

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**WATER POLICY ADVISORY COMMITTEE**

**October 24, 2013**

**Santa Fe, New Mexico**

This meeting of the Santa Fe County Water Policy Advisory Committee was convened at approximately 6:10 p.m. by County Hydrologist Karen Torres on the above-cited date at the Santa Fe County Public Works Building Conference Room, 424 NM 599, Santa Fe, New Mexico.

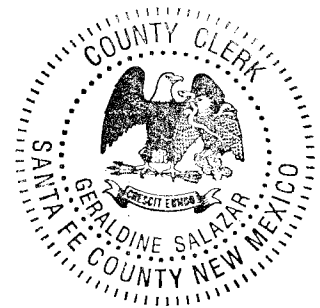
The following individuals present:

**Members Present:**

Charles Nylander, District 2  
Shelley Winship, Northern Planning Area  
H.L. "Bud" Hagerman, Estancia Basin  
Mukhtiar S. Khalsa, District 1  
Bill King, Soil & Water Conservation District  
Steve Rudnick, District 5  
Neal Schaeffer, District 4  
Sigmund Silber, Central Water Planning Area  
Rita Loy Simmons, District 3  
Gil Tercero, Mutual Domestic Water Consumers Assoc.  
Martha Trujillo, Acequia Association

**Member(s) Excused:**

Consuelo Bokum, BDD Board



**Staff Present:**

Adam Leigland, Public Works Director  
Rusty Rodke, Utilities Division Acting Director  
Karen Torres, County Hydrologist

**Others Present:**


Stanley Rosen  
Phil Taccetta  
Ryan Toups

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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I Hereby Certify That This Instrument Was Filed for  
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Those present introduced themselves.

Deputy  )  
Witness My Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe, NM

### **III. Approval of Agenda**

The agenda was amended positioning Action Items C, approval of 2013 workplan, and D, scope of 2014 workplan, to follow Matters from Staff.

Upon motion by Mr. Nylander and second by Mr. Tercero, the agenda was unanimously approved as amended.

### **IV. Summary of Rules of Order for Santa Fe County Committee Meetings**

Ms. Torres referred to the rules provided in the packet material. Some of the formalities within the rules (i.e., standing to be recognized) were not recommended.

Ms. Torres said the County Legal Department will provide a training session for conducting meetings to the Committee's Chair and Vice Chair.

### **V. Matters from the Public**

Stanley Rosen, retired professor of labor and industrial relations, said he is interested in policy, water issues and transparency in government dealings. He provided a written statement [*Exhibit I*] highlighting that the water issue is complicated and multifaceted. He encouraged the committee members to read *Waters Matters* written by the UNM Utton Center and to inventory all organizations and citizen resources on the topic of water. An inventory should be compiled and made available to the public.

Prefacing his comments that he too was a retired professor, Mr. Rudnick said he appreciated the speaker's comments and particularly appreciated that they were written and asked that the committee have an opportunity to review them on their own time. Stating that he found Mr. Rosen's comments interesting, Mr. Silber mentioned that it has been his experience with committees that the public comment had a prescribed time limitation.

Continuing, Mr. Rosen noted that water is not only a technical issue but a topic addressed by poets, writers, photographers, artists, philosophers, musicians, religious leaders and students of the humanities. He cautioned the members to avoid isolationism and rather think for the entire community because it affects us all: "It is a crisis for our community. It is a crisis for our state. It is a crisis for our country and has all kinds of ramifications..." He asked that they consider the larger question of what water means to our society as well as the county.

Phil Taccetta said he was interested in water in Santa Fe County, especially within the Goldmine Ortiz Mountains, La Bajada and strip mining.

Ryan Toups said he shared the concerns raised by the previous speakers.

## **VI. Action Items**

### **Designation of Initial Member Terms [corrected caption]**

Ms. Torres said the terms are either two or three years with six members filling each of the designations.

The following members will have three-year terms: Rita Loy Simmons, Charles Nylander, Shelley Winship, Sigmund Silber, Martha Trujillo and Consuelo Bokum.

The following members will have two-year terms: H.L. "Bud" Hagerman, Mukhtiar S. Khalsa, Bill King, Steve Rudnick, Neal Schaeffer and Gil Tercero.

Mr. Silber moved to accept the designation of member terms as stated above. His motion was seconded by Mr. Hagerman and passed by unanimous voice vote.

### **Election of Committee Chair and Vice Chair**

Recognized as a former County Manager and participant in the creation of the County's utility, Gil Tercero was recommended as chair. Mr. Tercero advised the committee that he did not use email and that would be an inconvenience for committee work.

