incremental costs of making it bigger. And that's about a \$25 million to \$30 million savings to the state and local parties.

Well, on top of that the State of New Mexico is coming in and saying and then the state will put in \$50 million towards the County portion of costs of upsizing that system. And that leaves \$7.4 million. These are all 2006 dollars based on the last engineering study, that the County would pay. \$7.4 million. So the County would be getting an \$80, \$90 million system for about \$7.4 million. Now, as part of that the pueblos are agreeing that domestic well owners will not be subject to priority calls as long as they're below half an acre-foot, .5 of an acre-foot, or if they use more than that then they would have some fairly small reduction in use. And if they do that, if they agree to do that there's no priority calls. They're out of it even though they have the most junior – they can pump and they don't have to worry.

The same for the senior acequia users. Even though those acequias have very senior rights they are junior to the pueblos. The pueblos are saying, even though we have a lot of senior water rights we're only going to make priority calls for a fraction of those, the current, existing uses of the pueblos, which is about a third of the pueblo water rights. The pueblos



are basically saying because we're getting this water system we're going to take 2/3 of our senior rights and we're going to agree not to make a priority call against these other users, and instead we're going to get our water from this system that's coming in. So, for example, a lot of groundwater is used for golf course irrigation. It's going to go off of those wells and it's going to be supplied from this water system or by treated effluent. So there's going to be a lot less of a hit on the system. There will be water imported into the basin and there will be less demand from the local groundwater, which, if it's close to the stream takes the water right out of the stream.

The question that Commissioner Mayfield asked about getting the information we need to move forward is a very good question because in order to actually implement this settlement a lot has to be done. There has to be a lot of approvals – environmental approvals, State Engineer approval. There needs to be funding, there needs to be all the engineering work. This really sets that in motion. The list of the – the second half of the resolution that lists all those tasks, the reason that those are happening afterwards or after this resolution is passed is because that's part of implementing the settlement. And under the terms of the settlement, and this will be a key provision I'd like to focus on when we get to the cost-share agreement, the County is not on the hook by signing the settlement agreement, by signing the cost-share agreement. Those agreements provide that those are the trigger for providing the information that's then going to be brought back to the County. It will come back to you, presumably in 12 months when this work that is being mandated of staff has been completed. Now the County has the right to decide what level of participation it wants to make. The legislation that Congress passed gave Santa Fe County authority to build the system up to 1,500 acre-feet. But it's up to 1.500 acre-feet. The decision of what the ultimate amount is – how much does the County want to be in the utility business, is going to be made by the County. And the Bureau of Reclamation, which is going to be building the system and doing the engineering is going to work with the County on developing those specifications.

Now, they want the County to step forward and work with them and so the provisions that Mr. Leigland read would be directing the County to go do that. So the County would sign this agreement and this would trigger all of this work. But the County is not on the hook with respect to any particular cost-share or utility size until it has all that information and makes a final decision. So, Madam Chair, if I could, we could first look at the cost-share agreement. I could fairly quickly go through that if that would be appropriate.

CHAIR STEFANICS: Yes. Now, Commissioners, can you hold your questions until he finishes? Yes. So if you'll just take notes we'll go to questions as soon as he finishes. Thank you. Go ahead.

MR. UTTON: And I can go through these fairly quickly. I'm not going to try and go over too many of the details but really the important issues. So this is tab 2 and the cost-sharing and system integration agreement essentially does two things as is spelled out in Section 2. It talks about a regional water system. So the County and the four pueblos are going to have an integrated system. So this is the integrated system agreement. We're agreeing that these five governments are going to come together and solve this problem in the Pojoaque Valley by working together on a joint water system. And this goes through how the planning and construction will be undertaken together. The well locations that would be needed for backup supply, the easements, the ownership of the system. The Bureau of Reclamation is going to build this system but at the end of the day it's going to – when it's

finished building it's going to leave and it's going to convey title to the local governments, to that system. And they're going to operate and govern that system.

So Section 2 which is most of the agreement deals with how the local governments are going to work together. The City of Santa Fe is also cooperating with that and is agreeing to – there is a paragraph on page 8 of the agreement, 2.6 that deals with harmonizing water use between the Pojoaque Basin and the Santa Fe Basin. And that Santa Fe County, with respect to its actions in the Santa Fe Basin and the City with respect to mainly use of groundwater in the Santa Fe Basin are going to work together to try to minimize affects across basin. So it's really the regional settlement not only in the Pojoaque Basin but flowing over into the Santa Fe Basin.

Then we get into the numbers. That's in Section 3, starting on page 10. This outlines that in 2006 dollars the total construction project is a \$177 million project. The United States is going to pay \$106 million of that. If you look over on page 11 I has the breakdown between the state and the County, that the state will be putting \$45,500,000 – that's in direct construction costs. The state's also going to put in \$4 million to pay for free hookups, so if someone wants to hook up to the system as part of the settlement they get a free hookup if they're in the service area. So that left \$7.4 million for the County to pay. There's additional hookup costs in the future that are included in the total construction number but those would be items down the road if someone chooses to hook up. That would be paid for under the County's hookup policies.

The key position that I think I want to point to in response to Commissioner Mayfield's question is at the bottom of page 10. This process will require a great deal of engineering. The engineering is going to cost probably \$10 to \$15 million. I should point out that the two representatives from the federal implementation team, Chris Benay from the Bureau of Indian Affairs is here, and Art Valverde from the Bureau of Reclamation. So Art is in charge of building this thing. So Art's going to be spending how much money on the engineering?

ART VALVERDE: [inaudible]

CHAIR STEFANICS: Could you come forward and speak into the microphone? Because we are being – for those of you who don't know, this is televised, it's on the radio, it's webcast and it also goes to our minutes. So we really appreciate your speaking into the microphone.

MR. VALVERDE: Madam Chair, Commissioners, the total estimate, \$177,300,000 actually includes the design, all the associated costs for engineering and the construction of the system. So those costs will actually be reviewed once we get decisions from the County as to how much of that 1,500 acre-feet per year the County wants to build into this. We need that data to do a number of things. One is we need to design it, plan it, and those designs would be included in our NEPA process. We're required to go through an EIS, environmental impact statement analysis for this entire regional water system. What's required upfront is we need to do the design data collection based on what the County wants to do, and then the pueblo portion, incorporate that into one regional water system, and then we would include that in our feasibility level designs, and then the basis of that EIS will be that what we might be calling the preferred alternative to be considered under this EIS.

So actually, all those costs are rolled up into this entire estimate of \$177,300,000.

CHAIR STEFANICS: Thank you. So Mr. Utton, do you want to continue?

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MR. UTTON: Thank you, Madam Chair. There's a lot of work yet to be done but this work isn't going to commence until everybody says we're going to settle this case and we're going to move forward with building this project. So it may seem, and I understand why it would seem like maybe we've got the cart before the horse but this is a very complex process and we're having to take it one step at a time. So the first step is to say, yes, we're going to move forward with the settlement agreement, but from the County's perspective, if you look at the bottom of page 10, we don't have to make our final decision about our level of participation, including our financial contribution until we have all the information that is called for, both in the cost-share agreement and that will be undertaken by the Bureau of Reclamation as part of its engineering work, and all the information directed in the resolution to be undertaken by the County staff. And so the secretary is going to, in 3.1.2, will consult with the parties at the following milestones as they design this system. And there's an initial feasibility level, then they look at the preferred alternative as Mr. Valverde just mentioned, they will get almost to the final design where they're ready to do the final NEPA, then there's completion of final design, and any major unforeseen changes during construction.

Now, the key paragraph really is at the bottom after that. It says the purpose of the milestone consultation will be to inform and allow review by the parties of potential designs and cost estimates. Upon each milestone the County may elect to continue funding its non-federal share of the project costs, reduce the County's portion of the regional water system through modification of either extent, size or capacity pursuant to the federal act. That's one thing that we worked closely with Senator Bingaman on was giving us flexibility in the act. The federal legislation authorized the County to have the right of up to 1,500. It didn't mandate that we provide exactly 1,500. It gave us the right up to that amount and then it gave the County the ability to decide what that amount would be. And so if after all of the studies that the Public Works Department does, after canvassing the areas, finding out where the demand is, after looking at water quality issues, fire flow issues, if the Public Works Division comes back and recommends something less than 1,500, let's say 900 acre-feet with lines running in these areas, then the County could agree to that and then give that information to the Bureau of Reclamation and they will put that into their design.

So what we're doing today is really starting that process, but everyone wants to know are we actually settling the case.

CHAIR STEFANICS: Okay, let's take questions. We have Commissioner Mayfield and then Commissioner Holian.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: I realize you might have much more to say, but let's just stop.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Utton, what's the minimum size the County can size the system. We can go up to 1,5000. Is there a minimum size?

MR. UTTON: There is not.

COMMISSIONER MAYFIELD: So Madam Chair, in respect to all the settlement participants what if the County decides to size the system to nothing? How does that help out with the settlement? Because there can't be any call on the water, right?

MR. UTTON: I think that's a good question. There is that possibility. I personally, just based on what I've heard on this business matter over the last ten years the

County will decide on some number. There is demand for water by non-pueblo residents. I think one of the most difficult things is trying to look into the future, because this is our only chance to piggyback on this federal project. They're not going to come back later, in 30 years, because there is even more demand by non-pueblo county residents, that United States is going to come in and make this bigger. We have to – it's just going to be a little bit of a difficult process. This is trying to balance not making it too big so that we're stuck with too many operational costs, but not so small that 15, 20 years down the road we're turning people away who want to hook up.

That comes back to the BCC in a year or I think Mr. Leigland is thinking maybe even sooner, maybe it's towards the end of this year, that's really going to be the big decision before you. How much is the County going to invest in this system? How are we going to size it so that it's affordable but it's big enough for the future? That's going to be a momentous decision that's going to come in front of you and what we're here today to do is just to try and start the process to get there and get the information in front of you.

And so if the County for some reason decided after analyzing all this that there would be no demand by non-pueblo residents and no reason to have water supply to anyone but the pueblos the County has the right to do that.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Utton, that would defeat the whole purpose of the settlement, wouldn't it?

MR. UTTON: I think it would undermine the purpose of the settlement and I'm hopeful that the County will come to a decision that provides some amount of water because I think the pueblos in particular – there are county residents I think who would like to have the system. The pueblos also would like to see that some of the demand that's currently taking water from the aquifer and particularly in the future, if there is growth over time and more people come into the basin, more people put in domestic wells, the pueblos and I think also the senior surface water users, the acequias would like to see those people on a water system rather than putting in straws right next to the surface supply.

So, Commissioner Mayfield, I think you're right. I think the parties believe that the County's participation in this, including water supply, is a critical part of the settlement. We're not asking the County, the Commission to make a decision on that today.

COMMISSIONER MAYFIELD: Madam Chair, I'll defer to Commissioner Holian. I still have more questions but I'm going to have many.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Mr. Utton, for your presentation. What I would like to ask you is whether you could summarize, if we were to pass this resolution today what exactly we would be committing ourselves to?

MR. UTTON: I'd be happy to do that. There are three documents that you would be authorizing the chair to sign. The first would be the settlement agreement. As described earlier, in 2006 the BCC approved that and that was signed, so really we're asking you to approve the changes. In terms of effect on the County there are really very few changes and I don't know if you want to look at that one page or not but the major effects really are – the number one major thing is the prior agreement required the County to go out and acquire 750 acre-feet of water rights for the water system. And the County doesn't have those many water rights. The current agreement just recognizes what we already own and says we don't need to acquire anything more.

So actually the change that was made, the number one change that affects the County is a beneficial effect. The other change – most of that settlement agreement deals with the water rights the parties have been fighting over for all these years, so the amendments that are being proposed I think are not a significant issue to the County today. They're fairly – I would describe them as minor from the County's perspective in terms of approving that agreement.

So the two new agreements are the cost-share agreement and the cooperative agreement. So if you sign the cost-share agreement it says it commits the County to spend money in support of the settlement to the extent that the County, after it does these studies, determines that it agrees to. So essentially we're agreeing to commence a process to develop information and bring it back so that the County can make a final decision. Mr. Valverde would like to have the information today. He wants to start his design work. He would like to know today exactly where the County is going to run its lines. He's being very patient and he's saying he'd going to wait for us to give him that information. He'd rather not wait, but he understands as Commissioner Mayfield mentioned that the County is a critical partner in this and we still want to consider this further so he's giving us more time. And the agreement gives us more time. So approving it would simply start that process and say we're going to undertake this study and that information is going to come back. The big question is going to be when Mr. Leigland stands before you in ten months and says he recommends sizing the system this and than and running the lines here and there and it's going to cost this amount. That's going to be the big question.

Then the third agreement is the cooperative agreement. That's essentially a sale and purchase agreement of the water – 2/3 of the water rights of the Top of the World farm. The County owns over 1,700 acre-feet of water rights up there and most of that farm has not been irrigated in decades. Most of it has been in a conservation program for about 30 years and one of the reasons the County purchased that is that at the time acequia groups in northern New Mexico were concerned that Santa Fe County might go out and buy acequia water rights and the County said we will not buy acequia water rights. We will look for water rights that are not acequia water rights and they're not in productive irrigation.

And so that is how the County came to purchase the Top of the World farm. It's about 8,000 feet up; it's very difficult to farm there. Farming didn't start there until 1952 when a North Carolina company came in and started growing potatoes. They didn't make a go of it. They only thing that's happening there now is in the southern, about a third of it, the County has it under lease for some agriculture and I think has been subsidizing that fairly heavily every since we purchased the farm. Under the proposed cooperative agreement we would sell 2/3 of that 1,700 acre-feet, so about 1,100 acre-feet to the United States so that they can provide the water to the pueblos to make the pie bigger. They would pay us \$5.4 million I think. I think they have the money and they're ready to write the check. Is that right, Chris? Chris Benay is –

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR STEFANICS: Yes. It's on this point.

COMMISSIONER MAYFIELD: it's on that point, or Mr. Utton's point. So there's not going to be any fight from Taos County or anybody else moving those water rights down here?

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MR. UTTON: Madam Chair, Commissioner Mayfield, there certainly may be protests for the transfer of those rights. We actually had a settlement with the Taos parties over the water supply that was brokered by the State Engineer Office and the Governor's office about four years ago. We offered the Top of the World rights to the Taos settlement if we instead got San Juan/Chama water. The Taos settlement is getting nearly 3,000 acre-feet of San Juan/Chama water. That runs down the Chama right by San Ildefonso Pueblo. It doesn't even go to Taos County. We have Top of the World rights that run down Taos County and into Santa Fe County but they wouldn't agree to the trade. So we did get a little bit of extra San Juan/Chama water as a result of that but those parties, which include the City of Taos and the Pueblo and the acequias up there shouldn't protest because we came to an agreement with them, but there are a lot of other parties up there. Taos County may protest.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Utton, on that point again, who will assist Santa Fe County with those costs if we end up in litigation on trying to move those water rights down here? Is that all Santa Fe County's responsibility?

MR. UTTON: The County, Commissioner Mayfield, would pay for its portion of it. Under these agreements the Secretary of the Interior would be our co-applicant, because we would own a third of the rights, the United States would own 2/3 so the United States and Santa Fe County would be the co-applicants together to transfer those water rights.

CHAIR STEFANICS: Commissioner Holian still has the floor.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So if I understand correctly, if we do approve this resolution today we are not committing the County to spending any specific amount of money?

MR. UTTON: That's correct, Commissioner Holian. There are implementation costs, so the items that are on the list that Mr. Leigland has drafted up in great detail in the resolution are going to cost money. Those are some engineering analyses. Some of those things – he can speak to this better. I think it can be done by County staff, but some of those may require outside engineering, some of the canvassing. I think one of the things that might be helpful is this \$5.4 million that the United States would pay us would go into an Aamodt implementation fund and Aamodt cost fund, so we would already have a fair amount of hedge towards the amount of money the County would need to come up with and some of those funds could be used to pay for those analyses. I don't know. Do you want to say anything about that?

MR. LEIGLAND: Madam Chair, Commissioner Holian, we've met a number of times, staff, on how we would implement this and actually we believe that we can do most of it with in-house forces, so we don't – there are a couple, as Mr. Utton mentioned, there are a couple of studies that we may want to do but those wouldn't be specific for Aamodt since one of the things we're considering is updating our growth projections, something the County would want to do anyway, so maybe this would just be the first thing we would use that for. Another thing that we're considering is updating our aerial imagery of the county, something the County would want to do anyway. This would just be the leverage to get that done. So we don't foresee at this point an additional cost.

COMMISSIONER HOLIAN: So, Mr. Leigland and Mr. Utton, as I understand it then, if we do approve this resolution today, what we are doing – the main thing that we are doing is starting to move the process forward.



MR. LEIGLAND: Madam Chair, Commissioner Holian, that's correct. And you're directing staff to do a series of tasks.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: I have on the list Commissioner Vigil next, then Commissioner Anaya, then Commissioner Mayfield.

COMMISSIONER VIGIL: Thank you. And it's John I have a question for. I for one appreciate the magnanimousness of this project and it isn't the project that has an educational curve that can occur at a Board of County Commission meeting. So John, you precede all of us here. You have been on this project for quite some time, so that when I first got elected as a County Commissioner almost eight years ago one of the things that I came to understand without any hesitancy whatsoever based on this lawsuit being a 44-year lawsuit, was that I actually needed to highly educate myself. You made yourself available for that. Staff at the time made themselves available. Steve Ross made himself available. Other attorneys who were engaged in this made themselves available. It really required a huge learning curve for me and I knew it couldn't happen if I had to take any kind of action and we've had to take action on this project quite some time.

My concern is that you helped communicate, because not only did we really have the opportunity to learn a lot of this project by meeting with staff, by meeting with managers, by meeting with all kinds of folks who were involved with pueblos – everyone who was engaged here. Even going to Washington, and I see the Mayor in the audience and talking to our federal delegation about this. This is huge. So that one of the issues that consistently comes up that I want you to give as much clarification as possible, because I not only visited with staff, met with them, met with so many people, met in Washington, met with some of the pueblos, there have been a numerous amount of public hearings with this and I actually, in my tenure when I first came on board attended at least three of those. And I know those weren't the only public hearings that have been held.

And these weren't only public hearings for the Board of County Commission, those aside, these were community meetings that involved the public. The federal representatives were there, the state representatives, local governments were there to answer questions, to be able to help communities process this issue, because it is very complex.

So from your recollection how much civic engagement, how many public hearings if you can even give a number, because I'm thinking of the ones I was engaged with and I don't think I can give a definite number. They went on and on.

MR. UTTON: Madam Chair, Commissioner Vigil, while those meetings have been going on I've had two children, the older one of which is almost ten so I'm kind of amazed that – I pass that to my clients that I've been on the case for long enough to have a ten-year old. But we've had a lot of meetings. Actually, I asked Mr. Ted Baxter at the State Engineer Office same question the other day and he told me there have been 59 public meetings starting I think in 2004. More recently there've been two series of public meetings. There were meetings that Darcy Bushnell and could describe if you would like. She did this under contract from the County. She conducted 11 outreach meetings of approximately – we were trying to keep them small – 20 to 25 people. Darcy, when was that? So two years ago as the legislation was moving forward. The County had those outreach meetings. There's a report on the County website about those meetings. I think they were quite effective.

Then, with some encouragement from Commissioner Mayfield, the implementation meetings started a year ago, after the legislation passed. Commissioner Mayfield was very strong on we need to make these public meetings and publicize them, and so there have been 17 of those meetings, some of those for more than a day. Those have all been advertised by a list-serve email process and also by the County's website. Those meetings, actually the first couple of meetings there was a fair amount of attendance and then it started to drop off. I think people as they came started to realize that maybe it wasn't as exciting, as interesting as possible.

CHAIR STEFANICS: On that point.

MR. UTTON: Yes.

CHAIR STEFANICS: Are you saying there were 17 meetings between 2011 to this present date in 2012?

MR. UTTON: Yes.

CHAIR STEFANICS: Okay. I just wanted to clarify that. Thank you.

MR. UTTON: We also, the thing we did is we had a – the County also organized a technical workshop. I think it was December 20<sup>th</sup>, 21<sup>st</sup>, a few months ago, out at the administrative building at the Pojoaque School System. So we had that meeting. So there have been just in the last three years there have been nearly 30 meetings. Some of them attended better than others. And that's not to say we couldn't have had more meetings but I think there has been a pretty wide knowledge of these meetings going on. The first meeting, implementation meeting we had began with the encouragement from Commissioner Mayfield, we issued a press release and got good press coverage about that meeting. It was held in one of the big legislative hearing rooms at the Roundhouse. Pretty good attendance, so I think people understood we were in that process and that they wanted to continue to be notified. They were on our list-serve email list.

So I think we've had good public outreach and either Chris Benay who is the head of the federal implementation team or Darcy Bushnell could describe those.

CHAIR STEFANICS: Commissioner Vigil, you still have the floor.

COMMISSIONER VIGIL: I'm actually appreciating that there's far more than I realized. And again I want to thank you and all the staff who have been wonderful in educating Commissioners that their availability is there for any learning curve that's necessary. And will continue to be there. Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Mr. Utton, I'm going to have more questions but I'm going to start with a couple things you said. Let's start with Top of the World water rights. You mentioned that as a change to the prior settlement agreement. That's correct? That's a change from the agreement that was approved by the former Board of County Commissioners?

MR. UTTON: Madam Chair, Commissioner Anaya, that's a change. It is.

COMMISSIONER ANAYA: So Madam Chair, Mr. Utton, when did you as the contract attorney on this issue with our attorney begin the process of negotiating the use and transfer of the Top of the World water rights as an option and was that a policy-driven item or was that a staff-driven item. Because I don't recall that that particular policy in my mind, the issue came before the Board of County Commissioners.

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MR. UTTON: It hasn't recently, Commissioner Anaya. Where it came up is the Board of County Commissioners in 2005, I think it was, decided to purchase the Top of the World farm for the Aamodt settlement. So the County approved that purchase for this purpose at that time. And so when we had –

COMMISSIONER ANAYA: So, Madam Chair, if I could, because I want to make sure I'm completely clear. So within the stipulated purchase agreement, closing documents, was it stipulated that the acquisition by the County Commissioners was for that use, in those documents? Just so I'm completely clear.

MR. UTTON: Commissioner Anaya, not in the closing documents, because that was between us and the seller, but when the County Commission approved the purchase that was the reason for doing it but the County had no reason to own a farm up in Taos County. The interest was, as I mentioned before, was acquiring water rights for use for water supply for county residents and under this informal agreement with the acequias we agreed not to buy acequia water rights so we tried to find water right that was least productive for agriculture but was still a good water right. It had been adjudicated in the Red River adjudication. It could be transferred.

COMMISSIONER ANAYA: Madam Chair, I just want to be clear. I'm not reaching. I'm just asking. In the context of the Board of County Commission meeting, was there conversation with the Board of County Commission in the public that we're purchasing these water rights and the reason we're purchasing them is because we want to apply them to the Aamodt settlement? Is that something that's readily available to me or the public in the context of those meetings?

MR. UTTON: Yes, Commissioner Anaya, that would be available. In fact there was a field trip by a number of the County Commissioners up to look at the Top of the World farm prior to the purchase. So the purpose was to acquire water rights for use by the County utility.

COMMISSIONER ANAYA: Madam Chair, Mr. Utton, that's different than purchasing water rights for the settlement. That's my question. And the reason I'm asking it is because if the purchase was tied directly to the settlement, my assumption would be that would have just put that in the original settlement agreement. Why wasn't it in the original settlement agreement approved by the last Commission?

MR. UTTON: You're stretching my memory a little bit. There were two purchases by the County. The first purchase was in the late 90s when Estevan Lopez was at the County and that was to acquire about – I think it was 550 acre-feet, and that was for the County utility. The second purchase I believe was around 2005 and my recollection was that it was for the Aamodt settlement and the County water utility, because water rights can only be used above the Otawi Gauge, so they'd have to be used in the northern part of the county. So they would be for the Pojoaque Basin and perhaps for the Truchas Basin going up a little to the north.

COMMISSIONER ANAYA: So, Madam Chair, enough on that. We can get some backup information to look at the record and see what the intent was and whether or not there was any discussion at the Commission level. It sounds like what you're saying is there was, so we'll look at it and see what it says.

At the beginning of your remarks you talked about another additional item that would be the County, and correct me if I heard it right and show me where it is in the document –

would need to acquire an additional 750 acre-feet within the context of this agreement. I would consider that substantial. I mean I wouldn't consider that a minute, looked over or small issue. I would consider the acquisition of 750 acre-feet of water in any context of use in the county as pretty substantial. Can you clarify that particular piece for me?

MR. UTTON: Yes, Madam Chair, Commissioner Anaya, if you could look at the one-page summary. That is – just let me make sure I have the right tab here.

COMMISSIONER ANAYA: Are we in the cost-sharing agreement or somewhere else?

MR. UTTON: Let's see. It's tab 4. Tab 4 is the one-page summary and then tab 5 is the tracked change settlement agreement. All right. So if you look at that one-page summary, the two main items that affect the County –

COMMISSIONER ANAYA: Help me out. Where are you at?

MR. UTTON: This is tab 4. It should just be one page.

COMMISSIONER ANAYA: Tab 4. Okay. Got it.

MR. UTTON: Okay, so this is a summary of the major – this is really what we're asking you to approve as amendments. The tracked change, because a lot of the text got moved around and there were definition changes, it looks like there's a lot of changes and so this is just really trying to boil down what are the amendments that we are asking the Board of County Commissioners to consider. And the two major ones that affect the County are number 7 and number 8. Number 8 is the one that you're addressing and raising a question about. So what the 2006 agreement that the BCC approved, the County agreed it would go out and acquire 750 acre-feet. The revised agreement has taken that obligation out. It says that the water rights that the County has acquired satisfy our obligation. We don't have to do anything more. In fact we're selling 2/3 of the water rights. Not only are we not going out and buying more but we're going to sell 2/3 of our water rights and we're going to get basically the money back, more than the money back that we paid for the Top of the World farm.

COMMISSIONER ANAYA: Madam Chair, Mr. Utton, it's the entire context of the two items. The 1,100 I mentioned and the 611, it's the same water rights, the balance that we would retain – we would sell the portion and then the retaining portion we would keep would be applied to the same –

MR. UTTON: It would satisfy that requirement.

COMMISSIONER ANAYA: But it's all in the entire context of the Top of the World based on the negotiations. So tell me again, why was that not in the original settlement?

MR. UTTON: It may just have been the timing of it, Commissioner Anaya.

COMMISSIONER ANAYA: 2005, we're talking 2005 to 2009, was the approval of the settlement agreement?

MR. UTTON: The agreement was signed by the County in 2006.

COMMISSIONER ANAYA: Okay.

MR. UTTON: I don't recall why it specifically doesn't mention –

COMMISSIONER VIGIL: Can I –

COMMISSIONER ANAYA: I have one other question, Madam Chair.

COMMISSIONER VIGIL: On that point. I think, Commissioner Anaya, it might be helpful for me to explain that I remember when we discussed the purchase of water rights it really was to improve our portfolio and whether or not they should be designated for

any particular purposes we realized that that probably should be a decision that should come to the Commission as a final action. So I do recall that any kind of purchase, whether it's the Top of the World or any other purchases that we were looking at it was for the purposes of improving our portfolio for our water utility system. And at the time I think maybe Aamodt may have been part of the discussion but we were also discussing many other options that those water rights would be beneficial for.

So part of the mission that we'd undertaken in purchasing water rights is that specific purpose, improving our portfolio, and I hope we continue to do that because that is a direction we do need to go if in fact we're going to improve water delivery system to Santa Fe County residents.

CHAIR STEFANICS: Commissioner Anaya, you still have the floor.

COMMISSIONER ANAYA: Madam Chair, Commissioner Vigil, I very much appreciate that particular response and I guess my comments go to the core of those previous comments from Commissioner Vigil that in my mind that's a very substantial piece and in my mind that's a policy matter without question. So I actually very much appreciate the clarification that Madam Chair, Commissioner Vigil, provided.

One more question for now. 2006 dollars, \$177,300,000. Where are we at in 2012 dollars today?

MR. UTTON: Maybe I could ask Mr. Valverde to come and talk about that.

MR. VALVERDE: Madam Chair, Commissioners, the indexing – what happens basically is the estimated about in 2006, it was October of 2006 was the basis of the estimates. It can be indexed annually, and that's based on the Consumer Price Index. We are about to get through that initial process to update those 2006 estimates to 2012. The reason we haven't done that is we have all these bits and pieces, some of them that are indexable, some of them that are not, and what we want to make sure as we lay that out is the parts that will be indexable are kept separate and then there's different cost indexes applied to those based on whether that's construction of the pipelines or water tanks, etc. So we're trying to make sure we have all that set up, and then we will index those costs. We were authorized to actually get to be mandated federal treasury transfers upfront which we have. We're already obtained \$56.4 million in the mandatory fund transfers and that act actually allows us to then later, by 2017, request the remainder of the indexed amount of that. So we're now just establishing the process. It's a cost indexing plan. It's kind of complex, but –

COMMISSIONER ANAYA: Ballpark?

MR. VALVERDE: If it gets approved. So we haven't really updated that to 2012 dollars yet.

COMMISSIONER ANAYA: Ballpark?

MR. VALVERDE: At this point I think we are estimating that current value to be \$200 million.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

COMMISSIONER ANAYA: Thank you, sir.

CHAIR STEFANICS: On that point, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Valverde, that being said we're looking for construction to happen around 2016. So are you going to index that up to between 2016 and 2014? That's going to be indexed for those new inflationary costs also?

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MR. VALVERDE: Once we've got the plan in place we will continue to index annually and we will share that with all the affected parties. But construction is actually estimated to begin in 2018. There's a number of conditions precedent that are required to be fulfilled before we can actually start construction or invest in any irreversible costs for the federal government. So we can't acquire any lands or interests. We can't start construction until we have every in place, including probably the biggest piece is the environmental component. The EIS has to be completed, and we have to sign a record of decision. But we also need the County's funding, the state's funding, all secured in the agreement before we can proceed. So there's actually a number of things. The water rights have to be acquired, the water rights for the purpose of the regional water system have to be permitted to a different point of diversion. There's quite a few tasks that have to be completed before we can initiate construction. But it is potentially right now scheduled for 2018.

COMMISSIONER MAYFIELD: And Madam Chair, staying on that point, but you'll need the commitments from the state of New Mexico and you'll need the commitment from the County of Santa Fe also to say, hey, we're going to pay for that inflationary cost, right?

