

DRAFT

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

April 12, 2011

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

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:15 p.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance, led by Maria Elena Montoya and State Pledge led by Victoria de Vargas, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

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

Members Excused:

[None]

V. INVOCATION

An invocation was given by Tim Gillmore from the Fire Department.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

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

KATHERINE MILLER (County Manager): Madam Chair, there are just a couple changes under item X. Matters from the Commission. Two items were added, items E and F. And then under Public Hearings item XIII. A. 3 is still tabled.

CHAIR VIGIL: Any other amendments from members of the Commission?

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

CHAIR VIGIL: I have a request to move up item E, under X. and item D, after item E. Would the maker of the motion be okay with that?

COMMISSIONER HOLIAN: Yes.

CHAIR VIGIL: Okay. Is there a second?

COMMISSIONER STEFANICS: Second.

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

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VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR VIGIL: There are just two items on that. Do I have a motion?

COMMISSIONER HOLIAN: I move for approval of the Consent Calendar.

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: Are the other Commissioners okay with that motion or do you need to ask any questions: Okay.

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

XI. CONSENT CALENDAR

A. Miscellaneous

1. Resolution No. 2011- Requesting Approval of Release of Santa Fe Farmers Market Institute LEDA Leasehold Mortgage Pursuant to Meeting Project Participation Agreement Requirements (Growth Management/Economic Development)

B. Budget Adjustments

1. Resolution No. 2011- a Resolution Requesting an Increase to the Capital Projects-Federal Grants Fund (305) to Budget for an American Recovery and Reinvestment Act (ARRA) Grant Received to Assist in Contamination Remediation at the First Judicial District Courthouse Site / \$382,000. (Community Services Department/Projects)

VIII. APPROVAL OF MINUTES

1. Approval of March 8, 2011 BCC Minutes

CHAIR VIGIL: Are there any changes to those minutes from any members of the Commission? Seeing none, what's the pleasure?

COMMISSIONER STEFANICS: Madam Chair, I'll move for approval of the minutes.

COMMISSIONER HOLIAN: Second.

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

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IX. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIR VIGIL: We're under Matters of Public Concern. These are non-action items. These are matters that are brought before the Board of County Commission that are items that are not included on the agenda. Are there any members in the audience who would like to address the cc on an item that is not a part of our agenda? Please indicate by raising your hand. I don't see any.

X. MATTERS FROM THE COMMISSION

E. A Proclamation Honoring Representative Jeannette Wallace for Her Outstanding Service as a Legislature at the New Mexico House of Representatives (Commissioner Vigil)

CHAIR VIGIL: Fellow Commissioners, the next item on the agenda we're all bringing forth because we've all learned about the recent death of someone who we all respected and admired and that's Representative Jeannette Wallace. With that I'm going to read a proclamation that we'll be taking action on today and allow the Commissioners to say a few words. This is a proclamation honoring Representative Jeannette Wallace for her outstanding service as a legislator at the New Mexico House of Representatives.

Whereas, Jeannette O. Wallace was born January 16, 1934 in Scottsdale, Arizona;

Whereas, she attended school there and grew up in a small farming community, and from an early age found joy in the Methodist Church;

Whereas, she received a degree in medical technology from Arizona State University in 1955;

Whereas, while in college, Jeannette Wallace met and married Terry C. Wallace and both later moved to Los Alamos in 1958;

Whereas, she raised five children before becoming a lobbyist for Los Alamos County, at which time she ran for State Representative, was elected in 1990 and subsequently re-elected every term;

Whereas, she was appointed to the House Appropriations and Finance Committee and served in that committee every term and was consistently appointed to conference and leadership committees;

Whereas, she also served in House Government Affairs and the Interim Committees of Legislative Finance, Legislative Council, Science and Technology, Government Restructuring Task Force and Radioactive Hazardous Materials;

Whereas, Jeannette Wallace expressed her commitment to her elected office by her constant and vigilant presence over all legislation and her presence and availability to all her constituents;

