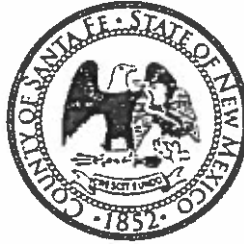


Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3




Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: August 19, 2014

To: Board of County Commissioners

From: Penny Ellis-Green, Growth Management Director 

Via: Katherine Miller, County Manager
Gregory S. Shaffer, County Attorney

Re: Request Authorization to Publish Title and General Summary of An Ordinance Entitled "An Emergency Interim Development Ordinance Imposing A Twelve Month Moratorium On Development Approvals Or The Issuance Of Development Permits For Specified Developments Of Countywide Impact".

Background and Summary:

Staff requests authorization to publish title and general summary of the attached ordinance entitled, "An Emergency Interim Development Ordinance Imposing A Twelve Month Moratorium On Development Approvals Or The Issuance Of Development Permits For Specified Developments Of Countywide Impact" (Ordinance).

The Sustainable Land Development Code (SLDC) was approved by the BCC on December 10, 2013 by Ordinance No. 2013-6. The SLDC does not go into effect until the zoning map is adopted, which is projected to occur by the end of calendar year 2014.

The Development s of Countywide Impact (DCIs) chapter of the SLDC, Chapter 11, was largely reserved in the approved SLDC.

What would the Ordinance do? It would enact a moratorium stopping the County from accepting new or processing existing development applications for certain DCIs.

How long would the moratorium be in place? Twelve months.

What DCIs would be covered by the moratorium? The following activities would be subject to the moratorium at this time:

- landfills;

- junkyards; and
- sand and gravel extraction activity requiring blasting.

Why are other DCIs not proposed for inclusion in the moratorium at this time? First, the Board of County Commissioners (Board) has previously indicated that existing regulations are acceptable for certain DCIs between now and the development of the applicable regulations in Section 11.3 of the Sustainable Land Development Code (SLDC). This statement applies to oil and gas drilling and production and mining and resource extraction and mining and resource extraction. Specifically, in the Sustainable Growth Management Plan (SGMP), the Board found that the oil and gas ordinance and existing mining ordinance should or will "be incorporated into the SLDC without substantial changes". (SGMP, Section 2.2.6.1 and Section 2.2.6.2.)

Second, certain DCIs have not yet been fully defined, making a moratorium on them inappropriate at this time. This statement applies to substantial land alteration, large-scale feedlots and factory farms, and sand and gravel extraction that does not involve blasting. This could change as these concepts are further defined through future SLDC amendments.

What is the purpose of a moratorium? A moratorium:

- avoids a rush of applications in advance of new regulations;
- avoids the establishment of non-conforming uses or the need to respond in an ad hoc fashion to specific problems;
- eliminates the need for hasty adoption of permanent controls;
- allows the planning and implementation process to run its full and natural course with widespread citizen input and involvement, public debate, and full consideration of all issues and points of view; and
- allows for the creation of legally and scientifically sound plans, policies and regulations.

When do you propose the required public hearing on the Ordinance? Staff proposes that this hearing would be held on September 16, 2014, at 2:00 p.m. The Board is already scheduled to have a zoning map meeting in Pojoaque that evening. Staff would propose that the Board hold a special meeting at the County Administrative Building at 2:00 p.m. that day to consider the Ordinance. It could then break for dinner and reconvene in Pojoaque.

Exhibits

Exhibit A – Draft Ordinance

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2014 -

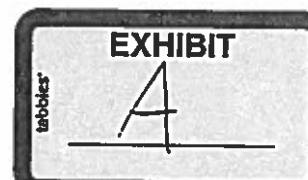
AN EMERGENCY INTERIM DEVELOPMENT ORDINANCE IMPOSING A TWELVE
MONTH MORATORIUM ON DEVELOPMENT APPROVALS OR THE ISSUANCE OF
DEVELOPMENT PERMITS FOR SPECIFIED DEVELOPMENTS OF COUNTYWIDE
IMPACT

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE
COUNTY:

Section 1. Short Title. This Ordinance shall be known as the “DCI Moratorium Ordinance.”

Section 2. Definitions. As used in the DCI Moratorium Ordinance, the following terms have the following meanings:

- 2.1. “Board” means the Board of County Commissioners of Santa Fe County.
- 2.2. “County” means Santa Fe County.
- 2.3. “DCIs” means Developments of Countywide Impact.
- 2.4. “DCI Regulations” means the regulations to be adopted by the Board and codified in Section 11.3 of the SLDC.
- 2.5. “Development”, “Development Approval”, “Development Order”, and “Development Permit” have the same meaning as is given those terms in the Land Development Code and SLDC, as applicable. In addition, “Development Permit” expressly includes master plan approvals, development plan approvals, zoning or rezoning approvals, and approvals of mining zones pursuant to Article XI of the Land Development Code.
- 2.6. “Junkyard” means a place where scrap materials, including automobile bodies and parts, construction debris or metal, are stored or stockpiled for reuse, parts salvage or destruction, and generally, but not always, associated with a junk or scrap business.
- 2.7. “Landfill” means an area of land upon which solid waste is disposed of in accordance with standards, rules, or orders established by the State of New Mexico.
- 2.8. “Sand and gravel extraction” means mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring construction materials.
- 2.9. “SGMP” means the Santa Fe County Sustainable Growth Management Plan, adopted by the Board by Resolution Nos. 2010-210 and 2010-225.
- 2.10. “SLDC” means the Sustainable Land Development Code, adopted by the Board by Ordinance No. 2013-6.



Section 3. Findings.

3.1. The Board has previously found in Section 11.1 of the SLDC, and hereby confirms, that DCIs have potential for far reaching effects on the community. DCIs are developments that would place major demands on public facilities, the County's capital improvement plan and budget, and/or have the potential to affect the environment and public health, safety, and welfare beyond the impacts on immediately neighboring properties. DCIs have the potential to create serious adverse noise, light, odor and vibration; explosive hazards; traffic congestion; and burdens on County emergency response services. Therefore, special regulation of DCIs is necessary:

3.1.1. to protect the health, safety and welfare of the citizens, residents, and businesses of the County from the potentially harmful or hazardous impacts of DCIs;

3.1.2. to ensure short and long-term compatibility (both on-site and off-site) of DCIs and the County at large;

3.1.3. to preserve the quality and sustainability of life, the economy, infrastructure, environment, natural and cultural resources, and natural landscapes; and

3.1.4. to protect the degradation of air, surface water and groundwater, soils, environmentally sensitive lands and visual and scenic qualities.

3.2. Existing regulations in the Land Development Code for the DCIs identified in Section 4 of the DCI Moratorium Ordinance are either non-existent or inadequate to meet the special regulatory needs identified in Section 3.1.

3.3. Development of the DCI Regulations for the DCIs identified in Section 4 will require:

3.3.1. the identification of monetary and other resources;

3.3.2. the engagement of planning, fiscal, economic, water, environmental and engineering consultants, or attorneys; and

3.3.3. extensive hearings and workshops to solicit public input, evaluation, and recommendations.

3.4. A twelve month moratorium on Development Approvals or Development Permits for DCIs identified in Section 4 is necessary, essential, and reasonable:

3.4.1. to avoid a race of diligence, whereby landowners file and submit DCI development applications during the formulation and public discussion of the DCI Regulations;

3.4.2. to avoid the establishment of non-conforming uses or the need to respond in an ad hoc fashion to specific problems;

3.4.3. to eliminate the need for hasty adoption of permanent controls;

3.4.4. to allow the planning and implementation process to run its full and natural course with widespread citizen input and involvement, public debate, and full consideration of all issues and points of view; and

3.4.5. to allow for the creation of legally and scientifically sound plans, policies and regulations.

3.5. This DCI Moratorium Ordinance constitutes a valid exercise of the County's express and implied zoning authority and police power, consistent with NMSA 1978, § 3-21-1 (granting counties zoning authority, including the power to "regulate and restrict within its jurisdiction" . . . the "location and use of buildings, structures and land for trade, industry, residence or other purposes") and NMSA 1978, § 4-37-1 (granting counties, among other powers, "those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants"). *Brazos Land, Inc. v. Board of County Commissioners of Rio Arriba County*, 1993-NMCA-013, ¶ 30, 115 N.M. 168 (N.M. Ct. App. 1993) ("Where the Board [of County Commissioners] enacted a moratorium for the purpose of, inter alia, promulgating more stringent waste disposal requirements for subdivisions, and where such requirements and restrictions reasonably advanced a legitimate state interest in the safety and health of the inhabitants of Rio Arriba County, we hold that the Board's moratorium was a valid exercise of its police power and its express and implied authority.").

Section 4. DCIs Subject to Moratorium. The following DCIs are subject to the moratorium imposed by Section 6:

- 4.1. landfills;
- 4.2. junkyards; and
- 4.3. sand and gravel extraction activity requiring blasting.

Section 5. DCIs Exempt from Moratorium. The following DCIs are exempt from the moratorium imposed by Section 6 either because the Board has determined that existing regulations are acceptable to serve the special regulatory needs of DCIs until the adoption of new DCI Regulations or because the Board has not yet defined the scope of activity requiring regulation as a DCI:

- 5.1. oil and gas drilling and production;
- 5.2. mining and resource extraction (other than sand and gravel extraction);
- 5.3. substantial land alterations;
- 5.4. large-scale feedlots and factory farms; and
- 5.5. sand and gravel extraction that does not require blasting.

As land uses and impacts are further defined, the Board may amend the DCI Moratorium Ordinance to make other DCIs subject to the moratorium imposed by Section 6.

Section 6. Moratorium. During the effective period of the DCI Moratorium Ordinance and except as provided in Section 7:

- 6.1. no new applications for Development Approval or a Development Permit related to a DCI identified in Section 4 shall be accepted by the County;
- 6.2. no existing and filed application for Development Approval or a Development Permit related to a DCI identified in Section 4 shall be further processed or acted upon by the Board or other County committee, commission, department, or official; and
- 6.3. no Development Approval or Development Permit related to a DCI identified in Section 4 shall be issued.

Section 7. DCIs with Vested Rights are Exempt from Moratorium.

7.1. Section 6 shall not apply to Development Permits necessary to implement DCIs identified in Section 4 with vested rights as of the effective date of the DCI Moratorium Ordinance, as determined by the County Land Use Administrator in accordance with New Mexico law. To have vested rights, generally (i) there must be prior approval by the County for use of buildings or land for the DCI and (ii) there must be a substantial change in position in reliance on the approval.

7.2. Any person aggrieved by the Land Use Administrator's decision with respect to whether a DCI identified in Section 4 has vested rights may appeal that decision in accordance with the appeal provisions of the Land Development Code or SLDC, as applicable. Any person aggrieved by the Board's decision on appeal may appeal the Board's decision to District Court, pursuant to NMSA 1978, § 3-21-9 and § 39-3-1.1.

Section 8. Prioritization of DCI Regulations for DCIs Identified in Section 4. The County Manager is directed to require County staff to immediately begin the process to engage the professionals necessary to develop the DCI Regulations for the DCIs identified in Section 4 and to take such other action as is necessary to expeditiously develop such regulations, any other necessary amendments to the SLDC or SGMP, and any other ordinances or documents necessary to implement the DCI Regulations for the DCIs identified in Section 4 or carry out the purposes of this DCI Moratorium Ordinance.

Section 9. Repeal of Inconsistent Ordinances. All ordinances or parts of any ordinances that irreconcilably conflict with this DCI Moratorium Ordinance are hereby repealed to the extent of such conflict.

Section 10. Severability. If a provision of the DCI Moratorium Ordinance or its application to any person or circumstance is held by a court of competent jurisdiction to be invalid, the invalidity does not affect other provisions or applications of the DCI Moratorium Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of the DCI Moratorium Ordinance are severable.

Section 11. Effective Period.

11.1. Due to the emergency declared in Section 3.2, it is necessary for the protection of the public health and safety of the County that this DCI Moratorium Ordinance take effect immediately upon recordation. Should a court of competent jurisdiction determine that it has the authority to question the Board's declaration of emergency and that emergency conditions did not exist justifying the immediate efficacy of the DCI Moratorium Ordinance, the DCI Moratorium Ordinance shall take effect on the first date otherwise allowed by law.

11.2. The DCI Moratorium Ordinance is repealed on September 16, 2015; provided that the Board may extend the effective period for additional reasonable periods of time if, in its legislative discretion, such extension is warranted.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____,
2014.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

Daniel Mayfield, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney

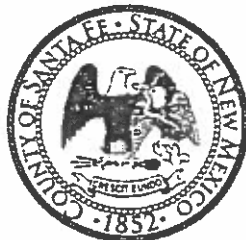
AUGUST 20, 2014 DRAFT



Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *July 31, 2014*

TO: *Board of County Commissioners*

FROM: *Adam Leigland, Public Works Director*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting August 26, 2014*

REQUEST AUTHORIZATION TO PUBLISH TITLE AND GENERAL SUMMARY OF AN ORDINANCE AMENDING ORDINANCE NO. 1998-16 (AN ORDINANCE ESTABLISHING PROVISIONS FOR EXTENSION OF SEWER SERVICE; ADOPTING OPERATING AND MANAGEMENT PRODECURES; SETTING RATES; AND ESTABLISHING DESIGN STANDARDS FOR THE SANTA FE COUNTY WASTEWATER UTILITY) TO UPDATE THE SERVICE RATES AND CHARGES AND SERVICE AREA

SUMMARY:

This ordinance amendment is to update the wastewater utility service area to match the boundaries of SDA 1 and to increase sewer service fees to overcome a revenue loss caused by the City's recently-increased sewer rates. Sewer service fees have not changed in sixteen years, the proposed rate structure would be in line with fees from adjacent jurisdictions, and the Utility Division currently pays more to the City for each sewer service customer than it collects from that customer.

BACKGROUND:

Santa Fe County established its present sewer service rates and its sewer service area in Ordinance 1998-16, which was passed on December 1, 1998. Sewer rates as established in that Ordinance are still in effect. In 2010, the County commissioned a water and wastewater rate study that produced rate change recommendations. The water rates were incorporated into the water rate schedule approved in May 2011 by the Commission, but the wastewater rates were not. In May 2013, the City and County signed the water and wastewater annexation agreement. This agreement resulted in the transfer of 557 wastewater customers from the City to the County. The wastewater generated by these customers is still ultimately treated by the City's wastewater treatment plant. Santa Fe County also has 280 residential wastewater customers whose wastewater is treated at the County's Quill Plant.

The average County wastewater utility customer discharges 5,500 gallons per month. The table below calculates a monthly average residential wastewater bill with the current and proposed rate structure as well as with the wastewater rates of surrounding jurisdictions.

1	Current Santa Fe County Rates	Amount	Average Monthly Cost at 5,500 gal Usage
1a	Monthly Fixed Fee (per household)	\$6.54	\$18.79
1b	Variable Usage Fee (per 1000 gal of wastewater) (First 2000 gal are free)	\$3.50	
2	City of Santa Fe Wholesale Rates	Amount	Cost to SFC for Wastewater Delivered to City Treatment
2a	Monthly Fixed Fee (per household)	\$4.29	\$26.02
2b	Variable Usage Fee (per 1000 gal of wastewater)	\$3.95	
3	2010 County Rate Study Recommendation Rates	Amount	Average Monthly Cost at 5,500 gal Usage
3a	Monthly Fixed Fee	\$7.90	\$30.18
3b	Variable Usage Fee (per 1000 gal of wastewater)	\$4.05	
4	Recommended Santa Fe County Rates	Amount	
4a	Monthly Fixed Fee	\$7.54	\$23.29
4b	Variable Usage Fee (per 1000 gal of wastewater) (First 2000 gal are free)	\$4.50	
	Current Area Rates For Comparison	Amount	Average Monthly Cost at 5,500 gal Usage
5	City of Santa Fe (inside City limit rates)		
5a	Monthly Fixed Fee	\$5.85	\$25.54
5b	Variable Usage Fee (per 1000 gal of wastewater)	\$3.58	
6	Albuquerque-Bernalillo County		
6a	Monthly Fixed Fee	\$8.25	\$18.21
6b	Variable Usage Fee (per 1000 gal of wastewater)	\$1.81	
7	City of Rio Rancho (inside City limit rates)		
7a	Monthly Fixed Fee	\$11.83	\$55.23
7b	Variable Usage Fee (per 1000 gal of wastewater)	\$7.89	
8	City of Espanola (inside City limit rates)		
8a	Monthly Fixed Fee	\$17.60	\$37.01
8b	Variable Usage Fee (per 1000 gal of wastewater)	\$3.53	

The City of Santa Fe recently created a wholesale rate for sewer and is in the process of increasing its retail rates. The wholesale rate, which is what the City charges the County for sewage it treats at its plant on the County's behalf, is indicated at Line 2 in the table above. This rate is charged on top of what the County charges the customer.

Lines 1 and 2 on the table above demonstrate the core problem. For an average wastewater customer of the County whose wastewater is treated at the City's treatment facility, the County pays \$7.23 more to the City than it collects from the customer. Note that this loss does not include the costs that the County incurs for billing, meter reading, and maintenance of the sewer lines.

City and County staff met to discuss the City's new sewer rates, both wholesale and retail. The City's new rates are based on a cost of service study that the City performed in 2013.

Based on the County's current rates and prevailing wastewater generation volumes, the average County sewer bill is approximately \$19 per month. The County has several commercial customers that pay on average \$160 per month and industrial customers that pay on the order of \$5500 per month.

The service area as established can be seen at Attachment A.

DISCUSSION:

Several factors have changed in the 16 years since the sewer ordinance was passed in 1998 that warrant its update.

First, the Sustainable Growth Management Plan (SGMP) was approved in 2010. Chapter 11 of the SGMP calls for the expansion of centralized wastewater service in the primary growth areas, and also calls for the alignment of the utility service area with Sustainable Development Area 1 (SDA 1). This is reflected in the Sustainable Land Development Code Official Map 6-*County Water and Sewer Utilities*. Therefore, staff is recommending amending Ordinance 1998-16 to align the service area with the Sustainable Land Development Code.

Second, as described above, the rate discrepancy with the City as a result of annexation results in a County revenue loss of approximately \$144,000 per year.

As shown above, it is estimated that these rate changes will result in the average monthly County residential sewer bill changing from \$19 to \$23 a month.

It is estimated that these changes will increase utility revenue by \$110,000 per year.

ACTION REQUESTED:

Authorize publication of title and general summary of subject ordinance.

Attachments:

1. Fiscal Impact Review
2. City Sewer Rate Ordinance

ORDINANCE 2014-__

AN ORDINANCE AMENDING ORDINANCE NO. 1998-16 (AN ORDINANCE ESTABLISHING PROVISIONS FOR EXTENSION OF SEWER SERVICE; ADOPTING OPERATING AND MANAGEMENT PRODECURES; SETTING RATES; AND ESTABLISHING DESIGN STANDARDS FOR THE SANTA FE COUNTY WASTEWATER UTILITY) TO UPDATE THE SERVICE RATES AND CHARGES AND SERVICE AREA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT ORDINANCE 1998-16 IS AMENDED AS FOLLOWS:

1. Paragraph 2.B is hereby replaced with the following:

B. Service Area

The County's sewer service area is defined to coincide with Sustainable Development Area 1 as indicated on the Sustainable Land Development Code Official Map Series Map 6 - *County Water and Sewer Utilities*.

2. Exhibit C is hereby replaced with Sustainable Land Development Code Official Map Series Map 6-*County Water and Sewer Utilities*.

3. Paragraph 5.1 of Exhibit A is hereby replaced with the following:

5.1 Each residential and nonresidential connection within the service area for which water consumption records are available shall be assessed a monthly fixed fee of seven dollars and fifty-four cents (\$7.54), plus a monthly charge of four dollars and fifty cents (\$4.50) per one thousand (1,000) gallons of applicable base period water use above the base rate of 2,000 gallons.

A. The base period for residential connection is the most recent December through February period preceding the fiscal year of fee assessment.

B. A residential connection shall include single and multi-family residences, mobile home parks, commercial greenhouses, churches, properties owned and operated by the U.S. Government, the State of New Mexico, the City of Santa Fe, the County of Santa Fe and Santa Fe Board of Education and private elementary and secondary schools and colleges.

C. The base period for a non-residential connection is the most recent April through March period for which water use records are available preceding the fiscal year of fee assessment. Upon written application to the Department, metered water use for non-residential connections may be reduced by two (2) gallons per month for each square foot of irrigated property. Reductions may be applied from March through November.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF _____, 2014

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Daniel W. Mayfield, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer, Santa Fe County Attorney

SANTA FE COUNTY FISCAL IMPACT REPORT (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed ordinance or resolution as to its direct impact upon the County's operating budget and is intended for use by staff of the Human Resources and Finance Divisions, the County Manager and the governing body of Santa Fe County. Ordinances/resolutions with a fiscal impact must be reviewed by the Finance Division Director or the Budget Administrator. Ordinances/resolutions with proposed staffing increases must be reviewed and approved by the Human Resources staff and approved by the County Manager before presentation to the Board of County Commissioners (BCC).

Please refer to the instructions on how to complete this form.

Section A. General Information

Ordinance Resolution Other

A single FIR may be used for related ordinances and/or resolutions.

Short Title(s): Amend Sewer Rates and Service Area
 Reviewing Division(s): Public Works
 Person Completing FIR: Adam Leigland
 Date: 5/27/2014 Phone: x3023

Section B. Summary

Briefly explain the purpose and major provisions of the ordinance/resolution.

This ordinance updates Ordinance 1998-12. Updates are to sewer service rates and to the service area.

Section C. Fiscal Impact

NOTE: Financial information on this FIR does not directly translate into a Santa Fe County budget increase.

- a. The item must be presented to the Finance Division for analysis and recommendation as a potential request to increase the existing budget for the county.
- b. Detailed budget information must be included, such as funding source, amounts and justification.
- c. Detailed salary and benefit for new full-time equivalents (FTE's) must be included. The request must be approved by the staff of the Human Resources Division for each new FTE request.

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – the current fiscal year and the following three fiscal years, where applicable
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" if recurring annual costs
Indicate: "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if four years does not adequately project revenue and costs patterns
- e. Costs may be netted or show as an offset if some cost savings are projected (please explain further in Section 3 Narrative)
- f. Please provide additional fiscal impact information for years 3 and 4 in the Expenditure/Revenue Narrative.
- g. This form allows for information related to two fiscal years. Please note *info* relation to other fiscal years in narrative 3.

Exp. Classification	FY <input type="text"/>	"A"	"R"	FY <input type="text"/>	"A"	"R"	Funds affected
		or "N"	or "NR"		or "N"	or "NR"	
Salary and Benefits	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Select or type...
Maintenance	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Select or type...
Other Operating	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Select or type...
Contractual Services	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Select or type...
Capital Requirements	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Select or type...
Total	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

*Any indication that additional staffing would be required must be reviewed and approved in advance by the County Manager by attached memo before release of FIR to the Board of County Commissioners (BCC).

** For salary and benefit information contact the Finance Division, or attach the New FTE Request form to provide necessary information.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.
- c. Please provide additional fiscal impact information for years 3 and 4 in the Expenditure/Revenue Narrative.

Type of Revenue	FY 15	"R" or "NR"	FY	"R" or "NR"	Funds Affected
Rate	\$50,000	R	\$110,000	R	Special Revenue _
Total	\$50,000		\$110,000		

3. Expenditure/Revenue Narrative:

Explain expenditures, grant match requirements, justify salary and benefit costs for new FTE request, detail capital and operating uses, etc. Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. (Attach supplemental page, if necessary). Also, provide expanded information for fiscal year three and four impact for both revenue and expenditures.

If adopted, the updated sewer rates will generate an additional approximately \$110,000 per year. Currently, the wastewater utility is losing \$144,000 per year due to outdated rates and a rate discrepancy with the City's wholesale wastewater rate.

Section D. General Narrative

1. Conflicts:

Does this proposed ordinance/resolution duplicate/conflict with/companion to/relate to any County code, approved ordinance or resolution, other adopted policies and legislation? Include details of county adopted ordinances/resolutions and dates. Summarize the relationships, conflicts or overlaps.

In addition to updating rates, this amendment also aligns the wastewater service area with SDA 1 as indicated in the SGMP.

2. Consequences of Not Enacting This Ordinance/Resolution:

Are there consequences of not enacting this ordinance/resolution? If so, describe.

Service area will remain out of date, and the wastewater utility will continue to lose revenue each year.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None.

4. Community Impact:

Briefly describe the major positive or negative effects the ordinance/resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The rate changes will result in increased sewer bills for County wastewater customers (residential, commercial, and industrial). It is estimated that the average residential bill will change from \$19/month to \$23/month.

 No file attached	 No file attached	 No file attached
--	--	--

1"	\$2,190
1-1/2"	\$4,380
2"	\$7,008
3"	\$14,016
4"	\$21,900
6"	\$43,800
8"	\$70,080
10"	\$127,020

7.3.5. Any separate water meter installed for irrigation purposes only shall not be included in the calculation of the charge.

7.3.6. In the event that the development does not have a water meter, or the wastewater division director or developer believes the size of the water meter does not accurately reflect wastewater generation, the developer may submit or the director may require the submission of a study, prepared by a professional engineer, to determine the charge listed in the above table for the water meter that most closely matches the cost of capital facilities to treat the biochemical oxygen demand that will be generated by the proposed development.

7.4. The UEC shall be due prior to issuance of a building permit if the property is located in the city limits and prior to obtaining a permit to connect to the sewer if the property is located outside the city limits.

7.5. Payments of wastewater utility expansion charges shall be deposited in an account separate from other funds of the city.

8. Sewer Service Charges.

A. Connected to City Sewer

1. Single Family Residential Sewer Service Fees and Usage Fees.

Single family residential sewer service fees and usage fees shall apply if a sewer customer is served by city water and meets the single family service classification for water as set forth in Chapter 25 SFCC 1987. If not served by city water, single family residential sewer service fees and usage fees shall apply where the sewer connection serves only one unit* for normal domestic sewage.

a. *In city limits:*

--	--	--	--

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit**

2. Multi-Family Residential Sewer Service:

The following sewer service fees and usage fees shall apply if a sewer customer is served by city water and meets the multi-family residential service classification for water as set forth in Chapter 25 SFCC 1987. If not served by city water, multi-family residential sewer service fees and usage fees shall apply where the sewer connection serves more than one unit* for normal domestic sewage.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**

July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*
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c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*

3. Commercial Sewer Service:

The following sewer service fees and usage fees shall apply where the water meter(s) serves a use not classified as single family residential or multi-family residential sewer service set forth above or where service is provided for a combination of residential and commercial services.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*

4. Exceptions to Commercial Sewer Service.

Mobile home parks; commercial greenhouses; churches; properties owned by the U.S. government, the state of New Mexico, the City of Santa Fe, the County of Santa Fe and the Santa Fe board of education; and state accredited private elementary and secondary schools and colleges shall not be considered commercial sewer services and shall be considered residential sewer service.

B. Not Connected to City Sewer.

1. Accessible to city sewer system
(as defined in subsection 22-2.1 SFCC 1987)

Effective Date	Cost per unit*/lot
January 1, 2010	\$5.85 per unit* or if no unit* \$5.85 per lot

2. Not accessible to city sewer system No charge.

C. Taxes.

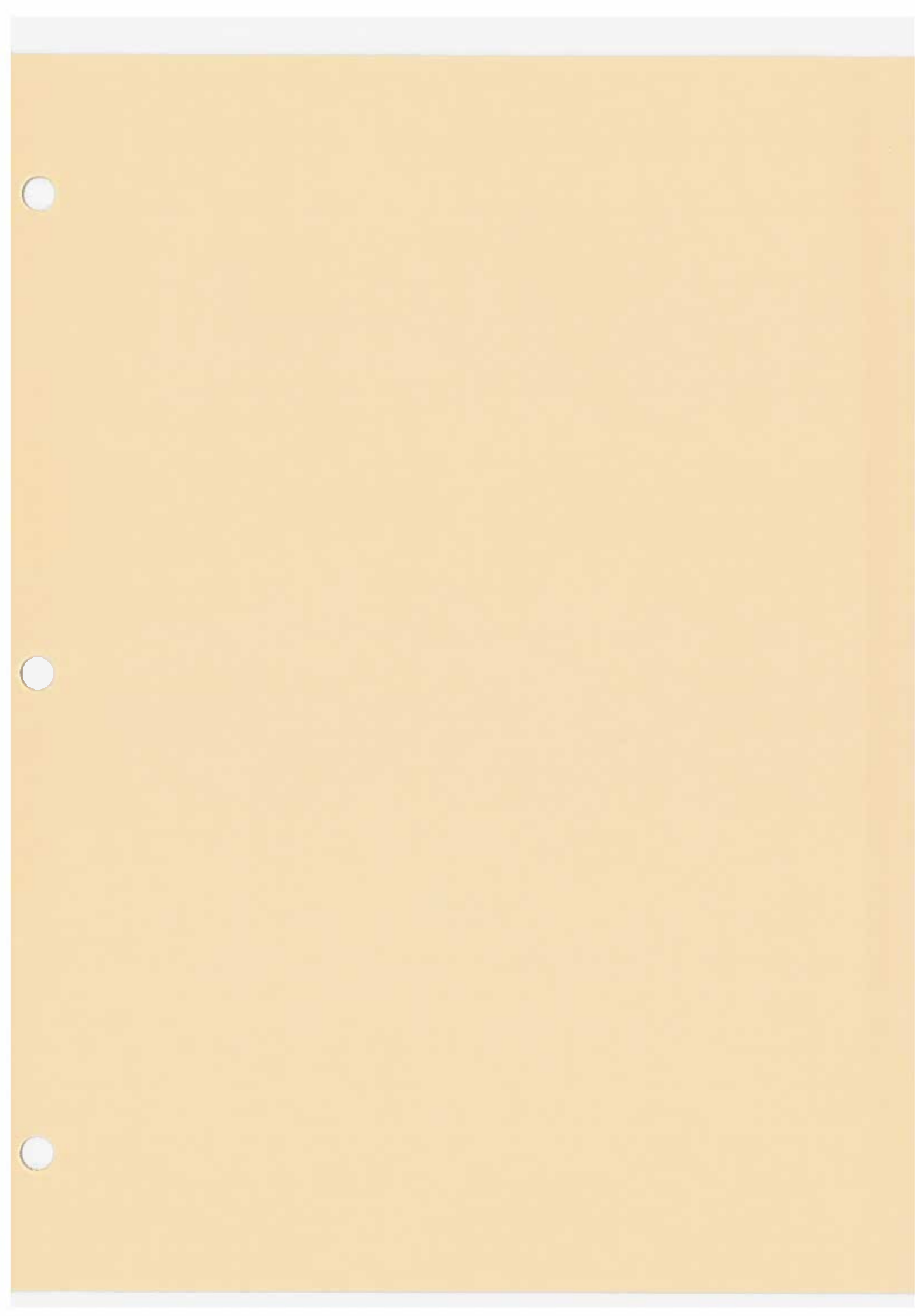
Billings under this schedule may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the city and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

Notes:

* Unit means:

- *For residential customers:* one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease and physically separated from any other rooms or residential units that may be in the same structure and containing independent plumbing facilities. A residential unit may include, but is not limited to, a single family house, an apartment unit, condominium unit, mobile home, or a guest house.
- *For commercial customers:* an area constituting a separate, independent enterprise establishment for owner occupancy, or rental or lease and physically separated from any other commercial units that may be in the same structure and containing independent plumbing facilities.
- *For both residential and commercial purposes,* the term unit does not include a motel or hotel unit or similar transient lodging or rest homes, nursing homes or similar institutional facilities.

** Shown on the water meter readings averaged for the months of December, January, and February



Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: August 14, 2014

TO: Board of County Commissioners

FROM: Willie R. Brown, Assistant County Attorney

VIA: Katherine Miller, County Manager

**ITEM &
ISSUE:** BCC Meeting August 26, 2014

REQUEST AUTHORIZATION TO PUBLISH TITLE AND GENERAL SUMMARY OF AN ORDINANCE AMENDING AND RESTATING ORDINANCE 2012-12 AS AMENDED, AN ORDINANCE ENACTING A SANTA FE COUNTY CODE OF CONDUCT; AND REPEALING ORDINANCE NO. 2011-9

SUMMARY:

The purpose of this ordinance amendment is twofold: *first*, it provides substantial amendments to the text of the current Code of Conduct; *second*, it takes the 2011 BCC amendments to the Code of Conduct and, together with the proposed new amendments, rolls them all into one seamless Code of Conduct for easier use. This "restated" Code of Conduct, if adopted by the BCC, would be the new Code of Conduct applicable to Elected Officials, Volunteers, Employees and Appointed Officials.

BACKGROUND:

The Santa Fe County Ethics Board, working with the assistance of Assistant County Attorney Willie Brown, has met no fewer than 16 times over two years to review, discuss and consider proposed amendments to the current Code of Conduct Ordinance and its 2011 BCC amendment. The proposed changes will clarify and strengthen the existing ordinance.

DISCUSSION:

In order to have a seamless, restated Code of Conduct, the amendments to the current Code in Ordinance 2011-9, which is an Ordinance Enacting Amendments to Ordinance No. 2010-12, would have to be rolled into a single-standing Code of Conduct. To do this, Ordinance 2011-9 would have to be repealed and its text restated in and moved to the new Code of Conduct.

All language from the 2011 BCC amendment is highlighted in **green** for easy detection. Likewise, all edits agreed to by both the Ethics Board and staff is highlighted in **yellow** for easy detection. Lastly, all edits proposed by the Ethics Board but not agreed to by staff, is highlighted in **turquoise**. Perhaps as a testament to the collaborative efforts of the Ethics Board and staff, there was very little that was not agreed to, and hence, there is very little text highlighted in turquoise.

As can be seen:

1. The proposed text amended or clarified several definitions: (e.g., it clarified “Anything of Value” related to gifts, “Candidate” in line with the Campaign Reporting Act, “Elected Official,” “Family,” “Financial Interest,” and “Complaining Party,”). It added new definitions for “County’s Contract Ethics Official or CCEO” and “Respondent”.
2. The proposed text clarified the obligations and restrictions of former Elected Officials, Appointed Officials or Employees once they leave the County. This was done to align those requirements with the requirements set forth in the state Governmental Conduct Act, which became applicable to local governments on July 1, 2011.
3. It clarified the limitations related to conflicts of interest in the context of the Procurement Code as well as in the context of receiving anything of value or campaign contributions from those who do business with the County.
4. It clarified the requirements in the section on Political Activity to align with current law. Likewise, it clarified the requirements in the section on Prohibited Uses of Campaign Funds to align with current law, primarily the Campaign Reporting Act.
5. The proposed amendments clarified how complaints are made and to whom, and how they are processed and by whom. Significantly, it clarified that an ethics complaint against a County Employee must be forwarded to the Human Resources Division for investigation and resolution.
6. The proposed amendments established elaborate due process procedures to ensure that the process of bringing a complaint to a hearing is fair and transparent, and afford a Respondent charged with an infraction the basic rights of notice, opportunity to be heard, opportunity to be represented by an attorney, opportunity to examine all evidence, opportunity to present their side of the story through witnesses and documents, and opportunity to cross-examine all witnesses who testify against them.
7. The proposed amendments clarified that the Ethics Board, as part of their duties, can make recommendations to the BCC regarding ethics training; that the Ethics Board cannot subpoena witnesses to hearings but can compel the attendance of the County Employees to attend hearings which would be done via a notice through that employee’s chain of command.

8. It proposes to add a provision that any Ethics Board member who petitions its board for a hearing or advice on their own conduct or that of others, they are not eligible to sit on the Ethics Board in such cases.
9. To align with the meetings of other County committees, it clarifies that meetings shall be no more often than necessary to carry out their work, but no less frequent than quarterly.
10. It clarifies that an Ethics Board member may be removed by the BCC for a reason related to the member's administration of the Code of Conduct or for any other reason that implicates the member's fitness to serve on the Ethics Board.
11. It clarifies the protections afforded to County Employees from retaliation for cooperating in an ethics case; also, it provides a strong cautions to employees who would file an ethics complaint based on false statements.
12. It provides that an Elected Official or Appointed Official, who fails to recuse themselves after being notified of the grounds for recusal as described in Section 28(B) of the Code of Conduct, may be considered to have committed a violation of the Code.
13. Lastly, it provides the statutory penalties of violations of the Governmental Conduct Act, violation of which is a misdemeanor.