MR. VALVERDE: That's correct. The act specifically says states' contributions to the regional water system will be indexed but they won't have to pay any more than that initial amount. And then the County – again, that will all be laid out in this cost-sharing. It's a contributed funds agreement is what it is that we'll have to negotiate between the United States and the County and a separate one between the United States and the state for their contributed funds for the regional water system.

COMMISSIONER MAYFIELD: And Mr. Valverde, you're comfortable the United States will meet that inflationary cost dollars?

MR. VALVERDE: The United States has to come up with their part of the indexed amounts as well. The County will be subject to indexing as well, so that's as clear as the estimates are based on 2006 dollars and they're subject to indexing. So that inflationary component will continue to grow.

COMMISSIONER MAYFIELD: Madam Chair and whoever can do this –

CHAIR STEFANICS: Is this still the same point?

COMMISSIONER MAYFIELD: Same point. If somebody would at least bring us the revised numbers for 2012 as soon as you have them that would help and maybe we can anticipate 2018 numbers for the next presentation that's given to us. Thank you.

CHAIR STEFANICS: Commissioner Anaya, were you finished?

COMMISSIONER ANAYA: Yes.

CHAIR STEFANICS: Thank you. So with the indulgence – go ahead. Thank you very much. You might be asked questions later – with the indulgence of the Commission, we would like to go to the audience comments. So many people have come today, so I want to make sure we hear from the people who have identified themselves as wanting to speak. Could I see those hands again? And if you would all come up here to the front row so we can just go one after the other. We thank everyone in the audience who came today to listen, to participate and we will just go right through. So Governor Dorn, why don't we start with you, and if you would introduce yourself for the record please. And if everyone would remember to speak into the microphone, this is on webcast, TV and radio.

CHARLIE DORME: Thank you, Madam Chair and members of the Commission. We're here today to really encourage you to act on this resolution. I do have a problem with the resolutions that have been forwarded to everyone. It does not include the name Tesuque.

CHAIR STEFANICS: That would be the double Nambe; it should be Tesuque.

GOVERNOR DORME: I don't know what happened at this point. Is it excusable? I don't think so right now. That needs to be corrected. Having said that I was going to come up here and give you a history of how long it's taken to get to this point, but I think it was well versed in the presenters before me on some of the questions that you had raised. Having said that, it's really been a long time since anything has really come before the County Commission as far as the tribes are concerned, but the tribes don't look at it as just an Indian issue or who owns the majority of the water. We're looking at the future, the future of our children and their children, and their children. And if we don't do something right now to drastically reduce the straws going into the earth and bringing out water and not having a plan to replenish it then we're all going to be in trouble and we don't want that to happen.

So I'm just here as a representative of the Pueblo of Tesuque and also the president of the Northern Pueblos Tributary Water Rights Association, to encourage you to go ahead and act on this resolution and just make sure that it's the correct resolution as Commissioner Anaya had stated and Commissioner Mayfield. Mistakes do happen and I think that you have enough information here to act on this resolution and again, let me just say that you need to pass it. We need to move on. We do have deadlines. This by no means is the last time that we will be meeting. There's other issues that are going to be coming up to where we need to work together, and I saw this as a learning experience, about letting down your walls and working together to achieve something, in this case water. Thank you.

CHAIR STEFANICS: Thank you very much for coming today. Let's see. I think I'd like to have – we have another Governor here, I believe. Governor Perez, why don't you come forward next please? Mayor, did you have anything to say? Okay. Thank you.

GOVERNOR PHILIP PEREZ: First off, thank you, Madam Chair, My name is Governor Philip Perez from the Pueblo of Nambe. On behalf of the pueblo I would like to thank the County for their hard work and dedication thus far with this suit. Again, Nambe has been a key player in this litigation for the past forty-some-odd years. As a newly elected official, 101 days to be exact, I do share the same concerns as Commissioner Anaya as far as getting up to date on what has been done in the past and for me I have relied on the counsel, past counsel, both legal and traditional counsel and other leaders in our village to put forth that they have made the decisions on the best part of the tribe and looking out for the tribe. So with that, as the leader for the tribe part of my job is just to move forward and also to become educated and kind of take from the earlier as to what was done in support of those that have been there. With that I'd like to thank everyone for giving me the opportunity to speak today and I do encourage the Commission for their support with this resolution. Thank you.

CHAIR STEFANICS: Thank you very much for visiting with us today. Are there any other elected or appointed officials that would like to speak before I go to the general public. Please come forward. And if you would introduce yourself for the public please.

SCOTT VERHINES: Madam Chair, Commissioners, good afternoon. My name is Scott Verhines. I'm the new State Engineer, on board about three months. But I would like to say that even though I am newly on board I have been following this settlement as well as the other Native American settlements around New Mexico for a long time. This is a great outcome for all of you. I strongly support your moving ahead with this resolution at your earliest convenience. And the other thing I would like to add is I'm a huge fan of utilizing lessons learned from others as you're developing your issues and your project.

I spent the last 12 years as the program manager for the Eastern New Mexico Rural Water Project which is a collaboration of seven cities and counties. While there's not a Native American settlement to be had it's still a collaboration of seven entities working together to solve a long-term water supply problem. That's what this is for all of you. The lessons learned with that exercise, lessons learned with the Navajo Gallup pipeline, which is very similar in many respects to what you're doing here, those resources are available to you as you're looking at implementation, governments, all of those things we've had a lot of opportunity to work through over the last several years. We'd be more than happy to assist you with that as you move forward with your project here. I think you're on the right track. Please consider this resolution.

And one last comment real quick and then I'll sit down. Many of the things that you're talking about right now were things that those entities, those seven cities and counties struggled with as well. Are we putting the cart before the horse? But I can tell you that there's a lot of very smart folks in the room that are not here with political agendas, they're technically based. They will help you get to a solution at the end of the day, including our office. So thank you very much.

CHAIR STEFANICS: Thank you for being here. Okay. So we are now here for the public, so why don't we just start right here at the end of the row and come right up please.

MARK SHERIDAN: Good afternoon, Commissioner Stefanics, other members of the Santa Fe Board of County Commissioners. My name is Mark Sheridan. I am a lawyer practicing here in Santa Fe. I represent the members of the Rio Pojoaque Acequia and Water Well Association. It is the largest group of non-Indian defendants in the Aamodt water rights adjudication. There are hundreds and hundreds of members of the association, most of whom live in the Nambe, Pojoaque, and El Rancho areas along the corridor north of Pojoaque.

I have been involved in the representation of the non-Indian defendants in the Aamodt case since 1982. This settlement represents the first comprehensive settlement of a pueblo water rights case in New Mexico. I think it is imperative that the County Commission support the settlement and pass the resolution that will result in the creation of a county water utility for the residents of the Pojoaque Basin. The principal concerns that I think you as Commissioners need to consider in making your decision is that the non-Indian water users who are most at risk in the event of adverse result of this water rights adjudication are the domestic well owners, non-Indian domestic well owners who reside in the Pojoaque Basin.

In January of 1983 the federal district court in New Mexico issued an order enjoining the State Engineer from granting any well permits in the Pojoaque Basin for new domestic wells which were not restricted to indoor use only. Since that injunction was passed well over 1,000 wells have been drilled in the Pojoaque Basin and under the terms of the injunction



those wells would be restricted and are restricted to the indoor use of water only. It has been the case that that injunction has not been actively enforced by the federal court while this adjudication has been going on but that does not mean that anyone in the Pojoaque Valley who has drilled a well after January 14, 1983 is permitted to use water outdoors. That represents an enormous hardship for the future water use by non-Indian water users in the Pojoaque Basin. And it represents a particularly difficult water use in terms of future development in the Pojoaque Basin. If the lawsuit continues without a settlement and that order winds up being upheld there are going to be thousands of residents of the Pojoaque Valley whose only use of water will be confined to indoor water use only.

The settlement, which was negotiated over a period of years has resulted in the County being in a position now where it will be able to leverage federal settlement dollars and state settlement dollars to create a municipal water system which will provide a firm, safe, reliable, permanent supply of water for the non-pueblo residents of the Pojoaque Basin for one of the most essential uses of water, domestic and household use. I wholeheartedly recommend to you that you pass this resolution which will result in a major civic improvement for Santa Fe County for the benefit of non-Indian water users as well as for the pueblos at a fraction of the cost that it would otherwise be required to bring such an improvement to Santa Fe County. Thank you.

CHAIR STEFANICS: Thank you, Mr. Sheridan. Next, please.

MEADE MARTIN: Madam Chair, Commissioners, my name is Meade Martin. I am the vice president for the Pojoaque Acequia and Water Well Users Association and I came today just to underline my thoughts about where the acequias stand in all this. I am very grateful for all the hours and effort that have gone in to this negotiation and potential settlement of the surface water rights in the Pojoaque Valley. Without the surface water I think the Pojoaque Valley would be just a desert, somewhat like the landscape between Chimayo and Pojoaque. It's the irrigated land that has sustained many generations of pueblos and non-pueblo peoples for a long, long time.

This settlement, while it brings water to the domestic users it also protects the surface waters and allows people that have farms to continue to go forward with farming and providing food for their families, for communities and without the settlement those water rights would be in jeopardy and the quality of life for most of us in northern New Mexico will be diminished. So with a water system that will help sustain the population that lives there the surface water rights will also be protected and that will protect the food source and the livestock for the pueblos and for the non-pueblo peoples. And it's taken a huge compromise to get here and it's really a momentous day that you're considering this so thank you for your consideration.

CHAIR STEFANICS: Thank you, Mr. Martin. Next, please.

LARRY WHITE: May it please the Commission, I'm Larry White and I'm an attorney in Santa Fe and I've been actually representing defendants in this case since 1972. Basically, currently I represent the Rio de Tesuque Association which is the association of the community acequias in Tesuque and I've brought with me today a few members but one of which who will address the Commission in a few minutes is Margo Cutler and she is the president of the Rio Tesuque Association. And as I indicated this association of all the community ditches in Tesuque, so that really includes all of the irrigators out in Tesuque.



Basically, we began negotiating the settlement in September of 2002. We reached an agreement that we thought was good in 2004. It met with a lot of community resistance. We returned to the negotiating table and then came out with the January 19, 2006 settlement agreement. We got that agreement and I went and gave a presentation to the Rio de Tesuque Association shortly after that January date and I will let Ms. Cutler tell you what that resulted in.

MARGO CUTLER: It resulted in unanimous approval. The result of the meeting was the unanimous approval by all the acequias in Tesuque in favor of the settlement.

CHAIR STEFANICS: Thank you. And that was Ms. Margo Cutler speaking for Tesuque acequias. Thank you very much.

MR. WHITE: And I further concur with all the comments that were made by Mr. Sheridan and Mr. Martin as far as the benefit to the non-pueblos of the settlement agreement and submit to you that the settlement agreement constitutes a win-win situation. It's a win for the pueblos because they get additional water from outside the basin to use. It is a win for the non-pueblos, both the acequia people, because it protects existing uses within the basin as far as irrigation rights are concerned and it exempts their current domestic wells from priority administration. And has been indicated those wells are the latest priority on the stream system. So there's no question here; it's a win-win situation.

The addition of the County water system again gives the advantage of those residents who want to hook up to a safe and reliable source of drinking water. It also frees up those that were constrained under the 1983 injunction. If it please the Commission I urge you to approve the amended settlement agreement, cost-share agreement and to pass the resolution. Thank you very much.

CHAIR STEFANICS: Thank you. Next please.

DALE SANDERS: Good afternoon, County Commission. My name's Dale Sanders. I am a resident of the County of Santa Fe. I live in an area of the county where I'll never see a benefit from this particular project, however, as a citizens of the county I'm standing in support of that.

Aside from that I'm also the chief counsel to the New Mexico State Engineer. I'm the director of litigation. In my capacity as special assistant to the Attorney General I oversee all the litigation involving the water rights. I've participated quite a bit in these negotiations. There was a couple questions asked about – what I'd like to say is why you ought to settle. Why you ought to approve that resolution today. Back in 2006 the County approved this settlement just as we all did. Congress acted on our representations that we signed the settlement, we're bound by the settlement and Congress enacted federal legislation approving the settlement and to provide funding for this pipeline. I see that as a commitment of the people of New Mexico, the County of Santa Fe and the United States who've all partnered up to see this project constructed.

If you don't build a construction why should – I think, Commissioner Mayfield, you go back to, what? Corporation Commission in 1980s. We had – there is no other source of water available, renewable source of water available in these three drainages. Without this pipeline there won't be any new development. That might make some people happy. It might make others who are invested or want to subdivide or they have families with whom they would like to subdivide their land. The only source of water they'd have available then is to

buy a water right from an irrigator. There is – there will likely be no new supplemental domestic wells drilled in that valley in the future.

Further, this pipeline is visionary. In the 1930s the Bureau of Reclamation and the state of New Mexico envisioned a set of tunnels bringing water from Colorado into the Rio Grande Basin; that's the San Juan/Chama project. It took them 30 years to build it and it started delivering water in the seventies. Without that water we wouldn't have the state of New Mexico, we wouldn't have the economy in the state of New Mexico that we have today. My boss, State Engineer Verhines, on the eastern part of the state, we built the Ute Reservoir. The state of New Mexico did in the 1950s. No water has ever been delivered out of that reservoir until now we're beginning to build a pipeline to deliver it. The Ogallala Aquifer is the sole source of water in that part of the state. That is being drained and dewatered. There will be no future water for those municipalities in that are without that pipeline. The Navajo Gallup pipeline, part of the Navajo settlement, that was envisioned as well in the 1940s. Gallup is running out of its supply of water. Had it not been envisioned to have these pipelines built, this particular pipeline built for Gallup, Gallup would run out of water in 30, 40 years.

These pipelines are essential to move water from where it's located to where it's needed and you should take that as a visionary opportunity by this County Commission to approve this resolution today and to approve the amendments.

There's two other things that you might want to think about too. The Top of the World rights, they can't be transferred below the Otawi Gauge; they can only be used above that. So this is a great and perfect use. I can't believe there would be any other purpose for which those rights would have been acquired. I'm doing a Sarah Palin moment here. Priority administration – in 1996 the United States and the pueblos filed for priority administration in Tesuque. By some miracle it rained. But they were going to shut off all rights including domestic rights. They would have been subject to curtailment to the pueblos, time immemorial priority date rights.

In 2003 the United States came in, the enforcement agencies and their water agents came and met with the State Engineer, John D'Antonio and myself asking us how we would respond to a federal water call to get water to the pueblos on the main stem of the tributaries who were short water. And our response was, I don't think – we don't think you have enough police to help our guys to shut off all the New Mexicans in order to get water to the pueblos. They had already talked to enforcement agencies and they were willing to provide that kind of assistance.

The era we're in right now, this drought, makes priority administration a reality and without the pipeline the domestic well owners will be at risk and certainly the irrigators will be at risk, and so I would encourage this body to go ahead and approve this resolution today.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Thank you very much. I think we have two more speakers and then we'll go to your question after the speakers. Gentleman in the front row.

JOHN GUTTING: Thank you. My name is John Gutting and I'm on the board of the Pojoaque Basin Water Alliance, an alliance that was put together after the original settlement was written in 2003 and we got the words in the tragedy of losing all of our wells to have to hook up to the community water system. We were through that period of time up until the implementation meetings started about a year ago. I think the first meetings were in

March. We as a ground were vehemently opposed to the settlement because we hadn't gotten our questions answered. And today, we can say that we believe that the settlement needs to be enacted and the resolution needs to be passed because that resolution is going to answer all of our difficult questions, those questions being the real, true costs? How many customers do you really have? Where are these customers located? And if the County were to invest all of this money would it ever cross from operating in the red to operating in the black. Through lots of backdoor meetings, if you want to call it that, we appreciate Commissioner Mayfield getting the implementation process opened up to us. There were three of us that have attended all of those meetings. We were very skeptical in the beginning and we have come around to the way that they were thinking, provided we get our resolution because we can get the answers to the questions that we started asking the previous Commissioners back in 2004 and were never able to get definitive, black and white answers to our questions.

Mr. Ross' office has been very helpful to us as well as the County Manager's office. You have a letter that was supposed to be in your package. It got delivered today and we feel like this is a pretty good road map as to what has to happen. The approval of the settlement and the cost-sharing agreement, and we call it the bill of sale of the Top of the World water needs to be done so that our and the feds can move forward and we can determine whether you people – you people meaning the people of the County – can afford what has been proposed. And without the resolution we can't have that. And we appreciate being before you again today.

CHAIR STEFANICS: Thank you very much Mr. Gutting. Thank you. Mr. White, I think you're our last speaker, and then we'll go back to questions from the Commission, and I know that Commissioner Mayfield had one for Mr. Dale Sanders, so you might be prepared.

PAUL WHITE: Yes, thank you, Madam Chair, Commissioners. I'm sorry I arrived late. I did get to watch a little bit of the prior meeting regarding this resolution. I would like to say a few things which I believe was in 2005, 2006 when the other Commission approved the settlement that I unable to finish saying because I was cut off short so I would like to – I would appreciate a little time to go through my items.

CHAIR STEFANICS: Mr. White if you just have personal comments please. We want to go on. We've been hearing this for over an hour and we still have many questions of all the experts. So please make your personal comments or for who you're representing.

MR. WHITE: Well, I would like to make personal comments.

CHAIR STEFANICS: Okay. But not a learning lecture, because we know. We're getting that from the staff and the attorneys.

MR. WHITE: No, this is not a lecture. This is just to kind of go over – I'm speaking as an individual, a parciante on the Rio Chupadero acequia. I'm not speaking as a member of the PBWA or the Santa Fe Basin Water Association, which I'm also a member of. I would like to say that essentially I approve of this resolution. I think this resolution essentially will move the process forward as Commissioner Vigil suggested. However, I have some concerns about it. As Commissioner Mayfield pointed out there is no zero percent process. It doesn't appear that there's a zero percent process for the County to enter into if the findings of the County Public Works Department finds that this is not a viable system. I think this resolution ought to state that right in it, and I'm asking for an amendment to state that

this resolution will consider zero percent involvement of the County if the County cannot afford it.

We're looking at the Buckman Direct Diversion being subsidized I don't know how many more decades into the future and Pego is working on finding customers but it's unlikely that this system will get any better. The Buckman Diversion should be a guideline for what we are facing with this system. In my estimation there will be far fewer customers for this system.

So the resolution will determine the costs, determine the viability and I think Adam Leigland is very competent in determining that. We had a meeting with that a couple of weeks ago in our community center and I think he gave an excellent presentation. He's aware of the issues and the facts and I highly recommend that this go forward with Adam working on it.

I would like to contest some of the other people who have spoken before. There has never been a hydrology study done on this basin. The restrictions on the wells are based on a judge's order which was never based on a hydrology study. We had a hydrology study which we can provide for you. It's called the Braveman Report that showed that less than two percent of the well owners had significant impacts on the basin. The major users are probably the Buckman wells, as well as golf course watering and things like that. So I think that a hydrology study is in order. It would be very expensive but it would resolve some of the issues. It was never part of the settlement negotiations which I've gone to. I was appointed a negotiator by Judge Smith in the federal court and many of the issues that I brought up were never addressed.

Many of these meetings were closed to the public. It wasn't until Commissioner Mayfield petitioned to have these meetings opened up, and I would also like to say that there have not been significant County public outreach regarding this. There has been meetings by the state. There has been an ombudsman program that was instituted, which I petitioned for in the negotiations and, but there has never been any public roundtable, townhall type discussions where we could personally talk to our Commissioners. I'd like to recommend that the Commissioners consider having a series of public roundtable discussions, perhaps after the resolution is moved forward and some analysis has been done about the viability of the system, because all taxpayers in the County are going to pay for this and I believe that there needs to be a public process. There needs to be public participation and transparency. If we're going to be asked to pay for this system we should have everybody in the county weigh in on this. People in the southern part of the county might not want to pay for it. People over in Eldorado might not want to pay for it. This is going to be a very expensive system and I believe that the costs have been minimized, and once the County actually gets the ticket for this they're going to be floored, and that might not become apparent for quite a while.

It was mentioned that there was an injunction by the federal judge. There's a question as to whether that was legal or not. That injunction on the well owners in this particular basin is questionable and to restrict the amount of water for indoor use only. I think these kinds of issues might come out in litigation. I think that should have been an option when the County first considered approving the settlement. So I think approval of the settlement needs to be postponed but this resolution is a good resolution in many respects.

I'm asking for an amendment. I'm asking for further public input. I'm asking for a public, perhaps a focus group such as the one that was done on the County's conjunctive

wells issue, to work along with the County's Public Works Department in their investigations into the viability of this system.

I also have some concerns about the actual settlement itself and I sent an email to Commissioner Holian about this. My concern is about provisions in the federal legislation, addressing land into trust issues to the pueblos. Some of these lands – basically, the way I view it is these lands that are bought up by the pueblos would become trust lands automatically. There would not be any kind of federal review of these trust lands. They automatically would become trust lands, therefore being taken off of the County tax rolls. And we've seen a number of properties in the [inaudible] Basin taken off of public tax rolls. The County is no longer receiving the taxation from these properties. This to me is a huge issue and I think that the County perhaps this might have been an oversight by our senators and congressmen. I think this is an issue that should be taken up because current federal law regarding this is that these lands needs to be considered trust lands.

The County Assessor is currently not assessing these properties and I personally met with Governor Martinez' Taxation and Revenue person regarding this and they thought that our issues were of concern.

I'd also like to say, and this is my last point, that the operation and maintenance costs of this system will be – I've heard estimates from \$2 to \$5 million a year, regardless of whether anybody hooks up to the system. So if the County does decide to enter into this there will be ongoing costs for these operation and maintenance costs and I think that Commissioner Mayfield brought up a very good point of the zero percent county involvement regarding this and I'd like to request that the Commissioners consider an amendment regarding that portion of the resolution. Thank you very much, Commissioners.

CHAIR STEFANICS: Thank you very much. Now, first of all I'd like to thank everyone who has come on this particular item. I'd like to thank everyone who came to speak on this particular item. Before I go to other questions, comments from the Commissioners I would like to let those people who just came in for items that we are only on XI. C. 3, so if you have come from anything after matters, non-action items, Matters of Public Concern, we are probably an hour to two hours away from that. So if you have come for the evening session we're not close to the evening session so you can plan your time.

Okay, now we're back to comments, questions, and I think Commissioner Mayfield, you had a question of one of the speakers. Did you have a question for Mr. Dale Sanders?

COMMISSIONER MAYFIELD: Madam Chair, yes, Attorney Sanders brought up a point, and I think it was a point that we asked about a little earlier. Excuse me, Mr. Sanders, you mentioned that Top of the World can't be transferred below the Otawi Gauge.

MR. SANDERS: That's correct.

COMMISSIONER MAYFIELD: So respecting the non-pueblo residents of the Tesuque Valley, of Chupadero, of everywhere else, if Santa Fe County's proposing to move x-amount of water rights down, those water rights can't come any further than the Otawi Gauge, right? Should we put a meter on it?

MR. SANDERS: Let me clarify my answer then. That's a good point. I should have been clearer. The pipeline will be constructed above the Otawi Gauge. The water will come down and be taken out there. So the accounting for the Rio Grande Compact above Otawi Gauge won't change. The reason why isn't allowed to be transferred down is we have

to change the gauging and that dictates the deliveries we have to make Elephant Butte for Texas. So if you take the water out above Otawi then it's permissible to use it and it can be returned down below the gauge.

COMMISSIONER MAYFIELD: Okay. So Madam Chair, Mr. Sanders, so can that water be piped anywhere in the county after it comes out of, say, the San I diversion point?

MR. SANDERS: Madam Chair, I apologize for not speaking through you.

Yes.

COMMISSIONER MAYFIELD: Okay. Madam Chair, Mr. Sanders, it has also come up and also serve on the BDD, as we're trying to get some water, and this is off-topic just one little point but still on topic as far as I'm concerned. We're trying to get some water up into the Bishop's Lodge area, but I think there's issues with moving that water that's below the Otawi Gauge back up to the Bishop's Lodge area. That can't be done?

MR. SANDERS: I believe it's – I don't know the source of the water you're referring to.

COMMISSIONER MAYFIELD: The Buckman Direct.

MR. SANDERS: I think it would be more of an engineering problem. I don't know. Because certainly you could build an extension to this pipeline we're talking about today and provide water to Bishop's Lodge from that water.

COMMISSIONER MAYFIELD: Okay. Madam Chair, thank you, Mr. Sanders for clarifying that for me; that does help. Commissioner Anaya, did you have a question on that?

CHAIR STEFANICS: Thank you very much, Mr. Sanders. Okay, so now we're back to general questions, comments from the Commission. We'll start with Commissioner Anaya then go down to Mayfield, Holian and Vigil, please.

COMMISSIONER ANAYA: Madam Chair, Commissioners and Governor Dorme, Governor Perez, I first want to tell you thank you for lowering my blood pressure. I sincerely mean that. Here's what I'll say. The settlement has already been approved by the previous Board of County Commissioners after 44 years worth of work, but associated within that approval, Madam Chair, I think Commissioner Vigil very well articulated that there were component parts within that approval that are now subject to the approval of this Commission and not only this Commission but future County Commissions beyond this Commission. It's within that context that I think it's very appropriate for me as one Commissioner within my district to convey the detail in a simplified format to show the constituents of District 3 and of Santa Fe County that this is what has transpired over the term of that 44 years, these are the commitments and obligations that the County had committed to previous to now, and this is now what's being asked of the Commission to approve.

I would like, simply put, the opportunity to convey that information very simply and clearly to community associations within District 3 and to mutual domestic water associations within District 3, to acequia associations within District 3, and community members within District 3. As their elected representative in District 3, with all due respect to every individual, including yourself, governors, and all previous governors, and all previous acequia associations, governors, tribal leaders and people working on this project all the way to Washington, DC, with utmost respect to that, as the elected official here and now for District 3 I would like that same opportunity to convey that information to explain what's

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transpired and to explain what's being asked of me as a Commissioner and of this Commissioner, and to clearly delineate what the commitments associated with prior approvals was and what the commitments would be if I would be part of that approval process.

That is simply what I'm asking for. And so I don't think it's today to approve the resolution, and I think we should have an opportunity to simply and clearly convey that information. There were some comments made associated with information that other Commissioners may have had in the context of their time on the Board of County Commissioners. I respect Commissioner Vigil, Commissioner Holian, Commissioner Stefanics and Commissioner Mayfield, but I haven't been here eight years; I haven't been here four years. And I want the opportunity to take the information provided today and summarize from staff, from Mr. Leigland, and Mr. Ross and anybody else who can help succinctly provide it, for us to provide that information forward. That's what I'm asking for today.

But I do appreciate everybody that's worked on it and I do respect and appreciate all the time put into it. One other question that I would have is Nambe, not the tribal entities, but the community, acequia associations of Nambe, Pojoaque, El Rancho and Tesuque, it's my understanding have affirmed and provided full support behind this resolution. I understand that and appreciate that. Have the balance of the acequia organizations in the same region done the same? Have others – La Puebla, other ditch associations in that same region, have they done the same thing? And I'm not trying to create an argument, I just want to know if they've taken the same type of stance and if they haven't, I'd like to know just where they're at. Go ahead if you want to answer.

MR. SHERIDAN: If I may, Commissioner Anaya. The association that I represent, the Rio Pojoaque Acequia and Water Well Association is comprised of an overwhelming majority of the ditches in the Pojoaque Basin with the exception of the ditches in Tesuque which are represented by Mr. White. So the ditches within the Rio Pojoaque Association, and I don't have a list of them with me.

COMMISSIONER ANAYA: Be careful. My wife's part of the La Puebla Ditch Association. I'm just trying to figure out, are there ditch associations that are not supportive of the resolution? Do we know?

MR. SHERIDAN: To my knowledge, Commissioner Anaya, the ditch associations, through the Rio Pojoaque Acequia Association have voted in favor of the settlement.

COMMISSIONER ANAYA: Is that all of them?

MR. SHERIDAN: Like any other democratic situation the members of the ditch associations elect a mayordomo. The mayordomos in term have elected, along with the other members of the association officers of the Rio Pojoaque Acequia Association so that through the auspices of the Rio Pojoaque Acequia Association the ditches have all approved the settlement.

COMMISSIONER ANAYA: Do you have a list that you can give me?

MR. SHERIDAN: I can send it to you. I can send you a list of the ditches that are in the association.

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COMMISSIONER ANAYA: I don't have any other comments, Madam Chair. I am hopeful that we could have some more time to convey the information to our communities but I do respect and appreciate all the comments made today.

CHAIR STEFANICS: Thank you very much, Commissioner Anaya. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and I'm going to have a few questions definitely with the cost-share agreement that we're asked to kind of sign off on today I believe. Madam Chair, whoever can answer these questions would be great, and I'm going to just go through the summary memo and then go through the six exhibits I guess that were attached. And then go to the resolution. But as far as in the summary memo, in the cooperative agreement, well, I'm going to take that back. I'm going to go back to the amended resolution. The amended resolution is taking out – and I'm going to say this is the section that it's taking out – this is one of the resolutions that I was conflicted with a little earlier today until I found I guess the new resolution in front of me just now. Whereas, the County will retain the remainder of the Top of the World water rights in the amount of 611 acre-feet to provide additional supply to non-pueblo county residents in the Pojoaque Basin, hereinafter referred to as the County Top of the World rights. Now that was stricken. So why was that taken out?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we struck it just because we thought it wasn't relevant to everything else that we were asking you to approve. So we just wanted to keep it – narrow it down in the recitals so that the resolution, just narrow it down to what we're actually asking you to approve.

COMMISSIONER MAYFIELD: But isn't it relevant – we need up to 1,500 acre-feet. I think with BOR they're approving funding for 1,041 acre-feet to move down here. So why isn't some more of that water needed for this settlement agreement?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I understand your question but we were just trying – as we've heard today, the resolution that's before you today only addresses a narrow part of the entire, complex picture that's going to have to be done so we were worried that we would be introducing too many other questions. So we thought it best to strike that comment, if that makes sense.

COMMISSIONER MAYFIELD: We're obligated to put water into the system. Again, it goes back to the sizing issue. I heard Mr. White saying a little earlier, zero percent. I don't think I said that so if that was conveyed, that I meant sizing the system zero, that's not what I intended to convey. But I just want to make sure that if the County decides – and again, we have a lot of discretion right now to size the system up to 1,500 acre-feet. I think that's arguably the multi-million dollar question for this County.