Whereas, she represented three Counties: Los Alamos, Sandoval and Santa Fe throughout her twenty years as a legislator, and always attended and participated in legislative events hosted by Santa Fe County, and in particular supported legislation that benefited Santa Fe County residents;

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Whereas, she was bipartisan in her representative capacity earning her the reputation of looking at issues before politics and thus known as an independent thinker;

Whereas, she worked tirelessly for her constituents and was committed to supporting projects she believed in such as middle school's curriculum of Lab Math and Science Technology;

Whereas, she was recognized as an outstanding legislator who looked beyond race, color, and gender by the "Flor de las Flores" award given by the Hispanic Round Table;

Whereas, she was also awarded the New Mexico Association of Counties' "Outstanding Legislator of the Year," the Community College's Association "Support Award," the Association of Commerce and Industry "Business Star Award," the "Tribute to Women" award, and many, many others;

Whereas, her unwavering commitment to the New Mexico Legislature was evident after she became ill during the session of 2011 that, despite her weakness, traversed her way through the Roundhouse into committees and on the house floor with her oxygen tank in tow; and

Whereas, we are saddened by her passing on April 9, 2011 and express our condolences to the family and friends of Jeannette O. Wallace, her husband Terry, her sons Terry Jr. and Tim, her daughters, Sheryl and Janice, nine grandchildren and one great grandchild.

Now, therefore, be it resolved by the Santa Fe Board of County Commissioners that Jeannette O. Wallace be recognized for her outstanding contributions as a legislator in the New Mexico House of Representatives; be acknowledged as a devoted public service and honored for her commitment to her family, her friends and her community. Signed and dated this 12th day of April, 2011.

I move for approval.

COMMISSIONER HOLIAN: Second.

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

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I had the opportunity to serve in the legislature many years ago when Representative Wallace was there, and the one thing I can indicate was that she had moderate positions and that she always paid attention to Santa Fe County. And while the majority of her district was not in Santa Fe County, she attended our functions, she also supported the legislation. So I just want to let her family know that Santa Fe County appreciates her being a partner with us. Thank you.

CHAIR VIGIL: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I greatly appreciate the respect the resolution brought forward that we just voted on. I just wanted to say I had the privilege and the pleasure of working with Representative Wallace as a staff person while at the County and at the state as well and had just a few brief months to work with her during the legislature. And one of the things that struck me when we had our legislative meeting was she

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stopped me and she tugged on my jacket and she said, Make sure you don't forget about all the communities throughout the county and especially help the communities and the seniors in those smaller communities. And I want to say that Representative Wallace was one of the first people to step up to ask and do whatever she needed to do to try and help the Village of La Bajada in their most recent water issue to get the governor's office to support and help with the initiative.

But the one thing that I would say that I think is a lesson that we all learn from from Representative Wallace is she knew that there was an election and a campaign. But she knew that at the end of the election and the campaign it was time to set aside partisan politics and partisan issues and do things in the interests of the community. She did that throughout her entire career as a legislator and she did it religiously and she helped the communities as has already been mentioned and for that I am very thankful and appreciative of her work and efforts and offer my condolences to the family. She truly is a loss to the citizens of her district and to the State of New Mexico.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I'd like to echo all those comments. I had the pleasure of also working with the Representative on various issues, particularly when it came to telecommunications and state fire related issues and she was always a champion for the greater good of all the State of New Mexico. She will be missed and she was always a pleasure to work with and she always had an open door policy and open ways of communication where you felt very comfortable any time you needed to go and speak with Representative Wallace. And, again, my condolences to the family.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, I did not know Representative Wallace personally but I certainly knew of her for a long, long time. She was a real institution in New Mexico politics and she was hardworking and she was respected. And I think that that respect went across political boundaries and political party lines. And I think that's saying a lot that she was so respected by people from both parties. So she will be a great loss to our community and my condolences to her family.

CHAIR VIGIL: I would just announce that services have been announced tomorrow from 10 to 3, Jeannette Wallace will be lying in state and services through her Methodist Church will be held Thursday. I think they begin at 10:00. They will be in Los Alamos and I believe it's the Immaculate Heart of Mary Church. But that kind of information will be provided by the newspaper under the obituary to get more exact information. That's the latest that I've heard. So anyone who would like to visit with her or the family tomorrow can do so at the rotunda from 10 to 3 o'clock. Thank you all.