Where staff did not agree with language proposed by the Ethics Board:

1. Staff opposes language found on page 17 in which the Ethics Board is afforded a specific and independent right to bring their own sworn complaints against those who they believe have violated the Code of Conduct. Staff opposed this proposed language for a variety of reasons, least not of which is that it would dilute their membership in that any member bringing a complaint would have to be disqualified from sitting as a "hearing officer" on the Ethics Board during the hearing. Also, permitting Ethics Board members to bring their own complaints would transform their deliberative role as a tribunal to one of investigator, advocate and witness. Additionally, any Ethics Board who brought a case and testified in their own case is likely to be treated more favorably as a reliable and trustworthy witness by the remaining members of the Ethics Board than any opposing witness. This could give rise to a due process challenge from a person facing ethics charges before the Ethics Board.
2. Staff also opposes language found on the bottom of page 17 in which *anonymous* complaints received by staff must be turned over to the Ethics Board. Staff opposed this proposed language for two reasons. First, since the Ethics Board can only consider sworn complaints, they have no jurisdiction over unsworn "anonymous" complaints. Given that anyone can file an anonymous complaint which can be based on rumor, belief, opinion or personal animus against an Elected Official, Appointed Official, County Employee or Volunteer, it serves no useful purpose to provide the Ethics Board with such complaints that they would have no jurisdiction to investigate or deliberate over. Secondly, because the dissemination of anonymous complaints could ruin a person's career or at the very least put them in a false light to the public, it would appear to be prudent to limit the dissemination of anonymous complaint not expand it. Anonymous complaints, as public records, should be retained by the County for a minimum period of time and then

destroyed. In short, they should not be disseminated to the Ethics Board who might further disseminate them or even discuss their contents during open meetings.

ACTION REQUESTED:

Authorize the publication of title and general summary of the referenced Ordinance.

Attachments

1. Draft of the proposed amended Code dated 8/14/14;
2. Within the proposed Code, note the color codes used to distinguish the source of the various proposed changes:

-Yellow highlights indicate changes proposed by the Ethics Board *and* County staff

-Turquoise highlights indicate Ethics Board proposed changes *opposed* by County staff

-Green highlights indicate changes previously adopted by the BCC in Ordinance 2011-9

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. ~~2010-12~~ 2014-

AMENDING AND RESTATING ORDINANCE 2010-12 AS AMENDED

AN ORDINANCE ENACTING A SANTA FE COUNTY CODE OF CONDUCT; DEFINES TERMS USED IN THE CODE; DESCRIBES CONFLICTS REQUIRING DISCLOSURE AND REQUIRES DISCLOSURE OF CONFLICTS; CREATES A FIVE-MEMBER ETHICS BOARD AND ESTABLISHES THEIR DUTIES; DESCRIBES PROHIBITED ACTIVITY; CREATES COUNTY'S CONTRACT ETHICS OFFICIAL POSITION TO PROSECUTE CHARGES; PROVIDES MECHANISM FOR PUBLIC COMPLAINTS, CHARGING AN INDIVIDUAL FOR VIOLATIONS, AND DETAILED PROCEDURES FOR CONDUCTING A HEARING TO DETERMINE VIOLATION OF CODE; PROVIDES PENALTIES FOR VIOLATIONS OF CODE; AND REPEALING ORDINANCE NO. 2004-3 AND ORDINANCE NO. 2011-9

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY:

SECTION 1. SHORT TITLE.

This Ordinance may be cited as the "Santa Fe County Code of Conduct."

SECTION 2. DECLARATION OF POLICY.

The proper and effective exercise of the democratic process and of democratic government requires that Elected Officials, Appointed Officials, Employees and Volunteers of Santa Fe County government be independent, impartial and responsible to the people; that decisions of the government, and development of policy are made fairly, legally and as the result of a fair and open process; that public office or the pursuit of public office should not be used for personal gain or influence; and that the public have and maintain confidence in the integrity of government. To assist in attaining these goals, this Ordinance establishes a code of conduct and **establishes** minimum standards for ethical behavior for all Elected Officials, Appointed Officials, Employees and Volunteers of county government. This Ordinance also establishes the highest **guidelines for standards of** ethical behavior for all Candidates for elected office, Elected Officials, Appointed Officials, Employees and Volunteers, by setting forth explicit standards of conduct and ethical behavior, explicitly describing acts which are inconsistent with these standards, and by requiring candidates for elected office, Candidates, Elected Officials, Appointed Officials, Employees and Volunteers to disclose personal interests, financial or otherwise, in matters of the County, and to remove themselves from decision-making when such interests exist.

SECTION 3. RESPONSIBILITY OF PUBLIC OFFICE AND EMPLOYMENT.

Elected Officials, Appointed Officials, Employees and Volunteers hold office or employment for the benefit of the public. They are bound to uphold the Constitution of the United States and the New Mexico Constitution and the Laws of the State of New Mexico; to observe the highest standards in the exercise of the powers and duties of office or employment; to impartially carry out their duties; to discharge faithfully the duties of office regardless of personal considerations; and to recognize that the public interest must be the prime objective.

SECTION 4. DEFINITIONS.

A. "Administrative Action" means action based upon the application, or interpretation of a County Ordinance or a state statute, or a proceeding involving a license, permit, franchise or development use.

B. "Anything of Value," "benefit" or "thing of value" includes all matters, whether tangible or intangible, that could reasonably be considered to be of advantage or worth, use or service to the person to whom they are conferred, and, except for transportation and related travel expenses, having an aggregate market value of over \$25 if received from any one person or entity at one time, an aggregate value of more than \$50 if received from the same person or entity in a single calendar year, and any alcoholic beverage regardless of its value. "Anything of value," "benefit" or "thing of value" further includes, if having an aggregate market value over \$25: (i) money, ~~including campaign contributions or pledges;~~ (ii) products or merchandise; (iii) works of art or collectibles; (iv) stocks, bonds, ~~notes,~~ or options; real property or an interest in real property; contracts or a promise of a future interest in a contract; (v) an interest or a promise of a future interest in a business; (vi) meals whose total value exceeds twenty-five dollars (\$25), ~~non-alcoholic beverages or~~ lodging, excepting meals provided in connection with an event produced by a non-profit charitable organization or a public event where the person attending is serving in a political or official capacity; (vii) transportation and related travel expenses not to exceed ~~fifty twenty-five fifty~~ fifty dollars (\$5025 50) per trip; (viii) services, including loaned employees; (ix) loans, loan guarantees or co-signing; (x) loans at below market interest; (xi) forgiveness of a debt; (xii) discounts or rebates not extended to the public generally; (xiii) preferential treatment; (xiv) tickets of admission; (xv) paid compensation not commensurate with the fair and reasonable value of the services rendered; (xvi) free or discounted use of office equipment and facilities; (xvii) intentional overpayment or knowing duplicate payments for expenses or costs; (xviii) radio or television time which is not paid at fair market value; (xix) promise or offer of present or future employment; (xx) use of autos, boats, apartments, or other recreational or lodging facilities; (xxi) intangible rights such as a cause of action; (xxii) licenses, patents, intellectual property, copyrights, or an interest in them; and (xxiii) any other item, tangible or intangible, having economic value. "Anything of value," "benefit" or "thing of value" does not include political endorsements, support in a political campaign or a promise of an endorsement, political activities, or political support. "Anything of value," "benefit" or "thing of value" does not include political endorsements, support in a political campaign or a promise of a campaign contribution, an endorsement, political activities, political support or a campaign contribution. It also does not include conference-related items such as a tote bag given to all attendees at a conference paid for by the County; nor does it include reimbursement of food, lodging and transportation expenses paid for by the New Mexico Association of Counties

(NMAC) for attendance by Commissioners of the Board of County Commissioners at NMAC's statewide conferences or for their attendance at National Association of counties conferences.

C. "Appointed Official" means a person who is not an Elected Official or County Employee and has been appointed by the Board of County Commissioners to serve on a County Board, Commission, or Committee established by the Board of Commissioners, or to perform other functions at the request of the Board of County Commissioners.

D. "Board of County Commissioners" or "Board" means the Board of County Commissioners of Santa Fe County.

E. "Candidate" means a person who: (i) has filed a declaration of candidacy for a position as an Elected Official of Santa Fe County; ~~A Candidate is a Candidate from the time of filing the declaration of candidacy until the election. A person is also a Candidate under NMSA 1978, §1-19-26(C) (E) of the Campaign Reporting Act if that person: (i) (ii) has received contributions or made expenditures of one thousand dollars (\$1,000) or more for the purpose of seeking election to office, or (iii) has authorized another person or campaign committee to receive contributions or make expenditures of one thousand dollars (\$1,000) or more for the purpose of seeking election to a County office. A Candidate is a Candidate from the time of filing the declaration of candidacy until the election.~~

F. "Confidential Information" means information that has been classified as confidential by law or practice is not available to the public.

G. "Conflict of Interest" means a situation in which a person exercising a duty has an interest, financial or otherwise, that potentially conflicts with the exercise of the duty or that may be perceived as conflicting with the exercise of the duty.

H. "Contract" means an agreement between two or more parties, whether express or arising by operation of law.

I. "County's Contract Ethics Official ("CCEO") a licensed attorney under contract with the County who investigates ethics complaints, and if substantiated and charged by the Ethics Board, administratively prosecutes the individual charged with violation of the Code of Conduct.

J. "Employee" or "County Employee" means a person who is employed, in any capacity, by the County of Santa Fe.

JK. "Elected Official" means a member of the Board of County Commissioners, the County Clerk, the County Treasurer, the County Sheriff, the County Assessor, the County Surveyor, including a Candidate for those positions, but does not include the County Probate Judge.

KL. "Ex parte communication" means a direct or indirect communication with a party or the party's representative outside the presence of the other parties concerning a pending

adjudication that deals with substantive matters or issues on the merits of the proceeding. *Ex parte* communications do not include statements that are limited to providing publicly available information about a pending adjudication or solely related to the status of the proceeding.

LM. "Family" means an individual's spouse, domestic partner, parent, child, sibling and like in-laws, by consanguinity or affinity, those relatives within the third degree as determined by the common law, and persons, related or unrelated, living within the household. Those related to someone in "the third degree" usually refers to great-grandparents, great-grandchildren, aunts, uncles, nieces and nephews whether by blood or by marriage.

MN. "Financial Interest" means any interest of an Elected Official, an Employee, an Appointed Official, a Volunteer, that is: (i) an ownership interest or other interest in any contract or prospective contract with the County; (ii) an interest in the sale of real or personal property to or from the County; (iii) a financial relationship with a person or business whose interests may be affected by the County; (iv) any employment or prospective employment for which negotiations have already begun where the prospective employer has an interest in the sale of real or personal property to or from the County; or (v) any other interest that may be affected by the County. An interest held in joint or concurrent ownership with by the Elected Official's, Appointed Official's, Volunteer's, or Employee's spouse or minor children shall be considered an interest of that person the Elected Official, Appointed Official, a Volunteer, or Employee for purposes of this Ordinance.

NO. "Immediate Family" means a spouse, domestic partner, child of a sibling, a parent, grandparent, a grandchild, like in-laws, and like step-relationships.

OP. "Non-public Information" means information that is obtained in the course of an Elected Official's, Appointed Official's, Employee's or Volunteer's duties and is subject to public inspection under state law, but that, because of its nature, is not readily accessible to the public; and if used or disclosed, a personal benefit or advantage is likely to result.

PQ. "Party" or "Complaining Party" means a person who has submitted to the County an application seeking affirmative relief; a person who has filed a formal ethics complaint or protest; a complaining party who has submitted an ethics complaint is considered a party once the County Ethics Board issues a notice of hearing to the respondent named in the ethics complaint, person who is the subject of a formal complaint or investigation; and members of the general public who participate in a pending adjudication.

QR. "Pending adjudication" means any application, petition, complaint, protest, investigation or other administrative adjudicatory proceeding requiring decision or action by the Board of County Commissioners, the Land Use Administrator or the County Planning Commission.

RS. "Personal benefit" means the obtaining or the promise of obtaining anything of value.

S. "Political action" means conduct in which Elected Officials or Appointed Officials use their official positions to exercise influence on County Employees, Elected Officials or Appointed Officials; the phrase includes intervention on behalf of constituents with a governmental agency, and endorsement, pledging support, or actively supporting a County governmental matter, a nominee or a candidate for public office.

T. "Respondent" means a person named in a formal ethics complaint that has been submitted to the County Ethics Board by a Complaining Party;

U. "Volunteer" means a person who provides services to or on behalf of the County without being paid and without expectation of payment, and includes a volunteer firefighter or emergency responder (notwithstanding receipt of reimbursement for expenses pursuant to the volunteer recruitment and retention incentive program), a volunteer member of the Sheriff's reserve, any other volunteer who is not supervised or monitored by a County employee or Elected Official, a volunteer who has the authority to make decisions that affect County business, or a volunteer who has the ability to purchase goods or services with County resources.

SECTION 5. NON-PARTISANSHIP.

All actions, decisions and votes on matters relating to the County government shall be made on the merits. Decisions shall be made objectively, and without party or political partisanship considerations, and without facts which are not directly and properly related to the matter requiring action.

SECTION 6. PUBLIC TRUST.

A. Elected Officials, Appointed Officials, Employees and Volunteers shall Act according to the highest principles of representative democracy to ensure that County government is worthy of public respect, trust and support.

B. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in conduct that they know or reasonably should know is likely to create in the minds of reasonable, objective, fair-minded observers the perception that they have used their public positions improperly, unethically or otherwise have not conducted themselves in accordance with the standards of conduct of this Ordinance.

SECTION 7. CONDUCT AVOIDING THE DUTY TO AVOID IMPROPRIETY.

A. Elected Officials, Appointed Officials, Employees and Volunteers shall avoid conduct that creates the appearance of impropriety or that is otherwise unbecoming a public official.

B. Elected Officials, Appointed Officials, County Employees and Volunteers shall not knowingly engage in conduct that violates the rights of others to be treated fairly and with dignity and respect.

C. Elected Officials, Appointed Officials, Employees and Volunteers shall use the powers and resources of public office/public employment only to advance the public interest and not to obtain personal benefits or pursue private interests, and shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service. refrain from engaging in conduct, even if lawful, where personal gain or advantage is involved in a way that creates a reasonable inference that such office has been used for private benefit.

SECTION 8. LIMITATIONS ON EMPLOYMENT WITH AND APPEARANCE BEFORE THE COUNTY FOLLOWING GOVERNMENT SERVICE.

A former Elected Official, Appointed Official or Employee shall not represent a person in dealings with Santa Fe County government on a matter in which the former Elected Official, Appointed Official or Employee participated personally and substantially while an Elected Official, Appointed Official or Employee for a period of one year following termination of service or employment. An Elected Official, Appointed Official or Employee participates in a matter personally and substantially for purposes of this Section when the Elected Official, Appointed Official or Employee is in a decision-making capacity during the government service and has the capacity to affect the outcome of the matter while an Elected Official, Appointed Official or Employee. Incidental contact with a matter, or supervisory control over persons with direct control over a matter, is not personal and substantial for purposes of this Section.

A. A former Elected Official, Appointed Official or Employee shall not for pay represent a person in dealings with Santa Fe County government for one year after leaving County service or employment.

B. A former Elected Official, Appointed Official or Employee shall not ever represent a person in dealings with Santa Fe County government after leaving County service or employment on a matter in which that person participated personally and substantially while a County Official or Employee.

C. Santa Fe County government shall not enter into a contract with or take action favorably affecting any person or business that is:

1. Represented personally in the matter by a person who has been was serving as a County Official or Employee within the preceding year, if the value of the contract or action is greater than one thousand dollars (\$1,000) and the contract was a direct result of an official act by the County Official or Employee; or

2. Assisted in the transaction by a former County Official or Employee of the County whose official act, while in service of or employment with the County, directly resulted in the County making that contract or taking that official action.

SECTION 9. PROHIBITED FINANCIAL INTEREST IN COUNTY BUSINESS; DISCLOSURE.

A. No Elected Official, Appointed Official, Employee or Volunteer may have a Financial Interest, as defined in Section 4 of this Ordinance, if the Elected Official, Appointed Official, Employee or Volunteer is in a decision-making capacity with respect to the Financial Interest.

B. Elected Officials, Appointed Officials, and County Employees who have any Financial Interest shall disclose such interest by filing a Disclosure of Interest Form as described in Section 1819 of this Ordinance and recording same with the County Clerk and by disclosing the interest as also otherwise provided in Section 19 this Ordinance or by Law, and shall thereafter be disqualified from participating in any debate, decision or vote relating thereto.

SECTION 10. CONFLICTS OF INTEREST; DISCLOSURE.

A. Elected Officials, Appointed Officials, Employees or Volunteers shall strictly avoid transactions and relationships that create a Conflict of Interest. Where a Conflict of Interest is unavoidable, the Elected Official, Appointed Official, Employee or Volunteer ~~shall have an affirmative duty to~~ disclose the Conflict of Interest and ~~shall have an affirmative duty to~~ subordinate the conflicting interest to the public interest.

~~B. A Conflict of Interest for purposes of this Section includes receipt by an Elected Official, Appointed Official or employee of Anything of Value from a person or business doing business with the County, contracting with the County, regulated by the County, has having an application pending before the County, or having an interest that whose interests may be affected by the County. It shall be sufficient to determine whether a person or business is doing business with the County if the Elected Official, Appointed Official, Employee or Volunteer: (i) asks the person or business to verify if they are doing business with the County, or (ii) asks the County Procurement Manager to verify if the person or business is doing business with the County. Either method of verification should be documented in writing.~~

~~B. Elected Officials, Appointed Officials, Employees or Volunteers shall exercise their duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, or political supporters, or to hinder or punish enemies and opponents.~~

~~C. Elected Officials, Appointed Officials, Employees or Volunteers shall assure that constituents and others who may be affected by decisions of the County have a fair and reasonable opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits or political support to the Elected Official, Appointed Official, Employees or Volunteer.~~

~~D. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different service if gifts, personal benefits or political or charitable contributions are provided.~~

~~E. Elected Officials, Appointed Officials, Employees and Volunteers shall not solicit or receive gifts, personal benefits, favors, gratuities or political or charitable contributions, or Anything of Value under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result. Nor may Anything of Value be solicited or received from a person or business doing business with the County, contracting with the County, regulated by the County, has an application pending before the County, or whose interests may be affected by the County.~~

~~F. C. This subsection governs the acceptance of things of value and campaign contributions from County contractors and prospective contractors.~~

~~1. Subject to the considerations listed below, Elected Officials, Appointed Officials or their Employees shall not accept Anything of Value from a person, business, or other entity when the Elected Official, Appointed Official, or Employees knows or reasonably should know that said person, business, or entity does any business with the County, desires to do business with has submitted procurement documents to be awarded a contract with or purchase order by the County, or contracts with the County, is regulated by the County, has an application pending before the County, or whose interests may be affected by the County. Also,~~

~~2. An elected County Official, or that Official's employees, are subject to certain prohibitions set forth in Section 13-1-191.1(E) of the Procurement Code. That section prohibits a prospective contractor, a representative of a prospective contractor, a family member of a prospective contractor, or the owner of a prospective contractor, from giving a campaign contribution or other thing of value to an Elected County Official or to that Official's employees during a set time period. For purposes of these prohibitions and the set time period:~~

~~a. a "prospective contractor" is a person or business that has submitted a competitive sealed proposal in response to the issuance of an RFP, or is not required to submit a competitive sealed proposal for a contract with the County because that person or business qualifies for a sole source or small purchase contract;~~

~~b. the prohibitions are applicable during the pendency of the procurement process, or during the pendency of negotiations for a sole source or small purchase contract; and~~

~~c. "pendency of the procurement process" is the time period starting with the public notice of a Request for Proposals (RFP) and ending with award of the contract, or cancellation of the RFP.~~

~~3. Elected Officials or their Employees shall not accept a campaign contribution that in the aggregate totals more than \$100 from a person, business, or other entity when the Elected Official or their Employees know or reasonably should know that said person, business, or entity has been awarded or is under a contract with the County.~~

~~4. Appointed Officials and those Employees not under the direct supervision of an Elected Official, shall not accept Anything of Value from a person, business, or other entity when the Appointed Officials and those Employees not under the direct supervision of an Elected Official know or reasonably should know that said person, business, or entity has submitted procurement documents to be awarded a contract with or purchase order by the County, or is under contract with the County.~~

5. It shall be sufficient due diligence to determine whether a person or business is doing business with the County if the Elected Official or their Employee: (i) asks the person or business to verify if the person or business has submitted procurement documents to be awarded a contract with or purchase order by the County, or is under contract with the County; (ii) asks the County Procurement Manager to verify if the person or business has submitted procurement documents to be awarded a contract with or purchase order by the County, or is under contract with the County. Either method of verification shall be documented in writing. Any such due diligence determination and disclosure shall be completed within seven (7) calendar days of receipt of Anything of Value, or alternatively, the Elected Official or their Employee may return the thing of value or campaign contribution within seven (7) calendar days of receipt.

D. This subsection governs the acceptance of things of value and campaign contributions from those with a pending application before the county or an appeal.

1. Elected Officials, Appointed Officials or Employees shall not accept Anything of Value from a person, business, or other entity when the Elected Official, Appointed Official, or Employee knows or reasonably should know that said person, business, or entity does any business with the County that requires the filing of an application for either a license, permit or other land use approval and the application for issuance of that license, permit or other land use approval is pending before the County or under appeal.

2. It shall be sufficient due diligence to determine whether a person or business has an application for a license, permit or other land use approval pending before the County, if the Elected Official, Appointed Official, or Employee: (i) asks the person or business to verify if they have an application for a license, permit or other land use approval pending before the County, or (ii) asks intake persons in the County Land Use Office to verify if the person or business has an application for a license, permit or other land use approval pending before the County. Either method of verification shall be documented in writing. Any such due diligence determination and disclosure shall be completed within seven (7) calendar days of receipt of Anything of Value, or alternatively, Elected Official, Appointed Official, or Employee may return the thing of value within seven (7) calendar days of receipt.

SECTION 11. PROHIBITED ACTIVITIES.

A. Elected Officials, Appointed Officials, Employees or Volunteers shall exercise their duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, or campaign contributors ~~political supporters~~, or to hinder or ~~punish enemies and~~ opponents. All hiring or promotion shall be based upon documented merit about a person and not upon that person's relationship or friendship with an Elected Official, Appointed Official, Employee or Volunteer.

B. Elected Officials, Appointed Officials, Employees or Volunteers shall assure that constituents and others who may be affected by decisions of the County have a fair and reasonable opportunity to express their concerns, grievances, and ideas without regard to their

willingness or ability to provide personal benefits or political support to the Elected Official, Appointed Official, Employees or Volunteer.

C. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different service if gifts, personal benefits or political or charitable contributions are provided.

D. Elected Officials, Appointed Officials, Employees and Volunteers shall not solicit or receive gifts, personal benefits, favors, gratuities or political or charitable contributions, or Anything of Value under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result.

SECTION 1112. CONFIDENTIAL INFORMATION AND MISUSE OF NON-PUBLIC CONFIDENTIAL INFORMATION.

No Elected Official, Appointed Official, Employee or Volunteer shall disclose or use Confidential Information maintained by the County without proper authorization, and such information shall not be used to advance the financial or other private interests of said person. No Elected Official, Appointed Official, Employee or Volunteer shall use Confidential Information for personal benefit. This provision should not be construed, nor is it intended, to prevent any employee from exercising that employee's rights under engaging in conduct set forth in NM SA 1978, § 10-16C-3(A) – (C) of the Whistleblower Protection Act.

SECTION 1213. DUTY TO REPORT IMPROPER OFFERS.

A. Elected Officials, Appointed Officials, Employees and Volunteers who receive an offer of a Gift or Anything of Value that reasonably appears to have been intended to improperly influence County governmental action shall firmly and unequivocally reject the offer and caution the person making it about a possible violation of bribery laws.

B. If the attempt to improperly influence is clear, the A person receiving the offer shall be encouraged to report it to law enforcement authorities, or if a County employee, to that person's supervisor.

SECTION 1314. MISUSE OF COUNTY PROPERTY AND RESOURCES FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.

A. An Elected Official, Appointed Official, Employee or Volunteer shall not use public property for any private purpose or nongovernmental purpose except as specifically provided by law. Public property includes public funds, time, facilities, property, equipment, mailing lists, computer data, services or any other government asset or resource. This section does not prohibit the occasional and limited use of County property and resources for personal purposes if:

1. the use does not interfere with the performance of public duties;

2. the cost or value related to the use is so nominal that reimbursement procedures would not be justified; and

3. the use does not create the appearance of improper influence; and

4. the use is otherwise in accordance with applicable law and policy.

B. No Elected Official, Appointed Official, Employee or Volunteer shall seek, accept, use, allocate, grant or award public funds for a purpose other than that authorized by law or make a false statement in connection with a claim, request or application for compensation, reimbursement or travel allowances from public funds.

C. Unless authorized by the County Human Resources Handbook, no County Employee shall be asked or permitted to perform personal services for an Elected Official or Appointed Official. An Elected Official or Appointed Official shall not require a County employee to perform personal services or assist in a private activity, except in unusual and infrequent situations where the person's service is reasonably necessary to permit the Elected Official or Appointed Official to perform official duties.

SECTION 1415. MISUSE OF COUNTY PROPERTY OR RESOURCES FOR POLITICAL PURPOSES.

A. Public resources, including funds, facilities and personnel, may not be used to further partisan campaign purposes or to promote or hinder a particular candidate for public office, or to influence the outcome of an election, except for an election on a question proposed by the County such as whether a tax should be imposed or a debt contracted for in which case public resources may be used for the limited purpose of educating voters about the details of the question.

B. A Candidate or an Elected Official shall not use or authorize the use of public funds, time, facilities, equipment, mailing lists, computer data, services or other government assets or resources for the purpose of political fundraising, campaigning, or influencing an election. This section does not prohibit the use of mailing lists, computer data or other public information lawfully obtained from a government agency and available to the general public for nongovernmental purposes.

C. A Candidate, an Elected Official, another person on behalf of a Candidate or Elected Official, or a campaign committee of a Candidate or Elected Official, shall not solicit or accept or authorize the solicitation or acceptance of a campaign contribution in a facility or office ordinarily used to conduct County government business. This provision applies to telephone conversations, personal meetings, and solicitations by mail. If such a contribution is offered in a facility or office ordinarily used to conduct County government business, it shall be refused or returned promptly. If an unsolicited contribution is received in the mail in a facility, or a lawfully solicited contribution is misdirected to a facility or office an office ordinarily used

to conduct County business, if otherwise lawful, it may be accepted, but it may not be processed in that office, and it shall be delivered promptly to an appropriate location.

D. An Elected Official, a Candidate, or a campaign committee or another person on behalf of an Elected Official or Candidate, shall not distribute or post literature, placards, posters, or other communications intended to influence the election of a candidate in an election in a facility or office ordinarily used to conduct County government business.

SECTION 1516. USE OF CONFIDENTIAL INFORMATION FOR PRIVATE GAIN.

An Elected Official, Appointed Official, Employee or Volunteer, or a former Elected Official, Appointed Official, Employee or Volunteer who terminated County service within one year, shall not use or disclose Confidential Information to obtain a benefit for the Elected Official, Appointed Official, Employee, Volunteer or former Elected Official, Appointed Official, Employee or Volunteer, or another person, including a person with whom the Elected Official, Appointed Official, Employee, Volunteer or former Elected Official, Appointed Official, Employee, or Volunteer is associated or has negotiated prospective employment. This section does not allow the disclosure of information made confidential by law or practice which is not available to the public.

SECTION 1617. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.

A. An Elected Official, Appointed Official, Employee or Volunteer shall not use, induce, cause, or encourage others to use the authority, title, official letterhead or prestige of the Elected Official's, Appointed Official's, Employee's or Volunteer's office or service for his or her own private gain or personal advantage.

B. An Elected Official, Appointed Official, Employee or Volunteer shall not solicit or solicit or accept Anything of Value under terms and conditions where the compensation is not commensurate with the services performed or where a reasonable person would believe that the authority, title or prestige of office had been exploited. Nothing in this section prohibits the use of official title of an Elected Official, Appointed Official, Employee or Volunteer as a part of a political campaign or political endorsement.

SECTION 1718. POLITICAL ACTIVITY.

A. No Candidate, Elected Official, Appointed Official, Employee or Volunteer shall compel, coerce or intimidate any Elected Official, Appointed Official, Employee or Volunteer to make, or refrain from making, any political campaign contribution. No Candidate, Elected Official, Appointed Official, Employee or Volunteer shall solicit or obtain by coercion any political contribution from Employees. Nothing in this subsection shall be interpreted to provide that an Elected Official, Appointed Official, Employee or Volunteer is precluded from voluntarily making a contribution or receiving a voluntary contribution.

B. ~~Effective November 3, 2010, no~~ No Candidate, Elected Official, Appointed Official, Employee or Volunteer shall ~~not~~ accept or solicit any campaign contribution in excess of \$ 2,300 per primary, general or special election, or in violation of any federal, state or local statute, law, rule or ordinance. A loan by the candidate to the campaign is not a campaign contribution for purposes of this paragraph.

C. ~~No Employee with contract management authority, property management authority or land-use authority shall serve as a paid political consultant, a campaign treasurer, or as a member of the political fundraising committee of any Candidate for federal, State, city or County office, or Elected Official~~ No Elected Official, Appointed Official, Employee or Volunteer shall directly or indirectly coerce or attempt to coerce another Elected Official, Appointed Official, Employee or Volunteer to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose.

D. ~~Neither Elected Officials, Appointed Officials,~~ nor Employees shall not perform any political activity during any compensated time.

E. A Candidate, Elected Official, Appointed Official, Employee or Volunteer shall not require an Employee to perform political activity: (i) as a part of the Employee's duties, (ii) as a condition of County employment; or (iii) during any time off that is compensated by the County.

F. An Employee shall not be required to participate in any political activity.

G. ~~An Employee shall not be awarded additional compensation or employment benefit in any form to engage in as a part of the Employee's official County employment duties or activities that are undertaken by an Employee on a voluntary basis as permitted by law.~~

H. ~~Nothing in this section prohibits an Employee from engaging in political activity on behalf of the County or, consistent with Section 1718(C), engaging in voluntary political activities of the Employee's choosing when not on duty.~~

I. ~~No Candidate shall engage in any conduct that would, to an objective third party, constitute an undue threat to an Employee's continued employment.~~

JG. ~~Pursuant to NMSA 1978, §Section 10-16-4.2 of the Governmental Conduct Act, Employees that County employees employed by a Candidate who receive compensation or reimbursement from a Candidate, or political campaign committee, or political action committee, on behalf of a Candidate in excess of \$250 shall report this outside employment in writing to be required to report such compensation or reimbursement to the County Manager, which shall include disclosure of the nature of the compensation or reimbursement.~~

SECTION 1819. DISCLOSURE.

A. Within ten (10) days after the swearing in of any Elected Official, the Elected Official shall file a statement of economic interest with the County Clerk on a form provided by the

County. Amended statements of economic interest shall be filed on an annual basis or before the 11th day of January of each year.

B. Within ten (10) days of assuming duties as an Appointed Official, Employee or Volunteer, each shall file a statement of economic interest with the County Clerk on a form provided by the County. Amended statements of economic interest shall be filed on an annual basis or before the 11th day of January of each year.

C. The following information shall be provided:

1. A description of all parcels of real estate within the County in which the person owns any interest including an option to purchase.

2. All interests in any business organization, either as owner, part owner, partner, or shareholder, in which such individual owns more than two percent of the outstanding stock or more than two percent ownership interest of any other business that is doing business with the County in an amount in excess of \$7,500 annually.

3. The identity of each person from which the individual who is required to file received, directly or indirectly, any gift or gifts having an aggregate value of more than \$250 within the taxable year proceeding the time of filing, except that such disclosure is not required for any gift from a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, spouse, boyfriend, girlfriend, domestic partner, fiancé or fiancée.

D. Any person required to file a statement hereunder shall not be required to file an amended statement unless that person undergoes a change in those economic interests that are required to be disclosed by this section. Such persons shall file the amended statement in the manner prescribed above within ninety (90) days of the date of any change in circumstances requiring filing thereof.

E. All persons required to file a statement hereunder shall comply with the provisions of this section within thirty (30) days after the requirements hereof are imposed upon such office or position.

SECTION 1920. PROPER USES OF CAMPAIGN FUNDS.

Campaign funds for County elected office shall be used only to advance the interests of a campaign. Campaign funds may properly be expended for any otherwise lawful purpose intended to influence voters to elect or reelect the Candidate to an elected office, including payment of staff and consultants; rental of space and equipment for a campaign office; purchase of media time and space; printing and distribution of campaign materials; postage; taking polls and interpreting them; advertising and promotional materials; and travel and related expenses for the Candidate and members of the Candidate's staff or immediate family.

SECTION 2021. PROHIBITED USES OF CAMPAIGN FUNDS.

A. A Candidate shall not:

1. use funds raised and designated as campaign funds for the personal benefit of the Candidate or for payment of attorneys' fees and other legal expenses arising from civil, criminal, or administrative actions based on conduct not directly related to the campaign or official duties;
2. convert surplus campaign funds or interest earned on campaign funds to personal income;
3. seek or claim a personal tax deduction or other economic benefit for surplus campaign funds disbursed to a charity; ~~or~~
4. borrow from campaign funds or lend them to another person or group; ~~or~~
5. use campaign funds in a manner contrary to NMSA 1978, § 1-19-29.1 of the Campaign Reporting Act.

B. A Candidate, or another person on behalf of the Candidate or a campaign committee of the Candidate, shall not knowingly pay more than the fair market value for goods or services purchased for the campaign.

C. Campaign funds shall not be paid to a member of the ~~Candidate's immediate family~~ Immediate Family of the candidate as an employee or for ~~Goods, goods, or services shall not be~~ Goods, goods, or services ~~provided to the Campaign by a member of the Candidate's immediate family~~ unless the amounts paid do not exceed the fair market value of the goods or services provided.

D. A Candidate or a committee controlled by a Candidate shall not use campaign funds to make a contribution to another Candidate running for office or to a committee supporting an opposing Candidate for office.

E. Campaign funds shall not be used to pay fines or other monetary penalties or costs assessed against a candidate by a court or other body, unless the fine, penalty, or cost is specifically related to the campaign or the County-elective office. ~~is assessed as a result of prescribed actions by a member or employee or a campaign committee or another person acting on behalf of the Candidate under circumstances where the candidate did not know of or have reason to know of these actions.~~

F. In addition to the state Campaign Reporting Act set forth at NMSA 1978, §§ 1-19-25 to 1-19-36, candidates shall comply with any current written campaign finance guides issued by the New Mexico Secretary of State's Office regarding the permitted and prohibited use of campaign funds.

SECTION 2122. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS.

A. If a Candidate ceases to be a Candidate or if there remains a balance in the account of the Candidate or a committee controlled by the Candidate after the date of the election, unexpended funds in excess of the amount allowed under this section may only be used as provided in this section or to pay for a victory or thank you party. Within sixty (60) days after the end of the candidacy or the election, unexpended funds shall be:

1. used to retire bona fide loans supported by written documentation, including loans made to a campaign by the candidate or a member of the candidate's immediate family provided that all other outstanding loans are paid first;
2. returned on a pro rata basis to those who have made contributions in excess of one hundred dollars (\$100) in the aggregate a year during either a primary or a general election;
3. donated to the County general fund;
4. donated to one or more organizations that qualify as charitable organizations; provided that the charity is not one that is controlled by the candidate or a member of the candidate's immediate family or in which the candidate or a member of the candidate's immediate family is personally involved as a director, trustee, member of the board, officer or other position of responsibility; or
5. transferred to an ongoing political account controlled by the candidate or another candidate, but only in the amounts and according to the requirements set out in this section.

B. Funds carried over under subsection A of this section may be expended for any political purpose for which campaign funds may otherwise be properly used.

SECTION 2223. COERCION

A. An Elected Official shall not, directly or by authorizing another to act on his or her behalf, state or imply that the Elected Official's willingness to meet with a person, is dependent on the person making a campaign contribution, donating to a cause favored by the Elected Official or providing a thing of value to the Elected Official.