That being said, if the County decides whatever means you're going out to poll people, are they going to sign on? Are they not going to sign on? How do you build this infrastructure? But let's say we design this capacity at 1,000 acre-feet, and respecting all the pueblos' input and the 44 years of negotiation that went into this settlement. Is there a potential that they're going to say, okay, this settlement is bust of there's a minimal size to it? I don't know if I'm asking that question right, but can this system be sized too small where they're going to say the settlement's off the table?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, essentially, I think you're asking a question if the County decides it's not in our interest to participate so there are no County customers –

COMMISSIONER MAYFIELD: No. Let's just say we decide to size the settlement for 700 acre-feet.

MR. LEIGLAND: So is there a floor below which the settlement – it's not in – the spirit of the settlement is not met, I think. Is that the question you're asking?

COMMISSIONER MAYFIELD: Right. Because you're still going to have the domestic well users out there, arguably. You may have new folks that want to build out there. So are there going to be, and then based on this injunction that I heard from Attorney Sheridan, will they still receive that from the engineer saying, look, you're only going to be able to use .25 acre-feet for indoor use only?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I'm going to turn that over to Mr. Utton.

MR. UTTON: Madam Chair, Commissioner Mayfield, I think your question is a good one and I think that the answer is that if, through the County's study it's determined that it would meet the demand of County residents who want to hook up, and that includes new people who would be moving in in the future. As Mr. Sanders said, under the settlement people who come in after the settlement is completed and want to put in – want to have water supply on a vacant parcel of land, the only way they can do that is to hook up to the County water system.

COMMISSIONER MAYFIELD: But on that point, what if the water system is sized too small? How can they hook up to it?

MR. UTTON: So I think that is the very difficult task that is ahead of the County now, that this process, passing this resolution, would start. And Mr. Leigland is going to have a difficult task to put in all that information so the sizing is correct. It's not too big that we can't afford it. It's not too small that we're turning people away and not meeting the purposes of the settlement. I think that even if it was 700 acre-feet, the other settling parties, particularly the pueblos would be satisfied with that if our determination is that 700 acre-feet will meet the demand of people who have existing wells out there who want to hook up, and it will meet the demand of future people who come to the basin.

If we could show that 700 acre-feet is enough to do that then this question that Chairman Dorme raised about more straws going into the basin, we would have addressed that. And so I think we're going to have our homework ahead of us but I think the minimum number is enough that would satisfy that purpose of the settlement that we can afford.

COMMISSIONER MAYFIELD: Okay. Mr. Sanders. Excuse me, Madam Chair, Mr. Sanders.

MR. SANDERS: Madam Chair, Commissioner Mayfield, I've been talking to the Engineer quite a bit, Scott Verhines about this because we've had several applications about bringing pipelines in and how to properly size them. Can they do what they say they're going to do? I'm asking for Scott, the State Engineer, I wish you were here, but how he explained it to me was when you do these engineering studies for these pipelines there are experts out there who will go out and give you the best estimate available through some methodology. So then you have to decide whether it's good enough for you to act on. And so like the pipeline in eastern New Mexico, once upon a time was going to go all the way from

Ute Reservoir all the way down to Hobbs and ??jowl, New Mexico. It's never going to happen because over time the costs just become prohibitive.

But they have sized it properly based on what's available and they will do those same kinds of studies, engineering projects. All these projects are engineered with that kind of capacity based upon their studies. So we're all uncomfortable with the notion of like, if you build it they will come. Well, what if they don't come I think is the question. I guess you find the best engineering available that will help determine what's the appropriate sizing for that. That's the best I can offer to you. I'm sorry Scott's not here to give you a better answer than what I gave you.

COMMISSIONER MAYFIELD: Okay. Madam Chair, Mr. Utton, and I asked this question a little earlier and maybe I just didn't hear the answer or I didn't want to hear it I guess. But if this moving of the Top of the World water rights is opposed by Tesuque Pueblo, the Village – excuse me. Not Tesuque Pueblo. I don't think, Governor Dorne you guys are going to oppose it. If it's opposed by the Pueblo of Taos, the Town of Taos, any other parties in Taos, what happens? Where are we getting our water from this system? And if they're successful. Let me say that.

MR. UTTON: Madam Chair, Commissioner Mayfield, assuming that a protest were successful, which I think is unlikely, then we would have to look to other sources of supply. Now, there are two sources of supply that the County is contributing or looking to supply to the customers. One is from domestic well owners who decide to hook up. Under the settlement agreement the State Engineer is agreeing that a minimum of half an acre-foot would be transferable in order to supply that customer back, essentially. So they would be contributing their own water rights.

COMMISSIONER MAYFIELD: Let me ask that question, because I've just been told by Attorney Sheridan that domestic well users were told they only have .25 acre-feet issued by the State Engineer for indoor use. So now how can they be giving credit of .5 acre-feet. The math doesn't add for me.

MR. UTTON: Well, that's true, but under the settlement, the state has agreed that someone disconnects their well and they hook up to the system, the minimum that the County can count on is half an acre-foot and if in fact that domestic well owner can show that they were using more than half an acre-foot we can transfer more than half an acre-foot. That is a benefit that we negotiated in the settlement that redounds to the County. We can thank the state. The state has been very helpful in making this happen, not only with money but in provisions like that that are useful to us.

So to answer your question, if we didn't have the Top of the World rights available, that is the source of supply we are really looking for to supply people who move to the basin over time, who don't currently have a water right. People who are in the basin now we can basically supply them because they have a water right. So we would have to find other water rights for people moving in to the basin is the answer and we could probably do that but it would be difficult.

COMMISSIONER MAYFIELD: Okay. Madam Chair, Mr. Utton on that point, if the success is moving those Top of the World water rights down, the County's not getting credit for that extra half-acre-foot from each domestic well user, right?

MR. UTTON: We are.

COMMISSIONER MAYFIELD: Only if.

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MR. UTTON: No, it's both.

COMMISSIONER MAYFIELD: So how is the County benefiting twice from it?

MR. UTTON: Madam Chair, Commissioner Mayfield, it is complicated, but there are two sources of supply. In fact if you look at the one page summary, which I think is tab 1. Let me just find it.

COMMISSIONER MAYFIELD: It's on the bottom: Source of supply.

MR. UTTON: Let me just find it myself. So if you look at that bottom of that there's a summary of the sources of supply for the water rights, both for the pueblos and for the County. And if you look in the third column over that says County, what we have there are – these are just estimates because we don't know how many people would transfer their water rights as part of the analysis that's going to go on over the next 12 months. In some ways, in terms of the water rights it's not a problem because it's self-fulfilling. If someone with a domestic well hooks up they bring with them a water right. So we have a water right to supply that a person back, so we're covered. Where we have a weakness is if someone wants to hook up to our water system and they don't have a domestic well, they don't have a water right. Let's say they have a vacant parcel that they're wanting to build a house on and they want a water supply. They want to hook up to the County utility. Well, this additional water from the Top of the World really is for future demand. So we have both those sources of supply.

COMMISSIONER MAYFIELD: So that's great. You took me to one of my next questions. So on the source of supply, on the same page we're talking about, we have 750 for the County for domestic well transfers and then we have for Santa Fe Top of the World. What's that extra 550 there for?

MR. UTTON: So that is assuming that when the 611 is transferred that there would be some conveyance loss. Between northern Taos County, coming down the Rio Grande to San Ildefonso Pueblo there would perhaps be something like 12 percent conveyance loss.

COMMISSIONER MAYFIELD: On that note, Madam Chair, I thought we just struck that 611 from being transferred. My understanding is that that's to be retained up there at the Top of the World.

MR. UTTON: So Commissioner Mayfield, in that case this 550 would be line-itemed out and what we would have is just whatever the amount is that domestic well owners transfer in as they hook up, unless we can find another source of supply.

COMMISSIONER MAYFIELD: Thank you. So again, for my clarification, that 611 from the Top of the World can be moved back down, listening to Mr. Sanders and you, and it is going to be I guess the County's prerogative if we want to keep any up there for the farm.

MR. UTTON: Commissioner Mayfield, that's correct. And in fact the way I would recommend to you that the transfer be proposed to the State Engineer is that we propose that it be available for use both at the Top of the World farm or alternatively down at San Ildefonso. So if we could continue to irrigate while demand grew in the system the rights would continue to be put into beneficial use in farming if the County so chose, but if the County determines over time that we needed to retire some of that farming in order to supply

more water for the Pojoaque Valley we could do that. So it would be available for farming until needed. So it could be in farming for a number of decades until it's fully needed.

COMMISSIONER MAYFIELD: And also, Madam Chair, Mr. Utton, I think we're being good neighbors to the Village of Cuesta and we're letting some water – I doubt we're letting it be used for free; we're probably making money on it. But the Village of Cuesta, will they get any historical beneficial rights to saying we've been using that water for x-amount of time and could they raise an argument with us?

MR. UTTON: Madam Chair, Commissioner Mayfield, they understood they were signing a short-term lease with us, and they really had a short-term problem. They had a big deficit of 2,000 acre-feet they owed to the river and we're helping them completely pay that off, so they'll get a fresh start. So I think they're happy with what the County has done for them and they're not going to be looking for more.

COMMISSIONER MAYFIELD: Okay. Great. Let me just move on. A big question from you folks is the Regional Water Authority Board. That's not even being broached in any of these resolutions I see. I don't know if it's been broached in some of the meetings you folks have been having but I think it's a huge component of what's going on. So when is that going to come back to this Board?

MR. UTTON: Madam Chair, Commissioner Mayfield, so that's item 3 under these list of tasks that the resolution directs the County staff to do, and that is a very important item that is yet to come in front of the County Commission. There are many things that are going to come back in front of the County Commission. Mr. Valverde mentioned the contributed funds agreement. So once we go through this process of the County analyzing how much it wants to size the system then there will be a cost associated with that and that will go into the contributed funds agreement where we would agree with the United States that's how much we're going to pay. Now, that's going to come back – that's going to come in front of the BCC in the next I would guess 12 to 18 months, something like that.

There's an operations agreement that deals with the OM&R costs and how those get distribute among the County and the four pueblo governments. There's a very important governance agreement that you're mentioning that determines how is this entity, this Regional Water Authority, going to be governed. We have the Buckman Direct Diversion which is similar where we signed – the County signed a joint powers agreement with the City to run that. Well, we need some kind of a government document also for this water authority. We've got five governmental entities coming together to form this and what we're proposing is a joint powers agreement, which would be under the state law. It would incorporate state laws like the Open Meetings Act, Public Records Act, procurement, mileage, things like that would apply.

Now, that likewise would need to come before all five governing bodies including this one to approve. I'm thinking that that's going to happen this year.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Utton, that needs to be done before the BOR releases any cash, right?

MR. UTTON: I believe, well, I think – I don't think they're tied together. I think they have monies to move forward with engineering and planning.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Utton, what if the five entities can't come to an agreement on this Water Authority Board? What happens there? Hopefully, greater minds prevail, but what if?

MR. UTTON: Commissioner Mayfield, I think it could undermine the settlement and perhaps make it fail. So I think this is going to require all the parties who came in to work together, as Commissioner Vigil described, through various steps, as we have been in the past. And this is another important step to get this done. If one of the parties, one of the key parties decides they're not going to support the settlement any more I think we're going to be back in front of the judge saying we tried and we failed and the court will recommence the litigation. So I think we're going to have to continue to make it work and get along.

COMMISSIONER MAYFIELD: Fair enough. Thank you, Mr. Utton. Madam Chair, Mr. Utton, just as far as the copy of the settlement agreement you have in front of you, this is the cost-sharing and the integration agreement, on this document, and this is just literally I have heard from a lot of constituents out there, the confidentiality of the settlement document. This is not a confidential document. Am I right?

MR. UTTON: You're correct; it's on the County website right now.

COMMISSIONER MAYFIELD: Why do we have confidential on this document anymore? Maybe so the attorneys can take care of and just get that off of there, because I think that's causing some contention out there that we're trying to operate something in secret and we're not. We have as much open process on this that I think we could possibly have. Commissioner Vigil mentioned how many meetings have been out there. I know we've opened up these meetings to the public that happened at the capital. I think arguably we got – or I shouldn't say we got. The Pojoaque Basin Water – and I apologize Mr. Gutting. I get your acronym wrong. Those folks have appreciated. They now are rendering support for this. Other folks are rendering support, so maybe my thoughts are just get confidential off of that document.

But going through this agreement, just a couple questions. On page 4, 2.1.5, now this goes into after we figure out what we're going to do, the County or the state, if we want to add more people on we're going to be responsible for upsizing that system, right?

MR. UTTON: That's correct.

COMMISSIONER MAYFIELD: Now, respectfully, the pueblos, are they responsible for that portion if they want to upsize the system?

MR. UTTON: Yes, just go to be clear. This is not the upsizing that we're going to tell Mr. Valverde that we want him to build.

COMMISSIONER MAYFIELD: This is after.

MR. UTTON: Let's say when the system's built, he's given us the keys and he's gone back to Albuquerque and let's say we decide we really need to run a line, we missed it, we need to run a line up, Mr. Paul White would like to join and he's up in Chupadero and we need to run a line up to his house. That's something that we would just do under our normal, County utility prerogative.

COMMISSIONER MAYFIELD: Fair enough. But it can't be any bigger than the 1,500 acre-feet, right? Or could it be, potentially?

MR. UTTON: It could potentially if the engineering would work, if the capacity actually could allow for it. I think it's possible – that's a good question. It's possible we might have to get Congress to increase the number. It's possible.

COMMISSIONER MAYFIELD: It won't be in my lifetime. Madam Chair, Mr. Utton, let's go to page 6 please. Page 6, 2.3.1, The County shall acquire such right-of-



ways for any subsequent CWU infrastructure. We have condemnation authority? Talk to me about this. We're going to be the sole – we're going to solely incur that cost? What if we've got to condemn some property here?

MR. UTTON: So this is similar, Madam Chair, Commissioner Mayfield. The United States is going to build a system and they're going to also acquire the rights-of-way for the system. Any subsequent infrastructure – this is again, let's say we decide to run a line up to Chupadero. This would be just like any other County line we run anywhere. Once the United States gives us the keys and goes home then it's up to us to run it like we would our utility anywhere, so if we need an easement to extend a line we would just go under our normal protocol to do that.

COMMISSIONER MAYFIELD: That's fine. So Madam Chair, Mr. Utton, so right now it's the federal government's responsibility to secure these. It's only if we upsize the system.

MR. UTTON: That's correct.

COMMISSIONER MAYFIELD: Okay, on – let's see. Okay, let's go to page 7, 2.5, OM&R, the County water utility shall have the authority over operations and maintenance of the County's distribution system. Now, what if we're a joint – we're not going to potentially be a joint distribution system with the pueblos? And respecting the pueblos, and I respect their protocol, are they going to allow the County to have authority over this? Because this is what I'm seeing in this document.

MR. UTTON: You just put your finger, Commissioner Mayfield, on one of the biggest issues yet to be resolved. Now, as I mentioned at the beginning, we're proposing an integrated regional system, yet we've got sovereignty, territorial issues, we've got pipes that we're sharing, most of the pipes we're sharing. It's only when they split off at the last leg and they serve solely one user or the other that they're individually owned but other than that where there's a common pipe or tank it's owned by the Regional Water System. Shouldn't there be one operator of all of this?

So in this joint powers agreement this issue is going to come up. Who – again in the operations agreement. These two agreements that are going to come in front of the BCC, who is going to be the operator? Now it states here that the parties can agree to hire one operator, either – one of the members, either the County or the pueblos or a third party, if they all agree. Now, Mr. Ross and I and some of the other County staff that participated in these meetings have proposed to the pueblos that the County be the operator. We floated that idea out. Now, of course all of this has to be in an agreement we could recommend to the decision makers, but for the first ten years. That actually is the way the Buckman Direct Diversion agreement is structured. The County agreed that the City would be the operator for the first ten years and that at the end of ten years we would all revisit that. So somebody needs to step up and say they're going to be the operator and it's either going to be the County, one of the pueblos or we could hire a private contractor to do it.

And so that is a key issue yet to be decided.

COMMISSIONER MAYFIELD: So Madam Chair, Mr. Utton, on that point, all this stuff is still going to be fleshed out. By us signing this resolution today is not totally obligating us to your handout?

MR. UTTON: That's correct.



COMMISSIONER MAYFIELD: Okay. That's how I was understanding it when I first read this, that we were obligated to it.

MR. UTTON: That's correct. This keeps everyone's options open. It basically says that each party has authority to operate its own system but we can get together to have one operator and that's what I hope we can do.

COMMISSIONER MAYFIELD: Okay, with that being said I will try to move it a little faster then, knowing we're not obligated to all this right now. So let me just read to myself read quick if you all don't mind and I'll see what I can scan through. Let's go to page 9, page 9, Section 2.6.2. I guess that main paragraph. To that end the County adopted on January 13, 2009 the Santa Fe County Conjunctive Management Plan for the Santa Fe Basin. So that's what's incorporated in here? Have there been any modifications to that? We're still abiding by that plan?

MR. UTTON: Maybe I could ask Mr. Ross. I believe that that is the current plan, that it has not been amended as far as I know. Is that correct?

COMMISSIONER MAYFIELD: And again, it's just coming up all over this document. That's why I'm bringing it up so many times. Same page, 2.7.3, it's the Top of the World water rights, and that 611 acre-feet, that my understanding was it was to stay within the Pojoaque Basin. That's my understanding. And the reason I'm saying it's my understanding is because understanding, respecting the history of this settlement and respecting what Governor Dorne stated a few moments ago is that they're concerned with so many straws coming out of that basin. And I thought part of that agreement for the County was to secure water rights for that basin. Because if we're out there telling folks, look, there may not be enough groundwater so we want to make sure there's enough – and I'm going to call it Rio Grande water, even though it's moving down the Rio Grande, and now I'm being told, well, and respecting my colleagues here to the left and right of me, that this water may be totally moved out of the Pojoaque Basin from Top of the World. So are we – Santa Fe County – just becoming – I mean is this just a money venture for us. Are we going to become a wheeler to get all this water out of the basin?

MR. UTTON: Madam Chair, Commissioner Mayfield, so what my understanding of the agreement is the same as yours and the paragraph in the settlement agreement, 9.6.4, which is very hard to read in the track lines. Actually, I have a clean version of that paragraph.

COMMISSIONER MAYFIELD: That's all right. I don't mind if it's red-lined.

MR. UTTON: It's 9.6.4, let me find it in tracked changes. Some of this is very hard to read so I did print out some clean versions if anyone would like them, of the...

[audio difficulties]

COMMISSIONER ANAYA: ... and theoretically could be used anywhere in Santa Fe County if there was a mechanism to convey that water, correct?

MR. UTTON: That's correct.

COMMISSIONER ANAYA: That being said, the County could theoretically utilize Top of the World water to serve the community of Chimayo, for example, in Santa Fe County. Correct?

MR. UTTON: That's correct.

COMMISSIONER ANAYA: If we approve this agreement as it's written today, then we theoretically could do that but when the Pojoaque Basin needed it we wouldn't have that latitude anymore; it would have to go to the Pojoaque Basin. Correct?

MR. UTTON: Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: So Madam Chair, Mr. Utton, and I'm just thinking globally now. I'm not thinking of this agreement. I'm just thinking globally. As the County is making determinations of water use, consumption, need, priority, all those things that we're trying to do within our utility company, there's a lot of factors that come into play. So the transfer of this water to this agreement, which I'm still unsure if that was the only intended purpose; that's not what I'm hearing, but it could have been, and I'm going to look into that. The use of that water could have been northern New Mexico, northern Santa Fe County. It could have even been utilized to offset multiple needs outside of the jurisdiction of Santa Fe County, if Santa Fe County so choosed in the region of need if there was a need for it. And I'm not talking about the settlement agreement. I'm just talking about Top of the World. Is that correct?

MR. UTTON: Madam Chair, Commissioner Anaya, that's correct, and if I could just point out, paragraph 4 of the resolution does try to deal with this question. Under paragraph 1-F, at least in the copy I have –

COMMISSIONER ANAYA: What page?

MR. UTTON: The top of page 4, one of the things that the Public Works Department is going to do under paragraph F is to look at the integration with the existing County water utility. The Utilities Division shall determine whether benefits will derive from integrating the proposed infrastructure with those existing or other proposed County utilities, which could go north, if you wanted to go to Cuatro Villas – such as improve the system's cost-effectiveness or improve reliability of supply. So the – in fact there's a provision in the legislation that authorizes this system to be extended, to integrate with other counties, to serve other portions of the county, either south or north, so long as the requirements of the settlement are being met. And I think the utilities folks will tell you they'd like to – just because someone puts in the Otawi Gauge there, does that mean we can't integrate our County system.

So we're going to have a County system in the Santa Fe Basin that is not very far from this and it might make sense to integrate them and water could flow either direction depending on how – whether there was a break here or a fire in question you could rely on both systems working together. So that's something that's going to be studied.

COMMISSIONER ANAYA: So Madam Chair, Mr. Utton, in the context of the county and beyond the borders of Santa Fe County, the region that we live in, would you think that would be helpful information for not only people that are directly impacted by the settlement agreement but also those that are in and around the region including all parts of Santa Fe County? Don't you think – do you think that would be helpful information for the public to understand, associated with this agreement?

CHAIR STEFANICS: Commissioner Anaya, I think we've strayed from Commissioner Mayfield's point.

COMMISSIONER ANAYA: I apologize, Madam Chair. Could he answer that one question?

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MR. UTTON: Madam Chair, Commissioner Anaya, I think, as I understand it, working for the County for a number of years the idea of regional water supply, starting with acute shortages in areas and try to combine resources has been a County policy and I'm sure that information about regional water supply would be helpful for county residents.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Utton, I have other questions. I know that it's been a long day and I think I'll meet with you individually because you're answering all my questions arguably to my satisfaction, but one question I have to ask, and it's on page 14.

MR. UTTON: Okay. I'm on page 14 in the cost-share agreement.

COMMISSIONER MAYFIELD: Okay. And it's Section 4.5. How many attorneys were working on this document?

MR. UTTON: Too many.

COMMISSIONER ANAYA: Exactly. So let's read out Section 4.5. With that many attorneys working, settlement agreement controls. In the event of any conflict between the cost-sharing agreement and the settlement agreement shall control. I mean, haven't you all figured that out between what was asked for, a settlement agreement and then this cost-sharing agreement? I mean, guys, there's a lot of attorneys who have been working on this. A lot of payroll has went into this. So what potential conflicts? Can you give me an example of a conflict? And arguably, and I'm hard-pressed. If I don't ask the question now and it gets approved, I'm thinking, did I miss something? How can you guys have not have said there's identified what's in conflict?

MR. UTTON: I think this is in here, Commissioner Mayfield, because of Mr. Sheridan, so I'm going to let him answer. But one reason that I think it may be in here is that not all the parties are signing this cost-share agreement, whereas all the water rights parties including his clients are signing the settlement agreement, and I think they wanted to make it clear that the settlement agreement is the master document and just because – you'll see that the governmental entities signing this agreement, I think they were wanting to make sure that governmental entities didn't think they could haul off and somehow amend the settlement agreement with this other agreement. And so he just wanted to protect his clients and make it clear that the agreement that he's signing is superior – do you want to add anything?

COMMISSIONER MAYFIELD: So there's no surprises in this cost-sharing agreement, right?

MR. SHERIDAN: Mr. Utton was sort of like the person who wants to slip sunrise past the rooster, so we needed to keep the settlement agreement as the controlling document. In other words, Commissioner Mayfield, you asked a lot of questions about these Top of the World water rights. On behalf of the non-Indian defendants in the Aamodt case we negotiated long and hard to make that water available to the residents of the Pojoaque Basin. And we didn't want the County to be able to turn around and be a wheeler of water to far-flung locations. We were requested whether if it's not necessary as the system was developing whether it might be able to be used in other locations. Well, that's fine, but that water is for the residents of the Pojoaque Basin.

And so in a lot of ways the boilerplate provision that you just referred to about if there's a conflict between the two agreements the settlement agreement would control, it's sort of a means of giving a court guidance. I think it's very hard to predict what lawyers might fight over. I mean a lawyer basically will fight over anything, particularly if he's being

paid. So if somebody were to say, well, the cost-sharing agreement says this, then a judge can say, yes, but I'm going to look at the underlying settlement agreement to see what really controls here. And that's the only reason that that is in there. There's no trickery involved.

COMMISSIONER MAYFIELD: No, no. I just wanted to see what we missed. Madam Chair, and I do have a lot of questions because I think it was brought up with some of Tesuque's I guess comments earlier. On page 13, 3.9, just again, for me it goes back to Top of the World. The County shall deliver or shall pay for the delivery of 20 acre-feet to Tesuque Pueblo from the County water utility. So that is again a guarantee that this water can move from the Top of the World down to Tesuque Pueblo without respecting what Mr. Sanders told us, without any issues, right?

MR. UTTON: Madam Chair, Commissioner Mayfield, that's correct, and I agree with his view. The Pojoaque Basin is above the Otawi Gauge.

COMMISSIONER MAYFIELD: Tesuque is below it.

MR. UTTON: It's a good question as to where the drainage occurs. So even though the basin actually wraps around to the south, and if you drew a line from the Otawi Gauge directly to the east you would actually cut across the basin and Tesuque would be past that line but it's a question of where does the water enter the Rio Grande. And it enters it above the gauge. So the Pojoaque-Tesuque system is a northern New Mexico above the gauge system.

COMMISSIONER MAYFIELD: So Tesuque Pueblo will have a spigot, I guess of the diversion coming out of San Ildefonso?

MR. UTTON: That's correct.

COMMISSIONER MAYFIELD: Okay. Thank you. Madam Chair, I'm just going to ask a couple things of the resolution and just in close. I read through the resolution. I don't know if everybody is going to read through this resolution or not. I don't know if you're going to enter the resolution into the record, but depending what happens on this resolution, and again, I'm very appreciative that all the participants, as far as I believe have made enormous strides to come together. I haven't really heard any opposition here today whatsoever. I heard a couple comments from Mr. White. I respect his comments. But I'm just glad to see that this looks pretty unanimous of what folks want to do.

But with that, one concern that at least I hear from maybe residents that aren't here today, commenting that have concerns with this settlement agreement is that they have to hook up to the system. And if they don't their water rights are being taken away from them. So with that, part of the settlement agreement actually suggests the terms of hooking up to this and I have it here somewhere, and I think there's three terms. One whereas that I would respectfully as it be added to this, and wherever you all believe the appropriate place is, and my thoughts for the appropriate place for this whereas would be as far as the execution of the agreement, would be whereas under Section 3.1.7.2 of the settlement agreement, provide each non-pueblo domestic well owner a choice with respect to the future use of the well. One is to connect to the County water utility after service becomes available and thereafter take domestic service from the County rather than the well. Two, to continue using the well in perpetuity but at a reduced or limited amount with no obligation to connect to the water utility. Or three, which says agree to connect to the County water utility upon transfer of property and discontinue use of the well at this point.

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Those are the options currently offered or afforded under the settlement agreement. Am I wrong? There's no other options?

MR. UTTON: You're correct.

COMMISSIONER MAYFIELD: And that arguably gives every well user the option if they want to hook into the system or not. So I know this is part of the implementation agreement, the cost-share agreement that we're looking at, but I would respectfully ask that that section be added into this resolution that we're moving forward. And I'll make that a motion at the appropriate time.

The second one that I would like, and I heard Mr. Martin bring this up, and appreciated his comments a little earlier. What we're doing today has no impact over the surface water rights within the basin. Am I wrong with that? Right. But nobody's being asked to give up any surface water right usage. This is just pertaining to domestic well underground use. Correct?

[UNIDENTIFIED SPEAKER]: That's correct [inaudible]

COMMISSIONER MAYFIELD: So then maybe adding on to that whereas can we maybe say this has no impact for your surface water rights? Would that be a problem adding that?

Okay, then Madam Chair, and I guess my last point for a whereas, listening to what Mr. White said, and a concern of mine, but I do think that public outreach is a good thing and I know this thing has been going on 44 years but we do have a resolution saying the County is going to report on all this and I just think if we do have a clause in there that does say we will convey with some community meetings. I know Ms. Bushnell is out here. Ms. Bushnell did a phenomenal job as far as I'm concerned. She provided me a lot of education of the meetings I attended back in 2010. If we could at least continue that process so the public is informed. And respecting that, it is just not the Pojoaque Basin folks that need to be aware of this. Respecting all my colleagues here I think this needs to go out through all of Santa Fe County because it is going to impact every county citizen.

Those are my comments, Madam Chair. I appreciate the indulgence from this crowd. Thank you all for being here and again, thank you.

CHAIR STEFANICS: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all I would like to thank all of you who came here tonight in support of this resolution and to comment to us. I've learned a lot from listening to your comments and I would particularly like to thank Governor Dorme and Governor Perez for being here in support. I think that the Aamodt settlement agreement has addressed the outstanding issues of water rights in the Pojoaque Basin and there are many things that it has done and a lot of you have pointed out the advantages of the settlement and the kinds of things it has done so I won't belabor those points. But I did just want to underline three things: that it protects the groundwater in the basin, it protects the wells of the non-pueblo residents of the Pojoaque Basin, and it protects the surface waters.

So in fact with regard to the resolution I am ready to approve it tonight. I think that it starts the very important process of moving forward and finding out the answers to questions that we all want to know the answers to. And it is not committing us to anything at this point, other than conducting this study. There will be some costs associated with that but I think we

all agree that we need to go forward with this study and we need to find out the answers to those questions.

Now I would urge staff to work out a way to maximize public input and public education in this process up to and including – I don't want to dictate anything at this point – but up to and including having public roundtables and possibly creating a focus group. And so I would like to ask staff to work out a process for doing this public outreach and public education effort and then report to us at a future meeting as to how that might be accomplished. So with that, those are the comments that I wanted to make.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Madam Chair. Local government cannot work in isolation. Those days are gone. This project is the perfect example of the joint efforts of local, state and federal governments. Unprecedented so to speak. I actually know, and it's perhaps my experience being on the Commission with far more tenure than my colleagues that there have been very many milestones in coming to the point where we are here. I remember being at the Governor's office when the first agreement was signed with the tribal governors and all of the governors were actually there. Most recently I remember being at the Indian School with the Department of Interior Secretary Ken Salazar who was a strong supporter of this also. It is probably the single most transparent joint efforts that has ever happened between three governments.

For me, I've never heard this referenced in all the hearings I've been to, but I have always created a focus for this project really being a project that positively impacts the health and welfare of the community that it will immediately serve and any other community that has the potential for expanding with water utility service. As a matter of fact, what I would say is it's a slam-dunk. Do you want straws in our aquifer where any hydrological report can be manipulated? Or do you want a safe water drinking delivery system?