X. D. Proclamation in Recognition of the Passage of the U.S. Fair Housing Law (Commissioner Vigil)

CHAIR VIGIL: There are two representatives from the Santa Fe Realtors Association, the board president, Joanne Vigil Coppler, and also Donna Reynolds who is past board

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president, and if you all would come forward and sit up front and Darlene, are you here? Please come forward too. I know you helped out with this, you and Rosemary. I'm going to read the proclamation and allow you to make any comments if you'd like for a brief period. We won't have this ready for you today because we still need to get some signatures so we'll send it to you.

Whereas, April 11, 2011, marks the 43rd anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended;

Whereas, the Act enunciates a national policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens;

Whereas, equal access to housing affects educational attainment, employment opportunities and access to healthcare; and

Whereas, the Santa Fe Affordable Housing Roundtable, Housing Trust, Homewise, Habitat for Humanity and the Santa Fe Area Home Builders Association as well as Santa Fe Association of Realtors, are committed to highlighting the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, supporting programs that educate the public about the right to equal housing opportunities, and planning partnership efforts with other organizations to help assure every American of their right to fair housing.

Now therefore, be it resolved, that the board of Santa Fe County Commissioners hereby proclaim the month of April 2011, as Fair Housing Month. In recognition of this important legislation the Board of County Commissioners begins a year-long commemoration of the US Fair Housing Law in Santa Fe County, and urges all citizens to wholeheartedly recognize this celebration throughout the year.

I move for approval.

COMMISSIONER HOLIAN: Second.

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

CHAIR VIGIL: Thank you very much for being here. Would you like to address the Commission? Joanne or Donna? Congratulations on your new presidency.

JOANNE VIGIL COPPLER: Madam Chair, members of the County Commission, the Santa Fe Board of Realtors would like to extend our appreciation to you all and to your staff for everything that you've done for our organization and for the citizens of Santa Fe County in assuring them fair housing. And we do work our hardest to make sure that the intent of the law and the spirit of the law is adhered to in our county. Certainly we have our eye on everyone and the citizens here to make sure that they have a home, whether they own or buy or rent a home that they can live in and live their lives. Thank you for everything.

CHAIR VIGIL: Thank you, Joanne. Donna, did you want to say anything?

DONNA REYNOLDS: I just would like to invite the public. We're having a home ownership fair this Saturday, April 16th at Santa Fe Place and we're certainly welcoming everybody to come out. We'll also have information there about some of the

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County's down payment assistance programs. And thank all of you for your support for the affordable housing dialogue that we've been participating in in the last year and a half. Thank you.

CHAIR VIGIL: Thank you so much. And perhaps at that event we can give you the proclamation framed, if there's a special event going on there. Would that work? Wonderful. Thank you, Santa Fe Realtors Association for your objectivity in providing forums to promote affordable housing.

X. A. Proclamation Proclaiming April 15-17, 2011, as Global Youth Service Days in Santa Fe County, (Commissioner Vigil)

CHAIR VIGIL: I do believe there are a couple of folks here for that. Christina Selby and Rachel Ellis, are you here? Hi. Are you Christina or Rachel? Great, Rachel. I'm going to read the proclamation; we'll give it to you and then give you an opportunity to say a few words. Santa Fe County has just recently become engaged in this project, particular for, I believe it's Earth Day, because Senator Nancy Rodriguez Center is going to be really a location for promoting that. So with that, Santa Fe's youth make important contributions to Santa Fe County's welfare everyday of the year; and

Whereas, the goals of Global Youth Service Day are to mobilize youth as leaders in identifying and addressing the needs of their communities through service and service-learning, to support youth on a lifelong path of service and civic engagement, and to educate the public, the media and policymakers about the year-round contribution of young people as community leaders; and