B. An Elected Official shall not directly, or by authorizing another to act on the Elected Official's behalf:

1. agree or threaten to take or withhold any County governmental action, as a result of a person's decision to provide or not provide a political campaign contribution;
2. state or imply that the Elected Official will perform or refrain from performing a lawful constituent service as a result of a person's decision to provide or not provide a political campaign contribution;

3. agree to or participate in a scheme or plan intended to evade the requirements of any applicable state ethics statutes, this Ordinance, or another financial disclosure provision of state or County law; or

4. knowingly accept a **campaign** contribution given or offered in violation of any applicable state ethics statutes or this Ordinance.

SECTION 2324. REPORTING AND RESOLVING ETHICS VIOLATIONS OF THIS ORDINANCE.

A. Any Elected Official, Appointed Official, Employee, or Volunteer, or member of the public person, **except a member of the County Ethics Board**, may submit a complaint **of alleging unethical conduct a violation of this ordinance** to the County Ethics Board, by delivering to the County Attorney's Office a **signed sworn complaint sworn to under penalty of perjury to be true, that alleges alleging facts which, if true proven, would constitute a violation of this Ordinance.** Such complaint shall contain a valid mailing address, email address or telephone number for the person submitting the complaint so that the complainant can be contacted. Complaints filed or submitted more than one (1) year after a violation of this Code is alleged to have occurred shall be beyond the jurisdiction of the Ethics Board and shall be dismissed with prejudice. **As to ethics complaints submitted by County Ethics Board members:**

1. Any County Ethics Board member submitting an ethics complaint shall submit a letter to the County's Contract Ethics Official ("CCEO"), together with their complaint, that recuses him/her from participating in any discussions, deliberations or voting on the merits of their complaint.

2. Because of the prohibitions in this Ordinance against *ex parte* communications, during the pendency of the complaint, such complaining Ethics Board member shall not formally or informally discuss the merits or substance of his/her ethics complaint with any other Ethics Board members unless: (a) the CCEO has dismissed the complaint because it failed to state a claim and the Ethics Board member has not appealed the dismissal; or, (b) the County Ethics Board has issued a final decision on the complaint after a hearing.

3. If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit in such cases.

B. The County Attorney's office will forward all **such signed**, sworn complaints, **in whatever method received**, to the **County's contract ethics official CCEO**, who will determine whether the complaint states a claim under this Ordinance.

C. The County Attorney's office will not forward un-sworn complaints to the CCEO, but will instead process them in accordance with the County's records retention policy after **determining whether law enforcement, the County Manager or the Human Resources Director should be notified.** **However, all complaints addressed to the County Ethics Board or a member of the Board, whether sworn or not and whether anonymous or not, shall be forwarded to the**

County Ethics Board as well as to the CCEO. The form of complaint shall also be noted whether it is an email, letter, phone message, etc.

D. For any complaints forwarded or submitted directly to either the CCEO or to the Ethics Board, the procedures for processing complaints in Subsections A to E of this Section 24 shall be followed. The Ethics Board shall take no action nor discuss at an open meeting a complaint it receives directly or is forwarded to it by reason of the complainant's having addressed the complaint to them, but shall turn such complaints over to the CCEO for processing and investigation if it is sworn and it states a claim. The CCEO shall neither discuss nor share with members of the Ethics Board any sworn complaints except as provided in Subsection H.

E. The County's contract ethics official CCEO shall refer all employment matters any sworn complaint involving a County employee alleged to have committed an ethical infraction prohibited by this Ordinance to the County's Human Resources Department for investigation and appropriate action pursuant to the Human Resources Handbook or collective bargaining agreement, as applicable. A sworn complaint making ethics allegations about both a County Employee and an County Elected Official, Appointed Official or Volunteer shall, if the CCEO determines the complaint to state a claim under this Ordinance, be investigated by the CCEO as to the allegations against the County Elected Official, Appointed Official or Volunteer only. The remainder of such complaint involving an County Employee shall be investigated by the Human Resources Department pursuant to the Human Resources Handbook or handled according to a collective bargaining agreement as applicable. The Human Resources Department may also rely on acts or practices prohibited by this Code of Conduct because County employees must comply with the prohibitive provisions of Consistent with Section 6 of the Human Resources Handbook, County Employees are bound by and must comply with this Ordinance.

F. If the sworn complaint fails to state a claim under this Ordinance, the complaining party shall be so informed in writing by the CCEO who shall dismiss the complaint and the complaint shall be dismissed, subject to a right of appeal to the County Ethics Board within seven (7) calendar days solely on the issue of whether the complaint stated a claim under this Ordinance. The Ethics Board may reverse a dismissal of a complaint if it determines that the ethics official's CCEO's dismissal was arbitrary or capricious, such as the reasons given for dismissal did not properly interpret the Code of Ethics, or the reasons given misapplied the prohibitive provisions of the Code to the facts alleged in the complaint. The Ethics Board may also reverse a dismissal of a complaint based upon newly discovered evidence not previously submitted for consideration, provided that the newly discovered evidence is clear and convincing and its truthfulness is sworn to in writing by the complainant or otherwise deemed reliable by the Ethics Board. Newly discovered evidence whose truthfulness is not sworn to in writing and which does not support an allegation of violation of this Ordinance, shall not form the basis of reversing a dismissal of the complaint. If the Ethics Board reverses a dismissal of a complaint, they shall remand the matter back to the CCEO for further investigation and the setting of the matter for hearing, with notice to the complainant and person(s) named in the sworn complaint.

G. If the complaint states a claim under this Ordinance, the County's ethics official CCEO shall investigate the allegations, prepare a report and recommendations to either dismiss

the complaint or proceed to a hearing, and shall present the same to the County Ethics Board for consideration at its next available meeting after completion of the investigation for further proceedings.

H. The County Ethics Board shall conduct a public hearing on the merits prior to taking any of the actions described in Section 2425(H) of this Ordinance. At its next meeting after completion of the investigation, the County Ethics Board shall review the report and recommendation to either dismiss or proceed to a hearing, and either:

1. determine where and when a hearing should take place for which it shall provide advance written notice to the Respondent person(s) named in the sworn complaint, in which case the Respondent person(s) named in the sworn complaint:

a) may be represented by counsel at their the Respondent's own expense, who is licensed to practice law in this sState;

b) shall within 10 days of making a written request have a right to a list of witnesses of those intended to be called at the hearing by the CCEO, and must provide the CCEO with a list of witnesses he/she intends to call during the hearing within 10 days of receiving a written request;

c) shall within 10 days of making a written request have a right to receive copies of all documents not privileged that were obtained by the CCEO during his/her investigation and intends to use during the hearing, and must provide the CCEO with copies of all documents he/she intends to use during the hearing within 10 days of receiving a written request;

d) shall have a right to the issuance of an administrative subpoena a notice by the County Ethics Board compelling the attendance of witnesses at hearings and the production of documents.

2. ~~dismiss recommend dismissal of~~ dismiss the complaint without further action other than to notify the person(s) named in the sworn complaint and the complainant in writing of the dismissal; or

3. ~~dismiss recommend dismissal of~~ dismiss all or part of the complaint because, while it did state a claim under the Code of Conduct, the conduct complained of is too insignificant or seemingly unintentional to warrant a formal hearing.

1. A determination by the Ethics Board to dismiss a complaint shall be final and not subject to appeal, re-determination, reconsideration, further review, or resubmittal by the complainant or any other complainant on the same issue involving the same person(s) suspected of charged with the ethics infraction. Provided that any Respondent whose complaint is recommended for dismissal shall be given a notice and an opportunity to be present at the Ethics Board to receive an explanation from the Board why the complaint is being dismissed. At this meeting, the Respondent may provide any additional information to assist the Ethics Board in its decision.

J. A Respondent whose complaint is recommended for dismissal shall be given a notice and an opportunity to be present at the Ethics Board to receive an explanation from the Board

why the complaint is being dismissed. At this meeting, the Respondent may provide any additional information to assist the Ethics Board in its decision.

JK. In order to provide a full and fair hearing under this Ordinance, a Section 2425(H) public hearing on the merits shall proceed as follows:

1. all persons present to give testimony must be sworn before testifying and shall leave the hearing room until they testify;

2. the CCEO shall proceed first by calling witnesses and submitting documents into evidence;

3. the Elected Official, Appointed Official or Volunteer (hereafter "Respondents") suspected of the ethics infraction Respondent shall have the right to cross-examine any witness called by the CCEO;

4. any Ethics Board member, after seeking acknowledgement to proceed from the Chair, may ask any question a witness about questions related to the that witness's testimony or related to the documentary evidence that was introduced;

5. after the CCEO has rested, the Respondent(s) may proceed with a defense of the allegations set forth in the sworn complaint by presenting witnesses and documentary evidence, subject to cross-examination by the CCEO and questioning by members of the Ethics Board;

6. while the technical rules of evidence shall not apply, the Chair may rule on the admissibility of exclude irrelevant, immaterial, unreliable, unduly repetitious, or argumentatively presented evidence and may require substantiation of statements or records tendered where their accuracy or truth is in reasonable doubt, so long as any final decision of the Ethics Board is supported by a legal residuum of competent evidence;

7. hearings shall be recorded and at least 7 days prior to a hearing the CCEO and respondent shall exchange witness lists and copies of documents they intend to use as evidence during the hearing;

8. after testimony is completed and both sides have rested, the Ethics Board may permit closing statements from both sides;

9. the Ethics Board may deliberate but not vote on their its disposition of the case in executive session as an administrative adjudicatory deliberation after which they the Board must return to an open session to vote on the disposition of the ethics case; and

10. after deliberating on the merits of the case before them, the Ethics Board shall issue a written decision consistent with their its vote and containing findings of fact and conclusions of law, which may: impose one of the consequences permitted by Section 2425(H) upon the Respondent if they find a violation of this Ordinance has occurred, decline to impose

one of the consequences even if they find a violation is found, impose a consequence less severe than those permitted by Section 2425(H), or find no violation of this ordinance has occurred in which case the complaint shall be dismissed. The burden of proof for finding a violation of the Code of Ethics shall be by a preponderance of the evidence. A copy of the Ethics Board's written decision shall be delivered or mailed to the Respondent, the CCEO and the Office of the County Clerk.

~~K~~L. Prior to the hearing on the merits, either the Respondent or the CCEO may file motions related to continuance of the date set for hearing or for issues related to discovery. The Ethics Board may consider any such motions at a special meeting. The Ethics Board shall not be required to consider dispositive motions filed by Respondent, such as motions to dismiss or for summary judgment.

SECTION 2425. COUNTY ETHICS BOARD.

A. There shall be created a Santa Fe County Ethics Board that shall consist of ~~three~~ five members who shall be appointed by the Board of Commissioners. At least one citizen member shall be appointed; the citizen member shall not be affiliated with County government in any capacity, including, but not limited to, employment (including employment for which the salary is in any way funded by or through the County), appointment, election, or serving as a ~~Volunteer~~. The members of the County Ethics Board may not hold elected public office or office with any political party within the County. Each member shall serve a two year term, subject to reappointment thereafter.

B. The County Ethics Board shall elect its own chair and vice-chair. ~~If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit in such cases, and an alternate member shall be seated when the need arises.~~

C. The jurisdiction of the Ethics Board is limited to acting within the scope of matters covered by this Ordinance as they relate to Elected Officials, Appointed Officials and Volunteers of Santa Fe County government, but may periodically review and recommend amendments to this Ordinance. ~~In addition, the Ethics Board shall have authority to make recommendations to the Board of County Commissioners regarding ethics training.~~

D. Upon the sworn complaint of any person alleging facts which, if true, would constitute a violation of this Ordinance, and pursuant to the procedures set forth in Section 2324 which require an investigation, unless it recommends dismissal of the case, the County Ethics Board shall conduct a public hearing on the allegations of the complaint.

E. ~~The County Ethics Board shall adopt rules of procedure for conducting hearings pursuant to this Ordinance. The rules of procedure shall be consistent with the rules for conducting administrative hearings in Santa Fe County. [Reserved]~~

F. The County Ethics Board shall have the power to ~~issue administrative subpoenas compelling to compel~~ the attendance of ~~county employees as~~ witnesses at hearings and the

production of documents, and the authority to seek enforcement of those subpoenas by the First Judicial District Court. A notice to attend will be delivered through the employee's chain of command.

G. If the County Ethics Board finds that an Elected Official, Appointed Official, or Volunteer violated any provision of this Ordinance, the County Ethics Board, upon a majority vote of the entire membership, shall forward its written findings of fact and conclusions of law to the County Manager or, as appropriate, the District Attorney, for appropriate action.

H. If the County Ethics Board finds, upon a majority vote, that a candidate, Elected Official, Appointed Official, or Volunteer has violated this Ordinance, the County Ethics Board may impose any of the following penalties after the entry of written findings of fact and conclusions of law:

1. a civil fine not to exceed \$300; or
2. a written finding of censure; or
3. a referral to the District Attorney or appropriate governmental office for commencement of criminal or other proceedings.

I. No action may be taken by the County Ethics Board on any complaint that is filed later than one year after a violation of this Ordinance is alleged to have occurred or that is filed more than six months from the date of the discovery of the alleged violation, upon due diligence by the complaining party, of the facts constituting a violation, whichever event occurs later. [Reserved]

J. The County Ethics Board may also provide advisory opinions regarding the applicability or interpretation of the provisions of this Ordinance upon the request of any Elected Official, Appointed Official, Volunteer or County Employee. If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit on the Board in such cases.

K. The Ethics Board shall meet as often as necessary to carry out its work, but not less than quarterly. On a quarterly biannual basis, the Board of Commissioners shall be provided with a report prepared and approved by the County Ethics Board that updates its activities and states the number of complaints that were submitted alleging a violation of this Ordinance.

L. A member of the Ethics Board may be removed by the Board of County Commissioners for just cause, which shall mean a reason that is related to an Ethics Board Member's administration of this Code Ordinance or any other reason that implicates an Ethics Board member's continued fitness to serve on the Ethics Board.

M. A vacancy on the Ethics Board shall be filled in the same manner as the initial appointment and the appointment shall continue for the remainder of the unexpired term of the departing Board member.

Members of the Ethics Board shall not receive any salary or compensation for

SECTION 2526. RIGHT OF APPEAL .

Any decision of the County Ethics Board finding a violation of this Ordinance, with respect to an Elected Official, Appointed Official, Employee or Volunteer, may be appealed to the First Judicial District Court pursuant to NMSA 1978, Section 39-3-1.1 (1998, as amended); provided, however, that any decision regarding an Employee shall be covered by the terms of the Human Resources Handbook or collective bargaining agreement, as applicable.

SECTION 2627. NON-RETALIATION.

A. The Board of Commissioners does not tolerate retaliation, workplace discrimination, intimidation or harassment of any kind against any person who has reported a violation of this Ordinance in good faith. This non-retaliation provision applies whether the complaint is ultimately determined to be well-founded or unfounded. All Elected Officials, Appointed Officials, Employees and Volunteers are specifically prohibited from taking any adverse employment action, engaging in workplace discrimination or harassment of any kind, or other retaliatory action against anyone for reporting a good faith claim in good faith of a violation. Anyone who believes that they have been subject to workplace discrimination, intimidation or harassment of any kind or who has been retaliated against in violation of this Ordinance should submit a sworn complaint to the Ethics Board or the Human Resources Department setting forth the claim. Any employee who engages in workplace discrimination, harassment or intimidation against anyone in retaliation for filing an ethics complaint pursuant to this Ordinance, for testifying at a hearing or for cooperating in an investigation described herein of an ethics violation, may be disciplined up to and including termination.

B. This non-retaliation provision is not applicable to claims that were not submitted in good faith and for which the County Ethics Board finds that the complaint was frivolous. An employee who knowingly files a false an ethics complaint containing false statements or allegations may be disciplined, up to and including termination, and may not rely on a claim of retaliation as a defense if disciplined.

SECTION 2728. EX PARTE COMMUNICATIONS.

A. EX PARTE COMMUNICATIONS PROHIBITED.

1. An Elected Official or Appointed Official designated to hear preside over an administrative adjudicatory matter pursuant to the County's Land Development Code or any other County ordinance, shall not initiate, permit or consider a communication directly or indirectly with a party or the party's representative outside the hearing and outside of the presence of all other interested parties concerning the pending matter.

2. An administrative adjudicatory matter is one that involves the use of a discretionary standard, as specified in the Land Development Code or other County ordinance, to an application for discretionary approval.

3. Notwithstanding the provisions of Subsection 1, above, *ex parte* communications for procedural or administrative purposes, during emergencies, or that do not deal with the merits of the application, shall not be prohibited if the Elected Official or Appointed Official reasonably believes that no party will gain an advantage as a result of the *ex parte* communication and promptly notifies all other parties of the substance of the *ex parte* communication.

4. An Elected Official or Appointed Official who receives or who makes or knowingly causes to be made a communication prohibited by this Ordinance shall disclose the communication to all parties and give other parties an opportunity to respond.

B. RECUSAL.

1. An Elected Official or Appointed Official shall recuse himself or herself in any pending administrative adjudicatory matter in which the official has a financial interest or is unable to make a fair and impartial decision or in which there is a reasonable doubt about whether the official can make a fair and impartial decision, including:

a. when the official has a personal bias or prejudice concerning a party or its representative or has prejudged a disputed evidentiary fact. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship, a direct financial interest, or a conflict of interest, including a professional, personal, familial or other intimate relationship, that renders the official unable to exercise his or her functions impartially,

b. when the official or anyone in the official's immediate family has a pecuniary or financial interest in the outcome of the proceeding;

c. when, during previous employment, the official served as an attorney, adviser, consultant or witness in the matter in controversy; or

d. when the official announced how he or she would rule on the adjudicatory proceeding or a factual issue in the adjudicatory proceeding.

2. The Elected Official or Appointed Official recusing himself or herself shall disclose the specific reason for a recusal contemporaneous with the recusal.

23. An Elected Official or Appointed Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the official possesses and discusses general viewpoints on public policy that an application may raise. Similarly, an Elected Official shall not be required to recuse himself or herself in any pending

administrative adjudicatory matter merely because the Elected Official made representations during a political campaign on viewpoints on public policy that an application may raise.

34. If, prior to the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party member of County staff or fellow Official shall promptly notify the Elected Official or Appointed Official of the grounds for recusal. If Elected Official or Appointed Official declines to recuse himself or herself upon request of a the member of County staff or fellow Official party, the eOfficial shall provide a full explanation in support of his refusal to recuse himself or herself.

45. If, during the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party member of County staff or fellow Official shall promptly notify the Chair of the grounds for recusal. If the Elected Official or Appointed Official declines to recuse himself or herself, the Chair may entertain a motion to excuse the eOfficial from further participation in the matter. If the motion is successful, the official shall be excused from further participation in the matter.

6. An Elected Official or Appointed Official who fails to recuse him/her-self after being notified of the grounds for recusal as set forth in Section 28 B by reason of a financial interest, may be considered to have committed a violation of this Code of Conduct.

SECTION 2829. RESTRICTIONS ON THE BOARD OF COUNTY COMMISSIONERS; ADMINISTRATION OF THE PERSONNEL SYSTEM, MANAGEMENT.

A. The Board of County Commissioners shall not perform, collectively or individually, an executive function in the administration of the personnel system, except for employment and removal of the eCounty mManager, making collective recommendations to the County Manager on general personnel policy, approving or disapproving collective bargaining agreements and county personnel policies, or approving any proposed reorganization which creates or abolishes a department.

B. The Board of County Commissioners shall not perform, collectively or individually, general executive management functions in the administration of county government; these functions shall be delegated to the County Manager. This paragraph shall not apply to matters of policy, the responsibility and authority of the Board of County Commissioners to approve budgets and expenditures, contracts outside the signature authority of the County Manager, and matters that, in the discretion of the Board of County Commissioners, while they may involve management issues, are of County-wide importance.

SECTION 2930. PENALTIES.

A. County Penalties

A person who violates this Ordinance is guilty of a misdemeanor and is subject to one or more of the following:

A1. a fine of up to three hundred dollars (\$300.00) for each separate violation of this Ordinance;

B2. a public reprimand;

C3. a recommendation from the County Ethics Board to the District Attorney that the violation be pursued in criminal or other proceedings, or that it be pursued if the violation is also a crime violation of the Criminal Code or constitutes a common law crime; and and

D4. proceedings and penalties pursuant to the Santa Fe County Personnel Handbook, where appropriate; and

4. proceedings and penalties discipline, up to and including termination, pursuant to the Santa Fe County Personnel Handbook, or any applicable collective bargaining agreement, if the violator is a County employee; and

545. recommendation to the District Attorney that proceedings to remove the person from elected office be commenced pursuant to NMSA 1978, § 10-4-1 et seq. (1909, as amended)

B. Other Penalties

The Governmental Conduct Act, NMSA 1978, Chapter 10, Article 16, was made applicable to officials and employees of local government on July 1, 2011. Knowing and willful violation of that Act is a misdemeanor and any person found guilty can be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both. Any such prosecutions would be handled by a district attorney or the Attorney General, [Section 10-16-1 to 10-16-18, NMSA-1978]. These other penalties could apply where conduct prohibited by the Santa Fe County Code of Conduct also constitutes conduct prohibited by the Governmental Conduct Act.

SECTION 3031. REPEAL.

Santa Fe County Ordinances No. 2004-3 was repealed and Ordinance No. 2011-9 are is hereby repealed.

SECTION 3132. EFFECTIVE DATE.

This Ordinance shall become effective as of the date provided by law.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: _____
DANIEL W. MAYFIELD, Chair

ATTEST:

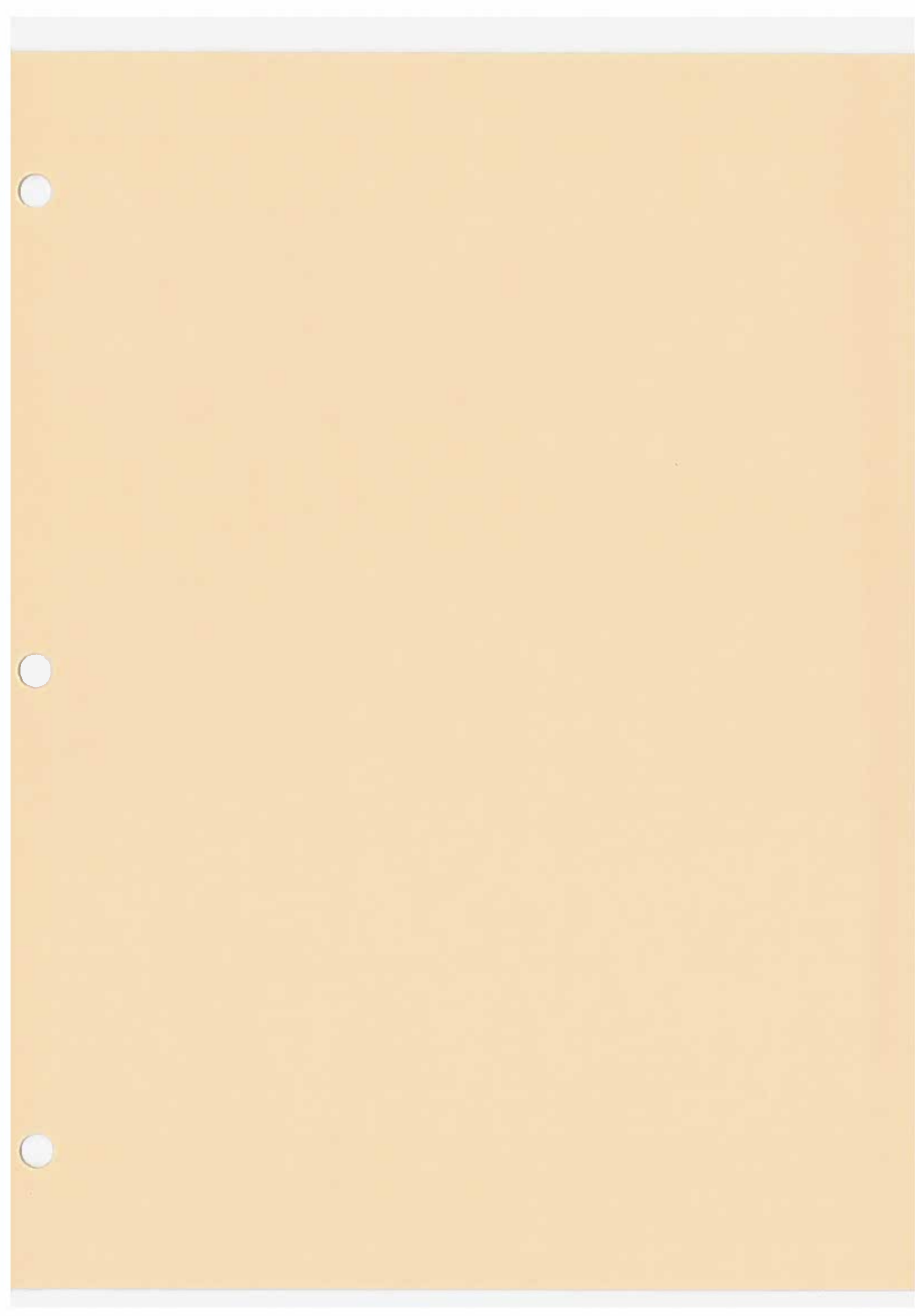
GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

~~STEPHEN C. ROSS~~GREGORY S. SHAFFER, County Attorney

DRAFT 8-14-14

IV. Matters Of Public Concern



**V. Discussion/Information
Items/Presentations**

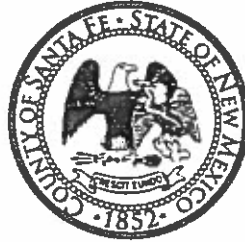
A. Discussion Items



Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4


Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: August 7, 2014

TO: Board of County Commissioners

FROM:  Maria Lohmann, Open Space and Trails Planner (Growth Management)

VIA: Robert Griego, Planning Division Director
Penny Ellis-Green, Growth Management Director

RE: Presentation and Update on Mission and Vision Statement for the Open Space and Trails Strategic Plan

BACKGROUND AND SUMMARY:

Santa Fe County is in the process of developing an Open Space Plan to implement the Open Space Element of the Sustainable Growth Management Plan (SGMP). The SGMP calls for strategic and action plans to be developed for policy implementation. In accordance with this directive Santa Fe County Planning staff has initiated the Open Space, Trails and Parks Strategic Planning process. The Strategic Plan will update long range goals and objectives for consistency with the Open Space, Trails, Parks and Recreation Element of the SGMP. This plan will provide a detailed, updated inventory of County-owned open space, parks and trails facilities; it will assess conservation resources and define management strategies and principles; and it will strategically identify short and long term priorities for consistency with and funding through the Capital Improvements Plan. Once adopted, the Plan will amend the Open Space, Trails, Parks and Recreation Element of the SGMP, providing robust analysis, detailed policy guidance, and strategic implementation tools.

Staff is completing the pre-planning phase of the process; Phase II has been initiated, and information gathering has begun. Resolution 2011-4 directs COLTPAC to assist in updating the Open Space and Trails Plan. COLTPAC has assisted staff in the drafting of a Mission and Vision statement for the strategic plan and the Open Space program. COLTPAC has coordinated with staff to prepare a presentation of the Mission and Vision statement, and an outline of the strategic plan in order to update the Commissioners on the status of the planning process.

EXHIBIT A: Draft Mission and Vision

EXHIBIT B: Strategic Plan Outline

RECOMMENDATION: Presentation only, no action required.

Santa Fe County Open Space and Trails Program

[DRAFT, July 2014]

The following are revised Vision and Mission Statements of the Santa Fe County Open Space and Trails Program, created by the County Open Land, Trails and Parks Advisory Committee in Summer 2014. The statements represent a compilation of ideas, values and thoughts shared during a series of discussions held at regular COLTPAC meetings focused on updating the Santa Fe County Open Land and Trails Plan (2000) and on the creation of a new Santa Fe County Open Space, Trails and Parks Strategic Plan, which will guide program operations and projects for the next 10 to 15 years.

VISION

Santa Fe County's open spaces, trails and parks connect people to the land, offering our communities exceptional opportunities for recreation and renewal that inspire a deep sense of regional identity and stewardship among current and future generations.

MISSION

The Santa Fe County Open Space and Trails Program is dedicated to ...

- **Preserving cultural landscapes, scenic vistas and diverse ecosystems**
- **Enriching and celebrating local "sense of place"**
- **Supporting multiple recreational uses**
- **Enhancing connectivity of the open space and trails network**
- **Improving access to open lands and parks**
- **Educating and inspiring a new generation of land stewards**
- **Promoting healthy lifestyles**
- **Distributing high quality services and facilities in an equitable manner**
- **Collaborating with local, state, federal, tribal and private partners**
- **Striving for sustainability in design, construction and maintenance**

Santa Fe County Open Space, Trails and Parks Plan

Project Background / Need

The Santa Fe County Board of County Commissioners established the Wildlife, Trails and Historic Places Program in 1998 and created the County Open Land and Trails Planning Advisory Committee (COLTPAC) to assist in planning and implementation of that program. The resulting Open Land and Trails Plan was adopted in 2000 and has served to guide program operations and expenditure of capital resources for open space, trails and parks for the last 14 years. Since that time, much has changed in Santa Fe County. The Open Space and Trails Program, as it is now called, has grown to include over 6,600 acres of open space and 46 miles of trail, and COLTPAC's role has been expanded to include advising on the County's numerous parks and recreation facilities, in addition to open space and trails matters.

The Santa Fe County Sustainable Growth Management Plan (SGMP) was adopted in 2010 as the County's General Plan, replacing and rescinding previous general plans. The SGMP calls for strategic and action plans to be developed for policy implementation. In accordance with this directive, a Santa Fe County Open Space, Trails and Parks Plan is needed. The Plan will update long range goals and objectives for consistency with the Open Space, Trails, Parks and Recreation Element of the SGMP; it will provide a detailed, updated inventory of County-owned open space, parks and trails facilities; it will assess conservation resources and define management strategies and principles; and it will strategically identify short and long term project priorities for consistency with and funding through the Capital Improvements Plan. Once adopted, the Plan will amend the Open Space, Trails, Parks and Recreation Element of the SGMP and serve as a Rank 2 Plan, providing robust analysis, detailed policy guidance, and strategic implementation tools.

Draft Plan Components/Outline

1. Introduction
 - 1.1. Program background/history
 - 1.2. Purpose of the plan
 - 1.3. COLTPAC / Public Participation
2. Planning Context
 - 2.1. Santa Fe County Profile (*Growth Management Areas: Estancia, Galisteo, El Centro, El Norte*)
 - 2.2. Value of open space, trails and parks to Santa Fe County
 - 2.3. Trends that shape Santa Fe County's recreation and conservation needs
3. Existing Conditions
 - 3.1. Glossary / classification of facility types
 - 3.2. Inventory of County-owned open space, trails and parks facilities
 - 3.3. Inventory of public lands and trails
 - 3.4. Resources Inventory and Assessment Report – key findings (*contractual services agreement – RFP to be advertised in Spring 2014*)

4. Open Space, Trails and Parks Strategic Plan
 - 4.1. Vision and mission
 - 4.2. Goals (foundational towards implementing the vision/mission)
 - 4.3. Strategies (methods for achieving each goal)
5. Needs Assessment
 - 5.1. Level of Service Analysis (identification of deficiencies by Sustainable Development Area)
 - 5.2. Needs Assessment by Growth Management Area (*Estancia, Galisteo, El Centro, El Norte*)
6. Open Space, Trails and Parks Implementation Plan
 - 6.1. Financing Tools
 - 6.2. Capital Project Identification and Prioritization (*to be updated annually*)
7. Program Operations
 - 7.1. Program functions and staff (*project life-cycle approach: planning /policy > project development/scoping > project delivery > O&M*)
 - 7.2. Land Management
 - 7.2.1. Management principles by facility type
 - 7.2.2. Management planning (process and priority properties)
 - 7.3. Capital Improvements
 - 7.3.1. Design principles and guidelines
 - 7.3.1.1. Community character
 - 7.3.1.2. Connectivity
 - 7.3.1.3. Plantings
 - 7.3.1.4. Wayfinding/signage
 - 7.3.1.5. Resource conservation
 - 7.3.1.6. Maintainability
 - 7.3.1.7. Safety/risk mitigation
 - 7.3.1.8. Visitor experience
 - 7.4. Stewardship / Use
 - 7.4.1. Open Space, Trails and Parks rules and enforcement
 - 7.4.2. Partnerships (interagency, non-profit, etc.)
 - 7.4.3. Property leases
 - 7.4.4. Conservation easements
 - 7.5. Public Programs
 - 7.5.1. Volunteer Programs
 - 7.5.2. Annual Events
 - 7.5.3. Outreach and Education
 - 7.6. Program Performance
 - 7.6.1. Best Practice Standards / Measures of success
 - 7.6.2. Annual Reporting

8. Appendix A: Open Space and Trails Master Plan
 - 8.1. Depicts existing and proposed open space and trails
 - 8.2. Identifies priority areas for open space acquisition
 - 8.3. Illustrates opportunities for interagency collaboration (BLM, USFS, SLO)

9. Appendix B: Parks and Recreation Facilities Master Plan
 - 9.1. Depicts existing parks by type/service area
 - 9.2. Identifies park/recreation needs by type/service area

10. Appendix C: Santa Fe County Resource Inventory and Assessment Report (*contractual*)

Project Description: Santa Fe County is located in northern New Mexico along the convergence of the Rio Grande Valley and the southern Sangre de Cristo Mountains. The County encompasses 1911 square miles of diverse terrain and landscapes, from lowland riparian areas along the County's many rivers and streams, to the high desert of the Caja del Rio Plateau, and alpine tundra of the Santa Fe National Forest. The unique variety of terrain, elevation and climate creates different ecosystems and life zones which support various animal and plant communities. A deep history of human interaction with the landscape has resulted in the region's rich cultural and historical heritage. Physical evidence of this history can be found in the forms of archaeological sites and artifacts located countywide, and working farms and ranches continue to portray the significance of the landscape for traditional lifeways. The abundance and distinctive blend of natural, geophysical and cultural resources produce world renowned scenic qualities and viewsheds.

The Santa Fe County Wildlife, Mountains, Trails and Historic Places Program was created in 1998 for the purpose of preserving the County's natural, historical and cultural diversity and identity, conserving the County's unique open landscapes, and providing enhanced opportunities for outdoor recreation, leisure and renewal. Now known as the Santa Fe County Open Space and Trails, the Program has since grown to include over 6,600 acres of County-owned open space, 23 parks, and 46 miles of trail. The Program has taken great strides towards achieving its vision of an interconnected network of cultural, historical, recreational and natural open spaces and trails in Santa Fe County.

In support of the Santa Fe County Open Space, Trails and Parks Plan, to be initiated by Open Space and Trails staff in Spring 2014 with a projected adoption date of Fall 2015, a detailed inventory and assessment of natural, cultural, visual and stewardship resources is needed. The purpose of the Resource Inventory and Assessment is as follows:

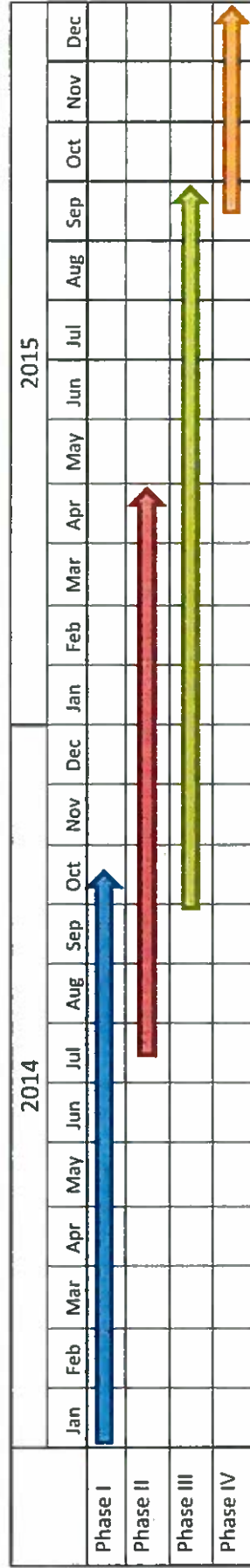
- To provide baseline information for open space, trails and parks planning (will help structure public input and decision making).
- To guide development of countywide goals and strategies for resource conservation and management.
- To identify priority areas for resource conservation and open space acquisition.