Me? I want the safe water drinking delivery system. Everything else that has been planted in this case distracts that one particular issue. So with that, Madam Chair, I would like to move that we approve Resolution 2012-53. This is a resolution authorizing amendments to the Aamodt settlement agreement authorizing execution of a cost-sharing agreement and a cooperative agreement, and providing the guidance for staff as has been stated in the agreement.

COMMISSIONER HOLIAN: I'll second that.

MR. LEIGLAND: Madam Chair, if I may, could I suggest, that as has been pointed out, by the Governor, Tesuque is missing, where Nambe is –

CHAIR STEFANICS: Absolutely. Absolutely. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. I'd still like to offer an amendment whereas. I can repeat it again if you want, but I would like the three options under the settlement agreement.

CHAIR STEFANICS: Please repeat them for the record as a formal motion.

COMMISSIONER MAYFIELD: Madam Chair, a formal motion. Whereas, Section 3.1.7.2 of the settlement agreement provides each non-pueblo domestic well owner a choice with respect to the future use of the well. One, to connect to the County water utility after service becomes available, and thereafter take domestic service from the County rather than the well. Two, to continue using the well in perpetuity but at a reduced or limited amount with no obligation to connect to the County water utility. Or three, to agree to

connect to the County water utility upon transfer of the property and discontinue use of the well at that point.

Madam Chair, the second whereas that I would like to be incorporated is that this current resolution has no impact currently on surface water users in the Pojoaque Basin.

CHAIR STEFANICS: Commissioner, could I clarify? Are you amending the settlement agreement, which you can't?

COMMISSIONER MAYFIELD: No. This is a resolution. I'm just asking for a whereas to be added to the resolution.

CHAIR STEFANICS: Okay. I understand. I'm sorry.

COMMISSIONER MAYFIELD: And I believe the appropriate point to that whereas would be on page 2, and whereas the settlement agreement calls upon non-pueblo well owners to make an election to either continue receiving supply from their wells or to connect to the regional water system, and then that's where the suggested whereas could go into place.

COMMISSIONER VIGIL: Madam Chair, if that's a friendly amendment to my motion I will accept it.

COMMISSIONER HOLIAN: And I will accept it as well.

CHAIR STEFANICS: So is that a second? We need a formal second on the motion.

COMMISSIONER MAYFIELD: I'll second. Thank you.

CHAIR STEFANICS: No, you made the motion.

COMMISSIONER HOLIAN: I'll second it.

CHAIR STEFANICS: Okay. So we have an amendment, we have a second.

**The amendment passed by unanimous [5-0] voice vote.**

CHAIR STEFANICS: Okay, we are now on the resolution with the two amendments, the Tesuque and Commissioner Mayfield's amendment.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, restating utmost respect to the process I ask for some additional time because this project impacts well beyond the basin of the Pojoaque area. It extends and impacts budgetary issues for Santa Fe County, now and in the future. I respectfully ask for more time. Sounds like I'm not going to get it, but on those grounds I'm going to have to vote no. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. I have made no comments and I'm only been here four years but I want to let you know that I never expected there to be agreement in one body tonight. And I take that as a very positive sign and I think we need to move forward. So any other comments?

**The resolution as amended passed by majority [4-1] voice vote with Commissioner Anaya casting the nay vote.**



CHAIR STEFANICS: Thank you very much. It's 4-1. Thank you everyone for coming. This is many years of work. It's only another step; we have many more steps. Commission, we're going to bypass XII, put that to the end.

**XIII. Matters From the County Attorney**

**A. Executive Session**

**1. Discussion of Pending or Threatened Litigation**

**2. Limited Personnel Issues**

CHAIR STEFANICS: Mr. Ross, how much time and what matters do we need to discuss in executive session? And then we will break.

MR. ROSS: Madam Chair, we only need a brief executive session to discuss limited personnel issues and if necessary pending or threatened litigation.

CHAIR STEFANICS: Okay, so limited personnel issues and pending or threatened litigation.

COMMISSIONER HOLIAN: Madam Chair, I move that we go into executive session where we will discuss possible pending or threatened litigation and limited personnel issues.

CHAIR STEFANICS: Is there a second?

COMMISSIONER ANAYA: Second.

**Pursuant to NMSA Section 10-15-1-H (2 and 7) the Commission voted by unanimous roll call vote to meet in closed session to discuss the matters delineated above with Commissioners Anaya, Holian, Mayfield, Stefanics and Vigil all voting in the affirmative.**

CHAIR STEFANICS: And Steve, Mr. Ross, how long will we be? One hour?

MR. ROSS: Madam Chair, I hope to be a lot less than that. Maximum of one hour.

CHAIR STEFANICS: For the audience, it will be 30 to 45 minutes before we are back. We are in executive session.

[The Commission met in closed session from 6:15 to 7:00.]

CHAIR STEFANICS: We need a motion to come out of executive session please.

COMMISSIONER ANAYA: I move we come out of executive session where we only discussed personnel matters and pending or threatened litigation.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Thank you.

**The motion passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]**

**XIV. Matters of Public Concern – Non Action Items**

CHAIR STEFANICS: We are now at item XIV. Matters of Public Concern. These are non-action items. Anyone in the public, is there anyone here in the public here to speak on non-action items, matters of public concern. Please come to the front row and we'll take you one by one.

CAROLYN SIGSTEDT: Carolyn Sigstedt, 628 ½ Camino de la Luz. Thank you, Commissioners. I'm just here because I promised myself I would come since the penitentiary and juvenile detention center might be in some transitions, and I want to remind us all, and I have the memory, of when we had privatized our prison, and in no way do I want us in these difficult economic times to consider privatizing the medical services at the penitentiary or the juvenile detention center.

I feel that it would be so short-sighted. I know these companies can talk a pretty good game and make it pretty seductive but I would ask you to pause and think about the real consequences. Right now we have a medical staff in place that has been doing well. We have two doctors and two physician's assistants. I would hate to see that cut. And with privatization probably that would happen. The other thing is we also, because of the running of the prison and its medical responsibilities we've attracted contracts from the feds and this has brought a great deal of money into our county and we don't want to lose those contracts, and I honestly think we probably would lose those contracts if we went into privatization, so keep that in mind.

And then the bottom line is, and I hate to even mention this because we're so lucky but all it takes is one person to lose a life from suicide or other means and that takes all the money that you might have saved and just blows it out the window. So I'm here as a collective memory, and then if you're ever discussing the possibility of this I would hope that it would be a very transparent process and open to the public. Thank you very much.

CHAIR STEFANICS: Thank you for coming this evening. Please.

SHARON ARGENBRIGHT: My name is Sharon Argenbright. I'm a nurse at St. Vincent's and I wanted to update you on how negotiations were going. One year ago the lead negotiator, an attorney for the administration told us that we were going to get rid of the grids. We don't do nursing like that anymore. Grids refer to the nurse/patient ratios that we had, and I was intrigued with what he said, especially since he's not a nurse. A new contract was ratified on August 1, 2011. We agreed to forming a staffing council – five members from management and five members direct care nurses, to work by consensus. However, management would always have the final say-so in whatever we came up with.

Currently, we now into the second schedule of the new staffing matrix, and the staffing – the direct care nurses never did come to consensus but management went ahead and implemented the plan anyway. Feedback from multiple staff members report that when the census and/or the acuity needs increase on units it's often not responded to in a timely fashion, even though hospital management claims to staff in real time. When the census peaks to overwhelming patient loads and exceeds the staffing matrix nurses report the situation through the chain of command.

And we've put reports in writing to all the nursing staff. Everybody knows that we're short-staffed on many, many shifts. The matrix that they did come up with is not being followed. We are being told to take patients even though we're short-staffed. Just to reiterate

the nurses did not determine that it was a good matrix to follow. We're doing our best to address this and determine the accountability of administration to follow the matrix. And we were asking them in writing what is the accountability to the managers and the directors to staff their units according to the matrix that was developed by the administration in the staffing council?

Managers and directors are stating that it's just a guideline. Units are being told by the managers and directors to continue taking patients even though the unit is already short-staffed according to the matrix. We're asking them, should this be occurring? What is the point of spending all this energy on staffing matrix if the hours per patient-days are not followed by the managers and the directors. The RNs of the staffing council will be putting these and other questions to the administration in the next staffing council meeting which is in almost two weeks.

And the turnover rate at the hospital is very high. Our of town traveler use is up, not only in the units that were traditionally using travelers but also in many other units that did not traditionally use travelers. And there are some units that never had openings. Pediatrics for instance never had openings. Currently there are six or seven RN nursing openings. We have asked for in writing what is the turnover rate? What is the incidence of patient falls and other bad outcomes and we asked this at the beginning of when the staffing council began to meet and we were told this is not relevant. And so we just continue to put in writing what is going on. We're reporting, we're asking, and that's an update. We have some handouts that we give to the staff. We're encouraging them to speak about what's going on. It's extremely stressful. We're taking advantage of the free counseling that's available, but I do have handouts and I am available for more questions. *[Exhibit 3]*

CHAIR STEFANICS: I really appreciate your coming today and feel free to provide to any of the Commissioners or all of us any materials that you do have written. I know that you did a workshop; you're doing another one coming up, but please feel free to share that information. Any comments or questions?

COMMISSIONER VIGIL: I'm really glad, Sharon that you're able to give us an update and I would just proceed that when there is an update that you think is significant that you advise us because we have a Healthcare Board and we don't hear from the nurses in that Healthcare Board. Maybe that's something that we need to remedy. I know that the strongest issue that was affecting this community was the nurse and St. Vincent's Christus in negotiations with them. I think it still does affect us. There's been no resolution so I for one would like to be really as updated as possible on that.

MS. ARGENBRIGHT: I will be updating you following my staffing council meeting.

CHAIR STEFANICS: Thank you, Commissioner Vigil. Commissioner Holian.

CHAIR STEFANICS: Thank you, Madam Chair. Thank you, Sharon, very much for sharing this information with us. I too am very concerned about what's going on there. I think it's just vital for us to be updated and vital to let the community know what's going on. So thank you.

MS. ARGENBRIGHT: Thank you very much. I'll leave these handouts with you. Thank you very much.

CHAIR STEFANICS: Is there anyone else in the audience that would like to speak on a non-action item? Okay. Thank you very much. That portion is closed. We are now going on to Matters from the Commission. We will come back to Matters from the County Manager at a later time.

**XV. Matters from the Commission**

**A. Resolutions**

- 1. Resolution No. 2012-54, a Resolution to Celebrate the Month of April 2012 as National County Month with the Theme of "Healthy Counties, Healthy Families"**

CHAIR STEFANICS: Commissioners, every county is asked every year by the National Association of Counties to pass this resolution to focus on Healthy Counties, Healthy Families. I'd like to make the motion to pass it.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Okay. Is there any discussion? Thank you very much.

**The motion passed by unanimous [5-0] voice vote.**

CHAIR STEFANICS: We will let NACo know that we are one of their Healthy Counties, Health Families counties in Santa Fe, New Mexico.

- XV. A. 2. Resolution No. 2012-\_\_\_, a Resolution Articulating County Policy Regarding Funding Requests From Private, Quasi-Public, Or Public Water and Wastewater Systems for Capital Improvements**

CHAIR STEFANICS: Unless the Commission wishes to hear the next resolution I was thinking of withdrawing it, because it will take time, but if you want to hear it we will hear it.

COMMISSIONER MAYFIELD: Madam Chair, could we defer it to later and if we have time we can get to it.

CHAIR STEFANICS: We could put it towards the end. How many people are here in the audience for item XV. A. 2, which is the County policy on water? Everybody's here for something else.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Could we defer it to another meeting?

CHAIR STEFANICS: I'm happy to defer it to later or another meeting. So I'm happy to do that.

COMMISSIONER ANAYA: If we could defer it to another meeting I'd appreciate it.

CHAIR STEFANICS: Okay, so we are deferring that. We're not tabling it, we're not withdrawing it as a negative, we're just putting it off to a different time, since it might take some time to discuss.

**XV. A. 3. Resolution No. 2012-55, a Resolution Incorporating the Cañoncito of Apache Canyon Mutual Domestic Water Association's Service Area Into the Santa Fe County Water and Wastewater Utility Service Area**

COMMISSIONER HOLIAN: Thank you, Madam Chair. So how many people out here are here for that particular case? [Approximately 35 people raised their hands.] Okay. Thank you. So what I would like to do is give a little bit of background first and then maybe ask Adam Leigland to come forward and see if he would like to add anything to what I had said. And then also, Madam Chair, would you be willing to take some comments from the audience on this?

CHAIR STEFANICS: Absolutely. And I think that Commissioner Holian's resolution ties into what I just deferred and I'd like to make a statement about that right now. We have several water associations in the county. I think there were 42 or more. And we have already had several requests from water associations to assist them financially. My resolution goes along with the County policy that if we help you you become a customer, either wholesale or retail. And it's like if we invest, we put the money into it, you become a customer. So this is a precursor but I believe Commissioner Holian's resolution is similar, but hers is specifically to this one. So Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, first of all I want to say that I believe that this resolution is really a pioneering resolution for our county. I know that there are, as Commissioner Stefanics pointed out, there are many mutual domestics out there in our community who really need help. They either have aging infrastructure and then often they have limited resources to be able to deal with that aging infrastructure. The Cañoncito at Apache Canyon Mutual Domestic water association is an example of this. In addition to the aging infrastructure the water also has significant contamination, both uranium and radium, I believe.

I think that we really have to give the community credit there because you have all worked very hard to try to fix that situation. I know that you've drilled a couple of test wells trying to find cleaner water and it didn't work out. And I know that you've been applying for grants wherever you could to try to get the help that you need to improve your system but the problems still have not been solved. And what's really important too is that the lease on the water treatment system that you're depending on now is going to expire in six years and it takes time to find a solution for that.

So what this resolution will do is it will bring the Cañoncito Mutual Domestic into the County water utility and that will have a lot of benefits. It will provide resources to improve the infrastructure, both technical resources as well as financial resources. And I think it will also give us the opportunity to still pursue various grant opportunities. I don't think that that particular path is closed off to us. And I think that if we pass this and we move forward with helping you out to improve your infrastructure that in a very short period of time or at least a

short period compared to the period of time that you have been waiting for a solution that you will have clean water, you will have updated infrastructure and also another benefit is you will be able to bring in new customers. So with that, I move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

COMMISSIONER HOLIAN: So Adam, could you come forward and add anything that you think that –

MR. LEIGLAND: Madam Chair, Commissioners, I think this particular resolution is a win-win because not only does it address the numerous water quality and water service issues that we know Cañoncito faces but this also meets another County goal which is to increase the customer base of our own water utility so we can achieve financial autonomy with that, and this also will further leverage our investment in BDD. So I see this as a mutually beneficial solution.

COMMISSIONER HOLIAN: Thank you, Adam. So Rita, would you like to say something?

RITA GURULE: My name is Rita Gurule and I'm the president of the Cañoncito Water Association. All I'm asking on behalf of the community that we do need clean, safe, healthy water. As Commissioner Holian said we do have radium and uranium. So thank you very much. Please consider this it's a very important health issue.

CHAIR STEFANICS: Thank you. Are there other people who would like to speak? Please come forward. Anybody in the audience is welcome to make a comment if they wish to.

LUPITA MARTINEZ: Madam Chair, Commissioners, this is really an exciting day. I just want to thank you for all the hard work and the cooperation that we've received from Santa Fe County. My name is Lupita Martinez, originally Gurule. I'm the secretary of the water association and this is truly a legacy, not only for the community but for the family. We've been there back to the late 1860s through the Lamy land grant, so I'm a fifth generation Gurule who have been there since its inception since way back then.

So this is a truly a community legacy and a family legacy. I'm very proud to stand before you as a second generation board member. My father, when I was one years old actually signed as a board member himself the articles of incorporation to create the Cañoncito Water Association. So I'm very proud to stand before you on behalf of the community in this way. So again, it truly is a legacy. I'm so thankful that the County came and spoke to our water board this past Wednesday. We also have passed a resolution in agreement to the proposed resolution and I also have some additional information.

As Commissioner Holian stated, we have been working diligently for years, years, to get this to the point where we are and we have completely exhausted all of our possibilities and we can go no further where both our preliminary engineering report in 2004 as well as the supplement to the preliminary report in 2011. The only solution to the natural occurring contaminants, <sup>226</sup>Rd and <sup>228</sup>Rd is to connect to an outside water source. So I have some really critical information, a copy of our resolution as well as a bullet list of all the things that we have done to improve the water system with all the help from NMED, the Drinking Water Bureau, the legislature, Santa Fe County, and it also includes a map. [Exhibits 4, 5 and 6]

CHAIR STEFANICS: Could everyone that's here to support this please raise their hands? [Approximately 35 people raised their hands.] Commissioner Holian.

COMMISSIONER HOLIAN: Madam Chair, I've actually already made a motion but I just want to add thank you to the community. You have worked so hard to make this a success and it's just an honor for me to be able to help out in this regard, so I just want to thank you too.

CHAIR STEFANICS: Commissioner Anaya then Commissioner Vigil.

COMMISSIONER ANAYA: Madam Chair, members of the community, you're my neighbors to the north. I grew up in Galisteo and I have a great deal of respect for what you do day in and day out in your communities and within your association and I'm here to help you however I can as a Commissioner and as a neighbor.

CHAIR STEFANICS: Thank you very much. Commissioner Vigil.

COMMISSIONER VIGIL: I wanted to hear Vergil's comments, and then I have actually a question for him.

CHAIR STEFANICS: I'm sorry, I did not mean to miss you.

VERGIL VIGIL: Madam Chair, Commissioners, I'm Vergil Vigil. I live in the Cañoncito area. I wanted to thank you very much for your support because my mother died from cancer. The Gurules' mother died from cancer. Garcias died from cancer. We didn't know why we were dying off and then we found out the water could be a contributing factor. They never went out and did the autopsies and checked and related to the water but people were dying over there. And the issue is a safety issue. We're really very happy that you are consulting with us and trying to help us out because we don't want to continue having members die from cancer from this contaminated water. Thank you very much.

CHAIR STEFANICS: Thank you, and I'm sorry I missed you earlier.

COMMISSIONER VIGIL: Vergil, Madam Chair, if I still have the floor. That cannon that was buried underneath where one of the supplemental wells, or speculated that it was buried there, was that ever discovered? Did it ever get disclosed? Does anybody in Cañoncito know about the Civil War cannon that was underneath – in the same area as the supplemental well was and I think it was in the area that BLM was looking to purchase.

MR. VIGIL: That area was purchased by the federal government because that's part of the Glorieta Battlefield where I think it was Chivington that came down and that's where the wagon trains were that were destroyed from the Confederates. That's where the munitions were, in canyons, and ammo and all that.

COMMISSIONER VIGIL: And it was speculated, and Mr. Gurule, as you're coming up, do you have any further information on that? Did they unbury that cannon and the munitions?

DANIEL GURULE: My name is Daniel Gurule. Buenas noches. Gracias por esta junta. Thank you for listening to us, the people who are here have been in Cañoncito for over 150 years if not more. La Familia Gurule, my great grandfather, they were just homesteaders but they were settled there when the Civil War was taking place. I see this mural that Frederico painted, my forefathers – and I speak here for the Ortizes, the Vigils, the Gonzaleses, and many other people, if I missed a name or two I apologize. But we've been



there in Cañoncito for quite a while. In fact I was going over some papers of my grandmother and she – the papers from 1986 dealing with land grants and so forth.

But the problem was, since the, the noria. Se bajaba la noria. The noria, the well, would go dry, especially in a drought or whatever. But the thing is moving it up to about 1960, 1970, we all decided that maybe we could work or get together as a community because we had different wells but they were going dry. So we started to come together and it was an idea of maybe getting one well that would supply all of the community. And as it's been said by my daughter here, I'm very proud of her and what she has done. Studies have been made, especially that of radium and other things that might contaminate the water, and it's also a health issue, definitely.

But going back to when we first started I was one of the presidents of the association. We used to have meetings at different houses. We never had a building. But we also had our differences but we were able to settle them. And that brought us even closer together in Cañoncito. And now we see much more people are moving in there and that's why it would be a blessing to have good water into our community. We're already going into the fifth generation just here. It's been very hard, very frustrating. Yo creo que en Galisteo era igual ¿verdad? Con los Anayas y todos, all the families. Native New Mexicans, at least 150 years of background history.

So I would just ask you please, I would like to see my great grandsons still continuing to have good water. So with your blessings and if you could help us out, Mr. Mayfield, how are you? A todos ustedes, Commissioner Vigil, I'd just say it's history, a continuing history of what's been taking place in Cañoncito. It's been hard, very frustrating but we're still there, trying, not fighting physically but emotionally otherwise, to make this a reality. And I think you are the people, the Commissioners, that could definitely help us out. Muchas gracias a todos ustedes. Thank you very much.

CHAIR STEFANICS: Thank you. Commissioner Vigil, you have the floor.

COMMISSIONER VIGIL: We can talk later about the cannon. I'm happy to support this and I must tell you, having been a part of the issue with Cañoncito as far back as Max Coll and Senator Roman Maes, Lucky Varela, when we had meetings with the state and there were studies being done and the community just wanted action. All they wanted was clean water, and the County had no way of creating any connectivity at that time, so I felt helpless as a representative from the County visiting with the folks. But today we do, and so we can move forward with that and I'm happy to support it, Madam Chair.

CHAIR STEFANICS: Thank you very much. We have a motion and a second.

**The motion passed by unanimous [5-0] voice vote.**

CHAIR STEFANICS: Yes, sir. You had a comment? We just passed it. Okay. Please identify yourself by name.

HAROLD ZUSCHLAG: I'm Harold Zuschlag. Half of the park unit at Cañoncito is owned by the Zuschlag Trust. It's my wife and I. We bought it for the purpose of preservation and we will exchange land with the Park Service and the Department of Agriculture on kind of a complicated deal in accordance with public law 111-11. Relative to

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the cannon, no, it has not been excavated. We have prevented all excavations. We are preserving the place. That is our interest. We're working very closely with the Park Service. The wells are within the area of the park, the current wells. However, under the law there are proper easements and provisions for those wells to exist. So what we've worked out over the last, oh, 12, 15 years is a harmonious relationship including with the people in Cañoncito and if you have any questions I can answer those but what we're trying to do is keep the place very private until it becomes property of the United States.

CHAIR STEFANICS: Thank you very much and congratulations to the community of Cañoncito.

**XV. A. 4. Resolution No. 2012-\_\_, a Resolution Directing County Staff to Create a Standardized and Coordinated Process and Set of Conditions for Prompt Staff Review of Permit Applications Submitted By the Public, Which Requires Review and Coordination By the Growth Management, Legal, County Fire and Public Works Departments**

COMMISSIONER MAYFIELD: Madam Chair, thank you, and thank you for having this – allowing me to bring this forward. I'm just going to read the whereases and the short title.

Whereas, the Board of County Commissioners is committed to a government operation and administration that is engaged in the delivery of government services that is geared towards reliable and satisfactory customer service; and

Whereas, the Board of County Commissioners recognizes that the hard-earned taxes of the residents of Santa Fe County provide County government with the ability to operate and function on behalf of the public; and

Whereas, Santa Fe County has a responsibility and role to provide residents with an administrative process through its Growth Management Department and its Building and Development services section that is understandable, timely, coordinated and reliable when residents apply for land use permits or request information or are deemed to be in violation of the County Land Development Code and are attempting to come into compliance with the Land Development Code; and

Whereas, the Board of County Commissioners, through the County Manager, wishes to have staff establish standardized and coordinated procedures and processes that shall guide and apprise applicants of the County's permit process and any timelines related to the Land Development Code when an individual applies for a land use permit or is cited in violation of the Land Development Code; and

Whereas, if a staff conditions is placed as a stipulation of approval on the applicant's request staff should cite the corresponding, applicable Land Development Code being referenced; and

Whereas, a standardized and coordinated process would identify for the applicant any and all conflicting requirements placed by staff as a condition of approval for the applicant's permit; and

Whereas, if conditions on a particular application are placed on an applicant as a requirement for permit approval, an established timeline for County review shall be implemented and adhered to by County staff in all reviewing departments; and

Whereas, reviewing staff in Growth Management, Fire, Public Works and the Legal departments should work collectively to coordinate and communicate to ensure timely and sufficient review of the individual's application in a timely manner; and

Whereas, should a public hearing be conducted as a result of a hearing process arising from an application for a permit, the County Manager shall ensure that staff from each reviewing department is present;

Whereas, all applicants shall be informed by staff of the county's appeal process, in writing;

Whereas, the review of any application that exceeds thirty days shall be reported to the Board of County Commissioners by the County Manager at the first monthly meeting every month.

Now, Therefore, Be It Resolved by the Board of County Commissioners of Santa Fe County that County Staff, through the County Manager, shall create a standardized and coordinated process and set of conditions for prompt staff review of permit applications submitted by the public, which must require review and coordination by the Growth Management, Legal, Fire and Public Works Departments; and that provides for the development of administrative processes and practices that are orientated towards satisfactory and reliable customer service. The standardized and coordinated process shall be brought before the Board of County Commissioners no later than May 29, 2012.

Madam Chair, the reason I bring this resolution forward is one, I guess at our last BCC meeting there was a case that was brought forward to us that cause me some concern based on some conditions that staff put that were in conflict with one another. Also I know staff does a phenomenal job, they have a hard job, but the residents and the tax payers that are dealing with County staff have expectations of services from County staff and from the County and from me. And I believe from some of the complaints – I shouldn't say complaints, some of the concerns that I've heard is that this process is timely, burdensome and costly to them, and it doesn't afford them expedient service to move forward and it keeps them in a hang-up role.

So I know we're looking at the new code. We're looking at addressing the new code but I think this is a reasonable expectation for staff to work collectively together as all departments should be coordinating with one another and with that, Madam Chair, I'd ask for approval of this resolution.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay, there's a motion and a second. Commissioner Vigil, then Commissioner Holian.

COMMISSIONER VIGIL: Thank you. And I agree with everything you're saying and I agree with the intent and the desire to get constituents and all to get taken care of as expeditiously as possible. However, if we create a separate resolution for doing that and then draft the code, part of the challenge that our drafters are having is that there are so many resolutions and ordinances out there, to try to incorporate them into the code becomes an incredible challenge. I think that this resolution or the intent of this resolution can be

incorporated into the code and that's one of the reasons why I have wanted to move really quickly on the code.

The other thing is I also think that this really treads upon administering what you know our Land Use Department should do and I think that really is not our responsibility. I don't see it as my responsibility. You may see it as yours. We can differ about that and I'm always happy to agree to disagree, but I think this is redundant in what we're trying to do here and it might even create more confusion as our drafters try to draft the code.

So with that in mind I'll have to respectfully decline supporting it and do agree with what you're trying to do and hope we can incorporate it but I don't think it's necessary to pass this resolution.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I'm pretty much of the same feeling. Actually I think that our County staff, by and large does a good job. In fact I was just having a conversation with a developer the other day and I made some comment, so, how is it working with our staff? I'm assuming that you probably have some complaints. And he said, no, no I don't. He said actually working with the County is a lot easier and more straightforward than working with the City. So of course I was pleased to hear that. And in any event I think that it is a good thing to have a standardized process and to work all that out but again, I think that will become part of the new code that will be incorporated into what they write for the new code.

COMMISSIONER VIGIL: On that point, Madam Chair. With regard to a standardized process I think we actually have one. I think that - I'm not sure whether it's incorporated into current policies within the department or not and I think what we really do need to do is incorporate it into the code. But I think these are pretty standardized. When somebody goes to the Land Use Department those folks know where to challenge them. They make assignments and I'm not sure how much further standardized it could be if it's possible to improve on that I'm certainly in favor of it, but I don't think we're unstandardized is I guess what I want to say.

CHAIR STEFANICS: Thank you, Commissioner. I'd like to make just one comment and then I'll pass it to Commissioner Anaya. Commissioner Mayfield, I agree with everything on page 1 and the first bullet on page 2. I believe that the Land Use Code that's being drafted takes the public hearings away from us and gives them to a hearing officer. And I could be mistaken about that, but because we haven't seen a final product but that was what was in the original plan. So that some of our responsibility would be let go. So that some of this I agree with and some of it I think is going to be changed. Penny, do you want to make any comments?

MS. ELLIS-GREEN: Madam Chair, Commissioners, Chapter 4 has already been released. It is available and it does state which applications go to which hearings. Some go to CDRC, some go to BCC, some to the hearing officer, and we also have administrative permits. We do have an existing code that gives us a number of days, either 15 for our administrative permits, or 30 days for review of our permits that come to public hearing. Staff and the Land Use Department does track those permits internally. For example, a building permit will go to different people in our department for a terrain management review, and architectural review, and a water harvesting and landscaping review. And each one of those are done within two to three days. It moves from one person to another so we can make the

15-day turnaround from that permit. Within 24 hours we do send those permits on to the County Public Works Department if they're accessing off of a County road and we also send them on to the Fire Department for their review.

So we track them internally. We probably do need to continue to track them interdepartmentally as well and make sure that those reviews are back within the full 15 days. Other applications, whether it be land divisions or subdivisions or commercial zoning have a 30-day review period. And again, these time periods are related to when we have a complete submittal so quite often our staff can look at an application, believe it's complete, but for example, when it goes to the Public Works Department for review they will make a statement that it is incomplete because some of the information, for example, for a subdivision needs a traffic study or a traffic report which is not included in the application. And maybe that's something that their case planner in Land Use did not know about.

In the rewrite, the new code rewrite in the chapters that have been released there is a completeness review that is being established where the Land Use Administrator would actually write a formal letter stating your application has been deemed complete. If a letter is received from a reviewing agency saying there are some issues with your application as subsequent letter would go out stating because of these specific issues you are now no longer deemed complete, and the applicant would then need to resubmit the information and that 15 or 30 days would be given again to that department to review.

Some of the larger submittals are also sent out to the Office of the State Engineer, the Environment Department, DOT, and again, they have those same 30-day requirements. So we are addressing some of that in the code as far as timelines, and then internally we will need to address how we track every single permit and who has received the permit and what time and when we get that review back.

CHAIR STEFANICS: Thank you, Penny. Now, one of the things that Commissioner Mayfield said, I think happened at the last meeting where we sat here very frustrated because we didn't have people to verify or to answer questions from different departments when we were making some decisions and I hope we are never in that situation again. It was very – and we've asked for this before. So I totally understand where the Commissioner is coming from. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioners and the public, I don't think a resolution at all. I appreciate the clarification that Penny provided but I don't think it takes at all away from what has been said. I think it helps it along. As Commissioners, we're asked by the public to provide policy and practices that help with customer service and I think that this resolution is in that spirit of public service and process that is clear and straightforward and I don't see it as a dig on staff in any way. I think we can always improve customer service and serving the public. I think that's the intent of the resolution and I strongly support it.