Whereas, Global Youth Service Day provides an opportunity for young children, teenagers, and young adults to position themselves as assets and resources, active citizens and community leaders and for schools, community organizations, faith-based organizations, governmental agencies, businesses, and families to engage youth as leaders and problem-solvers; and

Whereas, young people should be viewed as the hope not only of the future, but also of today, and should be valued for the optimism, energy, creativity and commitment they bring to the challenges found in their communities; and

Whereas, through community service, young people build character and learn valuable skills, including time management, teamwork, needs-assessment, and leadership, that are sought by employers;

Now therefore, be it resolved, that we the Board of Santa Fe County Commissioners hereby proclaim April 15th –17th, 2011, as Global Youth Service Day in Santa Fe County.

In recognition of this important annual campaign the Board of County Commissioners call upon all citizens to join in expressing their sincere thanks, gratitude and appreciation for the many long hours of outstanding community service that our children and youth provide throughout the year.

I move for approval.

COMMISSIONER HOLIAN: Second.

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

COMMISSIONER HOLIAN: Did you want to say a few words about the event that you're sponsoring? Just state your name and address for the record.

RACHEL ELLIS: My name is Rachel Ellis and I'm speaking here today on behalf of Earth Care. My address is 2900 Vista Bonita, and that's in Santa Fe. I would just like to thank the Commission on behalf of Earth Care and the youth of Santa Fe for recognizing the importance of youth contributing to our community. And GYSD or Global Youth Service Days is actually the largest service event in the world and it's celebrated in over 100 countries. So this Saturday, in addition to about 20 other projects that are going on in these next two weeks we have our big Earth Day Event and it is at the Nancy Rodriguez Community Center from 9:30 to 2:00. It's a place where families and youth can come together to serve the Santa Fe community.

We partner with the City, the County, the Santa Fe Public Schools, Roots and Shoots, which is another non-profit and the community farm to do a variety of service work on that day. Thank you.

CHAIR VIGIL: Thank you, Rachel. Do we have anyone that will be able to take a photograph for this? We'll go ahead and send this to you then, okay? Thank you so much for being here.

X. B. A Proclamation to Recognize April 25- May 1, 2011 as Multiple Sclerosis Awareness Week (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Madam Chair. I would like to read the proclamation first and then say a few words, and then call Teresa Martinez up to say a few words because she is playing a very important role in an event that's happening in Santa Fe this month.

Whereas, multiple sclerosis is a chronic and disabling disease of the central nervous system in which the progression, severity, and specific symptoms cannot be foreseen; and

Whereas, every hour of every day someone new is diagnosed with MS; and

Whereas, multiple sclerosis is the most common progressive and disabling neurological condition in young adults; and

Whereas, approximately 2.5 million people worldwide have multiple sclerosis; and

Whereas, 400,000 people in the United States have MS; and

Whereas, the average age of clinical onset is 30 to 33 years of age, the average age of diagnosis is 37 years of age, and the average time between clinical onset of MS and diagnosis by physicians is four to five years; and

Whereas, the risk of contracting MS if a first-degree relative – that is father, mother or sibling – has the disease, is approximately one to three percent; and

Whereas, there is no known cure for MS at this time. However, there are therapies that may slow the disease; and

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Whereas, although the disorder is chronic and incurable, life expectancy can be normal or almost normal; and

Whereas, most people with multiple sclerosis continue to walk and function at work with minimal disability for 20 or more years; and

Whereas, the National Multiple Sclerosis Society of New Mexico has been committed throughout the years to heightening public knowledge and insight about this devastating and disabling disease; and

Whereas, last year along the National Multiple Sclerosis Society of Santa Fe had 125 people that participated in the Walk MS and raised \$22,300; and

Whereas, the National Multiple Sclerosis Society of Santa Fe has a goal to get 150 people to participate in Walk MS this year and raise \$25,000 or more; and

Whereas, finding the cause and developing a method of prevention for MS is an important task that all Americans and New Mexico residents should support;

Now, therefore, be it resolved by the Board of Santa Fe County Commissioners, by this proclamation, we recognize April 25 – May 1, 2011 as Multiple Sclerosis Awareness Week.