The need for such a detailed study (including data compilation, mapping and analysis) was identified in the Santa Fe County Open Land and Trails Plan, which has guided the Open Space and Trails Program since it was adopted in 2000 and will be replaced and by the Santa Fe County Open Space, Trails and Parks Plan.

SANTA FE COUNTY OPEN SPACE, TRAILS and PARKS PLAN - PHASING:

Phase I: Pre-Planning	Phase II: Information Gathering	Phase III: Plan Development	Phase IV: Review and Approval
<ul style="list-style-type: none"> Finalize scope of work Identify contractual services Create standard trail maps Website updates Resolution revisions (COLTPAC) Develop stakeholder list and recruit key stakeholders 	<ul style="list-style-type: none"> Existing conditions <ul style="list-style-type: none"> Resources assessment and creation of web-based interactive map County profile County Property Inventory database Public Meetings Outreach events 	<ul style="list-style-type: none"> Open Space and Trails Master Plan Map Parks and Recreation Master Plan Map Vision, mission, goals and strategies Needs assessment Projects list and funding evaluation Document preparation 	<ul style="list-style-type: none"> Staff review Public review Adoption of Open Space, Trails and Parks Strategic Plan

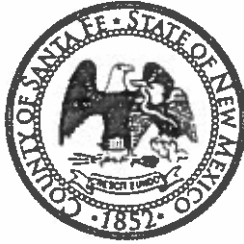
TIMELINE:



Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: August 13, 2014

TO: Board of County Commissioners

FROM: Vicki Lucero, Building and Development Services Manager 

VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director

RE: Presentation on Proposed Development Review Fee Ordinance

BACKGROUND:

On May 27, 2014 this item went before the BCC on a request for Authorization to Publish Title and General Summary of the proposed fee ordinance which would establish Development Permit and Review Fees consistent with the provisions set forth in the Sustainable Land Development Code.

At that meeting the BCC stated that they did not believe the proposed ordinance was ready to move forward. The BCC directed staff to research development fees for other entities and do a comparison of those with our existing and proposed fees. The BCC also provided other comments and directives as follows:

- Include Film Permit Fees with higher fees for large production companies
- Fees for Individual building a residence should be lower than those for a large scale or commercial development.
- No multiple fees
- Fees should be based on cost or acreage of development (small businesses vs. large businesses)
- Fee schedule should be put out for public comment
- Apply Courtesy Inspection Fee toward the Development Permit Application fee

In an effort to address the issues brought up by the BCC, staff has revised the format of the previous fee ordinance and combined all of the fees associated with a development application into one fee for each application type which will eliminate having multiple fees for one application and make it easy for the public to know what the cost of development will be before they come in to submit an application. Staff has also compiled a spreadsheet with a comparison

of our current fees and proposed fees to those in the City of Santa Fe, Bernalillo County, Sandoval County, the City of Albuquerque, and Dona Ana County (Refer to Exhibit 3). Many of the fees from the other entities were lower than our existing fees, therefore, we have adjusted the fees in our proposed ordinance to be more comparable.

We have included film permit fees in the proposed ordinance that reflect a higher cost based on the type of film production. We have changed the fees for Non-residential, Mixed use, and Multi Family developments based on the project valuation (smaller projects will be cheaper and larger projects more expensive). We have also reduced the cost of permits for: individuals building a residence or accessory structure, private residential PV Solar applications, Family Transfers and Exemptions, and Home Occupations. .

Staff has also added a provision in the Fee Ordinance that would allow a courtesy inspection fee paid by a property owner to be applied toward the cost of a development permit at the time the application is submitted.

REQUESTED ACTION:

Staff requests direction from the BCC to allow the proposed Fee Ordinance to be released for public review and comment. If the BCC allows staff to proceed, we will send out a press release in regards to the proposed ordinance, we will post it on the County website, and we will distribute it to everyone on our e-mail contact data base. We will also have copies of the proposed Fee Ordinance available for public comment at the community meetings on the Zoning Map. After this public review period, staff will return to the BCC to request authorization to publish title and general summary of the proposed fee ordinance.

EXHIBITS:

1. Proposed Fee Ordinance
2. Current Fee Ordinance
3. Comparison Spreadsheet
4. May 27, 2014 BCC Meeting Minutes

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY
Permit and Review Fee Ordinance
Ordinance No. 2014-_____**

AN ORDINANCE ESTABLISHING DEVELOPMENT PERMIT AND REVIEW FEES FOR PROJECTS IN SANTA FE COUNTY, NEW MEXICO; AND REPEALING ORDINANCE NO. 2008-12 AND SECTION 9.A (FEE TABLE) OF ORDINANCE NO. 2010-6 (MOTION PICTURE AND TELEVISION PRODUCTIONS)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

ARTICLE I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE.

Articles I to III herein may be cited as "The Fee Ordinance of Santa Fe County"

SECTION 2. APPLICABILITY

This Ordinance applies to any application for a Development Permit under the Santa Fe County Sustainable Land Development Code ("SLDC"), as amended.

ARTICLE II. APPLICATION, RECORDS AND REQUIREMENTS

SECTION 1. APPLICATIONS.

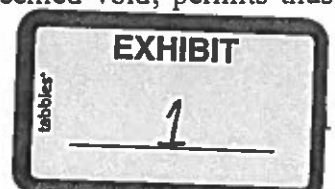
All development within Santa Fe County requires a Development Permit and the payment of a non-refundable application fee except where otherwise indicated. All Development Permits require the completion and approval of a Development Permit Application ("Application"). An Application shall be completed according to the requirements in the SLDC and submitted to the Building and Development Services Division for review and processing. The Building and Development Services Division shall submit these Applications to the appropriate County Departments for additional review as required.

SECTION 2. RECORDS.

A record of all permits shall be maintained by the Building and Development Services Division.

SECTION 3. ISSUING PERMITS.

Permits will not be considered issued until picked up from the Building and Development Services Division of Santa Fe County. Permits not issued within thirty (30) days of approval shall be deemed void; permits thus voided will require re-submittal of the application and repayment of fees.



ARTICLE III. APPLICATION FEES

SECTION 1. FEE SCHEDULE

The fee schedule is hereby attached as Exhibit "A".

SECTION 2. PAYMENT AND REFUNDS.

Unless otherwise stated in the fee schedule, fees are due at the time of application and are not refundable. Any application received without payment of fees due will not be reviewed. If a particular Development requires more than one approval, the applicant shall pay the cumulative review fees for each review and approval sought.

SECTION 3. ADDITIONAL FEES FOR PROFESSIONAL SERVICES:

The Building and Development Services Division may require information beyond that contained in the Application. In such instances, the Applicant may (i) provide the information requested at the Applicant's sole expense, (ii) pay an additional fee to cover the cost of the Department staff obtaining and reviewing the information, or (iii) withdraw the Application provided that no such withdrawal shall be entitled to a refund of fees. In addition, some Applications may require specialized reviews by outside sources, the cost of which shall be paid by the Applicant in advance.

PASSED, APPROVED AND ADOPTED, on this _____ day of _____, 2014.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____

DANIEL W. MAYFIELD, Chairperson

ATTEST:

GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

GREGORY S. SHAFFER, County Attorney

**SANTA FE COUNTY
GROWTH MANAGEMENT DEPARTMENT
DEVELOPMENT REVIEW FEES**

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Permits		
Development Permit Residential & Agricultural Uses & Community Service Facilities	\$200	Valuation Fee
Project Valuation		
\$0 - \$25,000		\$75
\$25,001 - \$50,000		\$150
\$50,001 - \$100,000		\$350
\$100,001 - \$200,000		\$550
\$200,001 - \$250,000		\$950
\$250,001 - \$300,000		\$1,150
*Each Additional \$100,000 in constuction value or part thereof:		\$500
Development Permit Non-Residential, Mixed Use & Mulit Family	\$700	Valuation Fee
Project Valuation		
\$0 - \$999		\$350
\$1,000-\$4,999		\$600
\$5,000-\$49,999		\$1,100
\$50,000-\$149,999		\$1,500
\$150,000-\$499,999		\$2,500
\$500,00-\$749,999		\$3,500
\$750,000-\$999,999		\$5,000
\$1,000,000-\$1,999,999		\$7,000
\$2,000,000 and above		\$10,000 for first \$2 Million
*Each Additional \$1,000,000 in constuction value or part thereof:		\$1,000 (\$20,000 max)
Conditional Use Permit	\$1,000	
Site Development Plan for Permitted Uses	\$200	
Sign Permit	\$245	
Burial Permit	\$150	

Film Permit		
Small Scale Production	\$100	\$10 per day
Major Production	\$500	\$50 per day
Episodic Television Production	\$100	\$70 per week
Demolition Permit-Residential	\$250	
Demolition Permit-Non Residential		
Mixed Use & Multit Family	\$700	
Blasting Permit	\$1,000	
Grading & Clearing Permit-Single Family Residential or Community Service Facility		
	\$100	
Grading & Clearing Permit-Subdivision/Non-Residential/Mixed Use/Multi Family		
	\$750	
Driveway or Driveway Cut Permit	\$200	
PV Solar-Private Residential	\$250	
Temporary Use Permit		
Itinerate Vendor Permit	\$150	

Subdivisions and Other Plat Reviews		
Minor Subdivision	\$350	\$25 per lot
Major Subdivision	\$750 Prelim/\$1000 Final	\$100 per lot
Exempt Land Divisions & Other Plat Reviews		
	\$200	
Non-Residential/Mixed Use Subdivision		
	\$1,000 Prelim/\$1,500 Final	\$100 per lot
Vacation of Plat or Easement		
	\$300	
Plat Amendment/Replat	\$300	
Boundary Survey	\$250	
Time Extension	\$300	
Zoning/Re-Zoning/Text Amendments		
Planned Development		
District	\$3,000	\$10 per acre
Zoning Map Amendment	\$1,000	
Overlay Zone	\$200	
SLDC Text Amendment	\$500	
Zoning Statement or Residential Condominium Confirmation Statement	\$150	
(No charge for confirmation of zoning district)		

Supplemental Uses/Other	
Home Occupation/Registration:	
No Impact	\$50
Low Impact	\$100
Medium Impact	\$250
Wind Energy Facilities	
Large Scale	\$1,500
Single Parcel Use	\$100
Wireless Communication Facilities	
	\$2,000
Sexually Oriented Businesses	Initial - \$5,000/Renewal - \$1,500
Beneficial Use Determination	
	\$500
Development of County Wide Impact	
	\$7,500
Business Registration (When Site DP not req'd)	\$225
Swimming Pool	\$545
Utility Authorization	
Residential/Agricultural/ Community Service Facility (Not req'd if part of a Developemnt Permit)	\$200
Non-Residential/Mixed Use Multi Family (Not req'd if part of a Development Permit)	\$300
Well Only	\$100
Franchise Review /Expansion/ Renewal	\$600
Inspections during construction/ Final Inspections for release of Financial Guaranty	\$250 Per Inspection
Courtesy Inspection (Will be credited at time of Development Permit)	\$100
Floodplain Determination Letter (No Application Fee Required)	\$50
Variance	\$300
Appeal	\$200

3rd Party Reviews	
County prepared SRAs (TIA, APFSA, WSAR, FIA, EIR) for DCI	Full Cost of Preparation and Review by Outside Consultants
County Reviewed SRAs (TIA, APFSA, WSAR, FIA, EIR)	Full Cost of Review by Outside Consultant
Specialized Review if Needed	Full Cost of Review by Outside Consultant

SANTA FE COUNTY
Permit and Review Fee Ordinance
Ordinance No. 2008-12

AN ORDINANCE ESTABLISHING PERMIT AND REVIEW FEES FOR PROJECTS IN SANTA FE COUNTY, NEW MEXICO.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

ARTICLE I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE.

Articles I to III herein may be cited as "The Fee Ordinance of Santa Fe County"

SECTION 2. APPLICABILITY

This Ordinance applies to any application for a Development Permit under the Santa Fe County Land Development Code ("LDC"), as amended, or the Santa Fe Extraterritorial Zoning Ordinance ("EZO"), as amended.

ARTICLE II. APPLICATION, RECORDS AND REQUIREMENTS

SECTION 1. APPLICATIONS.

All development within Santa Fe County requires a Development Permit. All Development Permits require the completion and approval of a Development Permit Application ("Application"). An Application shall be completed according to the requirements in the LDC or EZO and submitted to the Building and Development Department for review and processing. The Building and Development Department shall submit these Applications to the appropriate County Departments for additional review as required.

SECTION 2. RECORDS.

A record of all permits shall be maintained by the Building and Development Department.

EXHIBIT
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SECTION 3. ISSUING PERMITS.

Permits will not be considered issued until picked up from the Building and Development Department of Santa Fe County. Permits not issued within thirty (30) days of approval shall be deemed void; permits thus voided will require re-submittal of the application and repayment of fees.

ARTICLE III. APPLICATION FEES

SECTION 1. FEE SCHEDULE

The following fee schedule is hereby established:

TABLE III.1.1 DEVELOPMENT PERMITS FEE CALCULATED BASED ON CONSTRUCTION VALUATION					
Application Fee All Projects					\$100.00
Valuation From:	To:				Fee:
\$ 0.00	\$25,000.00				\$75.00
\$25,001.00	\$50,000.00				\$150.00
\$50,001.00	\$100,000.00				\$350.00
\$ 100,001.00	\$200,000.00				\$550.00
\$200,001.00	\$250,000.00				\$950.00
\$250,001.00	\$300,000.00				\$1150.00
Each additional \$100,000.00 in construction value or part thereof:					\$375.00

TABLE III.1.2 INSPECTION FEES					
PROJECT TYPE	COURTESY INSPECTION	INITIAL INSPECTION	PRE-FINAL INSPECTION	FINAL INSPECTION	Additional Per Lot Fee
Single Family Residential	\$100.00	\$45.00	\$35.00	\$50.00	
Subdivisions/Land Divisions	\$150.00	\$100.00	\$50.00	\$40.00	\$25.00
Exemptions	\$50.00	\$65.00			
Commercial Lots/Subdivisions	\$150.00	\$150.00	\$100.00	\$150.00	\$50.00
Gravel/Hard Rock Mining	\$300.00	\$500.00	\$350.00	\$500.00	
Mining Reclamation/Closure	\$200.00	\$250.00	\$350.00	\$500.00	
Blasting	\$100.00	\$150.00			
NPDES/SWPPP Residential Land Division 1-4 lots	\$100.00	\$45.00		\$100.00 (post storm event)	\$40.00
NPDES/SWPPP Residential Land Division 5 or more lots	\$100.00	\$75.00		\$200.00 (post storm event)	\$60.00
Accessory Structure	\$50.00	\$45.00		\$25.00	
Utility/Community Service Facility	\$150.00	\$125.00	\$75.00	\$150.00	

Home Occupation/ Home Business	\$75.00	\$75.00	\$50.00	\$100.00
Business Registration	\$100.00	\$65.00		
After Hours Lighting and Sound Inspections		\$75.00		
INSPECTIONS TO CHANGES OF PREVIOUSLY APPROVED PLANS OR APPLICATIONS				\$100.00

TABLE III.1.3 DIVISION OF LAND

Type of Division	Initial Review	Second and Subsequent Review	Additional Per Lot Fee
Family Transfer	\$250.00	\$50.00	\$25.00
Land Division/Subdivision 1- 4 lots	\$500.00	\$100.00	\$50.00
Land Division/Subdivision 5- 24 lots	\$950.00	\$150.00	\$75.00
Land Division/Subdivision 25-99 lots	\$1050.00	\$200.00	\$75.00
Land Division/Subdivision 100-300 lots	\$1150.00	\$250.00	\$100.00
Land Division/Subdivision 300 or more lots	\$1350.00	\$300.00	\$125.00
Residential Lot Line Adjustment	\$250.00	\$100.00	
Commercial Lot Line Adjustment	\$750.00	\$250.00	
Exemption	\$250.00	\$75.00	
Commercial Land Division/Subdivision	\$750.00	\$250.00	\$150.00
Vacations of Plats or Easements	\$250.00	\$75.00	

TABLE III.1.4 ZONING/MASTER PLANS

Type of Project	Initial Review	Second and Subsequent Review	Additional Per Lot Fee
Subdivision 25-99 lots	\$950.00	\$100.00	\$75.00
Subdivision 100-300 lots	\$1150.00	\$150.00	\$100.00
Subdivision 300 or more lots	\$1350.00	\$200.00	\$125.00
Master Plat	\$1000.00	\$250.00	\$150.00
Master Plan Amendments/Time Extensions	\$250.00	\$100.00	\$25.00
Zoning Statements	\$150.00		
Commercial	\$750.00	\$50.00	\$25.00
Community Service Facility	\$250.00	\$100.00	\$75.00
Employment Center	\$750.00	\$100.00	\$100.00
Media District	\$1200.00	\$150.00	\$250.00
Mining Zone	\$5000.00	\$250.00	\$500.00
Mixed-Use Subdivision	\$750.00	\$100.00	\$100.00
Village Center	\$750.00	\$100.00	\$250.00

TABLE III.1.5 PRELIMINARY OR FINAL DEVELOPMENT PLANS

Type of Project	Initial Review	Second and Subsequent Review	Additional Per Lot Fee
Land Division Subdivision 1-4 lots	\$500.00	\$100.00	\$50.00
Land Division/Subdivision 5-24 lots	\$750.00	\$150.00	\$75.00
Subdivision 25-99 lots	\$500.00	\$100.00	\$50.00
Subdivision 100-300 lots	\$750.00	\$150.00	\$75.00
Subdivision 300 or more lots	\$950.00	\$200.00	\$75.00
Sand and Gravel Operations	\$2500.00	\$150.00	\$250.00
Gravel/Hard Rock Mining	\$5000.00	\$250.00	\$500.00
Large Scale Commercial	\$1000.00	\$100.00	\$75.00
Neighborhood Commercial	\$750.00	\$100.00	\$75.00
Employment Center	\$750.00	\$100.00	\$75.00
Media District	\$1000.00	\$150.00	\$150.00
Mixed-Use Subdivision	\$750.00	\$100.00	\$100.00
Village Center	\$750.00	\$100.00	\$250.00
Telecommunication Facilities			
Administrative Review	\$750.00	\$100.00	
Requiring Single Public Hearing	\$1250.00	\$100.00	
Requiring Two Public Hearings	\$2500.00	\$100.00	
Additional Fees for Special Reports:			
Geohydrologic Report	\$500.00	\$125.00	
Traffic Impact Analysis	\$500.00	\$125.00	

TABLE III.1.6 SPECIAL PERMITS/BUSINESS REGISTRATIONS

Business Registration Application/Certificate	\$35.00
Business Registration Review	\$250.00
Home Occupation, Home Business Application/Registration	\$175.00
Signage Permit (per sign)	\$100.00
Burial Permit	\$50.00
Film Permit	\$500 +45.00 per day of filming
Itinerant Vendor Permit	\$100.00 +100.00 per year renewal
Demolition Permit—Residential	\$200.00
Demolition Permit—Commercial	\$400.00
Blasting Permit	\$500.00 + 25.00 per occurrence
Grading and Clearing Permit—Single Family Residential	\$90.00
Grading and Clearing Permit-Subdivision or Commercial	\$150.00
Driveway or Driveway Cut Permit	\$100.00

TABLE III.1.7 MISCELLANEOUS

Accessory Structure >2000sq/ ft.	\$250.00
Swimming Pools Less than 30,000 gallons	\$250.00
Swimming Pools Greater than 30,000 gallons	\$500.00
Utility Authorization Residential	\$35.00

Public Notice Board	Utility Distribution Line	\$300.00
Adjoiner's List for Certified Mailing	Ea.	\$25.00
Project Research/Archive Access	\$40.00 per hour plus \$50.00 per file requested	\$250.00
Franchise review/expansion/renewal		\$500.00
TABLE III.1.8 VARIANCES AND APPEALS		
Variance Requests (each)		\$150.00
Appeal of Land Use Administrator's Decision		\$125.00
Appeal of Development Review Committee Decision		\$150.00

SECTION 2. PAYMENT AND REFUNDS.


Unless otherwise stated in the fee schedule, fees are due at the time of application and are not refundable. Any application received without payment of fees due will not be reviewed. If a particular Development requires more than one approval, the applicant shall pay the cumulative review fees for each review and approval sought.

SECTION 3. ADDITIONAL FEES FOR PROFESSIONAL SERVICES:

The Building and Development Department may require information beyond that contained in the Application. In such instances, the Applicant may (i) provide the information requested at the Applicant's sole expense, (ii) pay an additional fee to cover the cost of the Department staff obtaining and reviewing the information, or (iii) withdraw the Application provided that no such withdrawal shall be entitled to a refund of fees. In addition, some Applications may require specialized reviews by outside sources, the cost of which shall be paid by the Applicant in advance.

PASSED, APPROVED AND ADOPTED, on this 12th day of August, 2008.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS



**COMMISSIONER PAUL CAMPOS, CHAIRPERSON,
 BOARD OF COUNTY COMMISSIONERS**

CERTIFICATE

I, the undersigned, County Clerk, do hereby certify that the above is the ordinance which was duly adopted by the Santa Fe County Board of County Commissioners at a regular meeting duly convened on August 12, 2008.

Santa Fe County Clerk
Valerie Espinoza UK
Valerie Espinoza



Approved as to form:

County Attorney

Stephen C. Ross
Stephen C. Ross

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
BCC ORDINANCE
PAGES: 6

I Hereby Certify That This Instrument Was Filed for record On The 18TH Day Of August, A.D., 2008 at 16:52 and Was Duly Recorded as Instrument # 1535562 of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy _____ Valerie Espinoza
County Clerk, Santa Fe, NM

**Santa Fe County
Growth Management Department Development Fee Comparisons**

Comparable

SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT DEVELOPMENT REVIEW FEES			Breakdown Notes	Current Fees	City of Santa Fe	Bernalillo County	City of Albuquerque	Dona Ana County	Sandoval County
APPLICATION TYPE	BASE FEE	ADDITIONAL FEES							
Permits									
Development Permit Residential & Agricultural Uses & Community Service Facilities	\$200	Valuation Fee	Based on \$200K Valuation/1,500 sq. ft. (Includes Utility Authorization)	\$ 1,175.00	\$ 2,440.13	\$ 1,260.00	\$ 2,247.55	\$300.00	\$75.00
Project Valuation									
\$0 - \$25,000		\$75							
\$25,001 - \$50,000		\$150							
\$50,001 - \$100,000		\$350							
\$100,001 - \$200,000		\$550							
\$200,001 - \$250,000		\$950							
\$250,001 - \$300,000		\$1,150							
*Each Additional \$100,000 in construction value or part thereof:		\$500							
Development Permit Non-Residential, Mixed Use & Multi Family	\$700	Valuation Fee	Based on \$500K Valuation (Includes Utility Authorization)	\$2,485.00	\$6,447.23			\$2,790.00	\$0.25/sq. ft.
Project Valuation									
\$0 - \$999		\$350							
\$1,000-\$4,999		\$600							
\$5,000-\$49,999		\$1,100							
\$50,000-\$149,999		\$1,500							
\$150,000-\$499,999		\$2,500							
\$500,00-\$749,999		\$3,500							
\$750,000-\$999,999		\$5,000							
\$1,000,000-\$1,999,999		\$7,000							
\$2,000,000 and above		\$10,000 for first \$1 Million							
*Each Additional \$1,000,000 in construction value or part thereof:		\$1,000 (\$20,000 max)							
Conditional Use Permit	\$1,000		DP to CDRC (Neighbor	\$1,075.00					
Site Development Plan for Permitted Uses	\$200		Final DP Admin (Neigh	\$1,050.00			\$ 100.00		
Sign Permit	\$245			\$ 245.00		\$15, \$30, \$45			
Burial Permit	\$150			\$ 150.00					
Film Permit									
Small Scale Production	\$100	\$10 per day	30 days of filming	\$400.00					
Major Production	\$500	\$50 per day	30 days of filming	\$550.00					
Episodic Television Production	\$100	\$70 per week	One month of filming	\$325.00					
Demolition Permit-Residential	\$250			\$ 420.00		\$ 47.00			
Demolition Permit-Non Residential Mixed Use & Multi Family	\$700			\$ 695.00					
Blasting Permit	\$1,000			\$ 750.00					
Grading & Clearing Permit-Single Family Residential or Community Service Facility	\$100			\$ 435.00	\$ 64.25				
Grading & Clearing Permit-Subdivision/ Non-Residential/Mixed Use/Multi Family	\$750			\$ 495.00	\$ 1,050.50				
Driveway or Driveway Cut Permit	\$200			\$ 270.00					
PV Solar-Private Residential	\$250			\$ 295.00					
Temporary Use Permit									
Itinerate Vendor Permit	\$150			\$ 300.00					
Subdivisions and Other Plat Reviews									
Minor Subdivision	\$350	\$25 per lot	Based on 5 lots	\$2,675	\$ 400.00		\$ 595.00		\$100.00
Major Subdivision	\$750 Prelim/\$1000 Final	\$100 per lot	Based on 25 lots	\$7,725	\$3750 Prelim/\$5000 Final		\$ 1,240.00		\$1,875.00
Exempt Land Divisions & Other Plat Reviews	\$200			\$440.00	\$ 160.00				
Non-Residential/Mixed Use Subdivision	\$1,000 Prelim/\$1,500 Final	\$100 per lot	Based on 10 lots	\$5,025.00	\$ 7,000.00				
Vacation of Plat or Easement	\$300			\$375.00			\$ 300.00		\$50.00
Plat Amendment/Replat	\$300			\$350.00	\$ 300.00				
Boundary Survey	\$250			\$350.00	\$ 250.00				
Time Extension	\$300			\$375.00			\$ 50.00		
Zoning/Re-Zoning/Text Amendments									
Planned Development District	\$3,000	\$10 per acre		NC					
Zoning Map Amendment	\$1,000			NC					
Overlay Zone	\$200			NC	\$ 1,000.00		\$ 240.00		
SLDC Text Amendment	\$500			NC					
Zoning Statement or Residential Condominium Confirmation Statement (No charge for confirmation of zoning district)	\$150			\$250.00	\$ 500.00		\$ 565.00		
Supplemental Uses/Other									
Home Occupation/Registration									
No Impact	\$50		Includes certificate	\$ 435.00	\$ 35.00	\$ 50.00	\$ 35.00	\$ 35.00	\$ 35.00
Low Impact	\$100		Includes certificate						
Medium Impact	\$250		Includes certificate			\$ 75.00			
Wind Energy Facilities									
Large Scale	\$1,500		Master Plan required	\$2,025.00					
Single Parcel Use	\$100			\$200.00					
Wireless Communication Facilities	\$2,000			\$ 3,675.00			\$ 3,000.00		\$ 5,060.00
Sexually Oriented Businesses	Initial - \$5,000/Renewal - \$1,500			NC					
Beneficial Use Determination	\$500			NC					
Development of County Wide Impact	\$7,500			NC					
Business Registration (When Site DP not req'd)	\$225		Includes certificate	\$450.00					
Swimming Pool	\$545			\$ 545.00					
Utility Authorization									
Residential/Agricultural/ Community Service Facility (Not req'd if part of a Development Permit)	\$200			\$255.00					
Non-Residential/Mixed Use Multi Family (Not req'd if part of a Development Permit)	\$300			\$255.00					
Well Only	\$100			\$ 255.00					
Franchise Review /Expansion/ Renewal	\$600			\$600.00					
Inspections during construction/ Final Inspections for release of Financial Guaranty	\$250 Per Inspection		Based on 25 lots subd	\$715.00					
Courtesy Inspection (Will be credited at time of Development Permit)	\$100		For Single Family Resid	\$ 100.00					
Floodplain Determination Letter (No Application Fee Required)	\$50			\$0			\$ 50.00		
Variance	\$300			\$ 275.00	\$ 500.00		\$ 145.00	\$ 100.00	\$85.00
Appeal	\$200		Appeal of CDRC	\$ 275.00	\$ 100.00		\$ 55.00		\$100.00
3rd Party Reviews									
County prepared SRAs (TIA, APFSA, WSAR, FIA, EIR) for DCI		Full Cost of Preparation and Review by Outside Consultants		NC			\$ 150.00		
County Reviewed SRAs (TIA, APFSA, WSAR, FIA, EIR)		Full Cost of Review by Outside Consultant		NC					
Specialized Review if Needed		Full Cost of Review by Outside Consultant		NC					

III. D. Ordinances

1. **Request for Authorization to Publish Title and General Summary of Ordinance Establishing Development Permit and Review Fees for Projects in Santa Fe County, New Mexico; and Repealing Ordinance No 2008-12**

MS. LUCERO: Thank you, Mr. Chair. we currently have a fee ordinance for development in Santa Fe County, Ordinance 2008-12. It was established in accordance with the procedures of the current land development code. We are requesting authorization to publish title and general summary of a new permit and review fee ordinance that is consistent with the procedures and application types that are set forth in the SLDC that was adopted by the BCC in December of 2013.

In prior discussions with the BCC we understand that some of our fees should be reduced, so we have actually reduced the development permit fees for residential development. We've actually decreased the application fee from \$100 to \$50. We've also decreased the home occupation fees. The current code just has one set fees for home occupations. However, the Sustainable Land Development Code breaks it down into three different categories depending on if it's a no-impact home occupation, a low-impact or a medium impact and we've decreased those fees significantly. The no-impact fees were reduced by approximately \$265. The low impact was reduced by \$205 and the medium was reduced by \$105.

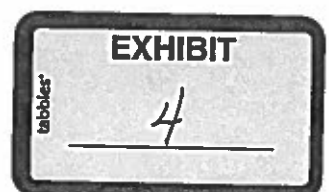
We've also reduced our fees for private residential solar panel applications and that's been reduced by \$50 as well. Mr. Chair, I stand for any questions or any other suggestions that the Commission would like to offer.

CHAIR MAYFIELD: Thank you. Really quick, Ms. Lucero, so again, this is for title and general summary right now in front of us, but I guess one question I have, are you all proposing to have a lot of public outreach with this, media campaigns. I'm going to ask this just so you know what we've done with some of our other noticing in the past, but on this, are you planning on doing this out in Spanish, knowing that we have a huge bilingual community out there that read it and/or only listen to it in Spanish. My second request would be that you provide us with a chart on the fee schedules that shows what these prior fees were and what they're going – what you're requesting them to go to. And I guess I'll just ask with this fee schedule, is there a miscellaneous fee in here for a catch-all if we don't know what to charge somebody we just charge somebody a miscellaneous fee.

MS. LUCERO: Mr. Chair, there is no miscellaneous fee in this application.

CHAIR MAYFIELD: So that one has been removed. If you can kind of, Ms. Lucero, show me the changes. Maybe a graph or at least a chart that says where we were, what we've either pulled out or reduced, I'd appreciate that. Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I have several questions but the first comment is I don't think this is ready to publish title and general summary and the reason is if every one of us wants to make amendments we're going to have a major number of amendments later on until all of our questions and issues are taken care of. And so I'm hesitant about publishing title and general summary to something that we might



not have agreement upon, just among us. So I understand – well, this is a question. Is this a proposal from staff?

MS. LUCERO: Mr. Chair, Commissioner Stefanics, yes.

COMMISSIONER STEFANICS: Okay. I noticed several things throughout about individual versus developer, residential versus commercial, and I don't believe an individual is really receiving a break in this compared to some other things. For example, the gravel and hard rock mining was reduced from the prior set of permit fees and is almost the same amount as the courtesy inspection of an individual dwelling. Now, I understand that there's a final inspection fee that's higher but this to me does not take care of a problem to anything that's building.

As we've brought up developments, even if we don't want to look at gravel and mining, if we wanted to look at developments that later on had problems – and I'm talking about subdivisions, five or more – nobody's held accountable when they don't really take care of the problem later on. We've had problems with reclamation of land. We've had problems with some of the graywater systems that were set up to work and then they didn't work in some of the communities. I am a little concerned.

So then my question is couldn't we include bonding in some of these permits for some of the non-individual activities so that if there is a problem we could retain the bond to correct the situation if it's not being taken care of. The other issue I have is that we're leaving the permit fees to the last ordinance, and I didn't like those fees anyway, and I fought against lowering the fees for film to as low as they are, especially when we have some very large companies coming in here and then making millions of dollars and they're paying \$150 just like an independent film maker. So I think they should be included in here for consideration as well.

I appreciate all the work you've done and I'm interested in hearing what my colleagues have to say but I think that it's not – I think that we're putting the same burden on individuals that we're placing on commercial and I think that there should be a division and it should be higher for commercial. So I'll stop there.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. Commissioner Anaya.

COMMISSIONER ANAYA: Chairman Mayfield and Commissioner Stefanics, I actually – I agree with many of your comments associated with the size of a particular business or the industry but I also remember the comments – well, I had a direct experience with our County in the place that I work associated with the fee we paid here to do business here in Santa Fe County and the nominal fee that every other county around us and every other city charges for the same business license. I think Mr. Griscom spoke of that at the last meeting and I think we're trying to partially address that in here but I think we need to evaluate just what we're trying to do to entice businesses to come in general.

And then on some of the inspection fees associated with land use developments and other developments, I actually would like to put just the fee schedule out for public comment. I'd actually like to get our fee schedule and just put that out to the public so that business owners and people coming to get development permits and film industry permits and home occupations and anyone else can give us some feedback as we analyze comparatively what are other jurisdictions doing and how are they doing it and then what suggestions might be

get from others to enhance what we're doing. I appreciate the work and the efforts but are we under the gun to do this right away, Vicki? Where are we at in the scheme of timing?

MS. LUCERO: Mr. Chair, Commissioner Anaya, our goal is to have this ordinance, the new fee ordinance in place when the SLDC takes effect, so just trying to run parallel paths with that.

COMMISSIONER ANAYA: No, and I appreciate that but I think as we go through the consideration of the maps that Commissioner Mayfield brought up earlier and other things that we not just rush it in the interest of finishing. This is one that we get a lot of feedback on from businesses and constituents as to how did we come up with our fees and why are there such differences between one entity and another. So those are my thoughts. I think maybe we need to, for lack of a better word, slow down and maybe put this piece out for some feedback and see what we receive and then use that with the comparative data which we spoke of in prior meeting. I know you guys have been working through that. Just looking at the business registration, it seems that right now we're at \$450, right? For a business registration go cover the registration and all the fees, is what I recall. Correct?

MS. LUCERO: Mr. Chair, Commissioner Anaya, as far as like home occupations, just the land use fees alone are about \$385.

COMMISSIONER ANAYA: But even a straight-up business, like I brought up that we went through, it was about \$450 when you took into consideration the inspection fee, the application fee, the initial inspection, the final inspection.

MS. LUCERO: Right. That's correct. Yes.

COMMISSIONER ANAYA: So this would – the fees you have in front of us, that would cut it, it looks to me in half. Is that what this schedule –

MS. LUCERO: Mr. Chair, Commissioner Anaya, yes, that was the goal. We did significantly cut the fees for business licenses and home occupations.

COMMISSIONER ANAYA: Okay. I appreciate those efforts but maybe we need to post this and get some more feedback and then I look forward to hearing what my other colleagues feel as well.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I think in general the public is not real excited about fees and especially when they're going to be increasing. They're really not popular, but it's something that we have to do. So my question is how often are we required to update our permit fees?

MS. LUCERO: Mr. Chair, Commissioner Chavez, the last time the fee ordinance was done was in 2008, so it's been about six years. I don't believe that there is a requirement as to how often we have to update that.

COMMISSIONER CHAVEZ: Okay. Well, the reason I ask is because it's in our best interest to update on a regular basis and the longer we wait the more sticker shock our customers feel. And so I think that we need to keep these increases, as unpopular as they are, current. I guess that's just a statement. And then under our gravel and hard rock mining, I don't see a fee for a blasting permit but I do see a fee for a blasting permit when it's done under a demolition permit for non-residential. So would that blasting permit then apply to hard rock mining? I'm on page 5 of the table.

MS. LUCERO: Mr. Chair, Commissioner Chavez, that line item you're looking at, it does apply to sand and gravel mining, so the blasting is a separate line item. So that fee would apply.

COMMISSIONER CHAVEZ: So the blasting permit, I guess the initial fee is \$500 but then it's only \$25 per occurrence after that, and I guess to follow up on Commissioner Stefanics' question, I'm wondering if that's enough, if we're charging enough for staff time to issue and review those permits. And that's just a question.

MS. LUCERO: Mr. Chair, Commissioner Chavez, and you may have mentioned this but on page 4 there's an item under sand and gravel operations, there's an additional fee of \$3,000 for non-DCI applications.