COMMISSIONER MAYFIELD: Thank you. Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, thank you and Commissioners, thank you all for your comments. Respectfully I will agree to disagree with some comments that were made. I believe that one of my roles as an elected official is to listen to my constituents and to their concerns, knowing that I need to avoid any ex parte communications, but when I continually have constituents coming to me of how do you get

anything through that County, and if I hear that it's already being permitted through Land Use or through our Growth Management Department and I'm put in a position where I can't intervene or ask questions about this, because I am put in an ex parte role, I have concerns with that.

Respectfully, I have been on this Commission a little better than a year and I have seen historically how permits have not moved through this Commission within 30 days. A case in point was Joe Miller's case two weeks ago. There was conflicting information as far as the staff recommendations that came to us. They conflicted with themselves. We have asked time and time again, respectfully, I see that our Fire Marshal is in the audience tonight. We've asked time and time again for many, many months that we have representation from all departments if they're putting in conditions. I've also talked with staff members. I've talked with staff members in the Growth Management Department where they say, yes, we'll do our review but then it has to go over for fire review. And there was a time when we were just deeming stuff approved because fire hadn't gotten to the review. So then when fire gets to the review, oh, then we have to go back and tell the applicant, oh, by the way, guess what. Now fire has these concerns with something we've already approved.

Madam Chair, Ms. Ellis-Green, is that still happening? Is that not happening? And the other questions I have is how many permits do you guys have in Land Use right now or in Growth Management that are awaiting approval and what's their disposition? Are they within 30 days? Are they within 15 days?

MS. ELLIS-GREEN: Madam Chair, Commissioners, that situation shouldn't be arising. Once we've issued a permit the permit should stand and it should be issued within 15 days providing it was a complete submittal. As far as the number of permits sitting in Land Use right now I don't know the answer to that. I understand we've a huge – or we've accepted approximately 200 permits so far this year, so all of those permits would have been routed as well. Again, internally, we're looking at, within the Growth Management Department, we're looking at three to five days per review, but again, as I said, we haven't been tracking them interdepartmentally.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Ellis-Green, with that being said, and I appreciate that you all are getting your reviews done in three to five days, but let's say it's a 30-day permit, granted that applicant has met all conditions of the application. Does that mean then that you have your 30 days, Fire has another 30 days, Public Works has another 30 days, or should this all be done within 30 days?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, the application should be submitted and then usually within a 24-hour period we will send it out for reviews and then everyone has that same 30-day review. So within the 30 days we should get a review back from Public Works, from Fire. What I meant about passing it from one person to another was internally in Growth Management. But the Fire Department, Public Works Department, DOT, State Engineer's Office will get their packets within 24 hours for a building permit, within three days for a master plan development plan or a land division and they would have 30 days to review.

COMMISSIONER MAYFIELD: The same 30 days?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER MAYFIELD: Madam Chair, and I did put this on for a matter, so I'm going to bring up a question. I'm going to ask staff for something. I'd like to



see some data. I would like to see how many permits or applications are out there that have been sitting longer than 30 days for review. And maybe you guys can tell me there's none out there, Danny, and I would love to hear that. Maybe you guys will come and tell me there's a few out there.

MS. ELLIS-GREEN: Madam Chair, Commissioners, I don't have that information.

COMMISSIONER MAYFIELD: I know you don't have that today, but respecting the process with this bench and the advice from the attorney I would like to see that information come back to me. Hopefully I can get some parts of this resolution through.

Madam Chair, Mr. Ross, Ms. Ellis-Green, I think both you are working on the code. Is this information going to be incorporated in the current code? Wouldn't this even kind of help guide the code a little bit if there's support here? Is this where you guys are trying to go?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, as I stated, the rewrite will include a completeness statement to the applicant so they know that we have initially deemed their application complete and it will also lay out the number of days for review and the number of days once the review period is finished until we get to a public meeting or a decision by the Land Use Administrator.

COMMISSIONER MAYFIELD: Madam Chair, one important part to one of these whereases that I brought up is staff conditions. I think we even have a land use case coming to us tonight that I believe is going to have some staff conditions, maybe. But that being said, I want to know where staff conditions are coming from. I want to know if staff conditions are coming from a code, if staff conditions are coming from an ordinance, if staff conditions are coming just because that's where we need to place on these applicants. I want to make sure there's consistency. I want to make sure – really what I would like to make sure is that folks aren't singled out for whatever reason just because where they physically or geographically live. Because I think staff conditions, arguably as I've seen them to this day some of them have been subjective to me. It's like, okay, what is a referencing document to that? Where – because I have not seen staff saying this staff condition is placed because the code says this condition needs to be placed.

So does staff, and Ms. Ellis-Green, you're our acting Land Use Director now, I think there's some flexibility for the Land Use Director to place administrative staff conditions. Am I wrong with that or they can do that?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, conditions of approval should be based on the County code, the Land Development Code and that's what our conditions should be based on.

COMMISSIONER MAYFIELD: So Madam Chair, Ms. Ellis-Green, no conditions are based on just administrative approval? They're always – they can be cited back to code? And if not, Madam Chair, that's one thing I was trying to get with this resolution is when a staff condition comes to me – and again, I'm bringing up the case that I have practical experience with the Mr. Miller case, is that there was staff conditions but we couldn't cite back where the code was and until we asked they were even in conflict with one another. So does these conditions receive legal approval? Are they not receiving legal approval? I mean, where do we find out if Land Use is placing a condition and the Fire Department is placing a condition and they conflict with one another? It just seems like nobody's catching that. Or, excuse me. It seems like there's occasions when nobody's caught that.



MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, the BCC and CDRC reports are reviewed by the Legal Department. The conditions as stated should be related to the code. Sorry. You had a few other questions?

COMMISSIONER MAYFIELD: I'll simplify this. If – and I'm just going to say it so you all know – it's been my expectations from me as one individual if a case comes to me for approval and there's a staff condition, I'm going to ask it to have the reference back to the County code. So I'm just going to ask that in the meeting that night. You can approve it without me voting on it or if it doesn't get approved without me voting on it so be it. But that's something I think the applicant should be aware of also.

When somebody's applying for a permit, Madam Chair, Ms. Ellis-Green, I've heard there've been times when Land Use has gone out, looked at a person's residence, fix x, y and z. They went back and they said, now fix a, b, c. They went back, they said, now e, f and g. How many bites does respectfully staff get at that apple? And it's taken longer than 30 days. It's taken I think four months on some cases.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian, is it on this point?

COMMISSIONER HOLIAN: Well, I'd like to call the question.

COMMISSIONER MAYFIELD: Madam Chair, I think I still have the floor.

COMMISSIONER VIGIL: I think I'm for calling the question, Madam Chair.

CHAIR STEFANICS: Steve, do you want to rule about whether somebody can finish before calling the question or the call of the question takes precedence over everything?

MR. ROSS: Calling the question takes precedence over everything. It's like a motion to table. It's non-debatable.

CHAIR STEFANICS: Even in the middle of somebody's presentation?

MR. ROSS: Yes. Unfortunately.

COMMISSIONER MAYFIELD: Fair enough. I'll make a call of the question many times from here on out.

COMMISSIONER VIGIL: So that sounds like a very vindictive statement.

COMMISSIONER MAYFIELD: It's not vindictive, Madam Chair. I have a right to voice my opinion. You all are cutting me off right now on something that's very important to me and that's fair enough. If you guys want to do that. I've tried to respect the times when anybody else on this Board has tried to bring a matter forward. I've respected that process. I've listened. I may agree or may not agree with it, but I've always continually tried to respect that.

COMMISSIONER VIGIL: Madam Chair, call the question.

CHAIR STEFANICS: Okay. So the question has been called. The attorney ruled that the debate is closed. So there is a motion to pass this resolution and a second, so all those in favor please say aye.

**The motion failed by 2-3 voice vote with Commissioners Anaya and Mayfield voting in favor and Commissioners Holian, Vigil and Stefanics voting against.**

**XV. A. 5. Resolution No. 2012-56, a Resolution Allowing the Public to Provide Public Comment on Proposed County Resolutions**

COMMISSIONER MAYFIELD: Madam Chair, thank you. Hopefully this will be shorter and the call of the question won't be needed but if it is it is. Madam Chair, so I'm going to read the whereases.

Whereas, the Board of County Commissioners is committed to – Madam Chair, I was thinking of doing a friendly amendment right here to my own resolution. Madam Chair, whereas, the Board of County Commissioners is committed to open government and transparency;

Whereas, in furtherance of its goals to open government and transparency the Board of County Commissioners affirms its long-standing position to allow through its rules of order the public to be allowed an opportunity to provide public comment and input during Board of County Commission meetings where resolutions are presented to the Commission for adoption and consent items for approval;

Now, therefore be it resolved by the Board of Commissioners of Santa Fe County that the Board of County Commissioners will continue its commitment to open and transparent government and provide a venue for public comment and input via its rules of order on resolutions presented by the Board of County Commissioners.

Madam Chair, I bring this resolution forward. Today we've had many resolutions that I think the majority of the time the Commission allows for public comment on resolutions. I think that's a great thing. But I don't think we have anything in writing that's asking for that. Also, Madam Chair, there's numerous Consent items that are always placed in from of this County Commission. I would like to afford an opportunity if a public member would like to comment on any Consent item that they at least have that opportunity to provide a comment on a Consent item that they see on the agenda knowing that the way our agendas are set up we don't allow for public comment until a little later in the agenda and typically that's just for non-action items and we are taking action on these items. So with that, Madam Chair, I'd move for approval of the resolution.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Commissioner Mayfield, I'd like to clarify. You did not amend this, correct?

COMMISSIONER MAYFIELD: Madam Chair, I just gave a verbal amendment with the adoption, for the first whereas I just wanted to include "and Consent items for approval." So that's –

CHAIR STEFANICS: Well, Commissioner Mayfield, I could support this without the Consent item. Consent items are there to be rote business and if they resolution stands as it I will support it.

COMMISSIONER MAYFIELD: Madam Chair, thank you for the comment and I will move it without that amendment that I just placed on verbally, and if I have issues with Consent as always I'll just pull them off of the Consent Calendar. I was – Madam Chair, my point was that it might help me from having to pull so many items off the Consent Calendar if I know the public is not wanting to comment on them out there and they have that opportunity.

CHAIR STEFANICS: Okay. Other questions, comments?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: Actually, I would like to ask staff, if we pass this resolution what is it going to mean as far as sort of running the meeting? Are we going to have to change the way that we run the meeting? Also, I have another question, if we somehow forget to ask for public comment could that open us to some kind of lawsuits or something like that?

CHAIR STEFANICS: Mr. Ross, do you want to respond please?

MR. ROSS: Madam Chair, Commissioner Holian, we have had a few lawsuits based on the rules of order, which this implicated. Not very many but we have had occasions where the rules of order have made a difference in a result and therefore creating an issue for litigation. That being said I think that as long as we're careful to always ask for public comment or if there's nobody here, I don't think that's completely necessary then we can avoid that problem.

COMMISSIONER HOLIAN: Madam Chair, so Steve, what this would mean is that the chair would have to remember when any resolution is being heard that they would ask for public comment at the end?

MR. ROSS: If there's anybody here who are potential members of the public. Often there's mostly staff here, but yes, you're right. That's correct.

COMMISSIONER HOLIAN: Okay. Thank you.

MS. MILLER: Madam Chair, Steve, we need to change our rules of order if we do this. I just want to be clear that we would bring back a change to the rules of order, because it is in the rules of order what we take public comment on. So I think that's the one thing; we would have to bring back a change to the rules of order.

CHAIR STEFANICS: Thank you, Ms. Miller. Commissioner Vigil.

COMMISSIONER VIGIL: Steve, I have a question and I also want to see if we can possibly consider this in a future BCC meeting only because I would like to find out if there's any other governing body that would be doing this. Both state or other county governments. I think we could check with the association. There's sort of standard practice, accepted procedures, and we have always been open to public hearing, but I also foresee a point in time when a resolution is before us that we might need to be able to control whether or not public comment should be a part of it. And I've seen that actually happen before. Not that we would prohibit that, because it's been my experience that we always accepted public comments. First of all, I don't see the need for this and second of all I'd like to find out, really, legally, what exposure do we have to this. If we make this a part of our rules and regulations, I do believe, based on some of the previous experiences we've had that somebody will bring a lawsuit against us. And I'm not sure that a resolution rises to the level to expose the County to lawsuits. Can I have Steve answer that, Madam Chair, with regard to whether or not you know of any other counties or we could consult with the association on this.

MR. ROSS: Madam Chair, Commissioner Vigil, there are certain things set by statute that require a public hearing and those things are ordinances. Resolutions are not addressed in the statutes. They're actually a feature from corporate law and obviously in the corporate context there's no public comment so there's no precedent for this. I'd have to do some research to see if other counties have rules of order that permit public comment on a

resolution. I'd probably have to look outside the state because it's actually fairly unusual for a county government to have rules of order in our state; there's only a handful. So I'd have to look at those and I'll have to look at other states to determine whether this is common or uncommon. You and I both remember several occasions where the rules of order were at issue at least in a case and so we have to obviously pay attention to them and follow them, particularly in land use cases.

COMMISSIONER VIGIL: Thank you.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Thank you. We have Commissioner Anaya and then Commissioner Mayfield and then Commissioner Holian.

COMMISSIONER ANAYA: Commissioner Mayfield's resolution, if it's out of the box and it's not the status quo, that's a good thing, and it's a good thing because it affords additional comment from the public, the people. So I'm for it.

CHAIR STEFANICS: Thank you, Commissioner Anaya. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, hearing what Commissioner Vigil – and let me just say this. Thank you, Commissioner Anaya, for supporting my resolution. Hearing Commissioner Vigil, how long would it take you, Steve, to find out of this is going to legally bind us to anything?

MR. ROSS: Madam Chair, Commissioner Mayfield, come again? I didn't quite understand –

COMMISSIONER MAYFIELD: As I understood Commissioner Vigil's comments there was maybe some thoughts that this could put us in some real turmoil up here on the bench, and the County. I don't see by affording somebody public comments on a resolution – typically we do do it. We had the Aamodt case which was a huge issue this afternoon. That was a resolution and it just so happened that there was a lot of audience members that wanted to comment on it. We had an issue regarding Cañoncito at Apache Canyon that typically folks were here to comment on it. But there may be a resolution that folks aren't aware of it because it's not maybe a pressing issue, but I just want to know that we can go out there to the public and say is there any public here wanting to comment on this resolution. I don't see how that can get us into any legal hot water.

MR. ROSS: Madam Chair, Commissioner Mayfield, it can't as long as we always ask for public comment in connection with a change to the rules of order. We have had several cases, fortunately none pending now and none very recent were the rules of order were a subject – and the failure to follow the rules of order was the subject of litigation and that's something to be avoided. So if we make a change to the rules of order, all I'm saying is that we need to may sure that we are consistently following the rules, particularly when rights and responsibilities of individuals are involved.

COMMISSIONER ANAYA: On that point.

CHAIR STEFANICS: Commissioner Anaya, on that point.

COMMISSIONER ANAYA: Madam Chair, Commissioners, that's why we pay and hire attorneys, to help us with that. So I'm for that ordinance. And I call the question, Madam Chair.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Okay. The question has been called. We had this

clarified in a future call so we have a motion for Resolution No. 2012-56, a resolution allowing the public to provide public comment on proposed County resolution, minus the Consent Calendar.

**The motion passed by majority 3-2 voice vote with Commissioners Anaya, Mayfield and Stefanics voting with the motion and Commissioners Holian and Vigil voting against.**

**XV. B. Commissioner Issues and Comments (Non-Action Items)**

**1. Recognizing Fred M. Springer of Eldorado for the Railway & Locomotive Historical Society's 2011 Senior Achievement Award**

CHAIR STEFANICS: Well, I would like to tell you about Fred Springer, and then we will mail him his certificate. The Railway and Locomotive Historical Society in Madison, Wisconsin has presented its 2011 Senior Achievement Award to Fred Springer of Eldorado. The award recognizes individuals for a lifetime of significant contributions to writing, preservation and interpretation of North American railroading history.

Springer started documenting railroad history in the 1940s here in New Mexico and in Colorado. I'd like to send him a certificate of recognition from the entire Commission who have signed this certificate. Thank you very much. It does not require a vote.

**XV. B. 2. Recognize Nancy R. Bartlit, Author of *Silent Voices of World War II* and Dr. Gail Okawa, Descendant of a Santa Fe Internment Camp Internee for Raising Public Awareness of the Santa Fe Internment Camp Experience in New Mexico**

CHAIR STEFANICS: The next thing I have is – I don't see Nancy Bartlit in the audience but is Dr. Gail Okawa here? Okay. I'd like to tell you about these two individuals. We will send their certificates. Dr. Gail Okawa is a descendent of a Santa Fe internment camp internee who has raised public awareness of the Santa Fe internment camp experience through the public symposium: From Inside and Outside the Barbed Wire, New Mexico's Multi-Cultural World War II Story.

Nancy Bartlit from Los Alamos but in conjunction with our community is the author of *Silent Voices of World War II*. Her unique understanding of the Japanese people led to further exploration of the cross-cultural perspectives and raised public awareness of the Santa Fe internment camp experience in New Mexico through the public symposium. This symposium is going to be held this week, I believe – I'm missing the date – and the Santa Fe City did do a proclamation and we are doing certificates. I'm sorry. It's going to be held April 21<sup>st</sup> and Sunday April 22<sup>nd</sup> at the New Mexico History Museum Palace of the Governors. So I'd like to congratulate the two ladies for their work on a very important and sensitive subject for New Mexico.

**XV. B. 3. Other Matters**

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, two quick items. One item is more of a question of Ms. Miller. One of the biggest priorities I had from the beginning of the time I've been working as a Commissioner has been the La Bajada water project issue. And I think I've probably brought it up – if I haven't brought it up at every meeting I think I've probably brought it up at 85 percent of the meetings. And about at least five meetings in a row I kept bringing up the need to have a very organized and coordinated delivery at the Water Trust Board meeting, and presentation and get – be organized. I kept saying it over and over and over and over again.

And I'll be honest that I was disappointed to find that there was only one staff person there. I appreciate very much that Karen was there and that she showed up. She did a good job but I was disappointed the director wasn't there and to be quite frank, Ms. Miller, I was disappointed you weren't there. It was really important to the community of La Bajada. It was really important to me as a Commissioner and I was just disappointed that we didn't have more people there. So I just wanted to see if you could comment on that particular issue. It's a capital project. It's on the capital project list so I don't think it's out of the realm of discussion based on feedback I received from the County Attorney.

The other thing on the project list that I'm going to provide – I've got a petition that I'm going to provide to you, Ms. Miller, from La Cieneguilla for consideration of road improvements in that neighborhood and I got about, probably about 30, 40 signatures here and I'd like this project, these projects to be put in our project list for consideration. So those are the only two items that I had. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I just want to thank County staff for a coordinated effort –

COMMISSIONER ANAYA: Madam Chair, no comments? Am I going to get some feedback?

CHAIR STEFANICS: Oh, I'm sorry. Ms. Miller, he's like some comments, or Mr. Leigland.

COMMISSIONER MAYFIELD: Sorry, Commissioner Anaya.

COMMISSIONER ANAYA: I'm sorry.

COMMISSIONER MAYFIELD: No, I'm sorry. I'm sorry.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, I'm sorry you're disappointed. I thought we had the right staff person there to do it. As you said she did a great job and I had great feedback so I probably had the right people there to meet what your intent was. We will hear back from the Water Trust Board on April 25<sup>th</sup> on the status of that so we'll watch for that with care.

CHAIR STEFANICS: Thank you, Mr. Leigland. Anything else, Commissioner Anaya?

COMMISSIONER ANAYA: No, Madam Chair.

CHAIR STEFANICS: Okay. Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and again, this goes out to County staff on a coordinated effort for the – I guess the Easter walk to the Santuario at Chimayo. I think there was one accident that happened early on but I don't believe any staff was hurt. They had a great coordinated effort. I only heard great things about what was happening with the walk. People were very appreciative of the new expansion of

the Juan Medina Road. I know that staff put some facilities out there for people to use and I haven't heard back from the community but I think the issues with the trash so I appreciate that.

Second issue, Madam Chair, just something I read in the paper. I just want to give some compliments out to Robin McKinney Martin, the owner of the Santa Fe New Mexican, the Taos News and the Sangre de Cristo Chronicle who was among members elected last week to the Associated Press board of directors at the News Cooperative annual meeting in Washington, DC. So I think that's a pretty huge honor. I just want to give her kudos for that. Thank you, Madam Chair. That's all I have.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Madam Chair. I'm a little concerned about the gamesman ship that I'm sensing here so I have two requests. Number one, and I'll ask the attorney to follow up on this. My understanding when a call of the question occurs is we have to take action on the call, and I'm not sure that's how we actually moved forward with that. So I think once – I mean the consequences are two if we pass the motion on the call that means we take action on the main motion and if we don't, then discussion continues and that may be where Commissioner Mayfield felt a little shortchanged with regard to that because I actually thought we were going to take action on the call. So we'll wait and see what Legal has to say about that.

CHAIR STEFANICS: On that point, I believe you're correct, Commissioner Vigil, and apologies because I did rush the two calls tonight.

COMMISSIONER VIGIL: Not a problem. It's the first time it's ever happened so this is still a learning curve and I think that that's the fairer way to go forward and I sensed your sense of, well, what do I say when I need to say so we can actually take action on that.

Second of all, I'm concerned about, Commissioner Anaya, I wanted to tell you I went to a meeting that you called for La Bajada and I was the only Commissioner there and those folks didn't want me there because I wasn't their Commissioner; they wanted their Commissioner there, and I know you must have had a conflict on that day but staff nor all of us can be everywhere all of the time, so I'm concerned that our expectations might need to be gauged with a little more reality is all I'm asking, because when we were at that meeting at La Bajada and I learned from your constituency services that you were on your way, and this was the very first meeting. Do you remember? On the beaver stuff that we called? We had a legal meeting here and there were so many folks here that were a critical part of that.

I just want to make sure that we're fair to the time that we ask of our staff and that we understand why it's not possible for them to attend. There's got to be a reasonableness for those kinds of expectations. So I don't think it's probably trying to go beyond that.

COMMISSIONER ANAYA: On that point, Madam Chair.

CHAIR STEFANICS: On that point, Commissioner Anaya.

COMMISSIONER ANAYA: On that point, I can think of ribbon cuttings and bridge openings in District 2. I can think of studio openings that has the privilege of having the Manager there for those celebration type events. This is a matter of water and I expected the Manager to be there and for there to be more staff, plain and simple. I don't need an explanation from you. What I'll say relative to La Bajada is I've invested a tremendous amount in La Bajada and that's up to the constituents of La Bajada to question as to whether



or not they're not happy with my work. That's up to them, not me. But I don't need an explanation from you, Commissioner Vigil.

CHAIR STEFANICS: Commissioner Vigil, you have the floor.

COMMISSIONER VIGIL: I don't appreciate that comment. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, I guess my item will put things in a little perspective about why we should appreciate life a little bit more. I would like to recognize the passing of Jane Gaziano. She was the president of the League of Women Voters when I first got involved with the League and her enthusiasm and her joy for life and – she just made me feel so welcome that I knew that I really wanted to participate in the League and I know that I'm going to really miss her. In her obituary there was a wonderful quote by Eleanor Roosevelt that I think really captured Jane's spirit. Yesterday is history; tomorrow is a mystery; today is a gift. That's why it is called the present. And I would like to extend my deepest sympathies to her families and friends. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioners, I have provided to all of you the 2012 County Health Rankings Highlights and a statistic sheet so you can see how Santa Fe County ranks with the rest of the state of New Mexico. *[Exhibits 7 & 8]*

I'd like to recognize Janet Eigner. Her poem "Isaac's Blessing" has been selected by the former US Poet Laureate, to appear the week of April 23<sup>rd</sup> of this year on the Poetry Foundation website.

And there will be a tour that is open to the Commissioners and to the public by CCNS of some sites in Los Alamos related to the Buckman Direct Diversion on Friday afternoon, April 20<sup>th</sup>, 1:00 to 5:00. When I receive the details I will certainly forward them to you. It will be publicly noticed but it's open to the public and the Commissioners are invited, so I will make sure you – when I receive the details you receive the details. That is all from me.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: On that point, is the BDD going to go to that or just individuals.

CHAIR STEFANICS: Some individuals – Commissioner Mayfield, thank you for the question – some individuals from BDD have already taken the tour and at the last meeting there was a public comment from somebody that the early warning system at Otawi Bridge was damaged and it was suggested that perhaps it was time to set up another tour. I promised them that I would do that so I agreed to that particular afternoon to attend.

COMMISSIONER MAYFIELD: And Madam Chair, I'll try to make it and maybe on that note we should notice it just in case there are a number of BDD members going or County Commission members.

CHAIR STEFANICS: Right. It will be noticed, both for the BDD and for us. Thank you so much.

## **XVI. Public Hearings**

CHAIR STEFANICS: How many people are here for XVI. B. 1? That is the

CDRC Case, Helen Armijo Variance. Okay. How many people are here for A. 1, 2, 3, the ordinances on the procurement? Okay. So I think we're going to move ahead in order.

**XVI. A. Ordinances**

1. **Ordinance No. 2012-4, an Ordinance Establishing a Five Percent Santa Fe County Procurement Preference; Requiring a Santa Fe County Preference Certificate to Establish Eligibility for the Preference; Establishing Application Requirements; Providing for Protest of Denial of Certificates; Establishing Penalties** FINAL PUBLIC HEARING

CHAIR STEFANICS: Just a reminder to the public. We have already had one public hearing. This is the second and final public hearing and we will be voting. Mr. Ross, do you have anything to add?

MR. ROSS: Madam Chair, this item and the following two items have been working their way through the process as a package. So this is the third time they've been in front of you all, first time for title and general summary. The second time for public hearing last month. And now today for what's denoted as a final public hearing. There have been some changes made to the procurement preference ordinance. It establishes a five percent procurement preference for businesses who have their primary residency or business location here in Santa Fe County. And it does that by awarding to a proposer, someone who's seeking to obtain a proposal from the County, in other words a professional services contract, awards them five percent of the total possible points if they present a resident preference certificate.

A few things, a few changes from the last time aside from just the regular working through the typographical errors and grammar stuff. We have changed, based on suggestions made at the last hearing, we have changed the time of residency within the county from three years, which did seem too long, to one year. And I think that's the most significant change. We simplified the application and the application process by deleting number 5. Section 6B had six different requirements for the application. We deleted one of them, and the seventh one was qualified so that you only have to bring your tax returns in if you're a foreign corporation and we need to establish that you've done a unitary tax return. We talked about that the last time.

And I believe that's the only other substantive change to the proposed ordinance. So I stand for questions.

CHAIR STEFANICS: Thank you. Are there any questions for our County Attorney before we go to the public hearing? Okay. This is a public hearing. Anyone in the audience that would like to speak on this proposed ordinance? Please come forward. Calling once, twice. I know there's some interested parties that have come to join us. So we have somebody coming forward.

JACK SULLIVAN: Madam Chair, members of the Commission. This is a good ordinance. I suggest you approve it.

CHAIR STEFANICS: And you are Mr. Jack Sullivan. Thank you very much. Okay, anybody else who'd like to make a comment? The public hearing is now closed. What is the desire of the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I move for approval.

CHAIR STEFANICS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay, there's a motion and a second on Ordinance 2012-4. Are there any comments, questions?

**Upon roll call vote Ordinance 2012-4 was unanimously approved with Commissioners Anaya, Holian, Mayfield, Vigil and Stefanics all voting in the affirmative.**

**XVI. A. 2. Ordinance No. 2012-5, an Ordinance Repealing Ordinance No. 2010-8; Reenacting Portions of Ordinance No. 2010-8 and Making Appropriate Amendments; Reforming the County's Procurement Practices with Respect to Road and Building Construction Projects to Ensure That the Public Trust is Maintained, That Projects Are Properly Designed and Constructed and Completed within Budget, That Projects Are Contracted Only After a Fair and Transparent Procurement Process; Providing for Training, Auditing and Confidential Reporting** FINAL PUBLIC HEARING

MR. ROSS: Madam Chair, this is an amendment, actually the third amendment to the emergency ordinance passed in June of 2010 that established limitations on the procurement process here at the County to address issues that arose in June of 2010 and that we're still working through here at the County. The changes that are shown on the proposed ordinance were based on suggestions made during the last meeting and they're all stylistic or grammatical changes to make things clearer.

For example, Section 1 states the proposition that any procurement pursuant to a contract held by another agency or the federal government should not be used unless the procurement manager makes a specific finding concerning that procurement and also states the proposition that any such contract exceeding the total value of \$250,000 must be awarded through competitive bidding processes unless you, the Board of County Commissioners, approves otherwise. The change from the original ordinance is we've raised the dollar threshold for a finding by this Board from \$100,000 to \$250,000. That's the substantive change in that paragraph. The other changes are stylistic to make it clearer.

There have been no changes since the last meeting on Section 2 but that establishes the principle that each contract will be for a one-year primary term with a three-year option individual one-year terms possible for contracts. The section used to provide that two years was it.

The third section stylistic changes from the original ordinance, Section 4, we tried to make it extremely clear that the concept here is that road maintenance is not to be made on a private road but only on a road that is currently on the County's maintained road list. We're required by statute to keep the list and submit that list to DOT annually and it makes specific reference to that list now to make it extremely clear what that's all about.

Section 5 – once again these are changes to make it clearer from the last version that

projects engaged in internally by the County need to be engineered if they are over a certain threshold. Also making clear that that threshold is a construction budget and not the entire budget for the projects. In other words it's just the cost of the materials and the time and the labor and whatever costs go into that project. If they exceed the sum of \$250,000 one of our in-house engineers should look at it and pass it.

Section 6 is unchanged from the original ordinance. I believe Section 7 is a new section from the last version, which requires that at the inception of each project we designate people who are authorized to sign certain construction related documents, at the inception of the project and communicate that both internally and externally to the contractor who is responsible for the project so they know whose signature to rely on and we all know who's going to do what.

Section 8 is largely unchanged from the original ordinance. This provides that after a project is done the Finance Division will do random auditing of projects. Training – we're doing – this requires a continuing mandatory training of employees involved in the procurement of goods and services, Section 10. This is unchanged from the original one. It also requires that people who are in the procurement process, the finance process, should be the most experienced, capable and responsible people that we have working for us to ensure that those processes are properly handled.