I think that you would be surprised at the people you know who have MS. It's a very common disease; about one in 1,000 people have it. Sadly, it hits people in the prime of their life. It's most common to be diagnosed when you're in your late twenties or early thirties. But there is good news out there, because thanks to research that has been funded partly by organizations like the National Multiple Sclerosis Society there has been a lot of progress made. There are now drugs that are out there that allow most people with MS to live nearly normal lives, and you probably can't even tell that they have MS. But I think it's important to remember that what has been done is still not a cure. There is more research to be done and I have read that this is one disease that the researchers and the doctors think really can be cured, so we really can't let up now. I would especially like to thank Teresa Martinez and Evelyn Valencia because they are involved in spearheading a very successful effort to organize Walk MS in Santa Fe this year, and I know Teresa has been doing this for at least three years, maybe more. So Teresa, could you say a few words?

TERESA MARTINEZ (Finance Director): Sure. I happen to get involved in this because I lost an aunt to MS and I have a sister-in-law who is affected by MS right now. But the scary thing, or the good thing, getting involved in this is when I went around countywide asking for help we have a lot of our own employees that are either inflicted with MS or have family members that are affected by it, or have lost family members to it. So I'm really proud for the organization that we work in. Everybody steps up and helps. We have fundraisers and everybody wants to volunteer and contribute. So I just think it's a good organization. We don't realize how lucky we are until we see the impact that this has on a person's life.

They did an MS Awareness Day at the legislature this year and it was really hard to get there. I complain I'm tired. My back hurts. But you see a woman who's probably in her forties, has a three-year old and her daily decision is to whether or not she goes to work that day, or she makes time to play with a child for an hour on the floor, in hopes that she can get up off that floor when she's done playing with her child. So you take life for granted until you see people like that. So just thanks for doing this, thanks for recognizing it, and thanks to all the County employees for helping us.

COMMISSIONER HOLIAN: So, Teresa, do you want to talk about Walk MS, when and where?

MS. MARTINEZ: Walk MS is on April 30th. We're doing it at the De Vargas Mall. We'll start on the Starbucks side, if you will, at 9:00 am. We'll be there from 7:00. We'll have coffee and danishes. People will register. We have a lot of donations by way of medical expertise, counselors, things like that. We have someone who's volunteering massages for the walkers after the walk this year. We will also have breakfast burritos. We will have a choir there for the National Anthem. We will have a color guard this year so as we do it more years we get a little bit better and we see a little bit more. Our registration is down this year, but our donations are holding up. So we're hoping to recruit some more walkers. So April 30th, 9:00 am, De Vargas Mall. And we're doing it at the De Vargas Mall this year to be in conjunction with the St. Vincent's Women's Health Fair. So we're hoping we'll draw a lot more attention and more walkers and more people to the cause.

COMMISSIONER HOLIAN: Okay. Thank you, Teresa. I move for approval.

COMMISSIONER STEFANICS: Second.

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

X. C. Resolution No. 2011-50, a Resolution to Celebrate National County Government Month (Commissioners)

CHAIR VIGIL: Did you want to read this, Commissioner Stefanics?

COMMISSIONER STEFANICS: Thank you, Madam Chair. By way of introducing this resolution, every year the National Association of Counties recommends or has April as a National County Month. And this year it is especially designated to recognizing our veterans, armed forces, and their families. So to read the resolution: A resolution to celebrate the month of April 2011 as National County Government Month, serving our veterans, armed forces and their families.

Whereas, the nation's 3,068 counties provide a variety of essential public services to communities, serving more than 300 million Americans; and

Whereas, the County and all counties take seriously the responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

Whereas, the County honors and thanks our residents who have served this country through military service; and

Whereas, county government delivers many important services to America's veterans, military service members and their families, including physical and mental health, housing, employment and justice; and

Whereas, the National Association of Counties is the only national organization that represents county governments in the United States; and

Whereas, the National Association of Counties has encouraged counties across the country to actively promote their own programs and services; and

Whereas, the County and the National Association of Counties are working together to restore the partnership among all levels of government to better serve American

communities;

Now, therefore be it resolved that the Board of County Commissioners hereby declares the month of April 2011 as National County Government Month and encourages all county officials, employees, schools and residents to participate in county government activities. Passed, approved and adopted, hopefully on this 12th day of April, 2011, and again, with a special note to our veterans and armed forces.