COMMISSIONER CHAVEZ: So that changes the scenario.

CHAIR MAYFIELD: Katherine, I want to ask Mr. Griscom a question. He's leaving I think.

COMMISSIONER CHAVEZ: So that changes quite a bit. I do remember I think a comment that Commissioner Anaya made, and I think I heard it right. He was asking that we compare these fees to other similar counties? Is that –

COMMISSIONER ANAYA: That's right. Not only counties but counties and local jurisdictions, I actually made that comment tied to this as well as the economic development presentation that David Griscom made last meeting.

COMMISSIONER CHAVEZ: So if we looked at comparables like that would that tell us anything? Would it change anything that you have presented here?

MS. LUCERO: Mr. Chair, Commissioner Chavez, it may. It would give us an idea of how we compare with other entities as far as what their fees are.

COMMISSIONER ANAYA: Just a clarifying point.

CHAIR MAYFIELD: Commissioner Anaya, please.

COMMISSIONER ANAYA: Just, if I could, Commissioner Chavez, I want to say on the record that this is not an increase in fees. Many of the fees in the proposal are big decreases in fees that are pertaining to feedback that staff and that the Commission and others have already provided, because in the interest of attaining fees we want to cover some expenses but we also want to show the community that we're open for business and we're encouraging people to do economic development and come do business in Santa Fe. So this isn't an increase across the board by any stretch. In fact there's some substantial decreases to our fees that are going to entice, we're hoping, businesses to come here, and what I'm asking is that we even look at those further. But in the even that there are some larger industries, as Commissioner Stefanics brought up, that should pay a higher rate based on what their revenues are then I would absolutely be considering that. But the majority of businesses that we have in the county and in this region are small businesses and I think Mr. Griscom brought it up at our meeting last time, we need to be cognizant of that and not hit them so hard, because they're bringing in their business that is going to bring in jobs and taxes and just enhance the overall community. So I think those are factors that go well above and beyond an initial fee anybody charges. But just on the record, this structure reduces many, many of the fee structures that we had in place currently. Right, Vicki?

MS. LUCERO: Mr. Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Thank you.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I think, building upon what my colleagues are talking about, I understand that some of the fees have been reduced and for some of the entities I think that's important. So I also believe that, not hearsay, but an actual data-mining from either similarly sized entities would be good to have. So for example, I know you spent a lot of time and had a task force on the home occupations. I still think we're going to end up being higher, maybe even double, than what Albuquerque has. And I think that's worth looking at. Because I think that when people get to home occupations they have a choice. Do I go down to Albuquerque and get P.O. Box or find a friend to register a business at but really operate out of Santa Fe? And I know that happens.

So having a comparison – a data comparison, not a hearsay comparison would be good. Having something that shows us that something went down or up would be good.

Now, when we were dealing with the animal ordinance that's never passed yet, I asked the question – we got into permits. And there were all these permits to operate a kennel, a dog grooming place, etc., etc., plus getting the business registration. So there really were double fees and I said that wasn't going to be okay. So we haven't passed an animal control ordinance yet but we need to be looking at – and I know that there's lots of different terms but we need to be looking at permits, at licenses, at application fees and seeing where we're duplicating.

I also think that we need to be looking at sizes of businesses. We didn't take – the public came to us when it came to mining and gravel. And they said, please do a DCI for properties of this x-size. And we decided to do something different. But you might want to actually consider some standards. I don't care if it's dollar standards or acreage standards or employee standards, but some kind of standards for small businesses versus large businesses. I have no intention of hurting small businesses, but when Metro-Goldwyn comes in here to do a movie, I think they should be paying more than \$150 to do a shooting permit in the old courthouse. And yet I want to encourage my colleagues who live here in Santa Fe County to do some independent filmmaking and keep it low. So I see a major difference in how we treat all businesses, but maybe setting some different standards.

CHAIR MAYFIELD: Commissioner Holian, do you have any questions? Seeing none, so Vicki, two things really quick. One on page 2, so courtesy inspection. Can we just talk about that? Is that something new to the County? Is that something the County is currently doing?

MS. LUCERO: Mr. Chair, that is something that the County is currently doing and it is in our current fee ordinance as well.

CHAIR MAYFIELD: Okay, how many people are utilizing a courtesy inspection if they – do they have to then follow up with an initial inspection?

MS. LUCERO: They do if they decide to file an application. The courtesy inspection is prior to them even submitting for an application if they want staff to go out there to see exactly what they're going to need to submit, what the submittal will entail, if they're going to meet code requirements, if they're going to require variances. So that's something that's done upfront before they even make an application.

CHAIR MAYFIELD: And just a suggestion, if somebody does that because they want to be in compliance and see where they maybe want to maybe go, maybe we could

look at using that as a potential credit for an initial inspection fee. If they choose not to, they choose not to. But that would be a suggestion. Second would be, and Ms. Martinez, before you leave, I hate to put you on the spot because you might have to be the one answering this question. What is our total revenue that Santa Fe County is generating currently off of our fee schedule? If you guys don't know it, that's okay. I'm you on the spot. Because we just had a budget presentation I'm thinking that this may have been factored into that budget presentation.

MS. MARTINEZ: Mr. Chair, I think I wrote a number down. Let me just find it.

CHAIR MAYFIELD: That's fine. Teresa, I don't mean to put you on the spot. Let me ask you another question then. So, Vicki, hearing what the Commissioners stated, I think a good comparison, looking regionally, I also asked Mr. Griscam to stay. I would like to hear from our economic development director too, knowing that you guys have done a lot of work and have heard a lot of what we had to stay and I appreciate everything you've done, but kind of hearing what I'm saying, I want to incite, to maybe make it easier for businesses to maybe locate with Santa Fe County than versus going up the street or down the street because they just find the cost of doing business there is a little easier. So, Teresa, please.

MS. MARTINEZ: Mr. Chair, the permit range anywhere between \$400,000 to \$500,000 a year.

CHAIR MAYFIELD: That's what we're drawing in revenue? Okay. Thank you. So that's the potential we could lose. Mr. Griscam, do you care to comment on this proposal?

MR. GRISCOM: Mr. Chair, Commissioners, to be honest I haven't even seen this so I have no idea what's in this.

CHAIR MAYFIELD: So maybe you could take a look at and the next time it comes in front of us you could provide us some feedback or even a summary.

MR. GRISCOM: I'd be more than happy to.

CHAIR MAYFIELD: Thank you so much. Thank you, Vicki and thank you staff for this presentation. You put a lot of work into this and I do appreciate all the work you all put into this. Mr. Brown, I see you sitting up there too. So thank you. Commissioners, what's the pleasure of the Commission?

COMMISSIONER STEFANICS: Mr. Chair, I would move that we temporarily table this publishing title and general summary until some further comparison research has been completed so that we receive a chart back that indicates what has gone done and what has gone up, and that it be left for public review as Commissioner Anaya asked and provide four to six weeks for that review, so that it could come back to us with amendments based upon our questions today, comments and the public's. Now - I'll just make that motion.

COMMISSIONER ANAYA: I'll second.

COMMISSIONER STEFANICS: Okay. My last - my comment was going to be I totally understand that the public might say, we don't want any fees and that's not possible. So we're not asking you to wipe out fees but I think that we should hear what the public who has an investment in this, what they would say. Thank you.

CHAIR MAYFIELD: Thank you. And Vicki I would also ask – I think I heard Commissioner Stefanics ask and I will ask for it if I heard it wrong. But look at neighboring counties and cities and areas that have a fee structure and see if you have some comparative data also, even if it's outside of New Mexico. I think I'm okay with that. Thank you. So Commissioners, we have a motion on the floor and a second, knowing that this will come forward at a later date when staff has some of this information.

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

IV. MATTERS OF PUBLIC CONCERN

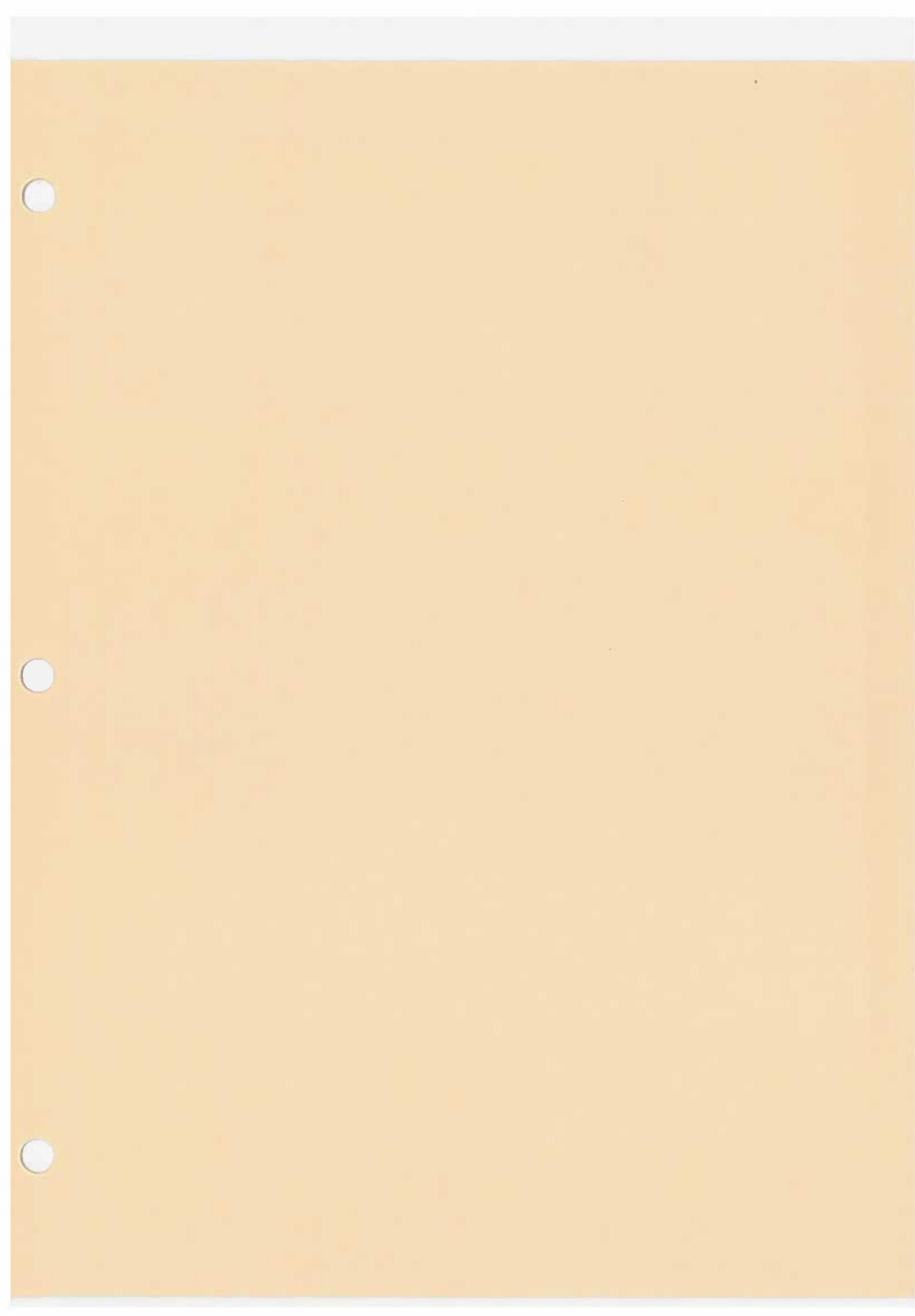
CHAIR MAYFIELD: We are now onto Matters of Public Concern once again, because we have discussed items pulled from our Consent Agenda already. Mr. Mee, come on up. Thank you for your patience.

WILLIAM MEE: Thank you, Mr. Chair, Commissioners. I'm William Mee with United Communities of Santa Fe County and we wrote you a letter. I don't know if you've gotten a chance to read it but we've been working very closely with County staff looking at a lot of the upzoning on the big zoning map. We've been able to resolve a lot of that with County staff and staff has been really helpful on that. There is one concern that we want to voice though. We believe that the zoning of actively utilized ranch and agricultural land that's known as the ag-ranch on the official zoning map regardless of where it's situated in Santa Fe County, County staff has placed several ranches in the City of Santa Fe, say, on Highway 14 near the Santa Fe Studios for example. They place them at risk by proposing this ranchland be zoned as either high density mixed use or the highly disruptive industrial use.

Such pre-zoning is inappropriate and violates the County's Sustainable Growth Management Plan and the Sustainable Land Development Code. Currently the land receives an agricultural exemption classification for the property taxes. Leaving the land as ag-ranch allows it to change at a later date under the new code. The procedures will include the studies, reports and assessments that will be done and can identify hidden needs or costs that local and state governments will have if maximum density is built out. For instance, one thing may be a frontage road in this area on Highway 14, especially if it's to be kept, the limited access road as it is now and that's probably what the Highway Department would want.

Who should pay for this frontage road? I believe it is the developer but changing the zoning to mixed use before the full study of the area by these reports and assessments gives the future developer the false impression that the viability for the frontage road costs and other infrastructure falls to the County and state governments. Taxpayers want the public hearings that any zoning requires ahead of the ag-ranch change. Taxpayers should be asked if they really want to spend our limited resources in this area for the benefit of a developer.

The second problem with the change is the domino effect where adjoining properties can see their property taxes go up and feel the pressure to develop as their neighbors have been pre-designated as mixed use or industrial, thus causing an urban sprawl that we all agreed on was bad and we actually did the new plan for and the code to address this situation. So thank you and we'll be working on this particular issue later. Thank you.



V. C. Matters From The Commission

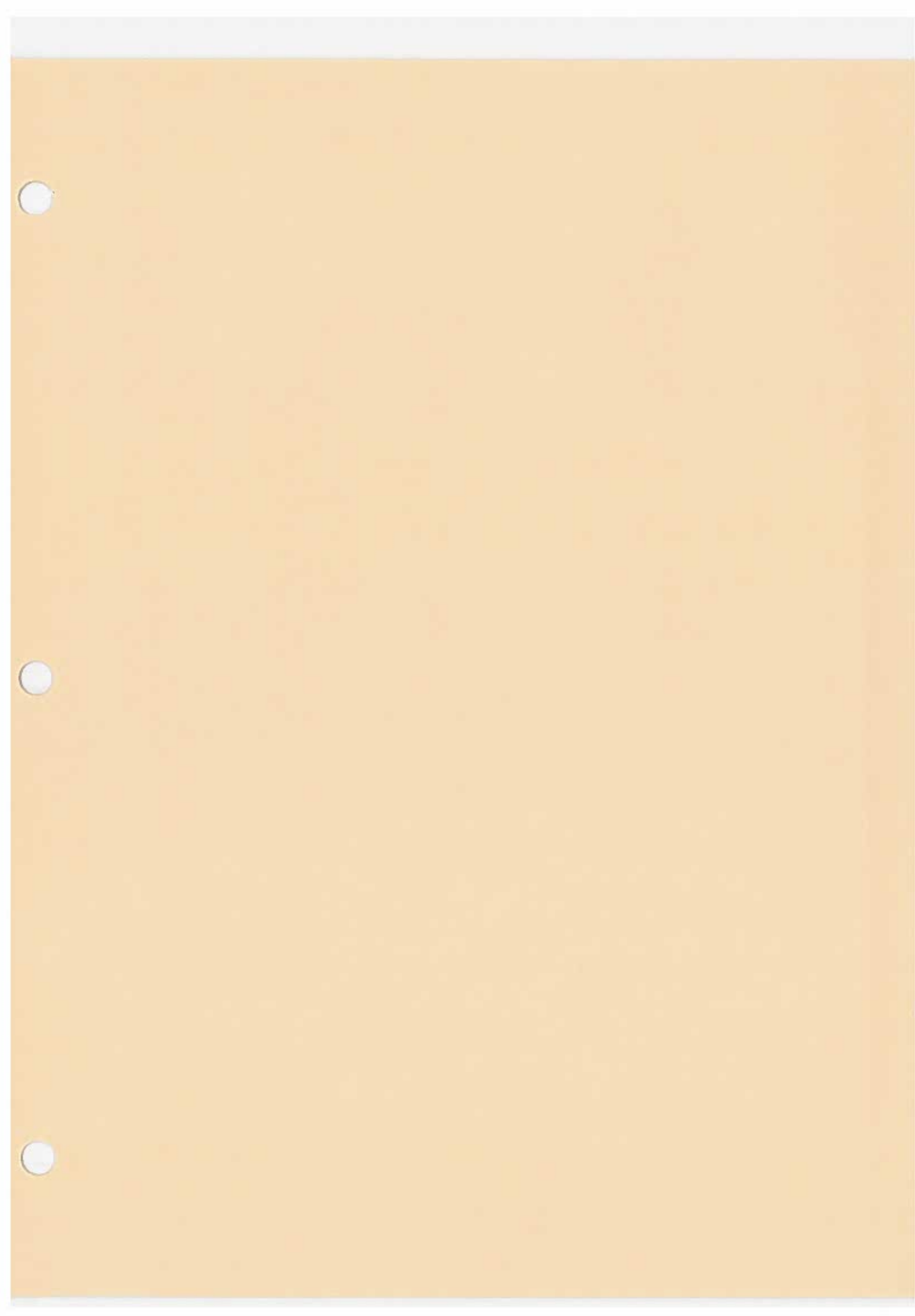
1. Commissioner Issues And Comments

**D. Matters From The County
Manager**

**1. Miscellaneous Updates
a. Legislative Update**

VI. Matters From County Attorney

A. Executive Session



Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: August 14, 2014
To: Board of County Commissioners
From: Penny Ellis-Green, Growth Management Director *PEG*
Via: Katherine Miller, County Manager
Re: Growth Management Monthly Report – July 2014

This report is a summary of projects for Growth Management with statistics from July 2014. Growth Management consists of 3 divisions; Planning, GIS and Building and Development Services.

Planning Division

Affordable Housing

Home Sales

Staff facilitated the resale of an affordable townhome in Rancho Viejo with an existing affordability mortgage and lien. The existing affordability mortgage and lien assumed by the income qualified buyers was \$59,100. In addition, down payment assistance in the amount of \$15,000 was provided.

Staff is in the process of facilitating a sale of an affordable home in Turquoise Trail that had been protected from foreclosure under the County's foreclosure prevention program. The existing owners relocated to San Diego and a purchase and sale contract has been created, with the sale amount to be determined by an appraisal which is now in process.

Homebuyer Training

Staff performed one-on-one homebuyer training to a Valle Vista household who is attempting to purchase a home that they currently rent. Homebuyer training was also provided to an applicant who is attempting to secure down payment assistance for the purchase of a manufactured home. Staff is working with this applicant on a plan to increase savings, reduce monthly expenditures and achieve a balanced household budget.

Down Payment Assistance

One new down payment assistance subsidy was reviewed and approved for an amount of \$5,500, which was used by an income qualified household to purchase a market rate unit in Turquoise Trail.

Community Planning

Chimayó Community Plan:

Community planning staff met individually with key stakeholders, county staff and community members to address public comments and seek further input on the Community Review Draft and to discuss next steps. Staff met with Chimayo Association of Business and the Chimayo Conservation Core to discuss strategies for supporting local businesses, creating jobs in the community and strengthening economic environment. Staff is collaborating with UNM's Center for La Raza Planning to facilitate a youth vision workshop planned for this fall in Chimayó.

NCRTD Report

NCRTD meeting on August 1st, 2014 (agenda attached). The Board discussed the Service Plans from the City of Santa Fe, Los Alamos County and acknowledged the Santa Fe County Service Plan. RTD Board also discussed the Ski Santa Fe Service FLAP Grant update. Two meetings were held in regarding the potential for transit service for Ski Santa Fe and Santa Fe National Forest. The meetings included representatives from the RTD including Tesuque, Nambe, Santa Fe County, City of Santa Fe, and NCRTD to discuss issues and concerns regarding sacred and ceremonial areas and what impacts the implementation of public transit will have on the culturally significant sites and the mountain in general. The meeting on July 30th included a health discussion which provided an opportunity to acknowledge Tribal concerns regarding the request for transit service through Santa Fe National Forest up to Ski Santa Fe. Concerns included general expansion and use of the mountain; sacred ceremonial and cultural lands preservation environment and safety (for people, animals and resources); and visitor education regarding the mountain, wilderness, and the Pueblos. It was determined that a follow up meeting would be held on August 8th with the City of Santa Fe, Santa Fe County, Santa Fe National Forest, Ski Santa Fe and Ski New Mexico. At this meeting a Progress report was discussed along with an update to the FLAP application. Santa Fe County staff presented the Santa Fe National Forest Scenic Byway Corridor Management Plan which identified a number of key issues that are relevant to the transit discussion.

Economic Development

SF County staff, along with City of Santa Fe, NM Land Office, and NM Partnership, hosted a follow-up site visit by a company that wants to locate a data center in the County, potentially creating 30-50 jobs.

The members of the Arts, Culture, Cultural Tourism committee were appointed by the Board of County Commissioners on July 29, 2014.

SF County staff closed out the FY'14 grant agreement between SF County and NM Economic Development Agreement for the Certified Communities Initiative which was utilized to support Madrid's efforts to promote tourism for Madrid/Cerrillos, and submitted a Scope of Work for a new grant agreement for FY'15.

SF County submitted a request to the NM Environment Dept for Phase II environmental assessment for the old Public Works site on Galisteo Road. The Phase II Site Assessment will be primarily for completing an asbestos survey in all the structures, and completing a sub-surface leach field investigation to determine if any hydrocarbons from the paint shop or other areas were disposed into the septic system.

North Central NM Economic Development District (NCNMEDD)

The next NCNMEDD Board meeting will be September 19th at the SF Business Incubator.

Zoning Map and SLDC changes

Staff continued to assist in the Zoning Map Adoption Draft effort by researching the planning and legal framework for community overlay districts, managing the public comment data base, securing venues public comment data base, securing venues and advertisement for upcoming public meetings and providing assistance and advertisement for upcoming public meetings and providing assistance to members of the public who have questions related to the zoning map, process and/or zoning district assignments.

The 3 area meetings will be held on:

- Wednesday August 27th at 6.30PM at the Edgewood, 1 Municipal Way, Edgewood
- Tuesday September 16, 2014 6:00 p.m. at the Pojoaque multi-purpose building, 1797 State Highway 502, Pojoaque
- Tuesday September 23, 2014 6:00 p.m. at Santa Fe County Fairgrounds, 3229 Rodeo Rd, Santa Fe

Flyers will be posted in all satellite offices, community centers, senior centers and on the Web and notices on the LED signs owned by the County at the Fairgrounds and the Edgewood fire station. Ads are being run in newspapers.

Building and Development Services Division

Permits and Development Review

The following statistics are provided for permits and approvals issued in July 2014:

	July 2014
New Residential Permits - Stick Built Homes	14
New Residential Permits - Mobile Homes	3
Commercial Building Permits	3
Number of Lots Created – Subdivision Exemptions	9 lots
Summary Review Subdivisions	6 lots
Subdivisions	0 lots
Commercial Business Licenses	2
Home Occupations Business licenses	2
Film Permits	1
Special Use Permits	4

Code Enforcement

The following statistics are provided for code enforcement actions in July 2014:

	July 2014
Number of Initial Notices of Violation Issued	24
Number of Final Notices of Violation Issued	4
Number of Notices of Violation resolved without court action	21

Attached is a report that covers 2013 and 2014 of projects that were given a timeframe for complying with a condition or approval.

GIS Division

GIS staff created spatial analysis and view shed mapping for the Rockology Case.

Staff is mapping fire hydrants for the Fire department, updating zip codes in the Assessors data and field mapping open space and trails in Arroyo Hondo, Atalaya, Tesuque.

In July the E911 Addressing staff replaced 34 addresses.



**NORTH CENTRAL REGIONAL TRANSIT DISTRICT
BOARD MEETING AGENDA**

**August 1, 2014
9:00 AM - 1:00 PM
Jim West Regional Transit Center
Board Room**

CALL TO ORDER:

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. ROLL CALL
4. INTRODUCTIONS
5. APPROVAL OF AGENDA
6. APPROVAL OF MINUTES – June 6, 2014
7. PUBLIC COMMENTS

PRESENTATION ITEMS:

ACTION ITEMS FOR APPROVAL/ DISCUSSION:

- A. **Discussion and Possible Ratification of Collective Bargaining Agreement (CBA) between the NCRTD and Chauffeurs, Teamsters and Helpers Local No. 492 (Union)**
Sponsor: Anthony J. Mortillaro, Executive Director. Attachment.
- B. **Discussion and Consideration of Resolution 2014-13 providing for the District to pay 75% of the PERA contribution for all District Employees, Union and Non Union who earn more than \$20,000 per year**
Sponsor: Anthony J. Mortillaro, Executive Director. Attachment.
- C. **Discussion and Consideration of Resolution 2014-14 adopting the FY 15 Service Plans from the City of Santa Fe and Los Alamos County and acknowledging the Service Plan from the County of Santa Fe**
Sponsor: Anthony J. Mortillaro, Executive Director. Attachment.
- D. **Discussion and Consideration of Resolution 2014-15 Approving the Annual Fourth Quarter Financials to DFA**
Sponsor: Anthony J. Mortillaro, Executive Director and Glenda Aragon, Finance Director. Attachment.

- E. **Discussion and Consideration of Resolution 2014-16 endorsing an application for 5309 Bus Facilities Ladders of Opportunity Grant for a Maintenance Facility, Wash Bay and Fueling Station**
Sponsor: Anthony J. Mortillaro, Executive Director and Stacey McGuire, Projects and Grants Specialist. Attachment.
- F. **Discussion and Consideration of Resolution 2014-17 endorsing an application for 5309 Bus Facilities Ladders of Opportunity Grant for Automatic Passenger Counters**
Sponsor: Anthony J. Mortillaro, Executive Director and Stacey McGuire, Projects and Grants Specialist. Attachment.

DISCUSSION ITEMS:

- G. **Discussion and Review of Ski Santa Fe Service Update**
Sponsor: Anthony J. Mortillaro, Executive Director and Stacey McGuire, Projects and Grants Specialist. Attachment.
- H. **Discussion and Review of Sipapu Trial Period Report**
Sponsor: Anthony J. Mortillaro, Executive Director and Stacey McGuire, Projects and Grants Specialist. Attachment.
- I. **Financial Report for July 2014:**
Sponsor: Anthony J. Mortillaro, Executive Director and Glenda Aragon, Finance Director. Attachment.
- J. **Finance Subcommittee Report:**
Sponsor: Chair Tim Vigil and Anthony J. Mortillaro, Executive Director. No Report.
- K. **Tribal Subcommittee Report:**
Sponsor: Chair Mary Lou Valerio and Anthony J. Mortillaro, Executive Director. No Report.
- L. **Executive Report for July 2014 and Comments from the Executive Director:**
1) Executive Report
2) Performance Measures for June 2014
3) Ridership Report for June 2014

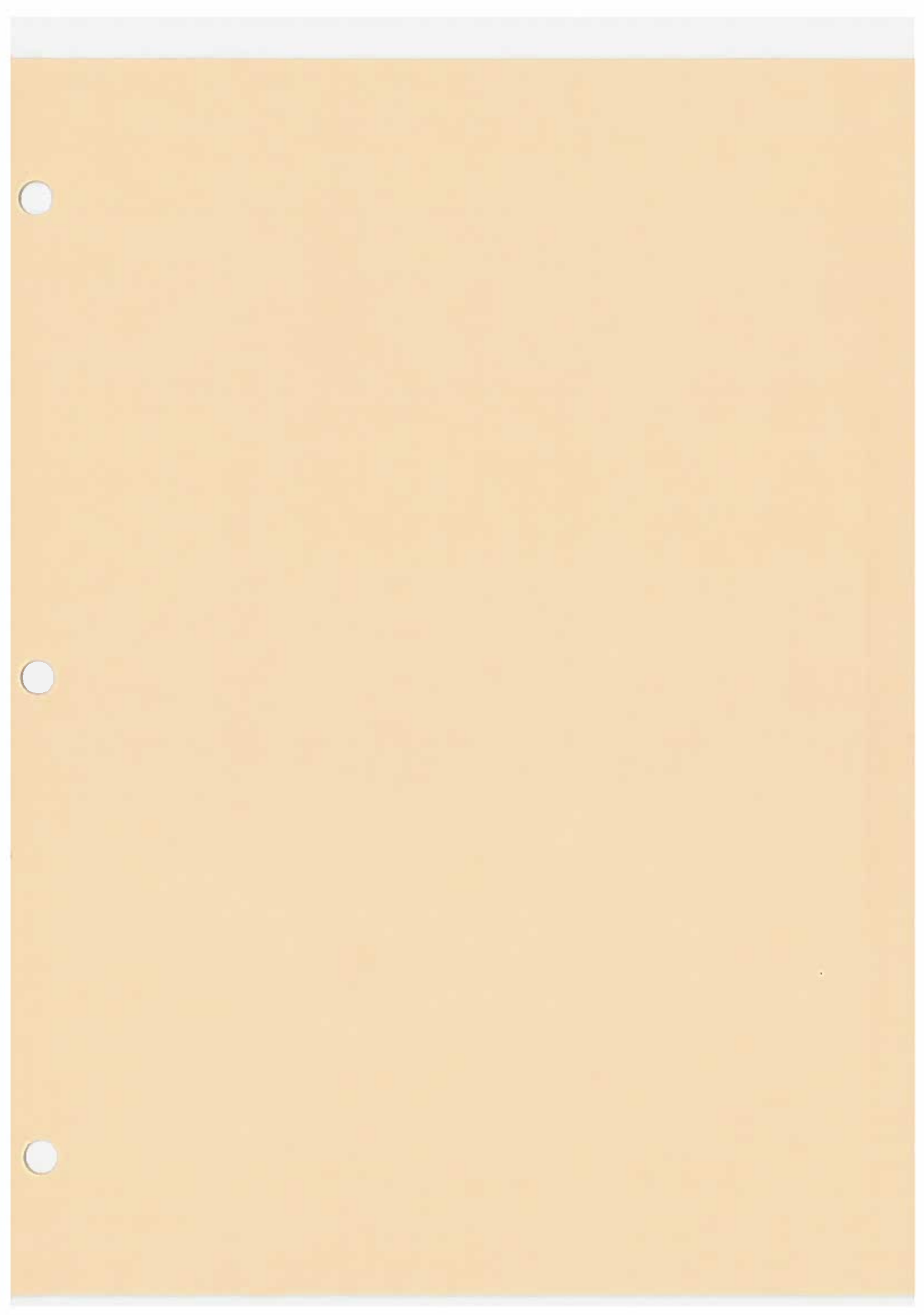
MATTERS FROM THE BOARD

MISCELLANEOUS

ADJOURN

NEXT BOARD MEETING: September 5, 2014 at 9:00 a.m.

If you are an individual with a disability who is in need of a reader, amplifier, qualified Sign Language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing of the meeting, please contact the NCRTD Executive Assistant at 505-629-4702 at least one week prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.



Daniel W. Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Pablo Sedillo, III
Public Safety Director

TRV - DF
To: Santa Fe County Board of County Commissioners
From: Pablo Sedillo, III
Public Safety Department Director
Via: Katherine Miller
County Manager
Date: 8/12/14
Re: SFC Public Safety Department Monthly Report for July 2014

The purpose of this memo is to provide you information relative to the SFC Public Safety Department for the month of July 2014.

CORRECTIONS DEPARTMENT Adult Detention Facility (ADF)

New Hires

- o Maintenance Supervisor Thaddeus Chapman began with the Santa Fe County Corrections Department.
- o Two Detention Officer's began work.
- o Detention Officer testing was held. Nine (9) recommendations for hire were forwarded to HR.

Capital Outlay

- o Shower Project complete for the Adult Detention Facility (ADF), to include final walk-through/punch list.
- o Lighting Upgrade complete for ADF.
- o Lighting Upgrade complete for the Youth Development Program (YDP).

Misc.

- o New Mexico Association of Counties (NMAC) Vice-President of the Detention Affiliate toured ADF; comments were extremely positive.
- o IT upgraded all Network Switches at ADF and YDP
- o Process of testing Jail Management System (JMS) J-CORR v. 6.7 with Departments.
- o Inmates from ADF prepared entries for the Santa Fe County Fair, to be held the first week of August. Results will be included in August 2014 BCC Report.

Electronic Monitoring Program

- o Providing services to 250 clients.
- o There were 31 successful releases for July.
- o Revenue increased by \$2,018.75 (from \$14,892.25 to \$16,911.00).

- Clients Financial Obligation – Paying - 35%, Waived - 0%, Unemployed- 61%, Out of County- 4%.
- Other Client Data – Arrests – 26, Absconded – 4, Intakes – 73, Releases – 31, Drug Tested – 447, Surety Bonds – 133, Cash Bonds – 69, Municipal Bonds – 42 and Municipal Fees - \$420.00

Youth Development Program (YDP)

Training

- Emergency Procedures and Policies
 - Continuous review conducted each shift
 - Child Abuse Training, Employee Work Stoppage, Fire Emergency Procedures, Hunger Strike, Fire Emergency Action Plan, Report Writing, Bomb Threat Action Plan, Natural Disaster Action Plan, Key and Tool Inventory, Riot Action Plan, etc.
 - Total Training hours 552.
- Field Training Officers Manual (FTO)
 - Training consists of knowledge of facility procedures such as intake, master control operations, etc.
 - 10 out of 19 staff have completed the FTO training.
- On-Line Training
 - YDP has incorporated on-line training as part of the overall training.
 - Risk Assessment Program (RAP) - Implemented at YDP on July 19, 2014.
- 40 hour In-Service Training
 - Started July 28, 2014 to August 29, 2014.
 - In-Service will be conducted on Monday's and Friday's from 7:30 am - 6:30 pm, this includes lunch Break.

Special Activities

- KSFR 101.1 Radio Interview
 - Interview was conducted on July 9, 2014 @ 8:30 am - 9:00 am. Interview was in support of the work that has been done with the Library and Poetry seminars here at YDP since March 2014. Volunteers interviewed for this broadcast were Mara Taub and Demetria Martinez.
- Dr. Tim Taylor started Guitar Lessons
 - Class is held on Fridays.
 - Donations given by The Freedom in Music Project – Equipment (6 Guitars and training manuals for class)
- World Literature Today Publication - On Friday July 25, 2014 at 3:00 pm - 4:00 pm, Marilyse Figueroa – Reporter with World Literature Today did an article at Santa Fe County Youth Development Program. Marilyse Figueroa is interested in the work that has been done with our Library and the Poetry Seminars here at YDP.

New Hires/Staffing

- Melanie Guillen, Life Skill Worker I
- Life Skill Worker I – Job Posting Closes July 31, 2014
 - 12 Applicants
 - Interviews scheduled for August 12, 2014
- Shift Supervisor posted for YDP closes on August 11, 2014
- Esmeralda Coronado, Life Skill Worker I, promoted to Case Manager with Electric Monitoring.
- New uniforms issued out to staff.

Volunteer Services

- Alateen (New Volunteer Group) - A self-help program sponsored by Al-Anon for children (ages 12 to 20) of alcoholics. Alateen provides a forum for the discussion of the problems of living in a family affected by alcohol abuse and the opportunity to develop healthy coping skills. First Group will start July 23, 2014; Group will be conducted weekly from 3:30 pm - 4:30 pm.
- Impact "Personal Safety" (New Volunteer Group)- Conducted first Monday of each Month.
 - Group takes on issues of violence prevention for a community through discussions about the roots of violence and bystander intervention.
 - This group explores healthy boundaries and relationships, recognizing manipulative and assailant behavior; understanding and preventing dating and family violence; exploring our reactions to provocation and their consequences; learning to be safe and avoid violence and exploring practical ways to help others in everyday situations.

Haircuts

- Richard Marquez – Santa Fe Business Owner
- Licensed Barber
- Conducts haircuts every three weeks

Audits

- National Commission Correctional Health Care (NCCHC) - Conducted on July 30, 2014 – July 31, 2014
- 70 total Standards NCCHC
- 39 essential standards need 100% for accreditation
- 31 important standards need 85% for accreditation
- Auditors on-site report facility is in compliance and re-accreditation will be issued
- Awaiting official results

United States Marshall Service

- Conrad Candelaria, US Marshall (USM) and Lasha Boyden, Deputy US Marshall- unannounced Site Visit on July 16, 2014.
- Requested programming and volunteer documentation
- Facility Walk Through
- No issues or concerns mentioned by USM and Deputy USM.