Section 11, we just renumbered that one. Confidential reporting. Since the ordinance was initially enacted we had a provision in here that permits people to report – or encourages people to report confidentially any issues related to the process.

Section 12, Definitions, we added for purposes of this ordinance the definitions of the term "engineering" and the term "architecture."

And so those are the changes from last time. I'll stand for questions.

CHAIR STEFANICS: Thank you very much, Mr. Ross. Are there questions or comments before we go to public hearing? Okay. We are now at the public hearing. Is there anyone in the audience that would like to speak to this ordinance? Seeing none, the public hearing is closed. We are now on ordinance 2012-5. What is the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I move for approval.

CHAIR STEFANICS: I'll second. Further discussion?

**Upon roll call vote Ordinance 2012-5 was unanimously [4-0] approved with Commissioners Anaya, Holian, Mayfield and Stefanics all voting in the affirmative. [Commissioner Vigil was not present for this action.]**

**XVI. A. 3. Resolution No. 2012-57, a Resolution Rescinding Resolution No. 2009-102 and Amending Resolution No. 2009-91 to Clarify Matters Concerning County's Procurement Practices FINAL PUBLIC HEARING**

CHAIR STEFANICS: We need this resolution to track the prior two ordinances, correct?

MR. ROSS: Correct.

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CHAIR STEFANICS: I would move Resolution No. 2012-57.  
COMMISSIONER HOLIAN: Second.  
CHAIR STEFANICS: Is there further discussion?

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Just on the previous item, because we passed the previous resolution on comment, do you need to ask for public comment on the resolution just to stay in tune with what we just approved?

CHAIR STEFANICS: Well, the resolution on public comment, Steve, would go into effect – what? Ten days after it's passed? Or immediately or what?

MR. ROSS: Madam Chair, he raises a good point. I think maybe we should make sure that no one wants to comment on the resolution. That's a very good point.

CHAIR STEFANICS: Thank you very much. Going back to, if we need to we'll rescind it, but back on Resolution No. 2012-57, is there anyone in the audience that wanted to make a comment? Okay, hearing none we will let the vote stand. Thank you very much.

**XVI. B. Growth Management Department**

- 1. CDRC CASE # V 12-5020 Helen Armijo Variance. Helen Armijo, Applicant, Requests a Variance of Article III, Section 2.4.1a.2.b of the Land Development Code and a Variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow a Family Transfer Land Division of 15.46 Acres Into Three Lots. The Property is Located at 7 Calle San Ysidro, in the Vicinity of La Puebla, within Section 18, Township 20 North, Range 9 East (Commission District 1) Wayne Dalton, Case Manager**

WAYNE DALTON (Building & Development Services Supervisor): Thank you, Madam Chair, Commissioners. Helen Armijo, applicant requests a variance of Article III, Section 2.4.1.a.2.b, Access, of the Land Development Code and Article IV, Section 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management, to allow a family transfer land division of 15.46 acres into three lots. The subject property is located at 7 Calle San Ysidro, in the vicinity of La Puebla, within Section 18, Township 20 North, Range 9 East, Commission District 1.

The applicant requests a variance to allow a family transfer land division into three lots, one lot consisting of 7.82 acres which is Tract A-1, one lot consisting of 0.76 acres, which is Tract A-2, and one lot consisting of 6.57 acres, which is Tract A-3. Access to the proposed lots would be by the use of Calle San Ysidro, a dirt road crossing a FEMA designated Special Flood Hazard Area, via an existing concrete low-water crossing which may be frequently impassible during inclement weather, and thereby is not all-weather

accessible.

On February 16, 2012 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend denial by a 5-1 vote. Minutes are attached as Exhibit 1.

Growth Management staff have reviewed this application for compliance with pertinent code requirements and finds the project is not in compliance with County code criteria for this type of request.

**Approval Sought:** Approval of the creation of three lots on 15.46 acres, which due to site conditions would require a variance from Article III, Ordinance No. 2008-10.

**Variations:** Article III, Section 2.4.1a.2.b of the Land Development Code states all development sites under this section shall demonstrate that access for ingress and egress, utility service and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this code.

Article V, Section 8.1.3 states legal access shall be provided to each lot and each lot must directly access a road constructed to meet requirements of Section 8.2 of the code. Parcels to be accessed via a driveway easement shall have a 20-foot all-weather driving surface, grades of not more than 11 percent, and drainage control as necessary to ensure adequate access for emergency vehicles.

Article 4, Section 4.2 of Ordinance No. 2008-10 state at no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all-weather access.

This application have been reviewed for – hydrologic zone. The property is located in the traditional community of Arroyo Seco. Minimum lot size per code is 0.75 acres per dwelling unit. This proposal does meet the lot size criterion. This application has been reviewed for access, fire protection, water supply and liquid waste and has also been reviewed by the Fire Department and the Flood Plain Administrator which both agencies recommended denial of the application.

Staff recommendation, denial of a variance from Article III, Section 2.4.1a.2.b of the Land Development Code and denial of a variance of Article 4, Section 4.2 of Ordinance No. 2008-10. If the decision of the BCC is to approve the applicant's request for variations, staff recommends the imposition of the following conditions. Madam Chair, I just wanted to state that condition #1 is required by Article III, Section 10.2.2 of the Land Development Code, and also Ordinance No. 2002-13, which is the Water Conservation Ordinance.

1. Water use shall be restricted to one acre-foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office.

Condition #2 is requires as per Article 2.4.2 of the Land Development Code.

2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.

Condition #3 is required by the 1973 Fire Code and the 1997 NFPA Life Safety Code.

3. The Applicant shall comply with all Fire Prevention Division requirements.

And Condition #4 is required by Ordinance No. 2008-10, and we just want to make the property owner who is inheriting this piece of property aware of that. The site access may not be adequate for emergency vehicles.

4. A note must be placed on the Plat regarding the lack of all weather access to the subject lots. This note shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site Access, including access by Emergency vehicles, may not be possible at all times.

CHAIR STEFANICS: So perhaps what we could do in the future on this, Ms. Ellis-Green, Mr. Dalton, is actually put "per ordinance," "per rule" etc. so it's clear that we're not making these things up. So that it's clear to the public and the Commission about that. That would be great.

So you read those items, the following conditions in if we did approve it. Is the applicant here? Would you like to come up and say a few words? You're going to need to come up, identify yourself and be sworn in by our transcriber here.

[Duly sworn, Chris Armijo testified as follows:]

CHRIS ARMIJO: I won't take a whole lot of time. I know the evening's getting late and everyone's getting tired. And I certainly don't want you getting cranky when I'm trying to –

CHAIR STEFANICS: I think we got past that point.

MR. ARMIJO: May I pass these little packets out, if you please? [Exhibit 9] I feel a little awkward. I've stood before three of you Commissioners in the past in my capacity in my employment with AFSCME and now I'm here before you as Joe Constituent and I'm praying that you aren't prejudiced against me in my employment, and I say that jokingly of course.

I'm here before you on a traditional family land transfer. I want it known that we are not developers. Basically, what we have here is a 20-acre parcel that has already been divided out for two of my sisters and the remaining property that we wish to transfer from the family plot is for myself and for my sister. I was currently a resident of Las Vegas, New Mexico for 16 years. I'm returning back to my motherland, if you will, and with that being said my wife's and my desire is that we will utilize a property that my father and my mother had always stated the fact that they wanted to at least provide some land for their children.

Of course we encountered an obstacle in the process which has to do with the ordinances that Mr. Dalton explained to you. I just wish to let you know that we did some extensive construction of this low-water crossing pre-1996. I think it was like 94, 95 that we had this done before this ordinance was in place. My brother built a house across the arroyo, as we're going to call it the arroyo, and has been using that low-water crossing for probably the last 15 years himself. So that was not a problem at that time. But however, now that I wish to utilize the property across the arroyo for myself we're obviously having to jump through the hoops here.

I understand the ordinance. I understand the Fire Marshal's concern about safety but

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we're talking about a crossing that the arroyo only runs maybe once or twice a year and to prohibit us from utilizing our property the other 363 days of the year – it just doesn't make sense to me. And with that being said I'm just appealing to you today on this matter. We understand, like I said, we understand fully what the County expects of us. We understand the conditions that if you so choose to approve the variance, what's desired. I want to allude to this packet if you will briefly.

The front page is basically a drawing of the construction of the low-water crossing that's in question. It starts with a 12-inch thickness on that top slab. It's reduced down to six inches. It's built up of 8 by 8 16 block. It's eight foot deep on the south end and six foot deep on the north end. It's got what we can scarified concrete pad. And as you go through the picture on page 1, after the coversheet you can see pictures of that low-water crossing in question. Of course you have the north to south look and the south to north on page 1.

On page 2 we're looking east-west with my daughter-in-law. We're cleaning out the weeds down below, and then on the bottom of page 2 you can actually see my brother's property across the arroyo. And there again, he's been utilizing that low-water crossing for some time now. Then there's my lovely daughter-in-law off to the left.

Page 3, there again just different views of the property. I want you to particularly note on the bottom of page 3 you can actually see the scarified concrete. If you look closely enough you can see how it's etched to allow traction on the crossing. Like I said, it's something that occurs twice a year at most. We've lived on the property since 1972 so we're well aware of the dangers of the arroyo when it floods. The Army Corps of Engineers has done some extensive work up around the Chimayo highway on the back end there and because of that the flow is not as heavy as it once used to be, and it's directed actually to the arroyo on the eastern part of our property. So we don't have the flow that we had at one time.

With that being said I wanted you to look at page 5. These are also low-water crossings that the County has utilized for many years and in a sense it's unfair that the County is still using low-water crossings and they're still building on those as recently as three years. There was in La Puebla that was done. Page 6 is another low-water crossing in Nambe. Page 7 is one in La Puebla. That was just recently built and there again, it's basically there's no culverts. There's not what they call an all-weather crossing. An all-weather crossing as explained to me by the County and the Fire Marshal would be like a covered bridge. We're a long way from Madison County, for those who've seen that movie. The bridges have a covering and you can cross over without the path being wet.

We did talk to an engineer. \$150,000 to start – that's cost-prohibitive I think for a family such as ourselves who's just trying to provide homes for ourselves and for our children. There again, Santa Fe County Road 88-A, that is a Santa Fe County road. It was constructed less than three years ago and it is a low-water crossing. This is also Page 8, La Puebla Road, that was also recently done and that's on the Arroyo Seco to Chimayo there. That's just east of the one on page 7.

Page 9, we have what they call the Bar-D Ranch crossing, which is that veterinary clinic. That is also a low-water crossing. One thing that was brought to our attention at the CDRC was just the safety of people crossing over. Well, we had the situation there. The one at San Ysidro, I don't know if I alluded to that one or not, which is off the traditional Agua Fria Village. San Ysidro crossing takes you across from Agua Fria up to West Alameda. That one was recently done. As a matter of fact I noticed that when there is heavy rain that you

have your County crews out there putting orange barrels just for the protection of the public.

Ourselves, as I said, it's just a family property. The crossing sits further east from the main road so the only ones that really would be crossing that property being myself, my wife and my brother and my brother's family. So we don't foresee any problems with the public. I believe that if we have to take precautions, we could maybe put a couple signs up saying low-water crossing, flood waters, whatever. I'm sure we could assume that expense. But it's not going to cost that of a covered bridge which for us a family, it's just not feasible for us to do so.

My mother who's sitting out here in the audience. She wants to get this family land transfer done before the lord remembers her and calls her home because she does not want to leave her children in a quandary or fighting over things which unfortunately happens when those occasions arise. It's her desire that we get this taken care of at this point if at all possible.

We weren't aware of a requirement or a request for – what do they call it? A stormwater analysis? Is that what it's called? We weren't aware of a request for that so that's why we didn't provide one. And we would have if we would have known.

There is again the desire of our family to ask for your approval of the variances and as far as the conditions that's required by the County if you so choose to approve them I don't foresee any trouble in us complying with those issues. I believe that's all I have at this time and I'll stand for questions.

CHAIR STEFANICS: Thank you. We all really appreciate your presentation and the materials today. Before I go to public comment are there questions or comments from the Commission for staff or the applicant? Commissioner Vigil.

COMMISSIONER VIGIL: Madam Chair, I just have a question. Did the applicant agree to the conditions as set forth by staff?

CHAIR STEFANICS: Are you agreeing, if we approve this, are you agreeing to all the four conditions that are listed here?

MR. ARMIJO: I do have a question. I don't want to be contentious, by no means.

CHAIR STEFANICS: We need to know, are you in agreement?

MR. ARMIJO: The water use is one acre-foot per year. Is that something the County has been doing for some time.

CHAIR STEFANICS: Every one of these is tied to an ordinance or a rule that he identified for us already.

MR. ARMIJO: I heard him say that.

CHAIR STEFANICS: So the question is, if we consider this are you willing to accept all of the conditions?

MR. ARMIJO: I have a question on number 3. The applicant shall comply with all Fire Prevention Division requirements. Someone had mentioned to me about a sprinkler system and I was wondering, does that apply to an existing home? Because I would think that that would be cost prohibitive for my brother, who is currently in his home.

CHAIR STEFANICS: Mr. Dalton, could you respond.

MR. DALTON: Madam Chair, it's my understanding that would be for new development.

CHAIR STEFANICS: For new development. So, the applicant needs to his

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understand his question. So could you explain it for him. There's an existing one and there's a new one.

MR. DALTON: Madam Chair, sprinklers would only be required for new development, so the house that you are constructing for yourself.

MR. ARMIJO: I understand what he's saying, the sprinkler system, if deemed by the Fire Marshal that it needs to be there would only apply for new construction. As far as old construction that would not be required.

CHAIR STEFANICS: That's what we're asking our staff to clarify. Yes.

MR. DALTON: Madam Chair, that is correct. New development.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: The applicant, if this is approved and they want to bring in a modular home or a mobile home are they going to have to retrofit it with a sprinkler system. And Madam Chair, Chief Patty, where is that in the code. Wasn't that for wildland interface area?

BUSTER PATTY: Commissioners, Madam Chair, there is a provision in the code, in the 1997 Uniform Fire Code, Article IX, Section 902, that when the roads cannot meet the condition there is an exception on exception 2 of Section 902.2.1 that says that the Fire Chief can ask for additional fire protection and that goes on to list a multiple of things, depending on what we might do. It might be water storage, it might be sprinklers, whatever we think is the best we can do for fire protection for the properties that are on the other side of this low-water crossing that does not have another access way.

COMMISSIONER MAYFIELD: Thank you, Chief and I see Chief Sperling's here. On the same point, it says he may ask for it; it doesn't say it has to be done, right?

CAPTAIN PATTY: It's up to the Chief is the way the code actually reads and I have copies of this if you want to see it.

COMMISSIONER MAYFIELD: Okay. Madam Chair, and Chief Sperling or Chief Patty, I don't want to, if we move this approved I'm going to support this applicant's request. But that being said have we imposed this condition on every other [inaudible] that's come in front of us. I think respectfully we approved a low-water crossing area up in the Madrid area. Did we ask for a sprinkler system to go on the new construction up there? So that was a condition.

CAPTAIN PATTY: Commissioner, yes, we did. That was in the low-water crossing that does not have another access. A lot of the low-water crossings that they were speaking of today they have secondary accesses from the other side. These are ones that are totally blocked off and there's only one way in and one way out. The one that you're speaking to I assume that was the one that was in Madrid that had about three small low-water crossings and we did require not only sprinklers but also water storage of 10,000 gallons.

COMMISSIONER MAYFIELD: And Madam Chair, Chief Patty, that was the one where they had arguably 100 – actually, I'm overexaggerating that – a lot of homes built and there was just one last person who wanted –

CAPTAIN PATTY: Rogersville Road, I think you're referring to.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CAPTAIN PATTY: And a correction too. I'm not a chief or Fire Marshal.

COMMISSIONER MAYFIELD: Captain. I'm sorry.

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CHAIR STEFANICS: Okay. Other questions for staff or the applicant.

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is a question for staff on condition 1, where the water use is restricted to one acre-foot per year per lot. It seems to me, my memory is that normally when we approve lot splits we limit the water use to a quarter acre-foot so I'm just curious as to why it's limited to one acre-foot in this case.

MR. DALTON: Madam Chair, Commissioner Holian, this property is located within a traditional community and properties within the traditional communities are allotted one acre-foot.

COMMISSIONER HOLIAN: Thank you, Wayne.

CHAIR STEFANICS: Any other questions of comments for staff or the applicant? Commissioner Anaya, then Commissioner Mayfield. We haven't gone to the public yet either.

COMMISSIONER ANAYA: Madam Chair, Chief, a question on the sprinklers which has always been an item of concern especially as it relates to cost. Understanding that if this variance is approved it's a variance to the code. It would already be a variance to the code requirements if we would approve it. If the applicant understands, and it's going to be on the plat that the accessibility is in question and if there was a fire per se and there's a flood in the area then there's a high probability that we're not going to make it to the house, and the applicant understands that and they're signing the plat, why do you think we need to impose sprinklers if he's understanding the deficit that he's in. I think he does clearly understand that. Can you help me understand why we would then say now you have to have sprinklers, because I think that creates an additional cost issue and some cases – and I've said it publicly at meetings before, it would be the difference in scenarios between somebody being able to build a house or buy a house or not. So could you comment on that?

DAVE SPERLING (Fire Chief): Madam Chair, Commissioner Anaya, let me address the cost issue first in that residential sprinkler systems are not what you see in a commercial building, and in fact have over the last number of years because so many different governmental entities are requiring sprinkler systems have really been pared down to be quite unnoticeable in home construction and quite affordable, not much different than what you would pay for carpeting in your house. And they're virtually maintenance free and provide a great means to protect your property and your family members from the ravages of fire.

And what we strive to do in applying our fire code is to make sure that we're doing everything we can in our authority to protect the safety of the public at large and then individual families and members of Santa Fe County.

Not everybody stays in their home forever. Certainly properties come up for sale. People for a variety of reasons sell their homes and it's an important consideration of we allow them to build their house that they put an appropriate sprinkler system, in this case in the event that fire does occur it protects their family and then any subsequent home or property owner.

Finally, it is also a consideration for protecting our firefighters who in the case that they have to respond to this residence during the time of a flood or aren't able to completely gain access to the house for whatever number of reasons that a sprinkler system is there to protect the family until the firefighters can get there. I should clarify as well that residential sprinkler systems are fully intended to extinguish a fire. They're intended to allow people the

time to escape a home. Often they will put out a fire in the incipient stage but it's not designed like a commercial system, in a warehouse, for instance, that will virtually extinguish a fire. These are intended to take care of the initial problem, allow people time to escape, and firefighters time to get in and take care of business.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Chief.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Chief, if somebody puts in a sprinkler system, does that change their insurance? Do they get better insurance rates?

CHIEF SPERLING: Madam Chair, Commissioner Holian, yes, that does make a difference. It's up to the individual insurance company but certainly our experience has been that people get a reduction in the homeowner insurance rates when they incorporate sprinkler systems.

COMMISSIONER HOLIAN: Thank you, Chief.

CHAIR STEFANICS: Thank you. Any other questions? Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Mr. Dalton, thank you for bringing this forward and thank you also for stating what the articles were for amendment. I have one question. When was this application initially filed?

MR. DALTON: Madam Chair, Commissioner Mayfield, this application was officially filed on January 9, 2012.

COMMISSIONER MAYFIELD: Okay, so 1/12. Madam Chair, Mr. Dalton, let me ask about this condition 2 just so I have an understanding of what you're placing. A plat of survey meeting all County code requirements shall be submitted to the Building & Development Services Division for review and approval. So I think I read it somewhere, and it might be in the CDRC minutes, but the low-water crossing is 12 feet wide. So is your requirement going to request that they add another eight feet to this?

MR. DALTON: Madam Chair, Commissioner Mayfield, no. If you approve this variance the low-water crossing will be sufficient as is.

COMMISSIONER MAYFIELD: As is, 12 feet wide. Thank you. Madam Chair, I was going to bring up a point. This is one reason why I've asked us to – and I understand we're looking at it in the code, but this is one issue that I have with the low-water crossing ordinance, and thank you, Mr. Armijo for providing all these Santa Fe County low-water crossing and arguably, I think  $\frac{3}{4}$  if not  $\frac{4}{5}$  of them are in District 1, that are on County properties, that are respectfully, access to the applicant's request. These guys are having to drive over Santa Fe County low-water crossings just to get to their home.

And then, hearing what Applicant Armijo just stated to me, and that's what does cause me a little concern, and hopefully staff can clarify this for me. He was asked to go out and construct a full bridge by an engineer? Is that something – I've been told time and time again that is not something that this low-water crossing requires, that they maybe could have gotten a surveyor to look at that, they didn't have to get an engineer to do this. If they're saying it has to be an all accessible water crossing, is that what our current code is saying? Whoever can answer that for me that would be great.

MR. DALTON: Madam Chair, Commissioner Mayfield, the code does require an all-weather access. It doesn't have to be a bridge; it can be a series of culverts. But that

does have to be designed by a professional engineer to just ensure that the structure is going to be constructed to safely pass a 100-year storm event and will not impact upstream or downstream properties. So it does not have to be a bridge. It could be a series of culverts. As long as it's an all-weather driving surface.

COMMISSIONER MAYFIELD: Well, Madam Chair, and again, maybe this is after the fact but here's proof, and I can tell you guys, I can take you out there, we have so many low-water crossings in Santa Fe County that don't have a bridge. Excuse me, that don't even have a culvert. They have gates that get clogged up, especially on the Tesuque River where I live. So are those considered low-water crossings? The County approved off on those. Maybe they approved before this ordinance went into effect. Do you know what I'm talking about, that have the little grates that you can remove and maybe pull out the debris. Are those considered sufficient low-water crossings?

MS. ELLIS-GREEN: Madam Chair, Commissioners, they would not be considered all-weather access.

COMMISSIONER MAYFIELD: Okay. I won't ask why the County approved them.

MS. ELLIS-GREEN: They don't have the culverts and they haven't been engineered so they wouldn't be considered all-weather access.

COMMISSIONER MAYFIELD: Okay. And Madam Chair, I'm just going to ask Mr. Ross this question, if you don't mind, Mr. Ross. I thought – and maybe I'm wrong – Mr. Ross, Madam Chair, excuse me, that they could have a survey. It didn't have to be an engineer design for a low-water crossing. As long as it didn't raise the floodplain over a foot or two feet.

MR. ROSS: Madam Chair, Commissioner Mayfield, that's for building in the floodplain. If you're going to build in the floodplain you obviously need to establish that your lowest floor, the lowest inhabited floor of the dwelling is one foot above the mean high flood elevation, which can be established by an engineer or it can be established by a surveyor or some other reasonable means. And that's totally legitimate. I think the current code even permits that.

COMMISSIONER MAYFIELD: And that's great, Madam Chair, Mr. Ross. Maybe I'm just not understanding, but a low-water crossing arguably is in the floodplain, so why wouldn't –

MR. ROSS: It's in the floodway, which is a little bit different. The floodway is once again established by FEMA and shown on maps and that's the area where it's not just susceptible to flooding, it's susceptible to flowing water. Of course flowing water does a lot more damage than just standing water. So there are different rules in the floodway. If you're going to put a structure in the floodway you need to do as Mr. Dalton was describing, get an engineer to verify that what you're putting in the floodway does not affect the ultimate flood elevation mostly upstream from you. And these are federal requirements. These aren't necessarily County requirements. But the real issue here, the issues presented in this case is whether the County's requirement of an all-weather access is something related to the federal regulations or FEMA requirements, and it's not; it's a County requirement.

COMMISSIONER MAYFIELD: So again, the all-weather access is a County requirement and not a FEMA requirement.

MR. ROSS: Correct.



COMMISSIONER MAYFIELD: So just so I know, what would the FEMA requirement be? And that's kind of what I'm getting at in wanting to see this ordinance come back in front of us.

MR. ROSS: The County requires all-weather access, which requires people to put things in the floodway. Anything related to the floodway invokes federal law and federal requirements, but if you don't get there in the first place you're not implicating federal requirements; you're implicating a County requirement, not even a state requirement.

COMMISSIONER MAYFIELD: Okay. Madam Chair, I guess those are all the questions I have. I don't know, Madam Chair, if you have questions.

CHAIR STEFANICS: No, we need to go to public hearing. We haven't done that yet. Is there anyone in the audience who is here to support or oppose the project? Yes, sir. Will you please come up and be sworn in. Anybody else? So everybody can be sworn in at once. Anybody else who's going to speak? Come on up please.

[Duly sworn, Tim Armijo testified as follows:]

TIM ARMIJO: I too have property on the other side of the arroyo which I've had for probably 20 years, have paid taxes on it in the hopes that one day I'd be able to build a house or leave it to my children so they could build a house. Had I known we were going to have so much trouble I would have done it a long time ago, but people sometimes can't afford to do it when they should. I also kind of had a question about the sprinkler system and I thought I heard him say something about water storage. Water storage means a way to extinguish the fire without fire engines, basically?

CHAIR STEFANICS: Well, why don't you make your comment or your question and we'll have the fire people come up after you've finished talking.

MR. T. ARMIJO: Okay. My thing is is it either/or? Do you have to do just a sprinkler system or can you do water storage?

CHAIR STEFANICS: Okay. That's your main question. Great.

MR. T. ARMIJO: I have one other thing. Culverts are not a remedy for that situation either. Culverts to do what you have to do, it's very expensive as well. It's like a bridge. That stuff costs as much as building a house. We don't have a lot of money. We want our kids to have something – a home. Something that – like I said, I've been paying my taxes on that property for 20 years and now that leaving my daughter her piece and her other daughter her piece, it's like it's not going to happen. I never fussed about paying the taxes on that property. I always pay them on time. Never complained. But now it makes me feel like my property is useless if I can't get to it. And I cannot build an all-weather crossing. It's just too expensive. And that's all I want to say.

CHAIR STEFANICS: Thank you. So could we have Mr. Patty or Mr. Sperling talk about the either/or?

CAPTAIN PATTY: Madam Chair, Commissioners, the sprinkler issue is, in this particular case where the code tells the chief, gives the chief the authority to make a decision, there'd be several decisions that could possibly be made. It depends on the square footage of the house, what the house is going to be built out of, how far the setback to the house is going to be, what the distance is. There are several issues that we would look at. Most likely in this case, for this particular house, where this low-water crossing is if you were to approve it is we would require the sprinklers, not water storage. Water storage doesn't do anything for the Fire Department until we can get to it, because then we have to draft it.



Where the sprinkler system activates by itself. The NFPA 13D system is only a ten-minute system. Insurance companies know this and when – if they were to build a house on the other side without the sprinkler system the insurance companies will call us. They do this all the time. They start asking us: Is there adequate access? Is there a fire hydrant? What is the access like? What are the road grades like? And they start checking all of these off.

As soon as we tell them, well, it's got a 13D system in it, which is a very minimal plastic pipe system, which on the average, a lot of installers are telling us it costs about the same amount as putting carpet in a house. So as Chief Sperling was saying a while ago it's very inexpensive nowadays, but the insurance companies will look at that and if it's sprinklered, it's fine, because what that does is it buys us time while we set for a low-water crossing to die down where we can to it. Water storage would probably not be called for in this case because we couldn't get to it. A lot of time water storage would be called for up on a ridge where we can't get our tankers up because of the grade. So there's a lot of variables here that we have to look at, and that's what we're using, the 909.2 article and exception 2 is where we can use when there's not adequate access like this.

CHAIR STEFANICS: Thank you very much. Okay, Mrs. Armijo.

[Previously sworn, Helen Armijo testified as follows:]

HELEN ARMIJO: My name is Helen Armijo. We bought this property in 1972 and we have never had any problems as far as the arroyo goes. When it runs, like my son said, maybe twice a year and we know better than to try to cross it. It's not that much, it's just that we don't cross it because we know that arroyos are not supposed to be crossed when they're running. And like I said, we wanted this property for our children and now they're ready to build and they're having all kinds of problems to get the okay. But other than that I do wish that my children could have that property because, like I said, we've had it since 72 and we've been paying taxes on it and if we can't build on it then the property is no good to us. It will just sit there and the arroyo will eventually take it all.

We try to keep it up. We try to keep up – be careful what has to be done, and like I said we have never had any problems as far as that arroyo goes.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you to the applicants for your time here. Thank you, Chief and Captain and staff. Madam Chair, with that, I'll move for approval.

CHAIR STEFANICS: We're still on the public hearing. Thank you very much for coming, Mrs. Armijo, and your whole family. Is there anybody else here on behalf of, supporting or opposing this particular project? The public hearing is closed. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, I move for approval of Case #V 12-5020, Helen Armijo Variance.

COMMISSIONER VIGIL: Second.

COMMISSIONER HOLIAN: With staff conditions?

COMMISSIONER MAYFIELD: Madam Chair, Applicant Armijo, are you amenable to these conditions, as they were stated to you? Madam Chair, with staff conditions.

CHAIR STEFANICS: Okay, so there is a motion for approval with staff conditions of CDRC Case #V 12-5020. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

CHAIR STEFANICS: Okay, 5-0 for support of this. You have conditional approval with all the conditions. Now, Commissioners, there's one item we did not cover yet.

**XII. Matters From the County Manager**

- A. Annual Report**
- B. Capital Projects Update**
- C. Miscellaneous Updates**

CHAIR STEFANICS: Ms. Miller, is there anything pressing that has to be covered this evening?

MS. MILLER: Madam Chair, we can wait to the next meeting if you'd like or I can cover it now.

COMMISSIONER VIGIL: Madam Chair, I would just ask Steve, on the resolutions that we took action on, whether we were supposed to take action on based on a call for the question, if there's any issue on that would you bring it back to us.

MR. ROSS: Madam Chair, I will.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: So, Ms. Miller, is there anything you would like us to know?

MS. MILLER: Madam Chair, nothing is time sensitive. We were just going to show you a report discussing how we were going to try to report to you on projects in your packets and then some other things that we have been working on, but it's not time-sensitive.

CHAIR STEFANICS: Okay, so I would suggest that at the next meeting we put that under Staff and Elected Officials' Items under the Public Works and maybe get that out earlier than later in the evening. Thanks so much.

Commissioners, anything else from the Board of County Commissioners?

**XVII. ADJOURNMENT**

Having completed the agenda and with no further business to come before this body, Chairwoman Stefanics declared this meeting adjourned at 9:15 p.m.