I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Okay.

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

X. F. Presentation From Santa Fe – Pojoaque Soil and Water Conservation District Regarding Flood Control Structures in the Northern Santa Fe County. (Commissioner Mayfield)

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I'd like to introduce Mr. José Varela López, who's the chairman of the Board of Supervisors. You all may know Mr. Varela López. Madam Chair, Commissioners, the Commission in the past and has continued to afford some assistance to the Santa Fe – Pojoaque Soil and Water Conservation District in means of funding and I believe those funds come through some either state or federal grants and I believe the Commission recently, as of two weeks ago or three weeks ago passed a resolution to support some funding of this. And Mr. Varela López if you care to give your presentation that you asked to do.

JOSÉ VARELA LÓPEZ: Thank you, Commissioner Mayfield. Good afternoon, Madam Chair and Commissioners. As Commissioner Mayfield said, my name is José Varela López. I'm the chairman of the Santa Fe – Pojoaque Soil and Water Conservation District and we are a political subdivision of state government much like county government is. Our district is basically the northern two-thirds of Santa Fe County, a little sliver of Rio Arriba County, and all of Los Alamos County. And our mission and function is to prevent soil erosion and in the case of what I'm going to talk about today is flood control. Our particular district has seven flood control structures that are located above Chimayo, Santa Cruz and Cuarteles, and the structures were built in the early 1960s and at that time the primary mission of the flood control structures was to provide relief from sediment damage to the irrigated fields that were in that area at the time. There are still irrigated fields in the area, however, today we also have a population of people somewhere between 4,000 and 5,000 people in that corridor.

So the dams, instead of providing protection from irrigated crop land as they were in the past they now protect people. And on the hand out that you have, on the first page, it says high hazard structures. That doesn't mean that they're in poor condition but it means that there's people that live below them and that's why they're called high hazard structures. So basically, I just wanted you to be aware of the fact that these structures are there. It's a unique

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circumstance in that the majority of these structures lie in Rio Arriba County, just across the line from Santa Fe County, but the people who are most protected are the people in Santa Fe County.

I know that a lot of times you have maps and everything else showing the county boundary and you don't know what's on the other side of that so I thought I would bring it to everybody's attention that there are flood control structures on the other side of that invisible line that protect the residents of Santa Fe County. And also I wanted to say that our district very much appreciates the monies that the County has given us in the past. Those monies are used annually to do operations and maintenance on those dams. While it is not adequate for our needs we are very grateful because normally we have no other funds by which to do the operations and maintenance on those structures. We have tried for several years to garner funds from Rio Arriba County but we have been unsuccessful to day. We know that those structures are very important to the people who live in those communities and therefore we try to address the issues as thoroughly as possible in regards to the maintenance of the dams.

I guess on the last page, on that colored map, you can see the dams right there above Chimayo, and I think it's a really good aerial photograph that gives you the benefit of seeing how important those structures are to the people of that area. Instead of belaboring anything else there is a general description of the dams and it tells you their purpose and everything else so with that I guess I would stand for questions if the Commission has any questions.

CHAIR VIGIL: Questions? Commissioner Holian, then Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, José, for the presentation. And have those dams ever been studied for their vulnerability to earthquakes?

MR. VARELA LÓPEZ: They have not, Commissioner Holian.

COMMISSIONER HOLIAN: Do you have any idea about that?

MR. VARELA LÓPEZ: Commissioner Holian, I do not, but if you notice on the map, the dam that's called Site 1, that one is currently being studied for rehabilitation. It's already gotten to its 50-year life cycle and it has a lot of sediment in it, so our aim is to rehab that. And I can ask the federal agency that works with us, NRCS, if they would be willing to add that to the list of things that they look at when they do the plan and design for that particular dam. That would give us an answer for the remaining dams as well.