Public Works Director Adam Leigland provided a background of the chair's responsibilities and the scope of the committee. The chair is expected to run the meeting, serve as parliamentarian and assist staff in developing an agenda. The vice chair will serve in the chair's absence. The resolution creating the committee calls for meetings no fewer than four times a year which Mr. Leigland said was optimal in accomplishing the goals as set forth in the enabling resolution. He anticipated a great deal of the committee's work would be conducted in coordination with staff. The resolution states that within "two months of the creation of the committee" an annual workplan will be developed for the calendar year. Staff has developed a work program for calendar year 2013 for presentation to the BCC.

Ms. Simmons nominated Charles Nylander as Chair and Mr. Tercero seconded. Charles Nylander was named chair by acclamation.

Chair Nylander assumed the chairmanship and opened nominations for vice chair.

Mr. Silber nominated Shelley Winship. Accepting the nomination, Ms. Winship said she did not see this as a succession plan. Mr. Tercero seconded the nomination and by acclamation Shelley Winship was declared Vice Chair.

## **VII. Matters from County Staff**

### **Welcome and Introduction of Members**

In an effort to recognize the expertise brought to the table, the members provided their water-related experience.

Sigmund Silber: Jemez y Sangre Region 3 Water Planning Council; writes about water with a focus on the lower Rio Grande adjudication, previously in the mining industry, founder and president of the New Mexico Weather Modification Association.

Bud Hagerman: Grew up in the southern part of the County and continues to ranch there. Served on water planning committees over the years including the Metropolitan Water Board and helped get the County's water system at the penitentiary going; presently serving on the Estancia Water Basin Planning Committee.

Rita Loy Simmons: Native New Mexican, Mayor pro-tem of Edgewood, involved in the water system since inception in the southern part of the County, serving on the Estancia Water Basin Planning Committee.

Steve Rudnick: Retired director of environmental studies with a broad interest in the environment and an emphasis on climate change, trained aquatic chemist.

Bill King: Born and raised in Stanley where he continues to farm and ranch, serves on the Edgewood Soil & Water Conservation Board, owns and is interested in water rights.

Shelley Winship: Writer, musician, resident of Chimayo where she has a raspberry you-pick farm, a member of the Acequia del Potrero, serves on the Greater Chimayo Mutual Domestic Water Consumer Association Board, supervisor of the Santa Fe Pojoaque Soil & Water Conservation District, worked to restore the capacity of the Santa Cruz Reservoir and secure funding for that effort.

Neal Schaeffer: Resident of Glorieta, professional surface water hydrologist with NMED with a particular interest in channel morphology/shape of streams in the valley.

Gil Tercero: Born and raised in Agua Fria, currently serves on the Agua Fria Community Water Association and served as County manager when the concept of a County water company was conceived.

Martha Trujillo: Lifetime resident of the Pojoaque area, retired from the State and she and her husband devote their time to farm life, serves on the local acequia association and interested in policy as well as the history and culture of water.

Mukhtiar S. Khalsa: A member of the Sikh community who has worked to build a regional system in the Cuatro Villas area, protection of water and the culture of the area is important.

Charles Nylander: Native Santa Fean, has a Masters in water resource management worked for NM Environmental Improvement Division and LANL, currently has a consultation and facilitation business with a focus on water-related issues in the Española basin.

**VI. Approval of 2013 Workplan – Regional Water Authority  
Scope of 2014 Workplan  
Overview of Resolution 2013-42**

Ms. Torres suggested the committee use a “sponsor” technique, wherein one person gathers committee member input online regarding the regional water authority and reports that information to the BCC.

It was recognized that if the committee is meeting quarterly the items listed in the 2013 workplan schedule would all occur between now and the next meeting.

If the resolution regarding the creation of a regional water authority requires immediate attention and input the Committee expressed a willingness to meet more frequent than quarterly.

Mr. Leigland said the resolution does not call for immediate action, rather the BDD which is governed by a JPA mandates choosing a supporting agency in December 2015. Currently the City provides those services to BDD. The City, County or a regional entity can serve as the supporting agency. It was likely the BDD would not take action on this item until late next year. He said the BCC did not want this Committee to serve as a rubber-stamp.

Chair Nylander said if there is a desire to move forward with a regional planning authority they would need to go to the legislature for enabling legislation. He thought it was important to provide input to the BCC. The BCC’s schedule and logistics of public notice to hold a meeting were discussed.

While no actual direction regarding the draft resolution was given, Mr. Leigland said it was probably accurate that they would like the Committee to comment on it. The resolution is a position statement. Chair Nylander said there was room to improve the resolution. Mr. Silber suggested a subcommittee work on the draft for presentation to the full committee.