Approved by:



Board of County Commissioners  
Liz Stefanics, Chairwoman

2012 APR 10 PM 5:53  
SANTA FE COUNTY  
CLERK'S OFFICE  
REC'D

ATTEST TO:

*Valerie Espinoza*  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK



Respectfully submitted:

*Karen Farrell*  
Karen Farrell, Wordswork  
453 Cerrillos Road  
Santa Fe, NM 87501

## BCC PRESENTATION

At the last HB meeting you asked for information regarding the cost to renovate a public housing unit for home sale. We have conducted some research and have determined that it would cost approximately \$38,657 to renovate a 2 bedroom unit (761 sq. ft.), and \$48,033 to renovate a 3 bedroom unit (890 sq. ft.).

The costs include the following renovations.

- Asbestos abatement (in VV, asbestos exists in the ceiling)
- Replace all interior and exterior doors (including jambs and locks)
- Full bathroom renovations to include replacement of bathtub, toilet, sink, and vanity
- Installation of carpet in living room and bedrooms
- Installation of tile or linoleum throughout unit
- Replace cabinets and countertops in kitchen
- Replace light fixtures, outlets and switches
- Replace water heater
- Replace refrigerator and stove
- Painting and drywall repair

We are currently replacing existing windows with energy efficient windows so these renovation estimates don't include window replacement.

Some background information:

With the approval of the HA's Homeownership Plan, we were approved to sell all of the units in Valle Vista (112 units). To date, we have sold 41 units; of the units sold, 29 were renovated public housing units.

The sale of the renovated units occurred between July, 2001 and February 15, 2008. The units were sold at 95% of their appraised value.

- The 3 BR units sold for an average of \$86,856
- The 4 BR units sold for an average of \$97,390
- The 5 BR units sold for \$109,250

Prior to the units being sold, the units were renovated at an average cost of \$32,866 per unit **not including** the abatement which was done in-house (cost to abate was approximately \$12,000 per unit bringing the total average renovation cost to \$44,866). There were several public housing units sold where the home sales proceeds received by the housing authority was only \$50,000 (or less); when you deduct what it cost to renovate the unit – the net proceeds ended up being minimal.

**You also asked about the cost to renovate a unit for handicap accessibility.**

We have estimated that it would cost approximately \$44,250 to renovate a 2 BR unit for handicap accessibility and \$49,626 to renovate a 3 BR unit.

These estimates include the previously mentioned renovations plus the additional work needed to bring the unit into ADA compliance.

Stand for questions...

**SANTA FE COUNTY**  
**Resolution No. 2012 -**



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**A Resolution Authorizing Amendments to the Aamodt Settlement Agreement, Authoring Execution of a Cost Sharing Agreement and a Cooperative Agreement, and Directing County Staff to Prepare Plans and Analysis of the Design of the County Water System that will Serve the Pojoaque Basin and in order to Inform County Residents of the Availability and Cost of Water Utility Service to be Provided as part of the Water Rights Settlement of the Pueblos of Nambe, Pojoaque, San Ildefonso and <sup>Tesu</sup> Nambe in the Case of New Mexico ex rel. State Engineer v. Aamodt**

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**WHEREAS**, on April 25, 2006 the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the County") approved the Settlement Agreement in the case of New Mexico ex rel. State Engineer v. Aamodt, No. 66cv06639 MV/LCS-ACE (D.N.M.) (hereinafter referred to as "the Settlement Agreement"); and

**WHEREAS**, the County, the State of New Mexico, the City of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque and a number of private parties signed the Settlement Agreement on May 3, 2006; and

**WHEREAS**, the Aamodt settlement will resolve the water rights claims of the four Pueblos and will provide financial resources for water infrastructure benefiting the Pojoaque Basin, both for Pueblo and other County residents; and

**WHEREAS**, Congress approved the Settlement Agreement by enactment of the Aamodt Litigation Settlement Act, as part of the Claims Resolution Act of 2010, Pub. L. No. 11-291, tit. VI, §§ 601- 626, 124 Stat. 3064, 3134-56 (2010), which was signed into law by the President on December 8, 2010 (hereinafter referred to as the "Act"); and

**WHEREAS**, the Act authorized the Secretary of the Interior to execute the Settlement Agreement as revised to conform to the Act and further authorized the Secretary to execute the Cost-Sharing and System Integration Agreement (hereinafter referred to as "Cost-Sharing Agreement") and to acquire a portion of the County's Top of the World water rights in the amount of 1,141 acre-feet, for a purchase price of \$5,400,000.00 (hereinafter referred to as "Pueblo Top of the World Rights") under the terms of the proposed Cooperative Agreement between the County and the United States Bureau of Indian Affairs; and

**WHEREAS**, as provided in the Act and the Settlement Agreement, the cornerstone of the settlement is the construction by the United States Bureau of Reclamation of a regional water system that will provide service to the four pueblos in the amount of 2,500 acre-feet and to other County residents who elect to connect to the County Water Utility in the amount of up to 1,500 acre-feet; and

**WHEREAS**, the Act authorizes up to 1,500 acre-feet of capacity for use by the County, and both the Act and the Cost-Sharing Agreement give the County the right to make its own determination whether a smaller capacity or modified alignment is more suitable for County uses and whether the current plans and designs of the water system should be modified to better serve potential County customers; and

**WHEREAS**, under the terms of the Cost-Sharing Agreement, the United States Bureau of Reclamation will prepare engineering designs and cost estimates before the County must make its final capacity and alignment determination; and

**WHEREAS**, the Settlement Agreement calls upon non-Pueblo well owners to make an election either to continue receiving supply from their wells or to connect to the regional water system;

**WHEREAS**, although execution of the amendments to the Settlement Agreement and execution of the Cost-Sharing Agreement and the Cooperative Agreement are necessary to continue implementation of the Aamodt settlement, the County recognizes that additional significant steps will be required to fully and fairly consummate the settlement; and

**WHEREAS**, an essential step to implement the settlement is the creation of a joint utility or regional water authority by the County and the Pueblos to govern and operate the regional water system; and

**WHEREAS**, in particular, as the settlement moves forward significant additional information, analysis and planning will be needed (1) for the County to reach a final determination on the sizing and alignment of County water utility (2) for potential County customers to be informed of the availability and cost of service when making their connection elections (3) for creation of a regional water authority comprised of the County and the four Pueblo governments and (4) to assure adequate water rights for use by the County water utility;

**NOW THEREFORE BE IT RESOLVED**, that the Board of County Commissioners of Santa Fe County:



Approves the Amendments to the Settlement Agreement and approves the Cost-Sharing Agreement and Cooperative Agreement and hereby authorizes the Board Chair to sign the amended Settlement Agreement, the Cost-Sharing Agreement and the Cooperative Agreement.

**AND FURTHER, BE IT RESOLVED**, that County staff is directed to gather information and engage in further planning and analysis in support of implementation of the Aamodt settlement, and in particular shall focus on the following tasks:

1. Design and Alignment of County System. The County shall work with the U.S. Bureau of Reclamation to design the County utility portion of the regional water system. The design should be optimized to provide cost-effective service to areas that currently have or are projected to have sufficient demand to justify extension of service. To this end, within the next twelve months the County shall perform the following tasks:
  - a. Existing Demand Estimate. The County Utilities Division shall be responsible for defining the demand area by area so that corresponding water service infrastructure will be properly designed for size and alignment. If staff deems it necessary, residents and other water users within particular areas proposed for service may be canvassed to more accurately determine demand levels.
  - b. Future Demand - Land Use Analysis and Demographic Projections. The County Planning Division shall prepare an assessment of undeveloped non-Pueblo lands located within potential service areas and shall use the most current demographic information and projections to estimate future County customers. The analysis shall take into account existing County development plans that are conditionally approved upon requirement of connection to available County water utility service.
  - c. Water Quality Considerations. In preparing the above analyses, the County Utilities and Planning Divisions should seek to determine those areas most susceptible to groundwater quality degradation and therefore that are more likely to need County utility service in the future.
  - d. Fire Protection Considerations. The Utilities Division shall consult with the County Fire Department to consider what areas would benefit most from improved access to reliable fire fighting water flows such as those provided by a public water system. This information should be considered in determining system capacity and alignment.
  - e. Rural Character and Density Considerations. Estimates of future demand shall incorporate the County's policies for preservation and protection of traditional agriculture.

- f. Integration with existing County Utility. The Utilities Division shall determine whether benefits will derive from integrating the proposed infrastructure and operations with those of existing or other proposed County utilities, such as improved efficiencies, cost effectiveness or improved reliability of supply.
- g. Financial and Capacity Analysis and Recommendations. Taking into account all of the information and analysis described above, along with other relevant data, the Public Works Department shall prepare a cost-benefit and capacity analysis of the County's portion of the system and shall recommend to the Board of County Commissioners the preferred design for such portion. The preferred design shall be based upon a capacity and alignment that will make the system economically viable. The cost-benefit analysis shall include an estimate of the capital costs the County will be required to pay and an estimate of costs for operations, maintenance and replacement of the system.
2. Customer Information. In conjunction with the analysis described above, the Utilities Division shall prepare the following:
- a. Service Map and Timeline. The Division shall prepare a preliminary service area map delineating the likely alignment of distribution lines and the projected timeline for service availability, area by area.
- b. Customer Costs. The Division shall prepare estimates of service rates, based on water used, as well as fees for connection to the system for potential customers who elect not to connect, or are not eligible for free connection as provided by the settlement.
3. Governance of Regional Water Authority. The County Attorney is directed to work with the Pueblos to prepare a proposed Joint Powers Agreement (hereinafter referred to as "JPA") pursuant to New Mexico state law that will create a joint board and will establish governance of the regional water authority. The JPA shall assure the following:
- a. Protection against withdrawal. The JPA shall contain strict provisions to deter withdrawal of any of the five members from participation in the authority.
- b. Reliability of Service. The JPA shall contain provisions to protect the County's participation in the governance of the authority and to assure that service to County customers is reliable. The JPA shall contain voting rights protections and dispute resolution mechanisms to assure no disruption in service to customers.

- c. Assurance of financial integrity. The JPA shall require its member entities to be responsible for their respective financial obligations to operate and maintain the system. The authority shall at all times have in place appropriate and sufficient insurance to cover its operations. Any liability incurred in connection with operations of the authority shall be subject to the immunities and limitations of the New Mexico Tort Claims Act.

In addition, the JPA shall contain such other provisions as the County Attorney recommends are necessary to carry out the purpose of the regional water authority and to protect the interests of the County and of its utility customers. Once the County Attorney and Pueblo representatives have negotiated a draft of the JPA, the County shall consult with representatives of potential customers to receive comments regarding any additional provisions that may be needed. Once a final proposed JPA is prepared, it shall be placed on a meeting agenda of the Board of County Commissioners for consideration and action.

4. Water Rights Assessment. In addition, the Utilities Division and the County Attorney are directed to prepare an assessment of adequacy of the water rights, including the Top of the World right, that have been identified to provide the basis for supply to the County system. In the event the identified water rights are inadequate or deficient in any manner, the assessment shall contain a contingency plan to assure that adequate water rights are in place in order to provide the service intended.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_ **DAY OF** \_\_\_\_\_, 2012.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Liz Stefanics, Chair

**ATTEST:**

\_\_\_\_\_  
Valerie Espinoza, Santa Fe County Clerk

**APPROVED AS TO FORM:**



Stephen C. Ross, Santa Fe County Attorney

SFC CLERK RECORDED 05/10/2012

**Staffing Matrix- How are they**

**WORKING?** We are now going into the second schedule of the new staffing matrix (some units have been using them since January 2012). The Staffing Council which is made up of 5 management members and 5 staff nurses, for the record, have not reached consensus on the new staffing changes, but management implemented them anyway.

Feed -back from multiple staff members report that when the census and/ or acuity needs increase on units it is often not responded to in a timely fashion, even though Hospital management claims to staff in "real time". When the census peaks to overwhelming patient loads, and exceeds the staffing matrix numbers, nurses report the situation through the chain of command. Responses from management differ:

\* Med/Surg Director said, " I won't cap, I won't do it". Nurses are being told to take more patients whether they have the staff or not to properly do their job.

\* On another unit a shift had 36 patients. Matrix's called for 9.5 Nurses. Each RN had 6 patients with 1 charge nurse and the Director's response, "We'll try to get someone in". Another example:

\* Census was 33 patients, the matrix's called for 8.5 RN's in actuality 7 RN's were present and the director responded "We're doing good". No sitter was available for a patient who later fell and lacerated their head.

When the manager was asked why is day shift consistently understaffed at high census levels?, the director's response was, "We will take this day by day."

**THIS IS NOT WORKING- THE MATRIX'S ARE NOT BEING FOLLOWED AND MANAGEMENT IS GETTING MORE PUNITIVE BECAUSE THEY KNOW IT'S NOT WORKING.**

And don't even ask about the Support staff!!! They are drowning and barely able to keep up with the demands of everyone. They are doing the work of 2 people and then getting chewed out by co-workers and management.

**WHAT DO YOU DO?????**

**DOCUMENT, DOCUMENT, DOCUMENT!**

The Union has a Website:

[www.christuslaboractionsantafe.org](http://www.christuslaboractionsantafe.org)

THIS IS A CONFIDENTIAL SITE ...YOU CAN PUT IN YOUR EXAMPLES OF SHORT STAFFING WITH ADDITIONAL SPACE FOR COMMENTS AND THIS WILL GO A LONG WAY TO HELP US BUILD THE CASE FOR GETTING STATE LEGISLATION THAT MANDATES STAFFING LEVELS FOR ALL HOSPITALS IN NEW MEXICO.

Be sure to register for the 'Safe Staffing Nursing Summit' on Saturday, May 5th in ABQ. Call 505-884-7713 to Register. This is the time to get involved! Patient care, Your License and Your Sanity are at stake!!!

**PLEASE REMEMBER,... ALL STAFF ARE IN THE SAME BOAT. DO NOT TAKE OUT YOUR FRUSTRATIONS, STRESS AND ANXIETY ON EACH OTHER! STICK TOGETHER AND HELP EACH OTHER. REMEMBER, WHO IS RESPONSIBLE FOR THESE STAFFING MATRIX'S AND WHO IT HELPS WHEN EMPLOYEES START BLAMING EACH OTHER.**

**IMPORTANT TIPS FOR TAKING CARE OF YOURSELF:**

1. Bring high energy snacks to keep in your pockets and eat when they don't staff correctly so that you CAN take your lunch. Don't go without eating all shift,... mistakes can happen
2. Be sure to keep hydrated throughout the day and demand time to use the restroom
3. USE THE EMPLOYEE ASSISTANCE PROGRAM (EAP) CALL... 1-800-765-9124 TO GET AN APPOINTMENT THE HOSPITAL PAYS FOR 5 FREE SESSIONS for FT and PT EMPLOYEES, AND IT IS TOTALLY CONFIDENTIAL. MANY HAVE USED THIS SERVICE AND HAVE FOUND IT REALLY HELPFUL!

**TAKE CARE OF YOURSELF AND EACH OTHER!**

SFC CLERK RECORDED 05/18/2012

## EDUCATION

### RN Questions to administration on Staffing Council

#### To All Nursing Staff :

As everyone knows, we are short staffed on many, many shifts and the matrix is not being followed.

We are being told to take patients even though we are short staffed. Just to let you know, the RNs on the Staffing Council are doing our best to address this and determine the accountability of administration to follow the matrix. The RNs of the Staffing Council will be sending a letter to the CNO with several questions. i.e.

1. What is the accountability of managers/directors to staff their units according to the matrix that was developed by the administration on the Staffing Council?
2. Managers/directors are stating this is a "guideline". Units are told by the managers/directors to continue taking patients even though the unit is already short staffed according to their matrix. Should this be occurring?
3. What is the point of spending all this energy on the Staffing Matrixes if the hours per patient day are not followed by managers/directors?

The RNs of the staffing Council will be putting these and other questions to administration at the next Staffing Council meeting and

will be expecting straight forward answers. We will let you know the answers via email or in the next Thorn.

We wish to Thank all of You for your patience. We need to hear from you and please feel free to contact any of us on the Staffing Council...Gail Williams, ER; Sarah Beane, Critical Care; Terri Dalton in L & D; Sharon Argenbright, Float Pool; and Diane Spencer, 2100.

## KNOW YOUR CONTRACT...

1. CONSECUTIVE WORK DAY PAY- Service & Maintenance- Article 8.8, Techs- Article 29.10 and Nurses- Article 29.14 are all basically the same, employees who are required (scheduled) to work more than six consecutive eight-hour days, or more than four consecutive 10 hour days, or more than three consecutive 12 hour days, shall be compensated thereafter at one and one-half times their regular hourly straight time pay. YOU MUST WORK EXACTLY THE 8 OR 10 OR 12 HOUR SHIFTS. IF YOU DON'T YOU WILL NOT BE PAID THE TIME AND HALF RATE OF PAY. A few employees were 2-3 minutes short on one of their days and payroll refused to pay them the consecutive work day pay BECAUSE THEY DIDN'T WORK EXACTLY 8 HOURS. BE SURE TO CLOCK IN ON TIME AND CLOCK OUT ON TIME OR YOU WON'T RECEIVE THE EXTRA PAY YOU DESERVE. Also Note, the language states, that mandatory on-call time is not considered time worked for purposes of computing overtime or consecutive workdays. However, call-back hours worked are considered as time worked for the purpose of computing the overtime rate of pay.

2. COMBINED LEAVE - ARTICLE 18.4 Nurses, ARTICLE 17.12 Service and Maintenance and ARTICLE 18.4.1 for the Techs. Last year the language for Combined Leave Bank was changed in all three contracts. "An associate may transfer combined leave hours into a leave bank for donation to anonymous full-time and part-time associates who have been ill 30 calendar days or more and depleted his/her combined leave. The donor may not stipulate the name of the recipient of the donation. Combined Leave may be transferred in one hour or greater increments....."

This was language that the administration insisted on! It is leaving many who need help from their co-workers out of luck! THIS IS A REQUEST FOR HELP!

FOR THOSE OF YOU WHO HAVE THE HOURS, TO HELP THOSE EMPLOYEES WHO DESPARATELY NEED SOME DONATED HOURS TO KEEP THEM AFLOAT.

**IF EVERYONE EMPLOYED AT THE HOSPITAL WOULD DONATE, JUST 8 HOURS OF THEIR COMBINED LEAVE, TO THE BANK, THOSE WHO REALLY NEED A HELPING HAND WOULD APPRECIATE IT SO MUCH. THE DONATION FORMS ARE IN THE HUMAN RESOURCES FRONT OFFICE. THIS IS ANOTHER WAY TO SHOW CHRISTUS THAT THE EMPLOYEES CARE FOR EACH OTHER.**

## Service versus Care...

After our conversation I really tried to think about the things in my day that steal time from my ability to care for my patients. We all accept the fact that health care today has to be as efficient and run as "lean" as possible. I think a huge issue is our perception of what good care is and the patient or customer's perception of what is good care. Patients perceive whether their care was "good" in very specific ways. What patients want is not excessive or unreasonable. Sometimes, the request has nothing to do with nursing care or with medical care.

Years ago we participated in a Press Ganey survey process that identified key elements for a patient to be satisfied- not delighted- just satisfied. The elements of patient satisfaction are often not "medically" based. But, make no mistake they cost us dearly on survey scores if we fail to deliver.

**Patients** want their call light answered within 3 to 5 rings. **Patients** want their room cleaned everyday. It means all surfaces wiped down. It means the floor mopped (their room, not just the hallway) and MOST of all it means that the trash is not over flowing.

**Patients** do not want to wait for pain medication. A Big deal that shouldn't even be an issue. EVER. Period.

**Patients** want their food to be tasty and to be delivered hot and quick- just like room service at a hotel.

**Patients** want their IV or blood draw done with one stick regardless of their weight, or state of hydration

or general health. Patients should not have to wonder why we are burned out- that is not their problem and it would be unfair to expect them to understand. or make excuses for our tired, stressed affect. Patients want their caregiver to be warm, personable, cheerful and energetic. But that is hard to do these days. The bad days at work now outnumber the good, they are now the norm. When they outnumber the good days you know you are in trouble. When you dread coming to work day after day it begins to tell on your spirit.

My worst experiences in nursing have each and every time been while 'floating' to a unit I have no expertise in.

**Having ancillary staff in place helps make sure all these other components of "good" care are also getting done. That means having adequate staff to empty trash, adequate staff to update pharmacy profiles, adequate staff to enter Doctor's orders so that they are initiated promptly, adequate staff to take a patient for a test by bed or wheelchair. Every individual counts and is crucial to excellence, we can't give good service unless all the pieces are there and working in harmony. One person is not able to create good care alone. We are in this mess together. Building connections between staff in different departments should be a priority. Building a spirit of team work should be a priority.**

These issues eat away at morale, and job satisfaction and the very soul of everyone

involved- CNA's, pharmacy, housekeeping, transport, unit secretaries, social work, central supply staff and nursing.... everyone is affected. We are all in THIS together but THIS is not working. The staff keeps saying "this is not working"

Staff are leaving, quitting, moving on, taking early retirement. The brain drain that is happening at this hospital is stunning. Yet, every week comes a new email announcing a new innovative efficiency that will take us to a higher level of excellence. Guys, this is the "emperor with no clothes". I have worked here for over 20 years and we have become a sham of the hospital we used to be. One key might be leadership. Successful leaders lead from the front, they inspire by impeccable integrity and by example. True leaders are visible and interactive; they are not sitting in meaningless meetings. They are in the units observing, asking questions. Leaders are PRESENT and ENGAGED. They are finding ways to support those of us who deliver the care/service to do our jobs better. An effective leader builds the team, not constantly picking and tearing it down.

It is time for **change**, change at the **top**. We need leadership that truly values, listens and respects its employees. Leaders that inspire, if they want patients' perceptions of "Good" care to change. Leaders that will try to regain a respect which has been lost by long suffering employees.



**AFSCME  
INTERNATIONAL  
CONVENTION WILL BE  
HISTORIC IN JUNE  
OF 2012!**

**June 18-22 in Los Angeles is where and when the Convention is going to be held.**

Historic because it is the first time in 30 years that we will be electing a New International President. Gerald McEntire is retiring and new leadership is emerging. **WHY DOES THIS IMPACT YOU?**

District 1199New Mexico will be electing and paying for sending (2- Delegates) and

1- Alternate) to the International Convention to represent New Mexico. AFSCME is our International Union and they have provided us much assistance over the years, in researching and supporting our efforts at the bargaining table, with help to organize the unorganized over the last 35 years. New Mexico has a strong contingent of AFSCME workers in our local state and county governments. They are our friends and neighbors and have supported us here in Santa Fe. Their new leadership will impact us! We will be sending out nominating forms for nominations of the

delegates April 16th and they must be back in the ABQ Office by May 4th 5pm. Faxed nominations accepted at 505-884-7667. The Election to take place at the Union office- 1404 Taos St. 780-8272. Voting Times: 7:30am-9am; 12noon - 2pm and again 4-6pm. District 1199NM members are eligible to run and everyone can vote. This is a Democratic Union and you have an opportunity to see how our National and International Unions work! Keep your eyes open for more information on how you can participate.

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**SERVICE & MAINTENANCE NEGOTIATIONS  
COMING UP THIS SUMMER!**

**To All Support Staff at CSVPMC:**

We are coming to the time when we must think about the renewal of our Union Contract. This summer we expect to begin negotiations for our full contract. Based on the Nurses/Techs experience last summer we expect it to be a contract where the administration wants to limit the rights that your contract did and does afford you now:

- \* Proper representation through all steps of the disciplinary process-
- \* Ability to access Union information and updates on your unit-
- \* A viable staffing matrix that allows you to take 15 minute and lunch breaks without interruption-
- \* A viable staffing matrix that doesn't expect one CNA or Unit Secretary to manage impossible patient loads.
- \* Or expecting other support staff in most departments to do the work of 2 employees and not get sick or hurt. Employees are not machines they can't continue to do the work of 2 people without breaking down physically.

And ... Your **Union Negotiating Team** will be fighting to get all S & M employees a reasonable across the board wage increase-

**What You can do to help us prepare: \*FILL OUT THE NEGOTIATIONS SURVEY AND RETURN IT TO THE UNION BOX (UNDER THE UNION BULLETIN BOARDS AT THE BACK ENTRANCE TO THE HOSPITAL). IF YOU HAVE NOT RECEIVED YOUR SURVEY PLEASE CALL THE UNION OFFICE 780-8272, or CALL Dianne Harris at 505-401-5697 or Yolanda Contreras at 690-6871.**

SFC CLERK RECORDED 05/18/2012

Cañoncito at Apache Canyon Mutual Domestic Water Consumers'  
And Mutual Sewage Works Association

COUNTY OF SANTA FE

Resolution No. 2012-1

A RESOLUTION

SANTA FE COUNTY WATER SERVICE BOUNDARY EXTENSION AND SYSTEM INTEGRATION

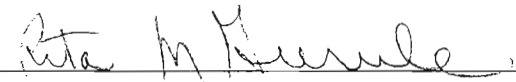
- WHEREAS, The Cañoncito at Apache Canyon MDWCA ("Cañoncito Water Association") was originally formed via Articles of Incorporation on April 22, 1974 as filed with State of New Mexico Corporation Commission; and
- WHEREAS, The Cañoncito Water Association has proven to be a viable, effective mutual domestic water association originally formed to collectively benefit the community and the immediate surrounding region under the provisions of the Sanitary Projects Act of the Laws of 1957 in the State of New Mexico; and
- WHEREAS, The Cañoncito Water Association was made aware of water contaminants of radium 226/228 in 1993 having duly notified all members of said contaminants; and
- WHEREAS, In 1997, The Cañoncito Water Association contracted with: 1) Tierra Engineering to identify water system issues; 2) with John Schomaker and Associates, Inc. to conduct a Geo-Hydrological Report; and 3) with Glorieta Geoscience, Inc. to test for potential water sources; and
- WHEREAS, In 1998 and again in 2008, an exploratory well was drilled and abandoned being that neither yielded sufficient water supply or quality; and
- WHEREAS, The Cañoncito Water Association received Administrative Order No. 2005-CO-007 ("Administrative Order") exceeding MCL for radium (226/228) and a water treatment mandate from the New Mexico Drinking Water Bureau; and
- WHEREAS, With emergency funding through the New Mexico Finance Authority ("NMFA"), the Cañoncito Water Association worked diligently over a period of two years toward the remediation of the Administrative Order by contracting for the engineering design and construction of an on-site water remediation plant through Water Remediation Technologies, LLC ("WRT") out of the State of Colorado, USA; and
- WHEREAS, The Cañoncito Water Association entered into a pre-paid (NMFA funded), ten-year lease with WRT for the remediation plant as an emergency effort to comply with the Administrative Order, knowing that it was a temporary solution to a long-term problem; and

- WHEREAS, The Cañoncito Water Association has been solely responsible for the up-keep, maintenance and cost of operation of the WRT remediation plant; and
- WHEREAS, Particulates of iron and manganese abundantly present in the water unexpectedly caused the WRT remediation plant to continually experience filtration clogs which would completely shut down the water system requiring extensive Certified Water Operator maintenance resulting in the depletion of the Cañoncito Water Association reserves, and
- WHEREAS, With 2010 re-authorized NMFA funds, The Cañoncito Water Association made water system improvements, primarily the engineering design and construction of a pre-filtration system to resolve the particulate clogs and complete system shut-downs in the WRT remediation plant (completed by October 2011); and
- WHEREAS, The Cañoncito Water Association received official notice from the New Mexico Drinking Water Bureau that the Administrative Order was terminated on April 1, 2011, after having met all requirements of compliance; and
- WHEREAS, Both the 2004 Preliminary Engineering Report prepared by Sauder Miller & Associates, as well as the subsequent 2011 Supplement to the Preliminary Engineering Report prepared by Sullivan Design Group, Inc. identify that the only long-term solution to solving the naturally occurring water contamination of radium 226/228 is to connect to another source of water in Santa Fe County; and
- WHEREAS, The discussions, meetings and collaboration efforts with Santa Fe County intensified since 2007 to address the on-going water issues of the Cañoncito Water Association, where both parties began to mutually work toward a long-term solution which initiated discussion concerning the possibility of eventual connection to Santa Fe County's water system; and
- WHEREAS, The County of Santa Fe is the custodian of 2008 General Obligation Bonds and Severance Tax Bonds in the amount of \$5.5M specifically identified for the Cañoncito Water Association regional water project; forging a cooperative alliance to solve the on-going water issues; and
- WHEREAS, The Cañoncito Water Association submitted a Water Trust Board ("WTB") Grant Application in the 2012 cycle to secure funds to replace the existing, non-compliant 3" water-main lines to the code-standard 6", 8" and 10" water-main lines capable of connecting to Santa Fe County water supply enabling fire flow/protection; and
- WHEREAS, The Cañoncito Water Association's 2012 Legislative Capital Outlay request in House Bill 191 for partial WTB match funds was line-item vetoed, resulting in the Cañoncito Water Association's presentation to the Santa Fe County Board of County Commissioners ("BCC") during their regular scheduled BCC meeting on March 13, 2012; and
- WHEREAS, The Cañoncito Water Association – in and of itself – has depleted all possibilities and efforts toward a long-term water solution and is in critical need of assistance and water service from an outside source.


NOW, THEREFORE, BE IT RESOLVED BY THE CAÑONCITO AT APACHE CANYON MDWA that:

1. The Cañoncito Water Association values and accepts the provision of match funds from Santa Fe County towards the Water Trust Board 2012 grant application; and
2. The Cañoncito Water Association is in favor and agreement with the Santa Fe County proposal to extend their County Utility Water Service Area to include the boundaries of the Canoncito Mutual Domestic Water Association; and
3. The Cañoncito Water Association is in favor and agreement with the Santa Fe County proposal to be integrated into the Santa Fe County Water Utility system where the details of the boundary inclusion and system integration will be clearly defined prior to executing the proper legal instrument for said system integration, which shall include Cañoncito Water Association's remittance of assets and infrastructure.

PASSED, APPROVED and ADOPTED by the Canoncito at Apache Canyon MDWA Board of Directors on behalf of their general membership at its regular scheduled meeting of April 4, 2012.