Programming Changes

- Treatment Team/Committee Review - Meeting moved to Tuesdays at 1:00 pm.
- Implementation of Phases I, II, III- Allows residents to work for extra privileges such as an extra call during week, longer visitation with family, commissary allowances increased for each phase and special activities for those residents that maintain good behavior within program who are on Phase II or III.
- Community Service - Residents who are mandated by probation or the courts are allowed to complete community service hours while at YDP.
- Direct Supervision of Residents - Staff are required to be in the living units with residents.
- Increased interaction between residents and staff.
- Direct supervision has helped with lowering incidents within the facility (Proactive Approach).

FIRE DEPARTMENT

Total Emergency Responses – 472

Fire – 33

Swiftwater Rescue - 4

EMS – 435

Operations and Administration

- Operations Assistant Chief Velarde started July 14
- Districts and staff on patrol for the holiday – no accidental fires reported
- Burn restrictions expired on July 25th – successfully reduced the number of accidental fires related to controlled burning from March through July
- Assisted other agencies on flood response in Pojoaque, La Puebla, La Cienega
- Posting for 5 career firefighter/EMT positions
- 2 newly licensed paramedics and 2 licensed Intermediates placed into the field
- Completed rewrite of EMS protocols. Roll out during scheduled fall refreshers
- Brought in Dr. Ryan Hodnick as Assistant Medical Director to work with Dr. David Rosen
- Design work 90% complete on Hondo Station 1 apparatus bay addition and roof
- La Cienega Fire Station Library construction 70% complete. Final scheduled for September
- Pojoaque station remodel project design underway. Ready for bid in September
- Glorieta La Joya Station design underway. CDRC in October then out to bid
- Proceeding on our Fire Year Planning process with volunteer district meetings. Meetings with remaining districts and career staff in August.
- ARC inspections of Hondo and Pojoaque facilities
- All open encumbrances entered for FY 15
- 48 fleet repair orders processed and completed along with 9 requisitions
- 8 annual pump tests
- Chimayo Brush Engine placed into service

Fire Prevention and Wildland

- Business registrations – 4
- Development Reviews – 25
- Lot line Adjustments/Land Division/Family Transfers – 7
- Burn Permits – 7
- Hydrants tested - 183
- Movie permits processed – 1
- Work Place (County) fire prevention trainings conducted - 2
- Inspections - 18
- Wildland community outreach meetings - 4
- Wildland property assessments – 24
- 3 wild land fire training sessions completed for YCC crew
- 10 acres fuel mitigation work completed in San Pedro; 1.5 acres Little Tesuque Creek
- YCC crew completed Diego fire assignment

Volunteer Recruitment and Retention

- New member applications received and approved – 10 (YTD 56)
- East Mountain Interagency Fire Protection Association President work on-going
- Assisting Assistant County Manager Flores conduct the 5 Year Strategic Planning sessions for Fire Districts
- Radiological/Nuclear Detection (PRND) Steering Committee

Emergency Management

- Participated in NM Preventative Radio Emergency Service Training
- Attended NM PRND Training exercise workgroup planning meeting
- Spent significant time on the Command Training Center development activities
- Responded to 5 days of flooding and swift water operations
- Working with SF County, NMDOY, Pojoaque Tribal on Hwy 502 drainage issues that impact emergency response
- Work to maintain Emergency Management organizational readiness

RECC

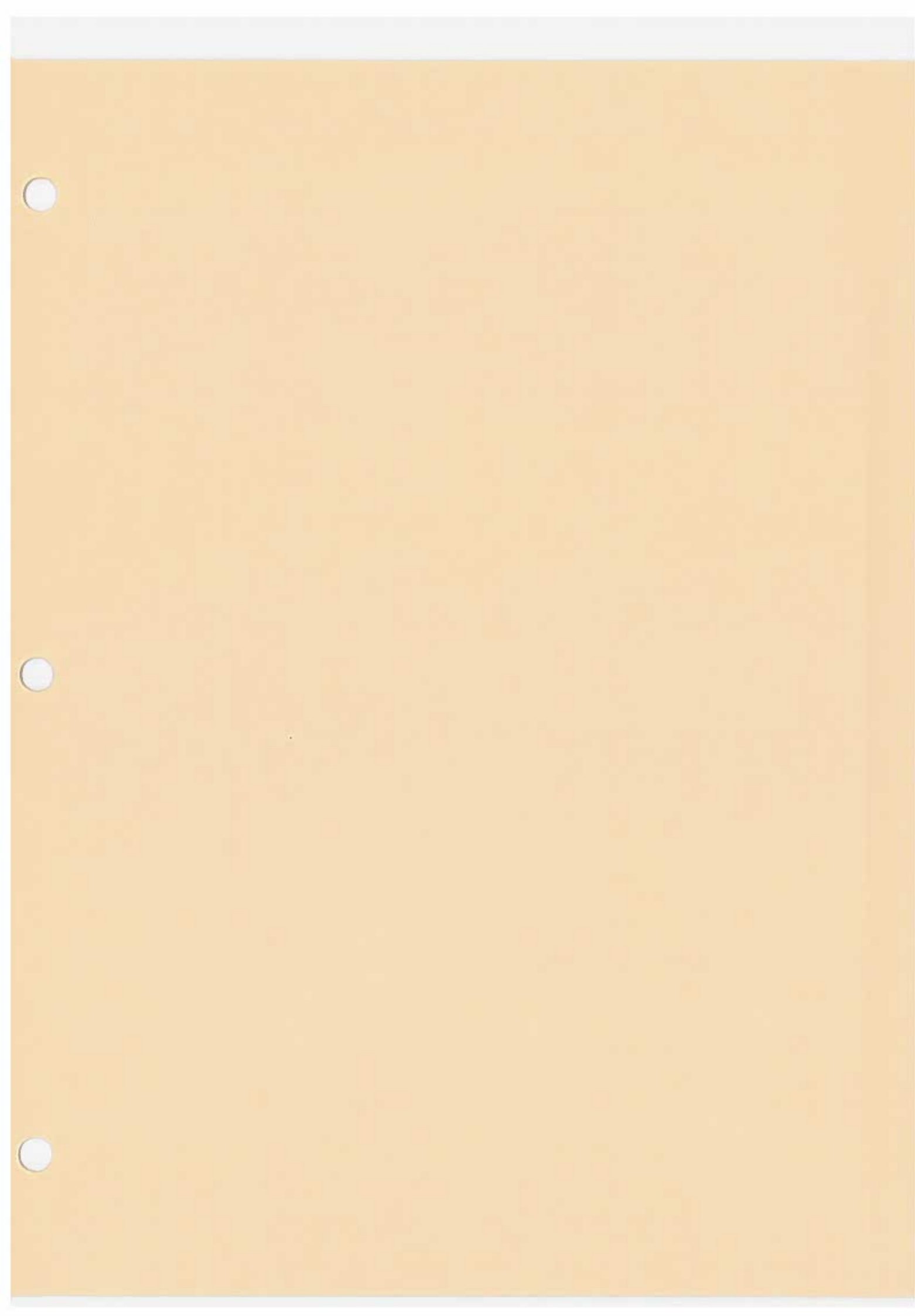
Operations

- Incoming calls handled to date
 - July 2014 – 44,224
 - Calendar Year to Date – 278,191
- 911 calls to date
 - July 2014 – 6,777
 - Calendar Year to Date – 42,482
- County calls for service to date
 - July 2014 – 7,941
 - Calendar Year to Date – 54,909
- City calls for service to date
 - July 2014 – 12,226
 - Calendar Year to Date – 88,651
- Town of Edgewood calls for service to date
 - July 2014 – 572
 - Calendar Year to Date – 4,136

Staffing

- Current vacancies
 - 2 new hire Dispatcher Trainees waiting for HR approval
 - 3 Trainee positions still open
 - 1 Call Taker Trainee moving to Dispatcher Trainee position
 - 4 Call Taker positions still open
- Training Status
 - Two Dispatchers have completed the Law Enforcement Academy
 - Four Trainees completed the EMD training and are now taking medical calls
 - Two Trainees have completed the RECC Academy and recently started with a trainer on the floor
 - Six Trainees continue with their trainers at various stations
 - Basic Life Support for Healthcare Providers course has been completed by Dispatchers in compliance with NM State requirements for licensure.

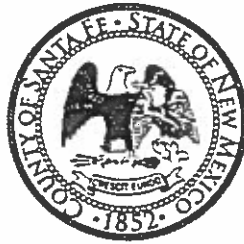
If you have any questions, I can be contacted at 992-3092. Thank you.



Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *Aug 13, 2014*

TO: *Board of County Commissioners*

VIA: *Katherine Miller, County Manager*

FROM: *Adam Leigland, Public Works Director*

ITEM AND ISSUE: *BCC Meeting August 26, 2014*
PUBLIC WORKS MONTHLY REPORT FOR AUGUST 2014

DISCUSSION

Capital Project Delivery

We are currently managing 82 procurements. Details on 39 of them follow below.

1. **Install Master Meters:** Staff coordinating with City of Santa Fe, who agreed to provide a standardized design, regarding technical specifications to serve as a basis for the design.
2. **Quill Water Reclamation Plant – Treatment Improvements:**
 - a. **Tailwater Intake Structure Upgrade/Wetwell Modifications:** Technical Review Corporation is under agreement to perform upgrades. Field work to start on August 11.
 - b. **Electrical System Upgrades:** Contractor has been identified for electrical upgrades and contract is proceeding through signature phase.
 - c. **Design Upgrade Entrance Works Bar screen:** HDR Inc. is under contract and we have completed initial design discussions. Next phase is 30% design submittal.
 - d. **Design Improvements to Effluent Irrigation System:** HDR Inc. is under contract and we have completed initial design discussions. Next phase is 30% design submittal.
 - e. **Design Improvements to Access Driveways:** HDR Inc. is under contract and we have completed initial design discussions. Next phase is 30% design submittal.
3. **Design and Construction of Las Lagunitas Waste Water System:** Consultant provided the draft cost/benefit analysis on August 7, 2014. Staff will meet with the HOA board on August 14 to review the draft.

4. **Design La Cienega Water Line Improvements:** Morris Surveying Engineering is in process of submitting Geotechnical Survey as first phase of project.
5. **Chupadero Water System Improvements:** Morris Surveying Engineering is under agreement to perform Right-of-Way Verification and Drainage Survey as first phase of project. Scope of work for next two phases has been developed and is pending results from initial phase.
6. **TL6S Waterline Design:** Right-of-Entry for Ellis Tank property signed by Owner and County Manager. Appraiser has completed field work for appraisal which is expected to be finished on August 15, 2014.
7. **Eldorado Transfer Station Upgrades:** Contractor on site; retaining wall completed, working on ramp and landing. Ramp footing has been poured; wall poured August 8, 2014. Scheduled completion date is August 25, 2014.
8. **County Road 89 and 89C Drainage and Road Improvements:** Received proposal from Santa Fe Engineering for additional services for new study of drainage outfall for southern drainage basin. Cultural Resource Study & Report has been approved by THPO. Waiting for decision from Pueblo regarding granting of additional road easement needed to finalize plans.
9. **Camino Torcido Loop:** Completed review of the 30% design and preliminary cost estimates. Scheduled to meet with consultant week of August 11, 2014.
10. **CR67F, La Barbaria Drainage and Road Improvement Project:** Consultant completing the design services.
11. **NE/SE Connector Alignments:** Public Meeting completed. Currently awaiting decision from the Santa Fe Community College on the relocation of the ropes course and approval of the current alignment. A decision is anticipated after their August 14, 2014 meeting.
12. **CR55A General Goodwin Drainage and Road Improvements:** Consultant working on engineering services for drainage along NM14.
13. **Old Santa Fe Tail Multi-Modal Road Improvements/TL2N Water Line:** Notice to Proceed has been authorized to Travis D. Engelage, Real Estate Appraisals and Consulting, to begin the appraisal on the Ortiz property. Staking of property take limits completed August 7, 2014. Appraisal should be completed by week of August 11, 2014.
14. **Vista Redonda Drainage and Road Improvements:** Design drawings 60% completed and red lines integrated into the plans. Legal currently reviewing draft of the MOU between Santa Fe County and Vista Redonda Water Association. Met with board of Water Association on August 7, 2014, to review design drawings.
15. **CR50A San Jose Road Drainage and Road Improvements:** Meeting completed with Morris Engineering on August 7, 2014 to review scope of work. Proposal due August 28, 2014.

16. **Pinon Hills Subdivision All Weather Crossing** - Meeting completed with Louis Berger Group on August 6, 2014 to review scope of work. Proposal due August 28, 2014.
17. **CR84D Drainage Improvements and Paving Design:** Completed installation of panels and survey flight. Louis Berger Group beginning drainage analysis of project area.
18. **CR89D Construct Road Shoulders:** Bid package to contract for construction services to be submitted to Purchasing on August 11, 2014.
19. **CR109S Drainage Improvements and Paving Design:** Completed meeting with Souder Miller and Associates to discuss scope of work. Proposal due August 28, 2014.
20. **County Club Estates Subdivision:** Coring tasks have been completed. Bid package submitted to Purchasing on August 11, 2014, to procure construction services for reclaiming and asphalt surfacing.
21. **Jimenez Subdivision:** Coring task completed. Bid package submitted to Purchasing on August 11, 2014, to procure construction services for reclaiming and asphalt surfacing.
22. **Mutt Nelson Road:** Coring task completed. Bid package submitted to Purchasing on August 11, 2014, to procure construction services for reclaiming and asphalt surfacing and base course surfacing.
23. **Race Track Subdivision:** All road and culvert dimensions verified. Bid package submitted to Purchasing on August 11, 2014, to procure construction services for double chip seal surfacing.
24. **Spruce Road:** All road and culvert dimensions verified. Bid package submitted to Purchasing on August 11, 2014, to procure construction services for double chip seal surfacing.
25. **Madrid Oscar Huber Phase 2:** Construction is currently at 89% complete. Special materials delivery is on site, seating areas will be complete by end of weekend. Bollards are in place. the ADA parking has stalled due to rain. Electrical work is 90% complete, with pending CO#1 required for completion. Contract completion is required by August 7, however the contractor has requested an extension for rain days and additional time. Architect has submitted evaluation of requested weather days and Staff has submitted justification memo.
26. **ADF Sever Rooms:** The contract amendment submitted to Purchasing on August 8, 2014.
27. **ADF Lighting Upgrade Project:** Project has been completed. Awaiting final payment request from contractor.
28. **ADF Repair/ Replace Front Retaining Wall:** In procurement.
29. **ADF Recreation Yard Concrete Floor and Door Replacement:** Received proposal from Morris Surveying/Engineering on August 8, 2014; in review.

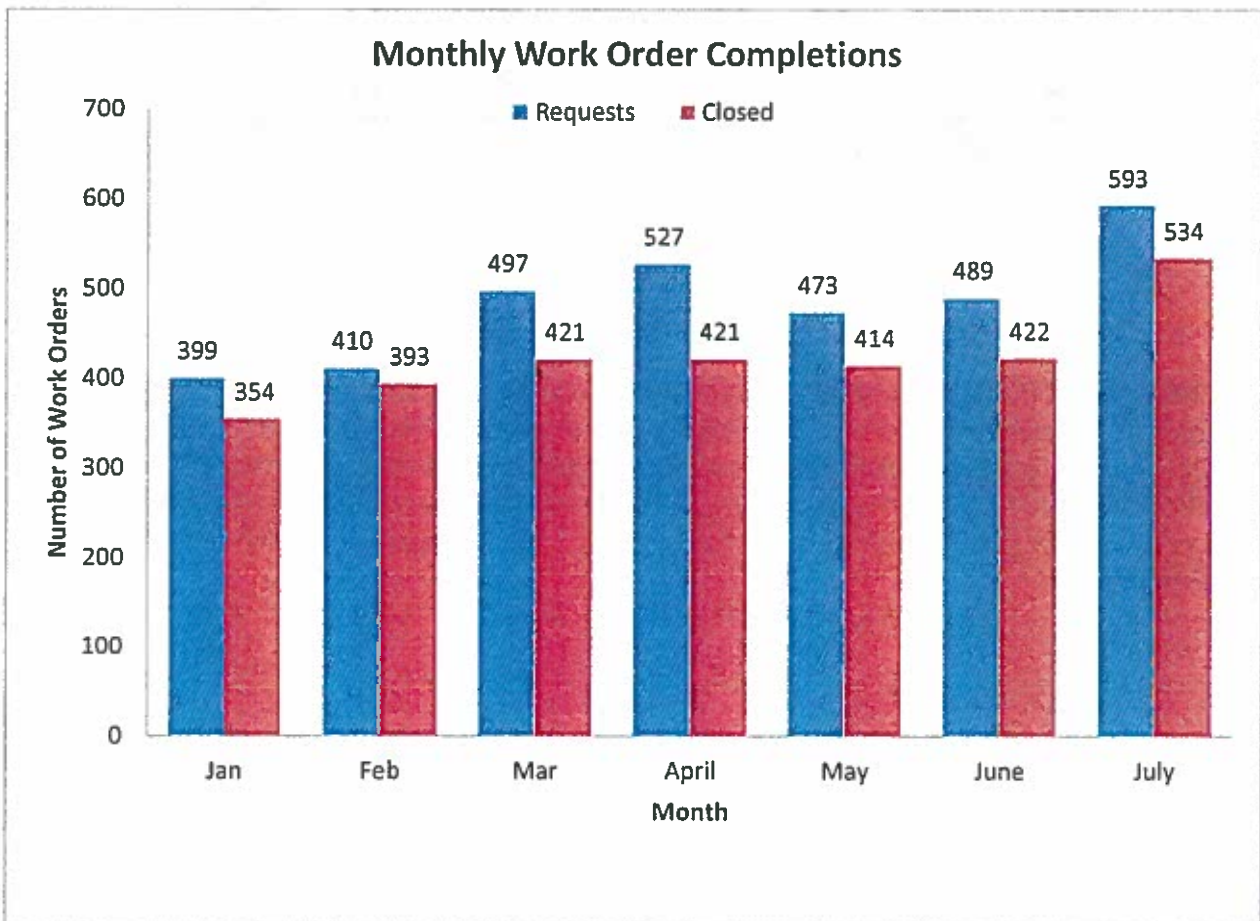
30. **Miscellaneous:** Staff conducted inspections with Steve Brugger of the Happy Roofs Program in Eldorado on August 8, 2014.
31. **Santa Fe River Greenway Wayside Exhibits:** Received review comments from National Park Service on August 6, 2014. Staff is scheduling a review with the consultant.
32. **Arroyo Hondo Trail:** Pending negotiations with Warren Thompson regarding the proposed trail alignment.
33. **Mt. Chal:** Submitted the offer packages and the Voluntary Remediation Program application to purchasing for legal review on 6/6/14. The County Attorney's Office received the documents on 6/2014 and began reviewing them on 6/23/14. Plan on submitting the offer packages to BCC for approval on 8/26/14. Anticipate closing by December 2014.
34. **Pojoaque Sports Fields:** The landscape architect will submit 50% construction documents for review by the end of August 2014. Plan to award the construction contract in January 2015.
35. **Agua Fria Monument Sign:** Landscape Architect submitted final plans for review on 7/31/14.
36. **El Camino Real Retracement Trail FLAP Project:** A Resolution supporting the FLAP grant application and committing up to \$450,000 in matching funds for the construction of the trail was approved at the July 29, 2014, BCC Meeting. Received draft Project Delivery Plan from the engineering consultant for review on July 28, 2014. Sent comments to the engineering consultant on August 7, 2014. The engineer will submit the final Project Delivery Plan to the Central Federal Lands Highway Division by close of business on August 12. The New Mexico Federal Lands Access Program Decision Committee (PDC) will review the Project Delivery Plan at its meeting on Tuesday afternoon August 19 at 1:00 pm in Santa Fe and make a decision on the grant award.
37. **SF River Property acquisition:** Terracon's proposal and cost estimate for remediating the recognized environmental conditions on Boylan's property is expected August 15th. Once this is complete, staff will be able to move forward with the offer package. Mack Dickerson met with Tim Connelly of Hippauf & Associates to discuss issues with the Suerte appraisal. Mr. Connelly will revise the appraisal to address the issues. Staff submitted a revised management plan for the patent application to BLM for the Section "C" stretch. The plan will include new legal descriptions and exhibits for the additional BLM parcels identified by Dawson Surveys to complete the project.
38. **Santa Fe River: Frenchy's Field to Siler Road Permitting:** Corps of Engineers has reviewed the report, and comments have been forwarded to the Archaeologist for revision. The revisions will be sent to SHPO and they will begin their review process. FEMA has requested additional information from consultant, who has 90 days to respond.

39. **Santa Fe River: El Camino Real Design:** Plans are 60% complete, engineer is moving forward to 90%. BCC passed a resolution on July 29th directing staff to submit a proposal for a River Stewardship Grant from NMED for up to \$300,000 that would help fund the re-vegetation and planting portion of the project. The proposal was prepared and submitted to NMED on July 31' finalists will be announced by August 29 and grants awarded in October or November 2014.

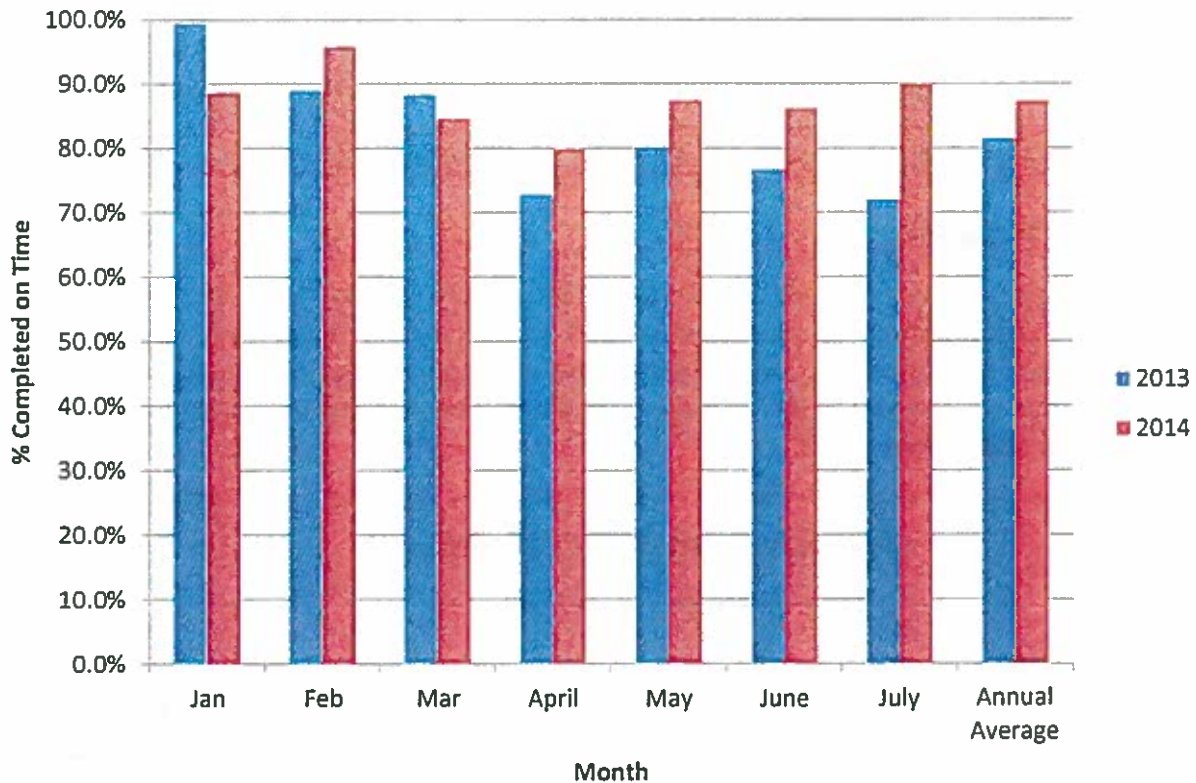
Information on all active projects can be found in the attached Table 1: Capital Project Status Update.

Operations and Maintenance

Work order completion rates by work area for the month of July are shown at Table 2 (attached). The July overall on-time completion rate continues to be high, at 90%, despite being a particularly heavy month. Month-to-month and year-to-year work order completion comparisons are shown in the two charts below. The year-to-date average completion rate remains 87%, compared to 81% this time last year. Our goal is 75%.



Year-to-year On-time Completion Rates



As can be expected from the unusually heavy rains in July, Roads Maintenance saw a big spike in work orders, 57% more than in June. The County road network overall survived the rains well, especially compared to September of last year. The biggest damage occurred along CR 84, near its intersection with CR 101G. (See photo below). This intersection was damaged last September and temporarily repaired. The temporary repair failed in July. Staff is working on another temporary and a permanent fix.



The photos below show the results of fence maintenance at the Thornton Ranch property performed by the open space maintenance team the week of July 28.

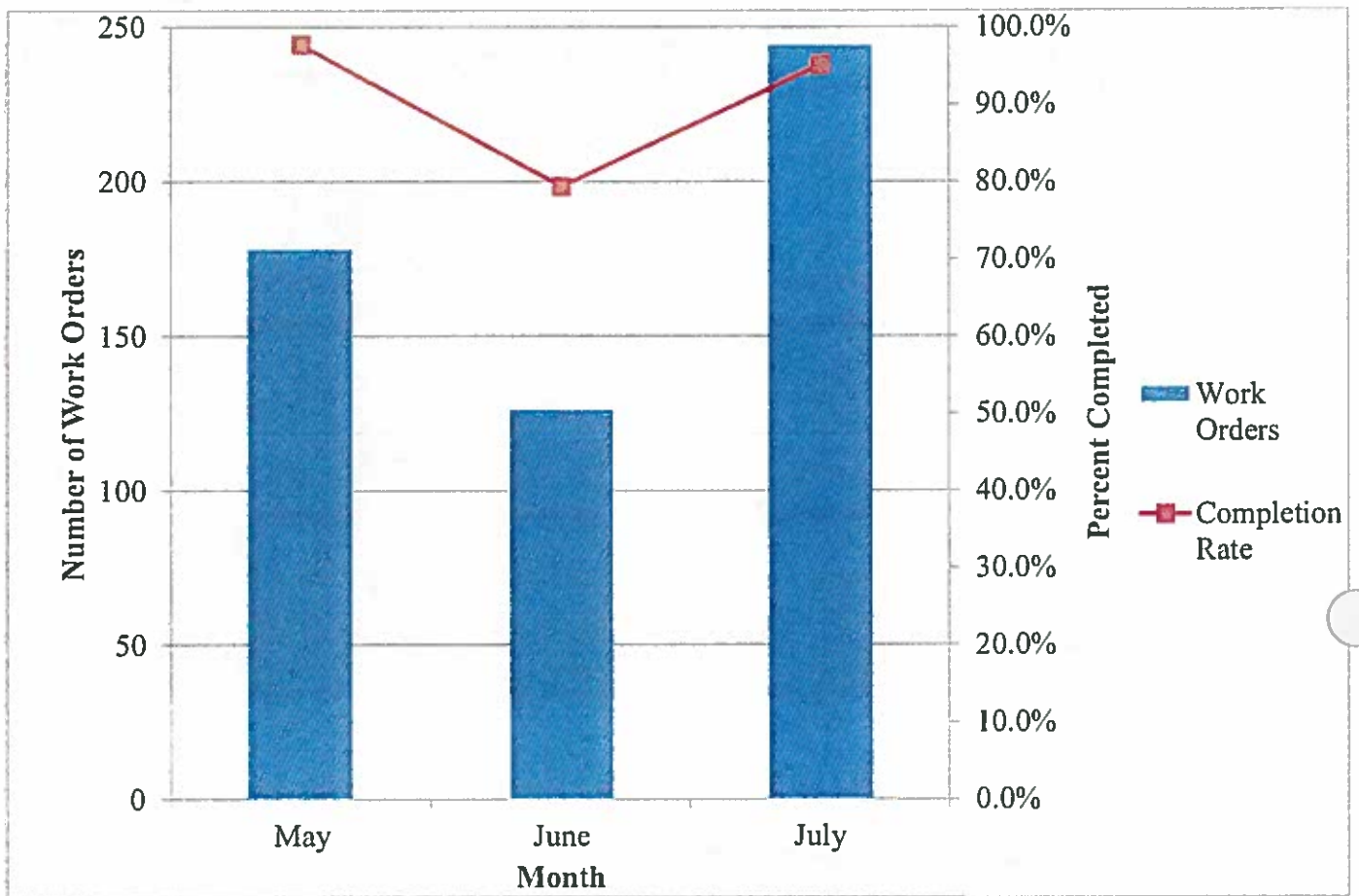


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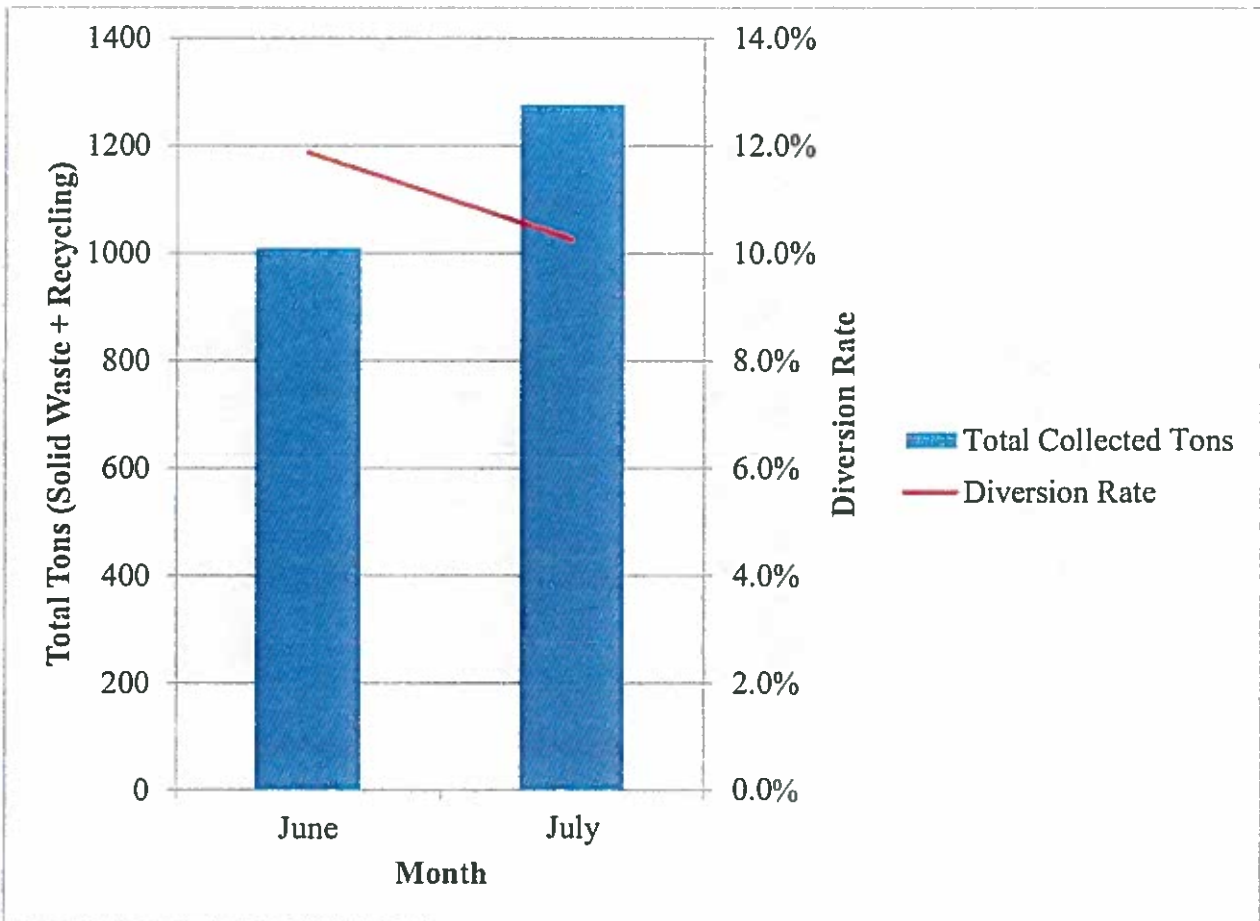


After

Fleet Maintenance: Fleet maintenance also had a high volume of work order, as can be seen below, but still achieved a 94% on-time completion rate.



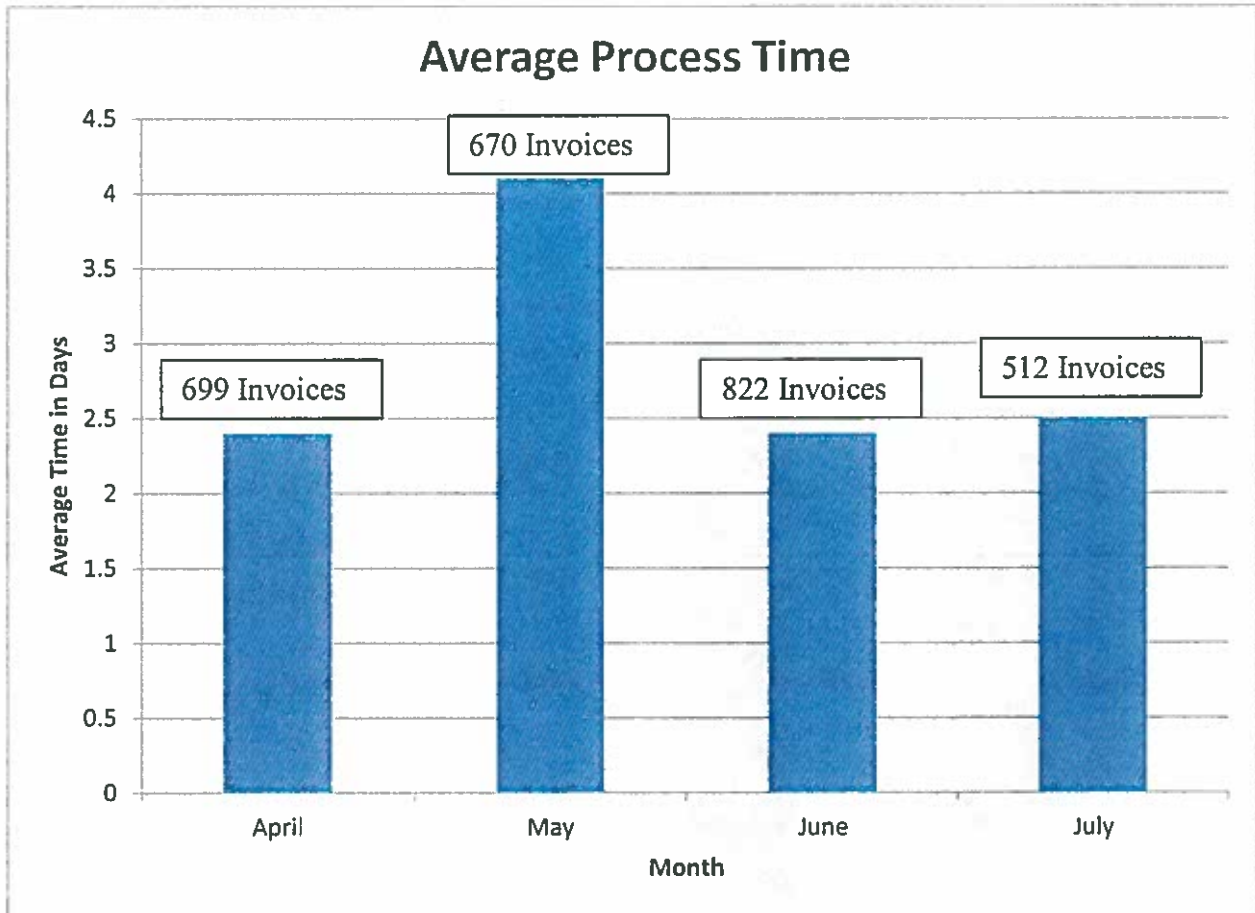
Solid Waste: The County's diversion rate (the amount of recycling compared to total material disposed, by weight) continues to hover around 11%.



Solid waste permits sales continue to lag last year's numbers, as seen in the chart below.