Mr. King remarked that the southern part of the county may have a different need for an authority than the north – different basins under different laws. Mr. Hagerman agreed and said term definitions are necessary to insure issues are addressed correctly. He noted that the County is diverse with urban and rural needs. Ms. Simmons agreed and said an authority requires delineation of powers

Chair Nylander noted there are currently four regional water authorities in the state. A legislative format/template was developed by the Utton Center at UNM’s law school and could be useful for the County.

It was observed that two of the four points under Now, Therefore Be it Resolved conflicted. The third to the last Whereas outlined a tremendous effort for this committee in interfacing with the cities of Santa Fe and Española, Town of Edgewood, mutual domestic water consumer associations and other regional water users regarding a water authority. It was also noted that a regional authority requires public hearings.

There was consensus to review the proposed resolution and be prepared to discuss it at the next meeting.

Mr. Leigland suggested the committee's workplan identify the proposed resolution as its first task for 2014.

A correction regarding the fourth Whereas, that implied the Interstate Stream Commission adopted a regional plan was incorrect. The ISC accepts not adopts regional plans.

The committee was willing to start work and prepared to adopt the 2014 workplan at a November meeting.

There was discussion to present a workplan with relevance to the regional authority, the draft resolution and a 2014 workplan to study the question of a regional authority to the BCC on November 26<sup>th</sup>.

The draft resolution was sponsored by Commissioners Holian and Mayfield. Mr. Leigland said the resolution was tabled and deferred to this committee. It was recommended that the Committee Chair meet with Commissioner Chair Holian and discuss what is achievable in the resolution and suggest modifications.

It was acknowledged that the development of a workplan to culminate in the adoption of a resolution can be a lengthy process. Talking to Commission Chair Holian and sharing the committee's input will be helpful. Chair Nylander invited input by phone or email and he'll work with staff to develop a draft workplan for further review.

Mr. Leigland remarked that it was his understanding the Commission is looking for an independent position from this Committee of experts.

Chair Nylander said he would make an effort to talk to the five Commissioners and discern the urgency of the resolution. Ms. Winship said Buckman seems to be the driving force of the resolution and the Commission wants this committee to develop a workplan to study the issue.

The workplan for the remainder of this calendar year was accepting the assignment to study the regional water authority concept and the draft resolution.

Referring to Resolution 2013-42, Mr. Tercero noted paragraph 10: "Within two months of the creation of the Committee and at the second BCC meeting in January of each year thereafter, the chair of the Committee shall present to the BCC for approval a draft workplan for the upcoming calendar year or portion thereof..." The 2014 workplan is expected in January.

In addition to finalizing the workplan at the next meeting it was recommended that each member choose one of the proposed topics identified by staff: Implementation of acequia policy within Santa Fe County; Santa Fe County Utility Growth Plan aquifer storage and recovery policy of and watershed protection policy for Santa Fe County to work on. Additional topics a Committee member may deem relevant may arise.

Mr. King moved to table action on the 2013 and 2014 Workplans until the November 14<sup>th</sup> meeting. Mr. Hagerman seconded and the motion passed by unanimous voice vote.

### **Discussion of Sustainable Land Development Code**

Under the enabling resolution, it was noted that the scope of duties was clearly delineated and included a broad catch-all "such other water related topics and issues as directed by the BCC." Within that resolution the Committee is called on to make recommendations related to water policies in the County Land Development Code which is currently under review for adoption.

Ms. Torres concurred that the review of the regional water authority and code being contemporaneous it was presumed that the committee would review the code independently and forward comments to the Growth Management Department. She distributed CDs of the plan to the members. Section 7.13 was identified as the water section.

### **VIII. Matters from the Committee**

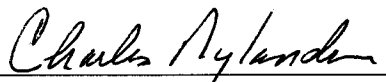
Ms. Trujillo asked whether the issues of sovereignty would be topics of discussion. Chair Nylander said the Aamodt Settlement and the Pojoaque Basin Regional Water System contemplate the formation of a regional water authority for those four pueblos and the Santa Fe County land involved in that project area.

The next meeting was tentatively scheduled for Thursday, November 14<sup>th</sup> at 6 p.m. in the same location.

### **IX. Adjournment**

Having completed the agenda and with no further business to come before this Committee, Chair Nylander declared this meeting was adjourned at approximately 8:25 p.m.

Approved by:

  
Charles Nylander, Chair

Respectfully submitted by:

  
Karen Farrell, Wordswork

FILED  
CLERK  
RECORDED  
8/27/2014