  
Rita Gurule, President

ATTEST:

  
Lupita Martinez, Secretary

Water Trust Board Grant Application  
November 3, 2011

Project Name: Cañoncito Regional Water Quality and System Improvements; Phase II

Type of Entity:  
Other: Mutual Domestic Water Association

Cañoncito at Apache Canyon MDWC & MSW Association

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## List of Accomplishments

- 1993 – Made aware of water contaminants (radium 226/228)
- 1993 – Year Duly notified all members of contaminants
- 1997 – Contracted with Tierra Engineering to identify water system issues
- 1997 – Exploratory well drilled; exceeded allowable contaminant levels
- 1997 – Geo-Hydrological Report by John Schomaker and Associates
- 1997 – Contract with Glorieta Geo Science – testing of exploratory well
- 2004 – Supplemental well drilled with poor water quality and supply
- 2004 – Received State Funds to begin remediation planning
- 2004 – Contracted with Souder Miller & Associates for engineering consultation and PER
- 2004 – Preliminary Engineering Report (PER) completed
- 2005 – Received Administrative Order NO. 2005-CO-007 exceeding MCL for radium (226/228) and water treatment mandate
- 2005 – Contracted with a Certified Water Operator
- 2006 – Contracted with an Accounts Manager
- 2006 – Purchased and implemented QuikWater billing and water monitoring software
- 2006 – Evaluated water rate structure and increased water rates to a sustainable level with help from RCAC
- 2006-2009 – created financial stability (maintained \$15,000 in 08/09)
- 2007 – Drained both tanks, power-washed walls and floors
- 2007 – Started discussions with Santa Fe County for a long-term water solution
- 2008 – Received emergency funds from NMFA in the amount of \$387,500 for the design, construction and installation of water treatment plant
- 2008 – Exploratory well drilled and tested with insufficient water supply
- 2008 – Voters approved General Obligation Bond and Severance Tax Bond for Santa Fe County water line extension to Cañoncito
- 2009 – Water Treatment Plant began operation on a 10-year lease, costing \$87,000 via the NMFA emergency funds

## Cañoncito Regional Water Quality and System Improvements; Phase II

### List of Accomplishments

Page 2

- 2009 – Due to unexpected particulates of iron and manganese, the water treatment plant would continually experience filter clogs which completely shut down the water system. The system shut-downs resulted in additional required Certified Water Operator maintenance. Because of the Association's reserves, we were able to compensate the Certified Water Operator, which has since depleted the Association's reserves.
- 2009 – Identified meter placements/ownership and completed aerial mapping of meter locations which will be used in asset management plan
- 2009 – Installed radio-read meters
- 2010 – Contracted with Sullivan Design Group, Inc. for engineering consulting
- 2010 – Installed radio-controlled liquid level controller to control water level in storage tanks to prevent over-flow (water conservation) or from falling to low
- 2010 – Installed a beacon to notify community when tanks were running low
- 2010 – Installed satellite remote sensors on the water treatment plant to increase system monitoring while reducing costs
- 2010 – Replaced pump in well no. 1
- 2010 – Video-taped both wells to check condition of casings
- 2011 – Scrubbed and bailed both tanks
- 2011 – Became compliant with NMED, DWB; AO was terminated on April 1, 2011
- 2011 – Replaced approximately 160 feet of 3" water main
- 2011 – Installed three flush hydrants
- 2011 – Fabricated and installed new rack for 5 additional bag filters to alleviate the clogging issues for the water treatment plant. The Association is anticipating a reduction in maintenance to the plant, resulting in an expected increase in financial reserves.
- 2011 – Replaced pump in well no. 2 increasing production from 4 gpm to 9 gpm
- 2011 – Supplement to original PER outlining needed improvements to connect to SF County water system
- 2011 – Submit Water Trust Board grant application for Phase II of Cañoncito Regional Water Quality and System Improvements
- 2011 – Public Panel Discussion hosted by Santa Fe County regarding Cañoncito water extension project, La Tienda Performance Center, Eldorado

###

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TWO EXISTING TANKS  
12,000 GAL. & 21,000 GAL.  
OVERFLOW ELEV. = 7,184

EXHIBIT  
6

sullivan design group, inc  
sullivan  
sullivan



PROJECT: CAÑONCITO @ APACHE CANYON MDWCA  
WATER SYSTEM IMPROVEMENTS (PHASE II)

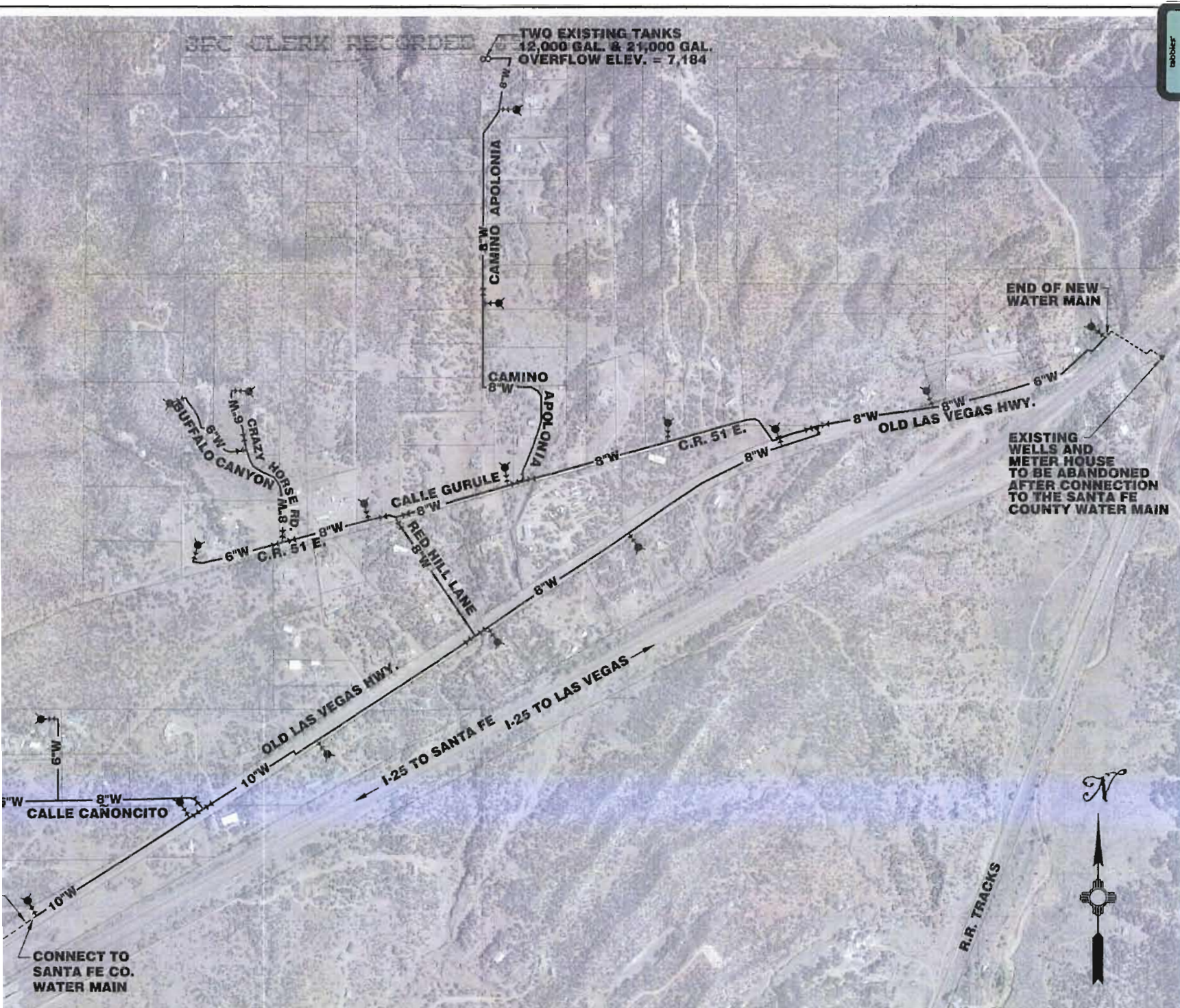
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LOCATION SHEET FOR GRANT APPLICATION

DATE: 10/15/10  
BY: J. RAYMOND  
CHECKED: JMS  
DATE: 10/15/10  
BY: J. RAYMOND



BY: J. RAYMOND	DATE: 10/15/10
CHECKED: JMS	DATE: 10/15/10
SCALE: NOT TO SCALE	

SHEET No.







**County Health Rankings & Roadmaps**  
A Healthier Nation, County by County

	Santa Fe County	Error Margin	National Benchmark*	New Mexico	Rank (of 32)
<b>Health Outcomes</b>					3
<b>Mortality</b>					2
Premature death	6,631	6,128-7,134	5,466	8,424	
<b>Morbidity</b>					6
Poor or fair health	14%	13-16%	10%	18%	
Poor physical health days	3.2	2.9-3.6	2.6	3.9	
Poor mental health days	3.2	2.9-3.6	2.3	3.6	
Low birthweight	9.1%	8.6-9.7%	6.0%	8.5%	
<b>Health Factors</b>					2
<b>Health Behaviors</b>					2
Adult smoking	17%	16-19%	14%	20%	
Adult obesity	14%	12-16%	25%	24%	
Physical inactivity	12%	11-14%	21%	20%	
Excessive drinking	13%	12-15%	8%	13%	
Motor vehicle crash death rate	18	16-21	12	22	
Sexually transmitted infections	224		84	478	
Teen birth rate	49	46-51	22	63	
<b>Clinical Care</b>					3
Uninsured	24%	22-26%	11%	23%	
Primary care physicians	616:1		631:1	832:1	
Preventable hospital stays	34	31-37	49	56	
Diabetic screening	75%	70-80%	89%	71%	
Mammography screening	67%	63-71%	74%	60%	
<b>Social &amp; Economic Factors</b>					9
High school graduation	56%			64%	
Some college	56%	53-60%	68%	56%	
Unemployment	7.1%		5.4%	8.4%	
Children in poverty	24%	19-28%	13%	29%	
Inadequate social support	19%	17-21%	14%	21%	
Children in single-parent households	35%	32-38%	20%	38%	
Violent crime rate	429		73	658	
<b>Physical Environment</b>					7
Air pollution-particulate matter days	0		0	0	
Air pollution-ozone days	0		0	3	
Access to recreational facilities	11		16	8	
Limited access to healthy foods	15%		0%	15%	
Fast food restaurants	36%		25%	50%	

\* 90th percentile, i.e., only 10% are better

Note: Blank values reflect unreliable or missing data

2012

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Robert Wood Johnson Foundation

## 2012 County Health Rankings Highlight Healthiest, Least Healthy Counties in Every State

Rankings show what influences how healthy residents are, how long they live.

Apr 03, 2012

More than 3,000 counties and the District of Columbia can compare how healthy their residents are and how long they live with the 2012 *County Health Rankings*. The *Rankings* are an annual check-up that highlights the healthiest and least healthy counties in every state, based on key factors that influence health such as education rates, income levels, and access to healthy foods and medical care.

Now in their third year, the *Rankings* are increasingly being used by community leaders to help them identify challenges and take action in a variety of ways to improve residents' health.

Published online at [www.countyhealthrankings.org](http://www.countyhealthrankings.org) by the University of Wisconsin Population Health Institute and the Robert Wood Johnson Foundation, the *Rankings* assess the overall health of nearly every county in all 50 states, using a standard way to measure how healthy people are and how long they live. The *Rankings* consider factors that affect people's health within four categories: health behavior, clinical care, social and economic factors, and physical environment. This year's *Rankings* include several new measures, such as how many fast food restaurants are in a county and levels of physical inactivity among residents. Graphs illustrating premature death trends over 10 years are new as well.

"The *County Health Rankings* show us that much of what influences our health happens outside of the doctor's office. In fact, where we live, learn, work and play has a big role in determining how healthy we are and how long we live," said Risa Lavizzo-Mourey, M.D., M.B.A., president and CEO of the Robert Wood Johnson Foundation. "The good news is that businesses, health care providers, government, consumers and community leaders are already joining forces in communities across the nation to change some of the gaps that the *Rankings* highlight."

Within each state, even the healthiest counties have areas where they can improve. Healthier counties (those where people live longer and have a better quality of life) have lower rates of smoking, physical inactivity, teen births, preventable hospital stays, unemployment, children in poverty, and violent crime and higher levels of education, social support, and access to primary care physicians. But healthier counties are no more likely than unhealthy counties to have lower rates of excessive drinking or obesity or better access to healthy food options.

Across the nation, some factors that influence health, such as smoking, availability of primary care physicians, and social support, show highs and lows across all regions. Meanwhile other factors reflect some distinct regional patterns, such as:

- Excessive drinking rates are highest in the northern states.
- Rates of teen births, sexually transmitted infections, and children in poverty are highest across the southern states.
- Unemployment rates are lowest in the northeastern, Midwest, and central plains states.
- Motor vehicle crash deaths are lowest in the northeastern and upper Midwest states.

The *Rankings* are based on the latest publically-available data for each county and can be used by both leaders and residents to measure where their county stands on multiple factors that influence health compared to other counties in their state. Residents also can see how their county measures up on indicators like diabetes screening by comparing their county's rank against a national benchmark reflecting the top performing counties in the United States. The [website](#) also includes a new, interactive mapping feature making the *Rankings* now even easier to use.

Since the first launch of the *Rankings* in 2010, a number of communities including Wyandotte, Kan.; Hernando, Miss., and the Joy-Southfield neighborhood in Detroit, have taken steps to address some of the health gaps identified by the *Rankings*.

"After three years, we've learned that people across the entire nation want to know how the health of their county compares to others in their state. This annual check-up helps bring county leaders together to see where they need to improve," said Patrick Remington, MD, MPH, professor and associate dean at the University of Wisconsin School of Medicine and Public Health. "It's really exciting to see that the *Rankings* continue to serve as a call to action to take steps to improve the health of communities."

The *County Health Rankings* can help us learn more about what's making people sick or healthy. New this year, the [County Health Roadmaps](#) program is helping counties to mobilize and take action to create healthier places to live, learn, work and play. A call for applications is also now open for the new [Roadmaps to Health Prize](#) that will recognize the efforts and accomplishments of communities in the U.S. working at the forefront of better health for all residents. Up to six *Roadmaps to Health Prize* winning communities will be honored in early 2013 and each will receive a no-strings-attached \$25,000 cash prize.

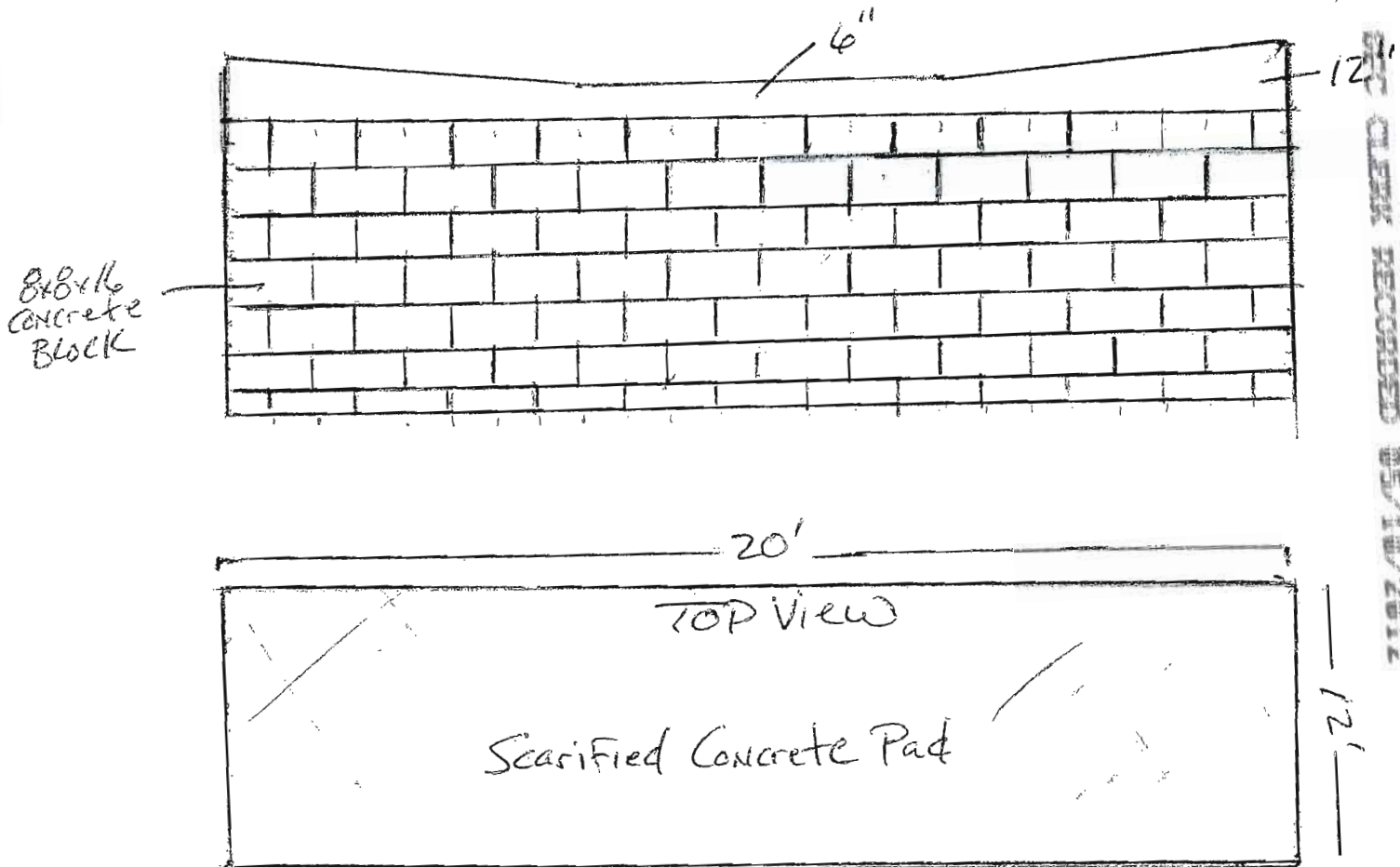
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The Robert Wood Johnson Foundation, based in Princeton, N.J., is the nation's largest philanthropy devoted exclusively to health and health care.

Joe A. Armijo and Helen M. Armijo Revocable Trust  
Application to Santa Fe County (CDRC Case # V 12-5020)  
Low Water Crossing

EXHIBIT  
9

Low Water Crossing Spans 20 feet and is 12 Feet Wide.  
The North, South, East and West Supports are constructed  
of 8x8X16 Core Blocks filled with 1/2 rebar upright struts  
and are tied into the Concrete approach and crossover pad.  
The South Side is at a depth of six (6) feet and the North Side  
is at a depth of eight (8) feet with the East and West sides  
equivalent in construction and depth. The Approach and  
Crossover Pad is poured concrete beginning with a 12" concrete  
Depth on the East and West approach ends and tapering to a  
Solid 6" base reinforced with 1/2 rebar and 6x6x10x10 steel remesh  
for solid and strength and durability.





North to South



South to North



Subject Property

ERIC OLIVER PHOTOGRAPHY 858/418/2812



EAST to West



west to East



Subject Property

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Subject Property

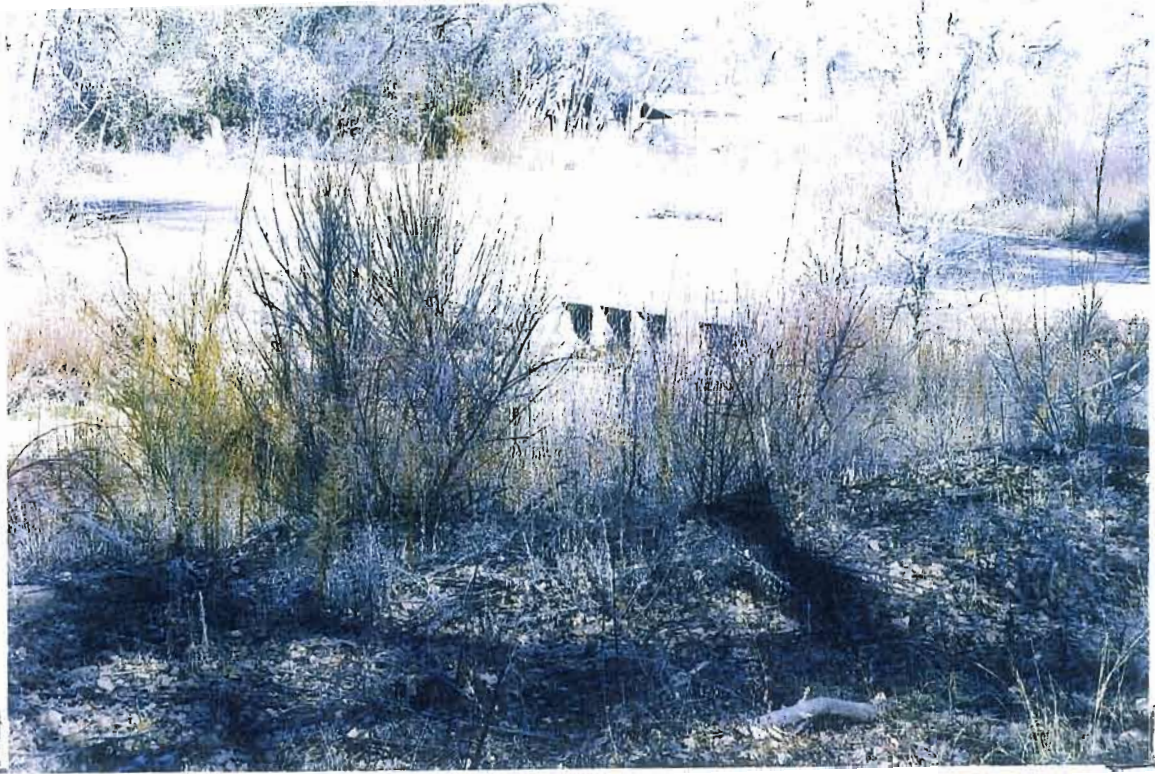
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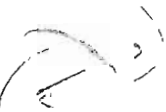
Subject Property





St. Louis County Rd 113 S

PHOTO COURTESY OF THE ST. LOUIS COUNTY PLANNING DEPARTMENT





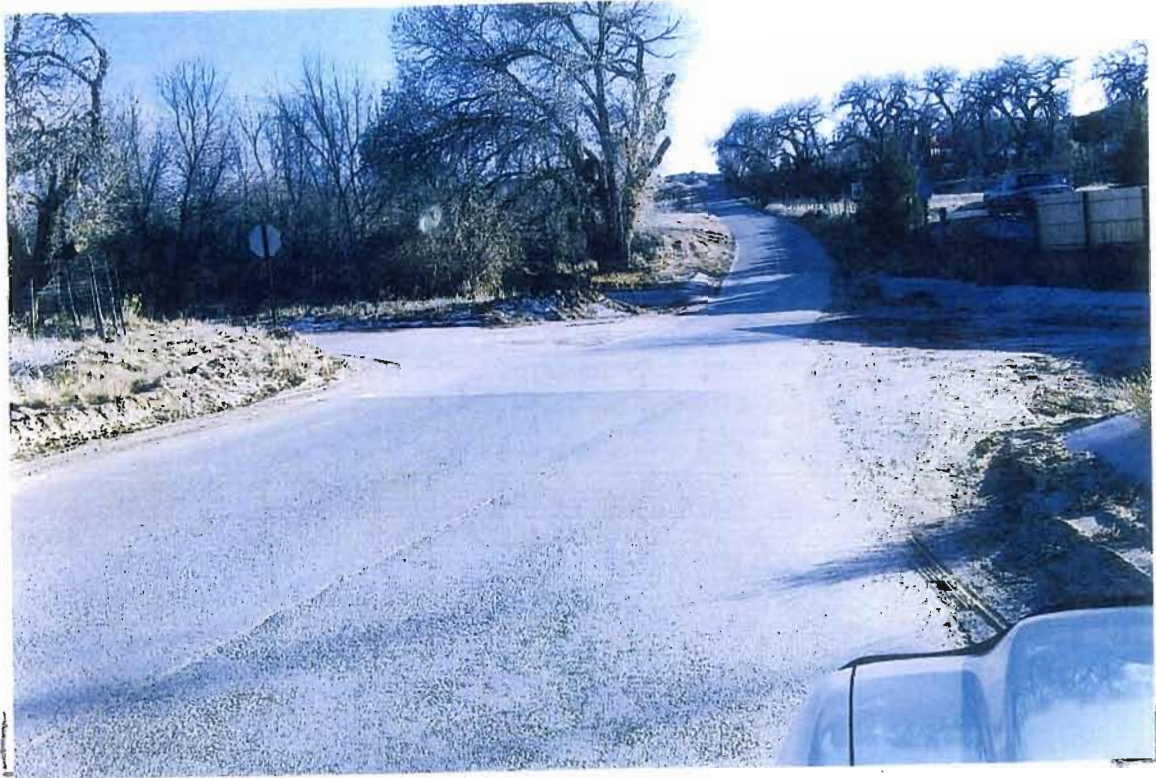


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ERIC GIBSON PHOTOGRAPHED 08/14/2002

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See County Rd 88A

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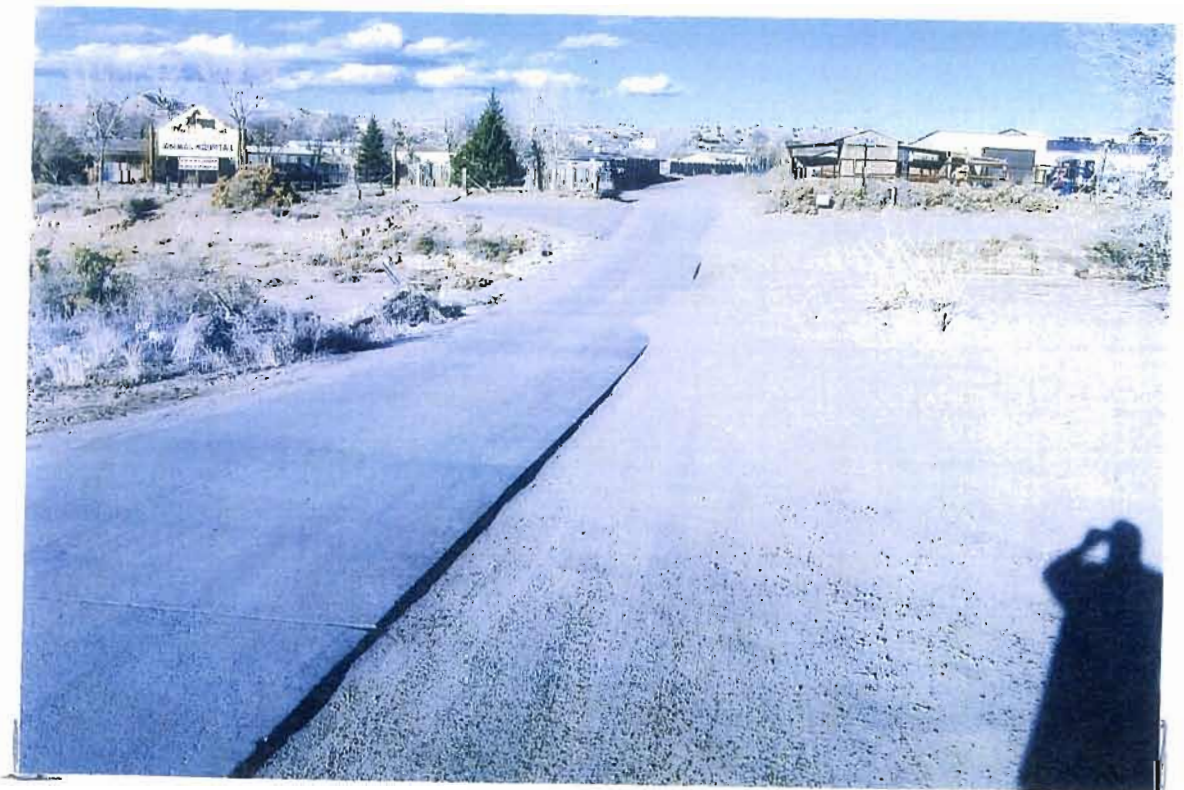


La Pebla Rd.

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8





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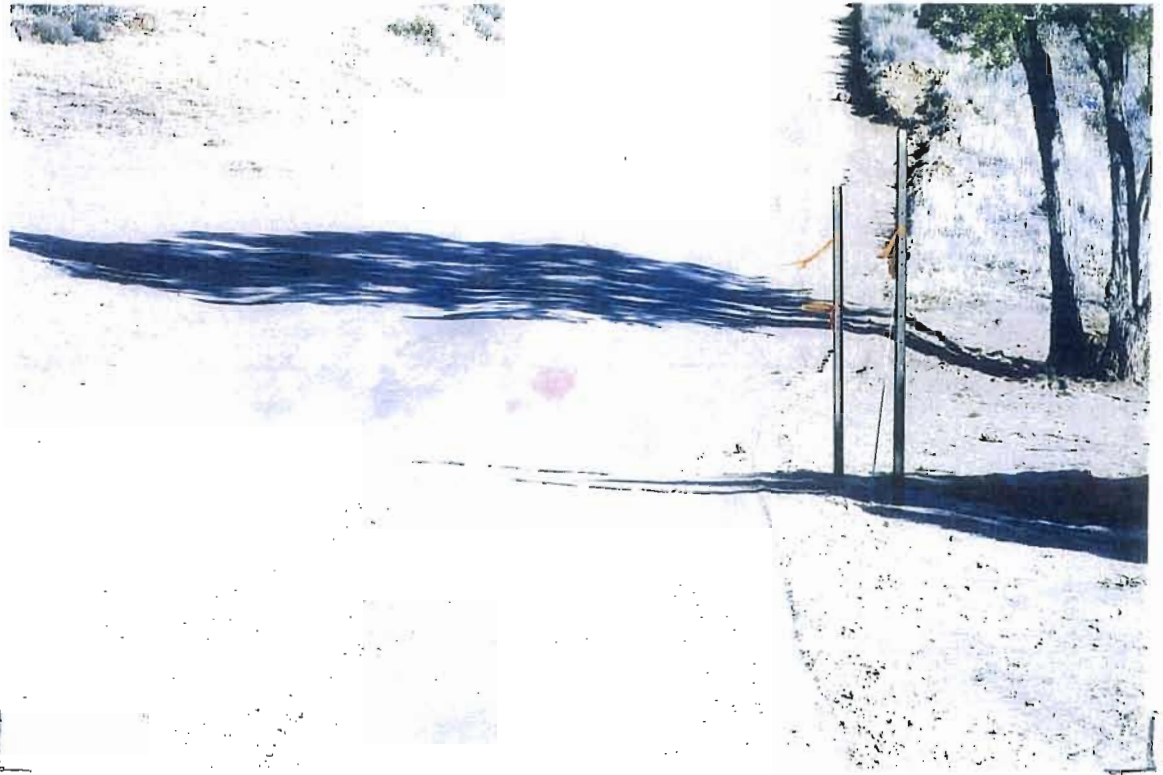


OJITO Dr.

SPE'S GLENK RECORDED 05/10/2012



SFS CLERK RECEIVED #5/18/2012



Calle Dos Mesitas

(11)