Permit Type	Number Sold in Time Period			
	FY14 Total	FY15 YTD	July FY14	July FY15
24-trip	3718	433	957	433
Senior	1539	195	459	195
Low Income	90	13	21	13
Bag tags	842	83	83	83
1-trip	987	67	101	67
Commercial	10	1	0	1

Administration Turn-around Time: The Public Works Administrative team processed 512 invoices in July, a lower-than-average number. The average turn-around time was 2.5 days. The internal goal is 5 days. See chart below.



Utilities:

NMED Drinking Water Bureau Water System Sanitary Survey performed for Agua Fria Fire Station/Nancy Rodriguez/La Familia and Arroyo Seco Teen Center public water systems. The systems were found to be in good order and no additional work is expected to result from the survey. In preparation for the surveys, Utilities prepared water quality sampling and emergency response plans for each system.

Aamodt. The federal court entered a Case Management and Service Order on August 8, 2014 (attached). Opening briefs are expected first week of November. The court determined that mailing case documents to the large number of parties will be too expensive and time-consuming, and therefore is requiring electronic notification of the parties. Individuals can apply for a hardship exception to the electronic notification.

Committee Meetings:

BDD Board. The Board agenda from the August 7, 2014, meeting is attached. Below is a recap of the meeting:

- BDD staff is negotiating the renewal of the Early Notification MOU with LANL. The Board approved a Resolution that staff work with San I Pueblo to regain access of the E109.9 stream gage as part of the Early Notification network. On a related agenda item, the Board approved an RFP for professional services to analyze the Rio Grande surface water/ storm water sampling results and to provide the BDD with sampling and operational recommendations.
- The Board had an extended conversation about the roles and responsibilities of the Facilities Manager versus a BDD Board Executive Director.
- The Board approved the recommended changes to the FOPA to align the partner's percent allocations with the percentages used in the BDD's FY15 budget.
- The total amount of \$ spent by the BDD in FY14 was \$6,152,314 (unaudited), leaving a cash balance of \$680,158. All partners have paid their accounts in full. The Major Repair Fund balance is \$823,624.
- Mr. Harwood gave a brief update on the WildEarth Guardian v. Bureau of Reclamation and Army Corps of Engineers lawsuit. I recommend the County consider its role and position vis-à-vis this Complaint.
- The Board approved revisions to the "BDD Working Capital and Billing Policy." This will end the practice of pre-billing and now each partner will have the choice on what to do with their end-of year balance: 1) applying it to 4th quarter invoices, 2) getting a credit for the next FY or 3) having the \$ refunded. The revised policy also deposits energy credits from PNM into BDD's revenues.

MPO Technical Committee. This meeting was held on August 4, 2014. The only action item was the "Review and Release for Public Review of a proposed Amendment to the FFY2014-2017 Transportation Improvement program." Item #10 was added to the plan for "Aqua Fria St/Cotton Drive Safety improvements Design and Construction." The amendment was approved. The Rail Trail sections 2, 3, and 4 are on the current plan.

There was a presentation on NMDOT's pending update on the Coordinated Public Transit Human Services Plan. This plan is updated every seven years. Meetings will take place between the RTPOs and MPOs between July and December. The final update is planned to be completed in January of 2015.

There were updates given on the Public Transit Master Plan, Pedestrian Master Plan, Metropolitan Transportation Plan 2015-2040 and the Highway Safety Improvement Plan. Most of the updates covered feedback received from questionnaires that had been completed.

The meeting also covered updates on the five County projects covered on the TIP (North-East/South-East Connectors Location Study, Old Santa Fe Trail Bicycle lanes, Santa Fe County Pavement Preservation Program, Santa Fe Rail Trail, and Santa Fe Rail Trail Segment 4).

ACTION REQUESTED:

None; for information only.

PW ProjectNbr	Project Name	Nature of Procurement	% Comp	District	Project Budget	Estimated Start Date	Estimated Completion Date	Project Manager
1	Install Electrical Service to the Recycling Area of the Eldorado Transfer Station	Construction		5	\$15,000.00			Scott W. Rivers
2	Install master meters for Utility Department			2 5	\$150,000.00			David Madrid
3	Repair and replace recreation doors and cement on yard floors	Design	15	1 2 3 4 5	\$60,000.00	9/1/2014	12/31/2014	Joseph Martinez
4	Install Cooling System for Inmate Phones in Booking Unit (ADF-3)	Design		1 2 3 4 5	\$40,000.00		1/31/2015	Joseph Martinez
5	Install Sewer Trash Basket Project Design and Construct El Camino Real			1 2 3 4 5	\$200,000.00			Joseph Martinez
6	Buckman Road Segment Retracement Trail	Other	2	2	\$10,000.00	1/1/2015	5/31/2017	Colleen Baker
7	Construct ADA Accessibility from Rodeo Road to Fair Grounds Building(s)	Design	15	1 2 3 4 5	\$30,000.00	10/1/2014	12/31/2014	Joseph Martinez
8	Construct locker room at Administration Building	Design	15	1 2 3 4 5	\$90,000.00		12/31/2014	Joseph Martinez
9	Upgrade interior light fixtures, exterior wall packs, light pole and LED fixture head	Construction	95	3	\$360,435.00	4/7/2014	7/23/2014	Joseph Martinez
10	Replace Existing Bi Fold Doors in Fleet Maintenance Building	Construction		1 2 3 4 5	\$115,000.00			Scott W. Rivers
11	Replace and Repair Brick Retaining Wall at ADF	Design	0	1 2 3 4 5	\$30,000.00	5/7/2014	12/31/2014	Joseph Martinez
12	Installation of Isolation Valves for Fire Suppression Lines (ADF-1)	Design		1 2 3 4 5	\$30,000.00		12/31/2014	Joseph Martinez
13	Install Furniture at Ken and Paity Adams Senior Center the new addition			5	\$50,000.00			
14	Replace Existing Roof at County Administration Building			1 2 3 4 5	\$160,000.00			
15	Replace Existing Roof at Nambe Community Senior Center			1	\$20,000.00			
16	Replace Existing Roof at Vista Grande Library			5	\$25,000.00			
17	Improve Bulk Water Station			5	\$20,000.00			
18	Install Cistern/connection for Youth Shelters			3	\$12,000.00			
19	Evaluation of Heating & Cooling State Health Center,			1 2 3 4 5	\$10,000.00			

Capital Project Status Update (As of 8/11/2014 10:46:28 AM)

20	0132	Perform design an all weather crossing for Pinon Hills Subdivision in SFC Preliminary Programming Study - Animal Control Facility	Design	0	2	\$50,000.00	7/7/2014	1/30/2015	Chuck Vigil
21	0134		Plan	75	1,2,3,4,5	\$10,000.00	4/23/2014	7/31/2014	Joseph Martinez
22	0150	Public Safety Complex Upgrade Design	Design	100	1 2 3 4 5	\$200,000.00	1/30/2014	7/31/2014	David Madrid
23	0182	Design and Construction of all roads listed in Phase 2 of annexation				\$950,000.00			
24	0702	Upgrade Eldorado Transfer Station Up Grades	Construction	20	5	\$90,000.00	7/21/2014	8/25/2014	Scott W. Rivers
25	0732	Romero Park	Design	60	2	\$175,000.00	5/17/2013	5/31/2015	Colleen Baker
26	0736	Pojoaque Sports Fields	Design	15	1	\$1,785,000.00	1/28/2014	5/31/2015	Colleen Baker
27	0739	Visa Grande Library Addition / Construction	Construction	99	5	\$1,050,000.00	9/20/2013	6/30/2014	Ron Sandoval
28	0751	Oscar Huber Grandstand Phase II	Construction	82	3	\$332,000.00	2/5/2014	8/7/2014	David Padilla
29	0753	Construct Addition to Ken & Pally Adam Senior Center	Design	99	5	\$1,275,531.00	8/4/2014	5/8/2015	Ron Sandoval
30	0789	Cundiyo Parking Lot	Design	95	1	\$8,557.63	2/18/2013	12/26/2014	Chuck Vigil
31	0798	Design Old Santa Fe Trail Multimodal	Design	98	4	\$264,892.00	3/5/2013	8/29/2014	Chuck Vigil
32	0834	Design Hondo Fire Station #1 Addition	Design	99	4	\$325,348.00	2/10/2014	8/5/2014	Ron Sandoval
33	1449	TIGS Water Transmission Line	Design	60	4 5	\$333,080.30	2/17/2012	12/5/2014	Scott W. Rivers
34	1457	Design La Cienega Water Line Improvements	Design	29	3	\$300,000.00	1/8/2014	9/17/2014	David Madrid
35	1465	Construct Glorieta MDWCA Water System Improvements	Construction	27	4	\$424,759.00	2/28/2014	7/7/2014	Paul Olafson
36	1472	Rio Quemado Watershed Restoration	Construction	57	1	\$306,000.00	5/8/2013	11/30/2014	Colleen Baker
37	1473	Purchase and Install Quill Plant Utilities Office	Other	95	1 2 3 4 5	\$75,000.00	3/31/2014	6/30/2014	Scott W. Rivers
38	1473	Quill Water Reclamation Plant - Treatment Improvements	Construction	10	5	\$500,000.00	1/1/2014	10/31/2014	David Madrid
39	1474	Design Lamy Junction Water Transmission Line	Design	60	4 5	\$411,368.96	5/4/2012	12/5/2014	Scott W. Rivers
40	1474	Old Santa Fe Trail Water Line	Design	92	4	\$190,000.00	2/15/2013	10/24/2014	Chuck Vigil
41	1486	Design & Construction of Las Laquintas Waste Water System	Other	25	3	\$150,000.00	2/19/2014	7/31/2014	David Madrid
42	1860	Upgrade server rooms at Adult Detention Facility and Youth Development Program	Design	30	1,2,3,4,5	\$363,000.00	3/5/2014	11/30/2014	Joseph Martinez
43	1860	Upgrade Perimeter & Interior Lighting at Adult Detention Facility, Upgrade Perimeter Lighting at Youth Development Program	Construction	95	1 2 3 4 5	\$387,305.86	1/20/2014	7/23/2014	Joseph Martinez

Capital Project Status Update (As of 8/11/2014 10:46:28 AM)

66	7122	Highway 14 Senior/Community Center	Acquisition	10	3	\$350,000.00	11/5/2012	5/1/2014	Agnes Leyba-Cruz
67	7123	District Attorney Complex Energy & Accessibility Upgrades	Design	0		\$850,000.00			David Madrid
68	7124	Admin Building Computer & Communications Room	Construction	99	1 2 3 4 5	\$275,000.00	3/31/2014	7/31/2014	Paul Olafson
69	7701	Arroyo Hondo Trail	Design	22	5	\$470,572.00	12/13/2012	12/31/2014	Colleen Baker
70	7706	Mt. Chaltchull	Acquisition	40	3	\$988,499.00	8/1/2012	12/31/2014	Colleen Baker
71	7707	Santa Fe Rail Trail	Construction	9	4, 5	\$1,578,212.00	7/1/2014	5/31/2015	Colleen Baker, Scott W. Rivers
72	7708	Santa Fe River Greenway Engineering Design Services	Design	88	2	\$412,725.85	10/3/2012	12/31/2014	Scott Kaseman
73	7708	Santa Fe River Greenway Acquisition	Acquisition	27	2	\$1,814,850.60	10/9/2012	3/31/2015	Scott Kaseman
74	7708	Santa Fe River Greenway: Frenchy's Field to Slier Rd.	Archaeology	100	2	\$59,406.47	3/1/2009	9/26/2014	Scott Kaseman
75	7711	Thomson Ranch Open Space	Plan	11	3	\$200,000.00	3/3/2014	7/30/2015	Colleen Baker
76	7723	Nambe Community Center, Park and Head Start Site Improvements	Construction	100	1	\$354,065.00	2/27/2014	7/15/2014	Scott W. Rivers
77	7725	El Rancho Retaining wall	Construction	95	1	\$45,000.00	4/24/2014	7/28/2014	David Padilla
78	7732	Agua Fria Monument Signs	Construction	11	2	\$83,846.00	4/21/2014	9/30/2014	Colleen Baker
79	8008	La Cienega Fire Station No. 2 Apparatus bay expansion and Library remodel.	Construction	60	3	\$494,091.00	3/24/2014	9/30/2014	Ron Sandoval
80	8009	Glorieta Fire Station #2 - New Construction	Design	60	4	\$50,000.00	5/16/2014	9/30/2014	Ron Sandoval
81	8010	Pojoaque Fire Station - Interior Remodel Volunteer Side	Design	80	1	\$181,470.00	3/24/2014	8/8/2014	Ron Sandoval
82	9692	CR67F- La Barberia Drainage and Road Paving Design	Design	35	4	\$100,000.00	12/16/2013	11/28/2014	Chuck Vigil

Table 2: On-time Work Order Completion
July 2014

Property Control

COMM. DIST.	REQUESTS	ISSUED	CLOSED	ON TIME
1	4	4	4	4
2	6	6	4	6
3	9	9	9	8
4	10	10	10	8
5	22	21	20	20
All	67	65	59	58
TOTAL	118	115	106	104
		97%	90%	88%

Roads

COMM. DIST.	Overall WO's from public & staff	Overall WO Issued from public & staff	Overall WO Closed from public & staff	Request from public only	On-time request from public only
1	54	54	44	28	17
2	26	26	22	17	10
3	33	33	30	10	7
4	28	28	28	4	4
5	51	51	42	34	25
All	20	20	20	2	1
TOTAL	212	212	186	95	64
		100%	88%		67%

Traffic

COMM. DIST.	Overall WO's from public & staff	Overall WO Issued from public & staff	Overall WO Closed from public & staff	Request from public only	On-time request from public only
1	46	46	44	1	1
2	6	6	6	0	0
3	25	25	25	1	1
4	22	22	22	1	1
5	16	16	16	0	0
All	11	11	9	0	0
TOTAL	126	126	122	3	3
		100%	97%		100%

Building Services

COMM. DIST.	REQUESTS	ISSUED	CLOSED	ON TIME
1	5	5	2	2
2	1	1	0	0
3	0	0	0	0
4	2	2	2	2
5	8	8	6	6
All	30	30	28	25
TOTAL	46	46	38	35
		100%	83%	76%

Open Space

COMM. DIST.	REQUESTS	ISSUED	CLOSED	ON TIME
1	11	11	11	11
2	23	23	23	23
3	17	17	16	16
4	17	17	17	17
5	12	12	11	11
All	11	11	9	9
TOTAL	91	91	87	87
		100%	96%	96%

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,

v.

66cv06639 WJ/WPL

R. LEE AAMODT *et al.*,

Defendants,

and

UNITED STATES OF AMERICA,
PUEBLO DE NAMBÉ,
PUEBLO DE POJOAQUE,
PUEBLO DE SAN ILDEFONSO,
and PUEBLO DE TESUQUE,

Plaintiffs-in-Intervention.

CASE MANAGEMENT AND SERVICE ORDER

THIS MATTER comes before the Court on the State of New Mexico, Santa Fe County and the City of Santa Fe's ("State/County/City") Joint Motion for Entry of Case Management and Service Order (Doc.9409) ("Joint Motion") and the United States' and Pueblos' Notice of Proposed Case Management Order (Doc. 9411) ("US/Pueblos' Proposed Order"). For the reasons stated below, the Court will **GRANT** the Joint Motion in part.

Background

On December 6, 2013, the Court entered its Order to Show Cause and Notice of Proceeding to Approve Settlement Agreement and Enter Proposed Partial Final Judgment and Decree on the Water Rights of the Pueblos of Tesuque, Pojoaque, Nambé, and San Ildefonso. (Doc. 8035) ("Order to Show Cause"). The Court ordered all persons claiming water rights in the Tesuque/Pojoaque/Nambé stream system to show cause why the Court should not approve

the Settlement Agreement and enter the proposed Partial Final Judgment and Decree adjudicating the Pueblos' water rights. The deadline for filing objections to the Settlement Agreement and Proposed Decree was April 2014. Approximately 800 objections have been filed.

The Order to Show Cause also directed the Settlement Parties to file a motion with a proposed case management order to address the objection process. Two proposed case management orders have been filed, one by the State of New Mexico, Santa Fe County and the City of Santa Fe (Doc. 9409), and one by the United States of America and the Pueblos of Tesuque, Pojoaque, Nambé, and San Ildefonso (Doc. 9411).

Service of Filed Documents

Both proposed case management orders state that this Order to Show Cause proceeding will require numerous and voluminous documents to be filed with the Court, that every filing must be served on every other party whether represented by counsel or not, that the Court is concerned that the cost of requiring every party to serve every filed document by mail on numerous unrepresented parties will unfairly impede the participation of all parties, that all parties represented by counsel and all unrepresented parties who have registered an email address with the Court will be electronically served with all electronically filed documents, and that many *pro se* parties have not registered an email address with the Court which means that those parties must be served by first class mail. Both proposed case management orders direct all unrepresented parties that have not registered their email addresses for electronic service to do so. The only parties exempted from the email registration requirement will be those who file a motion, granted by the Court, requesting relief from the email registration requirement and demonstrating a hardship in registering an email address/using the electronic service system.

Two groups of defendants filed responses to the proposed case management orders. (Doc's 9428 and 9430). The first group of defendants "agree that service by email is preferable to mailing" and that the "plan to require *pro se* parties to provide an email where they can be served by the [Court's electronic system] will require time to accomplish." (Doc. 9428 at 11). The response does not estimate the time required to accomplish email registration. The response of the second group of defendants does not address the email service issue in the proposed case management orders. (Doc. 9430).

The Court finds that service by mail of documents filed in the Order to Show Cause proceeding regarding approval of the Settlement Agreement to a large number of parties will burden the resources of the parties and the Court. Having considered the proposed case management orders and the responses, the Court will order the following regarding service of filed documents.

All unrepresented parties who have not registered their email address with the Court for electronic service of filed documents shall register an email address with the Court using the attached CM/ECF Pro Se Notification Form within 30 days of service of this Order. Unrepresented parties that wish to be exempted from this requirement must file, within 30 days of service of this Order, a notice with the Court, using the attached Notice of Hardship form, which demonstrates a hardship in registering an email address and using the electronic service system. Unrepresented parties that are exempted from the email registration requirement must serve any documents they file with the Court on all other unrepresented parties exempted from the email registration requirement by first class mail. Parties that do not register their email address or file a Notice of Hardship may not be served with filed documents. Within 30 days after the deadline for filing Notices of Hardship, the State shall file a notice listing the

names and mailing addresses of all parties that have filed a Notice of Hardship. All parties filing documents after the State enters its notice of parties that have filed a Notice of Hardship shall mail a copy of the filed documents to those parties listed on the State's notice.

All unrepresented parties who register their email address will be notified via email whenever a document is filed with the Court. Those parties may view those documents using the public computer terminals at the United States Courthouses in Santa Fe and Albuquerque, or by signing up for the PACER (Public Access to Court Electronic Records) system:

PACER Service Center
P.O. Box 780549
San Antonio, TX 78278
Phone: San Antonio: (210) 301-6440; Outside of San Antonio: (800) 676-6856
Email: pacer@psc.uscourts.gov
Website: www.pacer.gov

Case Management

The State/County/City's proposed order directs the Settlement Parties to file a proposed identification and categorization of the issues raised by the objections with a cross-reference list identifying all individual objections and describing each basis asserted by the objections falling within a common category ("Proposed Categorization"). (Doc. 9409-1). The Settlement Parties would submit a proposed second case management order. Other parties would then have the opportunity to respond to the Proposed Categorization and the proposed second case management order, after which the Settlement Parties would file a reply. Following the reply, the Court would hold a case management conference to address the Proposed Categorization and the proposed case management order.

The US/Pueblos' proposed order directs the Settlement Parties to file memoranda in support of the position that the Court should approve the Settlement Agreement and enter a Partial Final Decree at this time. (Doc. 9411-1). Those memoranda must not exceed 75 double-

spaced pages. Responses opposing approval of the Settlement Agreement and entry of a Partial Final Decree would be due 60 days later and must not exceed 75 double-spaced pages. Within 30 days of the deadline for filing responses, the Settlement Parties shall file replies, each not exceeding 30 double-spaced pages. The District Court Judge would then rule on the objections or direct the parties to develop a supplemental case management order to address any remaining issues.

One group of Defendants filed a response opposing the proposed case management orders. (Doc. 9428). Some of the arguments relate to the procedure in the proposed case management orders. The Defendants argue that they are allowed only 30 days after the filing of the initial briefs to file their responses, that the 30-day period is “prejudicially short,” and request a 120-day period to respond. (Doc. 9428 at 3, 11). The remainder of the arguments are either incorrect or irrelevant. For example, Defendants’ Response sets forth objections to approval of the Settlement Agreement. (Doc. 9438 at 5-7). The matter currently before the Court is to determine the procedure for addressing objections, not to address objections. Defendants also state that the proposed “case management provisions for having opposing parties pass judgment on the merits of Defendants’ claims raises significant risk of erroneous deprivation of Defendants’ property interests in groundwater for domestic use due to the conflict of interest inherent in the proposed case management orders.” (Doc. 9428 at 3). The Court, not the Plaintiffs or Plaintiffs-in-Intervention, will make the determination of whether to approve the Settlement Agreement and enter a Partial Final Decree.

A second group of Defendants also filed a response opposing the proposed case management orders which sets forth three “threshold issues.” (Doc. 9430). The first threshold issue is that the State lacks “authority to enter in to settlement agreement.” (Doc. 9430 at 2-4).

The issue of the State's authority may be an objection to approval of the Settlement Agreement but it is not relevant to determining the procedure for addressing objections. The second threshold issue is the alleged lack of proper service. (Doc. 9430 at 4-5). The State filed an updated service list on December 2, 2013 (Doc. 8028). The updated service list was prepared from the State's current adjudication records, the electronic public records of the Office of the State Engineer, and the public records of irrigation districts, acequias and community ditches. In addition to mailing the Order to Show Cause to the persons on the updated service list, the State published the Order to Show Cause in English and Spanish in the Albuquerque Journal on January 3, 10, 17 and 24, 2014, posted the Order to Show Cause on the Office of the State Engineer's website, and posted the Order to Show Cause physically at the Office of the State Engineer, at the Santa Fe County Pojoaque Satellite Office and at the Utton Center in Albuquerque. Defendants make the conclusory allegation that service was not proper based on the fact that approximately 30 percent of the orders to show cause that were mailed to claimants were returned as undeliverable, but do not cite any authority demonstrating that service was legally insufficient. The third threshold issue, a request that Judge Vázquez disclose any potential conflicts with Settling Party City of Santa Fe, has already been addressed. (See Order of Recusal by District Judge Martha Vázquez, Doc. 9485, and Reassignment of this case to District Judge William P. Johnson, Doc. 9486).

Having considered the proposed case management orders and the responses, the Court will order the following regarding case management.

Within 90 days of entry of this Order, the Settlement Parties shall file memoranda in support of their position that the Court should approve the Settlement Agreement and enter the Partial Final Decree at this time. Any other parties that have responded to the Order to Show

Cause and have filed the form titled "Acceptances of Settlement Agreement and Notice of Domestic Well Election" may also file memoranda in support within 90 days of entry of this Order. The memoranda shall address each and every of the filed objections by category and state why any such category of objections should be overruled or dismissed at this time. Legal positions must be supported by legal authority; factual positions must be supported by materials which demonstrate that there are no disputed material facts at issue. Each memorandum must not exceed 75 double-spaced pages. All parties filing memoranda in support of approval of the Settlement Agreement are urged to consult among themselves and, where possible, avoid duplication of arguments and attachments.

Within 150 days of entry of this Order, all parties that have responded to the Order to Show Cause and have timely filed the form titled "Objection to Settlement Agreement and Proposed Partial Final Judgment and Decree on the Water Rights of the Pueblos of Tesuque, Pojoaque, Nambé and San Ildefonso, and Interim Administrative Order" may file responses to the memoranda in support of approval of the Settlement Agreement. Each response must describe the specific harm the Objectors would suffer by entry of the Partial Final Decree, address with specificity why approval of the Settlement Agreement and entry of the Partial Final Decree is "not fair, adequate, reasonable, is not in the public interest, or is not consistent with applicable law." (*See* Order at 4, Doc. 6282, filed December 18, 2007). Objectors should also describe with specificity which of the Settlement Parties' allegations are disputed, state why their objections should be sustained or not overruled at this time, support their legal positions with legal authority, and support factual positions with materials which demonstrate either that (1) the factual position at issue is not disputed or (2) further proceedings are required to address relevant factual matters. If any party filing a response asserts that additional procedures are required

before the Court addresses his/her objections to approval of the Settlement Agreement, those parties shall set forth those procedures and the reasons that those procedures are required. Legal positions must be supported by legal authority; factual positions must be supported by materials which demonstrate that there are no disputed material facts at issue. Each response must not exceed 75 double-spaced pages. All parties filing responses are urged to consult among themselves and, where possible, avoid duplication of arguments and attachments.

Within 180 days after entry of this Order, any party that filed a memorandum in support of approval of the Settlement Agreement may file a reply to the responses filed. Each reply must not exceed 30 double-spaced pages.

Discovery is not warranted at this time. Any party may present additional evidence in support of allegations of fact in the form of affidavits, deposition excerpts or other documents. The District of New Mexico's Local Rule of Civil Procedure 10.5, which limits exhibits to a total of 50 pages is waived. All parties are encouraged to limit their exhibits to those necessary for their briefs.

Local Rule Waiver

The portion of Local Rule 7.1(a) which requires that "[m]ovants must determine whether a motion is opposed, and a motion that omits recitation of a good-faith request for concurrence may be summarily denied" is waived.

Change of Address

All parties shall file a notice with the Court if there is any change in their mailing address or email address. D.N.M.LR-Civ. 83.6. Any party who does not maintain a current mailing address and whose mail is returned to the Court may be removed from the service list without further notice.

Compliance with Rules of Civil Procedure

All parties shall comply with the Federal Rules of Civil Procedure and the District of New Mexico's Local Rules of Civil Procedure.

Representation of Corporation, Partnership or Business Entity other than a Natural Person

A corporation, partnership or business entity other than a natural person must be represented by an attorney authorized to practice before this Court. D.N.M.LR-Civ. 83.7.

Service of this Order

The State shall serve a copy of this Order with the attached forms on all parties within 30 days of entry of this Order.

IT IS SO ORDERED.



WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE



CITY CLERK'S OFFICE

DATE 7/30/14 TIME 8:37

SERVED BY [Signature]

RECEIVED BY [Signature]



AGENDA

The City of Santa Fe
And
Santa Fe County

Buckman Direct Diversion Board Meeting

THURSDAY, AUGUST 7, 2014

4:30 PM

CITY HALL

CITY COUNCIL CHAMBERS

200 LINCOLN

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM THE JULY 3, 2014 BUCKMAN DIRECT DIVERSION BOARD MEETING
6. MATTERS FROM STAFF
7. REPORT ON AUGUST 5, 2014 FISCAL SERVICES AUDIT COMMITTEE

INFORMATIONAL ITEM

8. Update on LANL MOU Early Notification System. (Shannon Jones/Kyle Harwood/NNSA/DOE)

9. Presentation of draft BDD Executive Director Roles and Responsibilities. (Shannon Jones and Nancy Long)
10. Update on amendment to Facility Operations and Procedures Agreement (FOPA). (Mackie Romero and Nancy Long)

CONSENT AGENDA

11. Monthly Update on BDD operations. (Gary Durrant)
12. Drought, Monsoon and Water Resource Management Update. (Rick Carpenter)
13. Request for approval to purchase parts and supplies from Boyer and Seeley Pumps to repair Raw Water Pump Stations in the amount of \$78,729.00. (Shannon Jones)
14. Request for approval of a Professional Services Agreement with Automation Electric for the amount of \$30,000.00 exclusive of NMGRT. (Shannon Jones)
15. Request for approval of a Professional Services Agreement with Hall Environmental Analysis for the amount of \$50,000.00 exclusive of NMGRT. (Shannon Jones)
16. Request for approval of a Professional Services Agreement with Alpha Southwest for repair and replacement services for BDD's water treatment plant process equipment and control systems for the total amount of \$50,000.00 exclusive of NMGRT. (Shannon Jones)
17. Update on 4th Quarter Financial Statement (Preliminary). (Mackie Romero)

DISCUSSION AND ACTION ITEMS

18. Update and possible action on Legal Action(s) by Wild Earth Guardians filed against the US Army Corps of Engineers and Bureau of Reclamation regarding Endangered Species Act issues in the Middle Rio Grande. (Shannon Jones and Kyle Harwood)
19. Request for approval of the revised "BDD Working Capital and Billing Policy". (Mackie Romero)

20. Request for approval to release the RFP for "Rio Grande Water Quality Assessment". (Shannon Jones)
21. Request for approval of Resolution No. 2014-_____. A resolution requesting consultation between the Buckman Direct Diversion Board and the Pueblo of San Ildefonso Pueblo concerning Los Alamos/Pueblo Canyon Stormwater Monitoring Sites. (Shannon Jones and Kyle Harwood)

MATTERS FROM THE PUBLIC

MATTERS FROM THE BOARD

NEXT MEETING: September 11, 2014

ADJOURN

**PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS,
CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5)
WORKING DAYS PRIOR TO THE MEETING DATE.**



1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the accuracy of the information gathered.

3. The third part of the document focuses on the interpretation and analysis of the data. It discusses the various statistical methods and models used to identify trends and patterns in the data.

4. The fourth part of the document discusses the implications of the findings and the potential impact of the research. It highlights the need for further research and the importance of sharing the results with the relevant stakeholders.



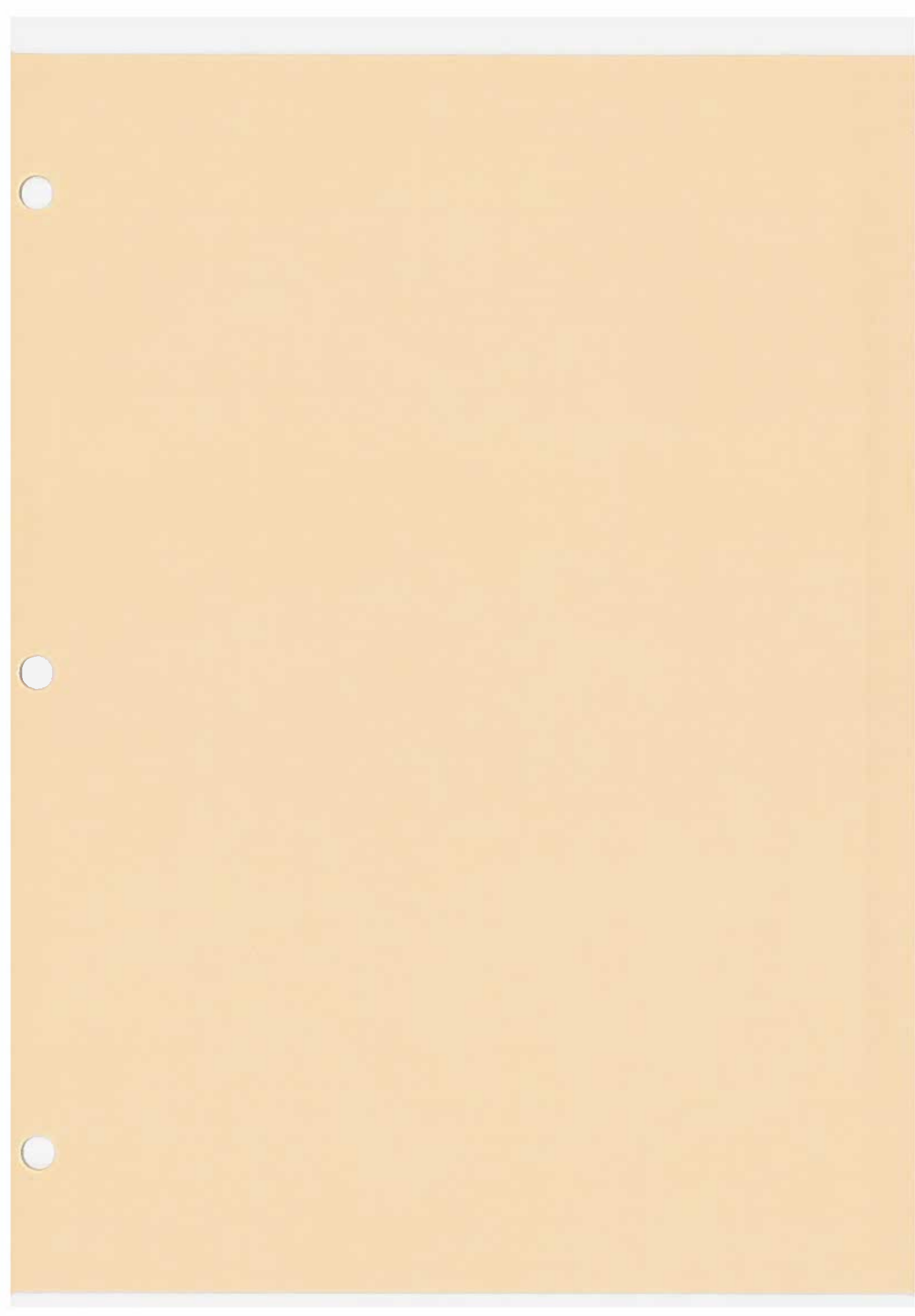
5. The fifth part of the document discusses the challenges and limitations of the research. It highlights the need for further research and the importance of addressing the identified gaps in the current knowledge.

6. The sixth part of the document discusses the conclusions and recommendations of the research. It highlights the key findings and the implications for future research and practice.

7. The seventh part of the document discusses the acknowledgments and the contributions of the various stakeholders. It highlights the support and assistance provided by the funding agencies and the research team.

8. The eighth part of the document discusses the references and the sources of the information used in the research. It highlights the importance of citing the relevant literature and ensuring the accuracy of the references.





Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3




Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

To: Board of County Commissioners

Via: Katherine Miller, County Manager
Bernadette Salazar, Human Resources Director 

Date: August 13, 2014

Re: HR Monthly Report July 2014

Issue:

The HR Division provides the Santa Fe County Board of County Commission with a monthly report regarding highlighted HR information and events.

Background:

The purpose of this memo is to provide you with information relative to various HR functions and statistics for the month of July 2014. Throughout the month of July, HR coordinated/ conducted seventeen training sessions. Five hundred sixteen employees attended these training sessions. HR has enhanced the supervisory skills training modules and will be providing the updated training to Santa Fe County supervisors.

In July, we had eight promotions countywide. These promotions occurred in the Clerk's Office, Community Services Department, Finance Division, Fire Department, Public Works Department, Purchasing Division, and the Treasurer's Office. Resources offered by Santa Fe County provide employees with great opportunities for advancement and career development. The number of promotions reflects the success of the benefits offered to employees.

On July 18, 2014 we conducted our Annual Health Fair during our Employee Picnic. Over three hundred employees participated in this event. For this event, we had over twenty different organizations providing information to our employees about health and wellness. Information provided included fitness goals, preventive healthcare measures, health insurance information, healthy nutrition, stress relieve, etc. In addition, many employees also participated in our "mini-fitness challenges." The challenges we sponsored were:

1. Men and women's pull-up contest (30 seconds)
2. Men and women's push-up contest (60 seconds)
3. Men and women's weighted standing fly competition
4. Men and women's hula hoop competition

Our employees really enjoyed participating and/or watching these challenges. This was a great success and feedback from employees was very positive. Our County Manager, Katherine Miller also participated and won the push up competition, completing 44 straight legged push-ups in 60 seconds!

Lastly, our Health and Wellness Fitness Challenge is going great! We continue to have lots of participation from employees and they are really working hard to earn their points. This has been a wonderful initiative in raising awareness about health and wellness while creating positive team building among staff. Some groups have also experimented with new healthy recipes for their groups. As the program evolves, HR will keep the Board of County Commissioners apprised. We are very excited about this great initiative! The Health Fair was a great compliment to the Health and Wellness Fitness Challenge.

Attached are the HR Statistics Report, the New Hire Report and the Labor Statistics Report for July 2014 and the list of Years of Service for Santa Fe County Employees for August 2014. If you have any questions, I can be contacted at 992-9886. Thank you.

SAINIA FE COUNTY HR STATISTICS FOR THE MONTH OF JULY 2014

Department	Division	Regular Employees	Part Time Employees	Full Time Employees	Elected/Officials	Temporary Employees	Vacancies	Total Positions	New Hires/Re-employments	Resignations	Retirements	End of term/Temp Status	Terminations	Total separations
MANAGER'S OFFICE	01-COUNTY MANAGER ADMINIS.	9		9				9						
	02-COMMISSION	5		5	5			5						
	15-HUMAN RESOURCES	10		10			1	11						
	21-FINANCE	21		21			3	24		1				1
CMO TOTAL		45		45	5		4	49		1				1
LEGAL TOTAL	01-LEGAL ADMINISTRATION	6		6			3	9		1				1
ADMINISTRATIVE SERVICES DEPARTMENT	00-ADMINISTRATION	3		3				3						
	02-INFORMATION TECHNOLOGY	15	1	14			2	17						
	12-PURCHASING	7		7				7						
	16-MAIL ROOM	1		1				1						
	17-RISK MANAGEMENT	3		3				3						
ASD TOTAL		29	1	28			2	31						
COMMUNITY SERVICES DEPARTMENT	01-ADMINISTRATION	3		3				3						
	20-INDIGENT HOSPITAL FUND	2		2			1	3						
	21-EMS-HEALTH CARE	3		3				3						
	74-MOBILE HEALTH FAIR VAN	3	1	2			2	5						
TOTAL		111	1	10	0	0	3	14	0	0	0	0	0	0
	04-DWI LOCAL	7		7			1	8						

SANTA FE COUNTY HR STATISTICS FOR THE MONTH OF JULY 2014

Department	Division	Regular Employees	Part Time Employees	Full Time Employees	Elected/Officials	Temporary Employees	Vacancies	Total Positions	New Hires/Re-employmnts	Resignations	Retirements	End of term/temp status	Terminations	Total separations
TOTAL		7	0	7	0	0	1	8	0	0	0	0	0	0
	09-DWI TEEN COURT	3		3				3						
TOTAL		3	0	3	0	0	0	3	0	0	0	0	0	0
	89-SENIOR PROGRAMS - ADMIN.	11		11			2	13						
	90-SR SVCS-CONGREGATE MEALS	7	2	5				7	1					
	92-SR SVCS - HOME DELIVERED	7	1	6		2		7						
	93-SR SVCS - TRANSPORTATION	2		2				2						
TOTAL		27	3	24	0	2	2	29	1	0	0	0	0	0
	01-POJOAQUE SATELLITE OFFICE					1								
	02-EDGEWOOD SATELLITE OFFICE					1								
TOTAL						2								
CSD TOTAL		48	4	44	0	4	6	54	1	0	0	0	0	0
HOUSING		10		10			2	12		1				1
	30-ADMINISTRATION													
	49-HOUSING SECTION 8 VOUCHER	2		2				2						
	82-HOUSING CFP - 2012	1		1				1						
HOUSING TOTAL		13		13			2	15		1				1
GROWTH MANAGEMENT DEPARTMENT														
	01-LAND USE ADMINISTRATION	4		4				4						
	02-PLANNING	5		5			3	8		1				1
	08-REGIONAL PLANNING AUTHRTY													

Department	Division	Regular Employees	Part Time Employees	Full Time Employees	Elected/Officials	Temporary Employees	Vacancies	Total Positions	New Hires/Re-employments	Resignations	Retirements	End of term/Temp status	Terminations	Total separations
	14-GIS	9		9				9						
	15-AFFORDABLE HOUSING-COUNTY	2		2				2						
	16-BUILDING & DEVELOPMENT	14		14			1	15						
GSD TOTAL		34		34			4	38		1				1
PUBLIC WORKS DEPARTMENT		14		14				14						
	01-PUBLIC WORKS ADMIN.	14		14				14						
	02-FLEET SERVICE	7		7		1	2	9						
	03-TRAFFIC ENGINEERING	6		6			1	7						
	05-SOLID WASTE	20	1	19		1	1	21		1				1
	11-ROAD MAINTENANCE	39		39			3	42						
TOTAL		86	1	85	0	2	7	93	0	1	0	0	0	1
	02-PROPERTY CONTROL	10		10			5	15						
	03-BUILDING SERVICES	17	1	16			1	18						
	18-PROJECT DEVELOPMENT DIV	9		9			1	10	1					
	26-OPEN SPACE	5		5				5	1					
TOTAL		41	1	40			7	48	2					
	08-SANTA FE RIVER GREENWAY	1		1				1						
TOTAL		1		1				1						
	10-WATER	15		15		1	4	19						
	15-AAMODT						1	1						

SAN JUAN COUNTY HR STATISTICS FOR THE MONTH OF JULY 2014

Department	Division	Regular Employees	Part Time Employees	Full Time Employees	Elected Officials	Temporary Employees	Vacancies	Total Positions	New Hires/Re-employments	Resignations	Retirements	End of term/Temp status	Terminations	Total separations
	20-WASTEWATER	1		1				1						
TOTAL		16		16		1	5	21						
PWD TOTAL		144	2	142	0	3	19	163	2	1	0	0	0	1
PUBLIC SAFETY DEPARTMENT	01-FIRE ADMINISTRATION	26	1	25			4	30	1					
	09-FOREST RESTORATION	3	1	2				3						
	11-FIRE REGIONS	69		69			5	74		1				1
	14-FEMA GRANT	1		1				1						
	78-2014 YCC GRANT					9								
TOTAL		99	2	97		9	9	108	1	1				1
	01-ADMINISTRATION	6		6			2	8						
	60-ADULT FACILITY	126		126			30	156	2	1				1
	62-MAINTENANCE DIVISION	5		5			2	7	1					
	63-MEDICAL SERVICES	23		23			6	29						
	65-ELECTRONIC MONITORING	9		9				9						
	70-YOUTH DEVELOPMENT FAC.	22		22			7	29	1					
TOTAL		191		191			47	238	4	1				1
	RECC ADMINISTRATION	40		40			8	48	2	1			1	2
TOTAL		40		40			8	48	2	1			1	2
PSD TOTAL		330	2	328	0	9	64	394	7	3	0	0	1	4

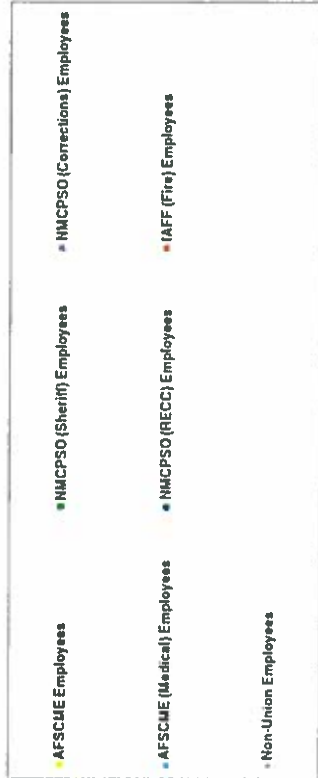
COUNTY WIDE STATISTICS FOR THE MONTH OF JULY 2014

Department	Division	Regular Employees	Part Time Employees	Full Time Employees	Elected/Officials	Temporary Employees	Vacancies	Total Positions	New Hires/Re-employments	Resignations	Retirements	End of term/Temp status	Terminations	Total separations
COUNTY CLERK'S OFFICE	01-REPORTING & RECORDING	19	2	17	1	1	3	22	1					
	02-BUREAU OF ELECTIONS	10	1	9		1	2	12						
CLERK'S OFFICE		29	3	26	1	1	5	34	1					
COUNTY TREASURER'S OFFICE	01-COUNTY TREASURER ADMIN.	11		11	1		2	13						
COUNTY ASSESSOR'S OFFICE	01-COUNTY ASSESSOR ADMIN.	28		28	1		1	29						
	11-PROPERTY VALUATION	14		14		1		14						
ASSESSOR'S OFFICE		42		42	1	1	1	43						
COUNTY SHERIFF'S OFFICE	01-ADMIN/ANIMAL CNTRL/ENFORC	117		117	1		3	120						
	06-REG III-HIDTA GRANT	1		1				1						
	14-REG.III DRUG ENF GRANT-B	2		2				2						
	33-DWI SEIZURE GRANT					1								
SHERIFF'S OFFICE		120		120	1	1	3	123						
13-COUNTY PROBATE DEPARTMENT	01-COUNTY PROBATE JUDGE				1									
COUNTY WIDE TOTAL		851	12	839	10	19	115	966	11	8	0	0	1	9

LABOR STATISTICS FOR JULY 2014

Union Status		Percentage of Union Status		Percentage of Employees Paying Union Dues	
AFSCME Employees	230	AFSCME Employees	27.03%	AFSCME Employees	55
NMCP SO (Sheriff) Employees	61	NMCP SO (Sheriff) Employees	7.17%	NMCP SO (Sheriff) Employees	16
NMCP SO (Corrections) Employees	93	NMCP SO (Corrections) Employees	10.93%	NMCP SO (Corrections) Employees	0
AFSCME (Medical) Employees	10	AFSCME (Medical) Employees	1.18%	AFSCME (Medical) Employees	0
NMCP SO (RECC) Employees	50	NMCP SO (RECC) Employees	5.85%	NMCP SO (RECC) Employees	39
IAFF (Fire) Employees	63	IAFF (Fire) Employees	7.54%	IAFF (Fire) Employees	62
Total Number of Union Employees	485	Total Percentage of Union Employees	56.99%	Total Number of Employees Paying Dues	167
Non-Union Employees	366	Non-Union Employees	43.01%		
Total Number of Employees	851		100%		

Paying Members



Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

Date: August 26, 2014
To: Board of County Commissioners
From: Jeffery Trujillo, ASD Director *JST*
Via: Katherine Miller, County Manager
Subject: Administrative Services Monthly Report – July 2014

Below is an informational report in regards to the Administrative Services Department for the month of July 2014.

Information Technology

	FY 2014												
Work Orders/Technical Support All IT requests are captured using a work order tracking system located on SharePoint.	290 work orders were completed/resolved in July 2014.												
Systems and Network uptime for July 2014.	Q1 2015 Actual: 100% FY 2015 YTD: 100%												
<table border="1"><thead><tr><th colspan="3">July Unscheduled Downtime</th></tr><tr><th>Date</th><th>Description</th><th>Hours</th></tr></thead><tbody><tr><td></td><td></td><td>0.0</td></tr><tr><td></td><td>Total</td><td>0.0</td></tr></tbody></table>		July Unscheduled Downtime			Date	Description	Hours			0.0		Total	0.0
July Unscheduled Downtime													
Date	Description	Hours											
		0.0											
	Total	0.0											

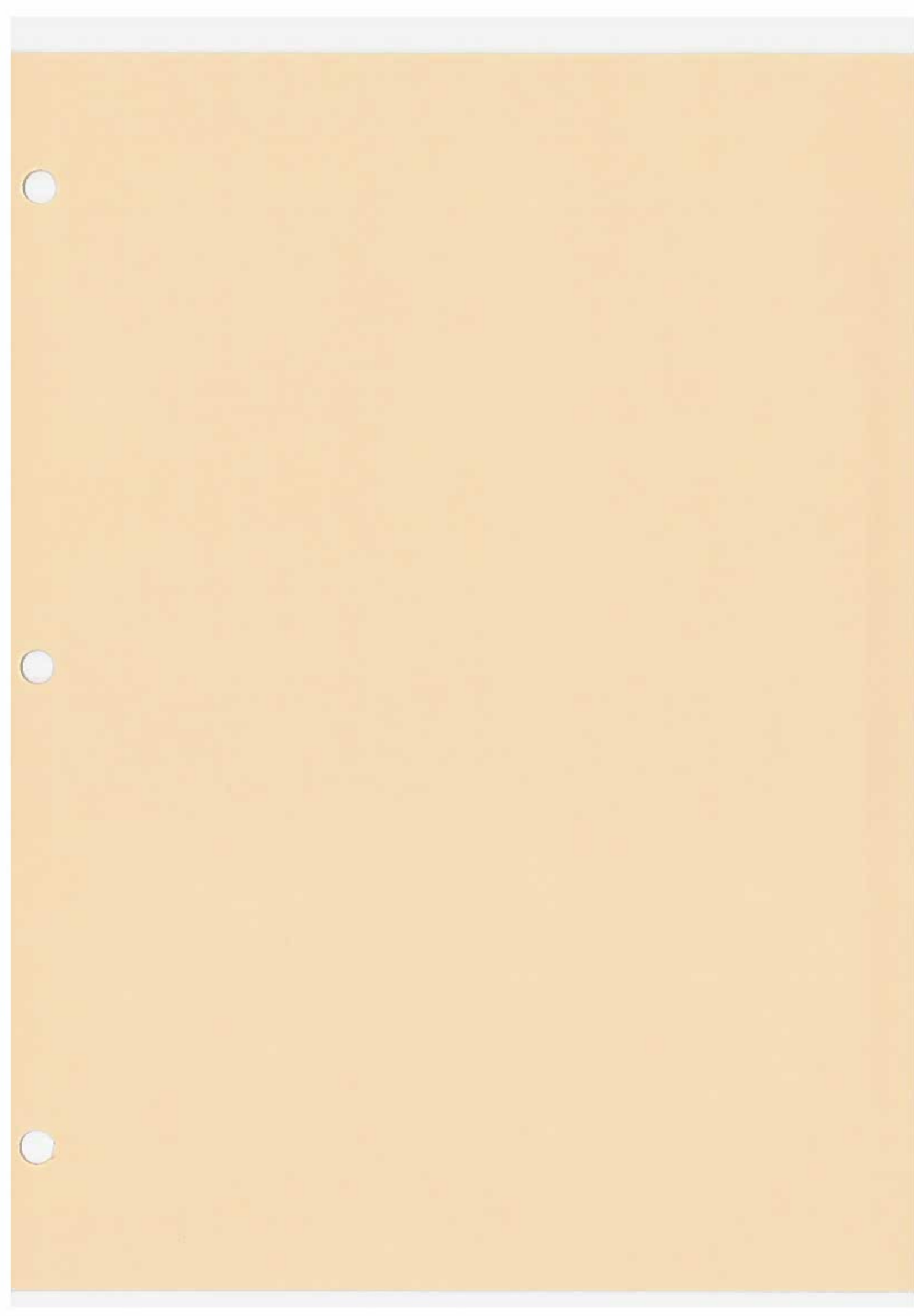
Legal

Legal has processed 41 contracts and 10 resolutions this fiscal year. Legal also has a number of lawsuits pending, including several administrative appeals. In addition, we are actively working with management and various departments on various issues of importance to the County.

Mailroom

The Mailroom processed the following in the month of July

Co. Manager (Commissioners)	6
DWI	29
MCH	3
PFMD	7
Clerks	147
Elections	1585
Assessors	371
Treasurers	383
Probate Judge	0
Attorney or Legal	19
Sheriff	183
Human Resources	70
Corrections Admin	4
Home for Good Program	0
Purchasing	25
PW-Solid Waste	0
Care Connection	0
HHS Admin	7
Sobering Center	0
Adult Jail	0
Teen Court	76
ASD	7
Fire Department	1010
E-911	1
RECC	12
Senior Services	6
YDF	0
Natural Resources	0
Affordable Housing	5
Section 8	174
Finance/Payroll	1110
Utilities (Water Resources)	70
Public Works	34



Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

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Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Memorandum

To: Santa Fe County Board of County Commissioners

From: Katherine Miller, County Manager, SFC
Rachel O'Connor, Director, Community Services Department, SFC

Date: August 11, 2014

Subject: Community Services Monthly Report/July

Health Services

The scope of work for the Mobile Crisis Response Team has been finalized and sent to Procurement to develop a Request for Proposals.

The new weekend van driver has been hired. The next County newsletter will have an article featuring the van.

Now that the Health Action Plan has been completed, we are working with the HPPC on how to proceed to implement and track actions contained within each of the six priorities of the plan.

We have released a letter of interest to solicit bids to carry out Imagination Library in Santa Fe County. The pre-proposal meeting is being held on Monday, August 11th.

Community Safety

The DWI Program began the first urine screening program in Santa Fe County. Today was the first day of testing. We had good coverage of this program, and no positives to report on Day 1.

The DWI program has implemented a fee for compliance monitoring that went into effect on July 1, 2014. We are doing this in partnership with the Court. It will take some time until we collect revenues systematically.

The DWI program is working with the Santa Fe Community College and Santa Fe University of Art and Design (SFUAD) to create a greater sense of awareness surrounding drinking and driving and binge drinking. The DWI program provided the Community College with educational material that

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecounty.org

will be distributed to students attending the college. The material provided to the college was placed in packets provided to the students.

The DWI program is looking to implement a pilot project to provide feedback to bars and restaurants that serve alcohol. Our new program advises alcohol-serving establishments whenever law enforcement agencies arrest a driver for DWI who has a blood alcohol level above .14 and who alleges he/she drank at a specific Santa Fe bar or restaurant. The purpose of this feedback is to alert the establishments so they can encourage their managers and servers to be more vigilant and help their patrons get home safely. This will serve as a courtesy letter only and is not intended to result in further action.

Teen Court is in the process of finalizing plans for a mural at the La Familia Medical Center. Three young local artists will be leading the project using a combination of different techniques and paint products. We are looking forward to have a completed mural by mid-October.

Community Operations

County Fair has been going all week long. Attendance appears normal, today and tomorrow are the big days. Inmate art is being displayed; operations appear to be going smoothly.

The Adopt an Open Space program kicked off last week. We have a listing of adoptable spaces and it, along with the application, will be posted on the County website.

Carol Branch submitted a grant with New Mexico Clean and Beautiful and Santa Fe County was awarded \$5,000 for trail signs.

The Vista Grande amendment has been delivered to the Library.

I have tasked Carol with working with Bern to develop a written policy on the use of volunteers in Santa Fe County.

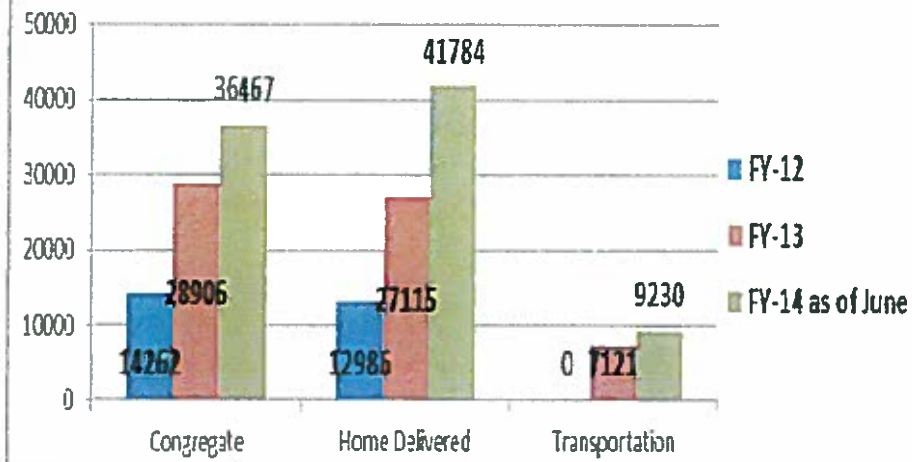
Senior Services

Wednesday we will be closing the Edgewood Senior Center kitchen only for the HVAC system upgrade. All other activities will proceed as normal.

We receive a copy of the AA Audit report, which was very positive. We will be working on the identified issues.

There was a meeting that Greg attended this week to discuss the expansion at Eldorado. Construction is scheduled to start next week. There will be a groundbreaking ceremony on 8/28.

Units Served



Memorandum

To: Santa Fe Board of County Commissioners
From: Teresa C. Martinez, Finance Director
Via: Katherine Miller, County Manager
Date: August 15, 2014
Re: *Financial report for the month ending 07/31/2014*

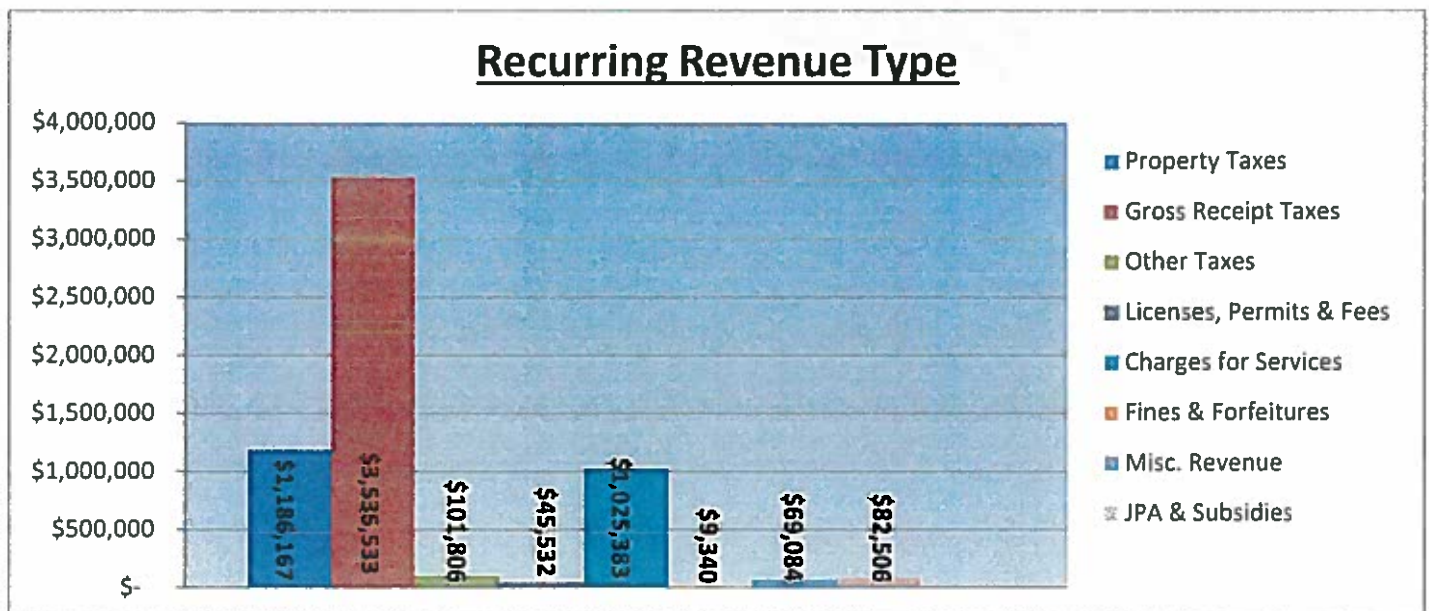
ISSUE:

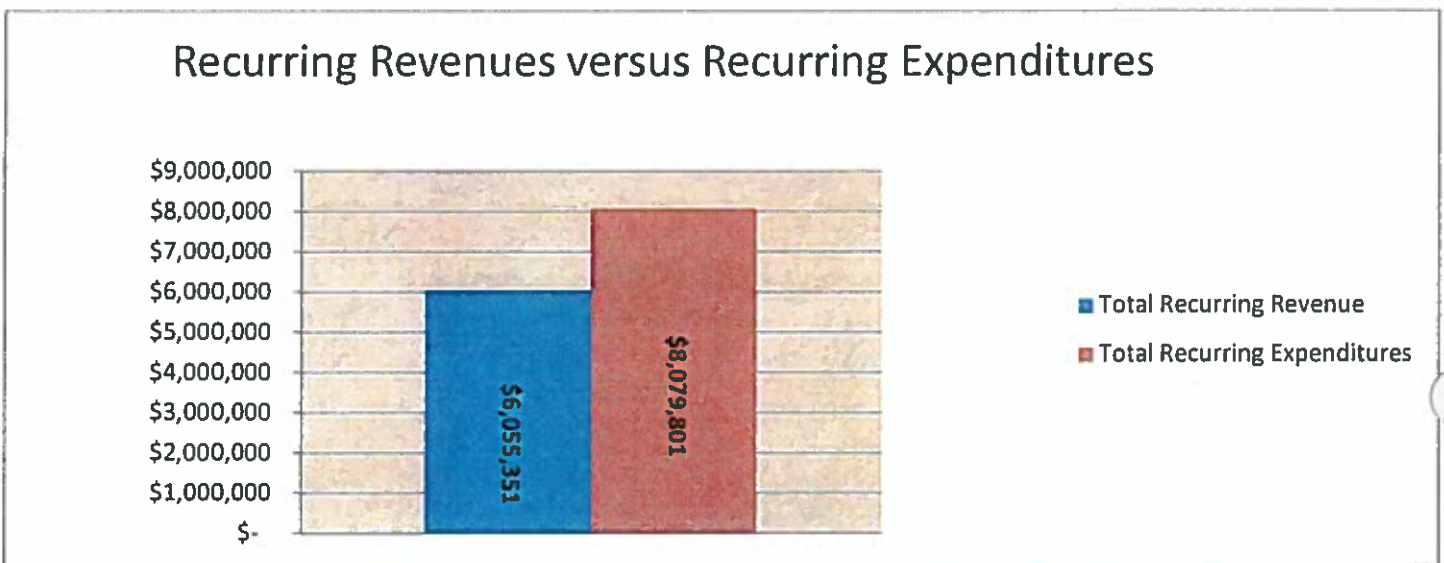
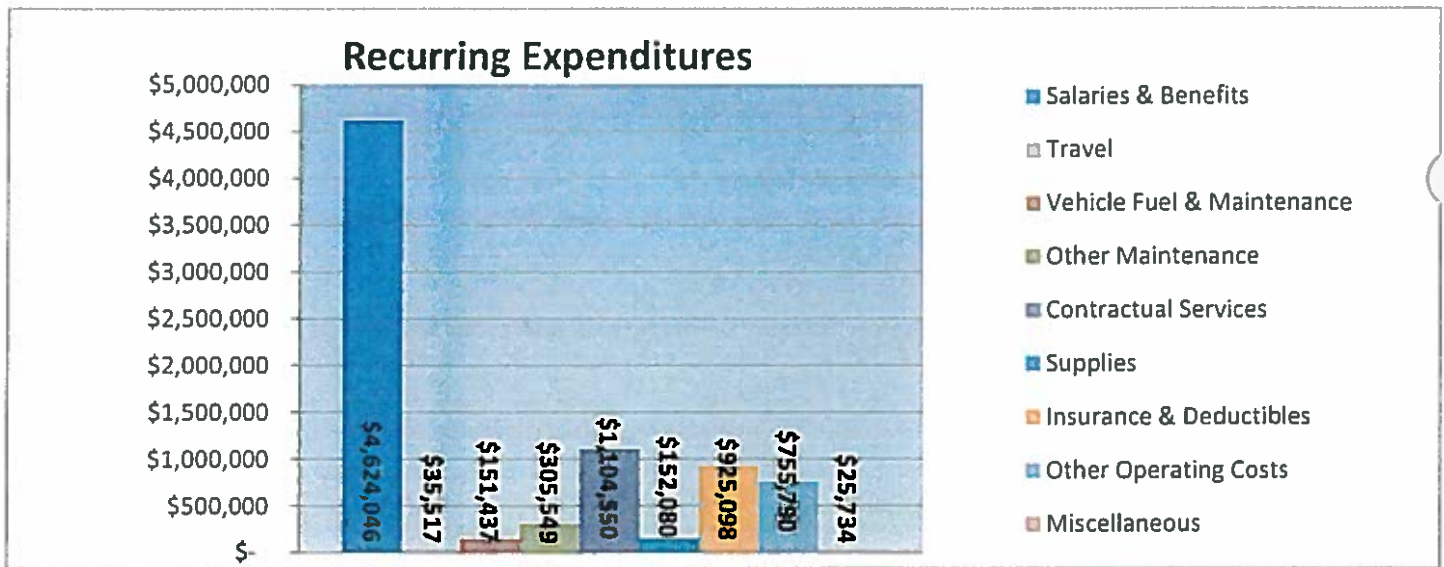
Enclosed is a report summarizing the financial activities of the County through the month ending July 31, 2014.

BACKGROUND:

This is a comparison of revenues and expenditures on a recurring versus non-recurring basis. The monthly report will still highlight major revenue sources. Below are several charts that identify 1) the recurring revenue sources, 2) the recurring expenditures and 3) a comparison of the two side by side.

RECURRING VERSUS NON-RECURRING





Through the month of July, as noted in the charts above, the revenues collected totaled \$6.1 million and the expenditures total \$8.1 million. Expenditures exceeding revenue collections at the start of each fiscal year is normal. Typically, the collection of property taxes is cyclical and higher within the months of December – January and May – June. Beginning in the month of December the revenue collections will materialize at a level sufficient to sustain expenditures. In those earlier months, it is the budgeted cash that balances the budget.

The revenue collections were below the prior year's collections for the same period by \$1.8 million or 1.3%. The decrease can be attributed to decreased collections for property taxes (\$392,351), gross receipt taxes (\$156,628), other taxes (\$70,601), JPAs and subsidies (\$796,146) and miscellaneous revenue (\$268,053).

NON-RECURRING EXPENDITURES

Capital expenditures are non-recurring expenditures funded by non-recurring sources. Such sources include bond proceeds, special appropriations, grants and cash balances from excess revenues of prior years.

The following is a listing of some of the major capital expenditures incurred thru the month of July:

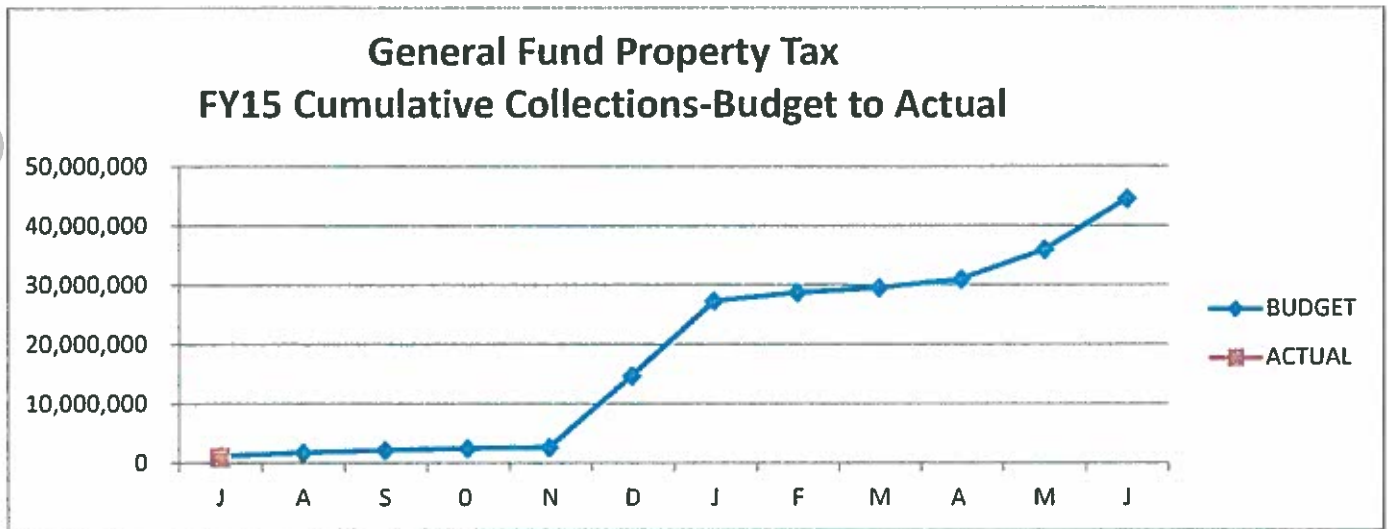
La Cienega Fire #2/CC/Library	\$139,883	Glorieta Estate MDWA	\$ 76,009
Adm Building Upgrades	\$ 36,804	TCSP Road Grants	\$ 51,386
Sheriff Vehicle Purchases	\$ 35,845	Torcido Loop	\$ 19,221
Eldorado/Canoncito/SE Sector	\$ 86,056	Caja Del Oro	\$ 19,399

Also included for your information are the charts reflecting major revenue sources and collections through July.

REVENUE:

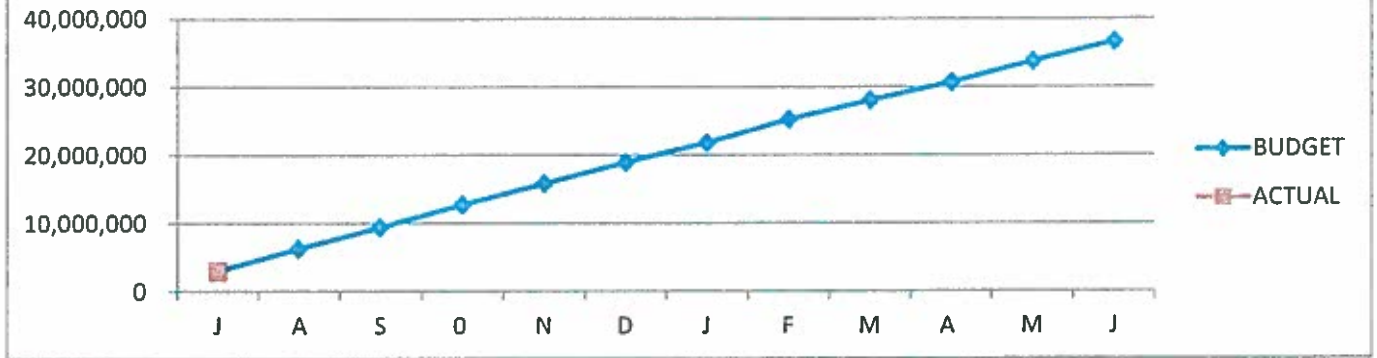
Property tax is recorded monthly and compared to the actual monthly budget forecasts. Property tax revenue budget estimates are conservative, as a budget shortfall in tax receipts would have a serious impact on various County operations.

Actual property tax collections of \$1 million through the end of July fell below the budget of \$1.2 million by \$223,924. The collections are \$339,604 below the prior year’s collections for the same time period.



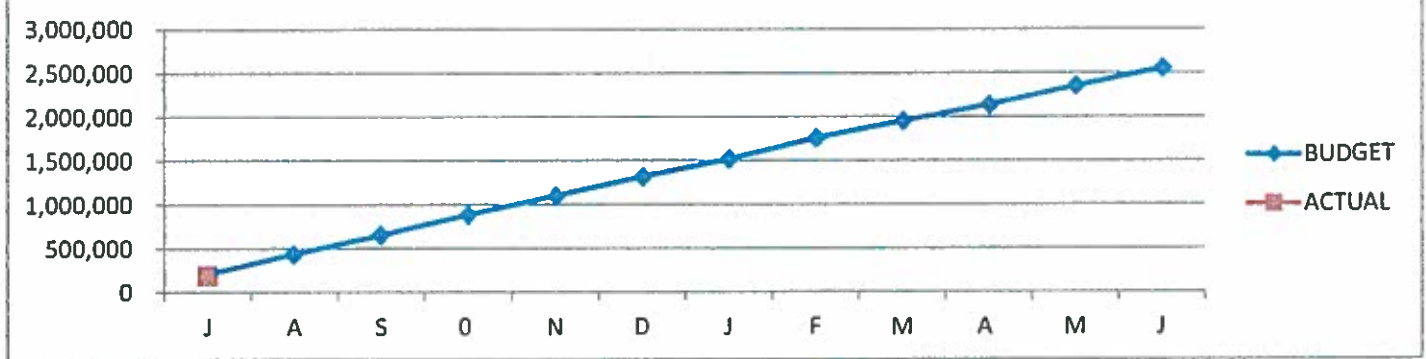
The gross receipts taxes are estimated from trend data and from economic analysis of the business activities in the areas of construction, wholesale, retail and service sectors. Combined, both the county-wide and the unincorporated gross receipt taxes collected through July total \$3.2 million and are \$40,240 above the budgeted amount of \$3.17 million. Total year-to-date collections were below the collections of the prior year by \$130,270 for the same time period.

**COUNTY-WIDE GROSS RECEIPTS TAXES
FY15 CUMULATIVE COLLECTIONS-BUDGET TO ACTUAL**



The unincorporated GRT collections total \$199,531 for the month of July and are \$95,795 above the prior year collections. The increase is mainly attributable to the enacted Fire Excise Tax which began receiving monthly collections in September resulting in an average monthly amount of \$100,000 to \$115,000. Through July, the Fire Excise GRT collections total \$99,603.

**UNINCORPORATED COUNTY GROSS RECEIPTS TAX
FY15 CUMULATIVE COLLECTIONS-BUDGET TO ACTUAL**



SUMMARY:

In summary, the property tax collections fell just below budget for the month of July. The GRT collections exceeded the monthly budget and fell slightly below the prior year's collections for July. Finance continues to work with independent audit staff to complete the audit of FY 2014.

VIII. Concluding Business

A. Announcements

B. Adjournment (Action Item)