COMMISSIONER HOLIAN: And it also seems like it might be a good idea to talk to the community that's right below the dams about having a plan in case there were an earthquake and water would be released suddenly – a plan for evacuation.

MR. VARELA LÓPEZ: Commissioner Holian, yes, by state law we are required to have emergency action plans for all those dams. The ones that we have are not up to date with the County's new regulations but since we have more than five dams we are allowed another year or two to come up with an emergency action plan. However, I would let you know that we are going to engage the community, the greater community of Chimayo sometime later this spring because a lot of money is spent needlessly putting reels across the faces of the dams where we get damage from four-wheel drive vehicles and ATVs and also cutting of fences and other trespass. So we need to engage the community. I think a lot of people don't realize that those dams are there for their protection and we are going to engage

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them and let them know the purpose of the dams and also to ask for their assistance in trying to keep traffic off the face of those dams because all we need is one storm and we can create a problem on the face of the dams that will grow over time and it costs a lot of money to fix even small erosion problems.

COMMISSIONER HOLIAN: Absolutely. Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Commissioner Mayfield for bringing forward the presentation. Thank you, former Commissioner López for your continued work. I fully support the work of the Soil and Water Conservation Districts that serve the State of New Mexico and the work that you do beyond flood control. Many other things that you do as a district. Could you just touch on a few of the things? I know you've done some work in our bosques in the community as well. I appreciate this presentation but could you just touch on a few of those things? I know the County has worked with you in the past on partnership work.

MR. VARELA LÓPEZ: I'd be glad to, Commissioner Anaya. Madam Chair, Commissioners, apart from what I explained earlier about controlling erosion and flood control structures the districts also do a lot of work in riparian areas and other areas to both control – maybe it's juniper, where you want to have grass instead of junipers, or along the Santa Fe River for instance we did one project for Santa Fe County several years ago on the County's open space property. We took out the invasive trees to get that stretch of the river back to a healthier state. We also did another project two years ago in La Cienega right across from Rancho de las Golondrinas, at your open space property called Los Carrizales. We took out invasives there as well. That was quite a task. It was only five acres but it's very steep terrain and you have springs out there and everything else that we noticed as we were moving along with the project. So those are some of the things we've done recently. We also are trying to do a couple of additional projects with federal funds along the Santa Fe River later on this year and like I mentioned earlier, we are the northern 2/3 of Santa Fe County so we do do projects as money is available in the Galisteo Watershed and up for the irrigated land and acequias up near Pojoaque, Nambe, and those areas.

So yes, we do a whole lot of things for a whole lot of people and we're kind of under the radar most of the time because money is so tight but basically the districts all along have had a partnership with private people and we're kind of a way to get federal monies on the ground, because you can funnel federal monies through a soil and water conservation district to a private person. So we're basically – we don't promote ourselves. We just have that mindset of getting work accomplished on the ground.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Thank you very much for the presentation. The invasives you were talking about – were they salt cedar or something else?

MR. VARELA LÓPEZ: Commissioner Stefanics, yes. Salt cedar, Russian olive, those type of trees.

COMMISSIONER STEFANICS: And do you primarily burn? Do you use chemicals? What do you do to eradicate them?

MR. VARELA LÓPEZ: Madam Chair, Commissioner Stefanics, it depends on the terrain. Sometimes we can burn the piles, if we can get the material out. If there is easy access to the material we can take a chipper, chip it and spread the chips on the ground. Or it can also be cut up and people can use it for firewood. So there's a whole gamut of things that we do depending on the terrain.

COMMISSIONER STEFANICS: But I'm more or less asking about the first step, like how do you eradicate them? Do you – are you using chemicals? Are you pulling them? Are you burning them out of the ground? What are you doing?

MR. VARELA LÓPEZ: Madam Chair, Commissioner Stefanics, it all depends on what the prescription is and it also depends on the terrain. If the terrain is relatively flat and we can get in sometimes we use mechanized equipment. We have large equipment that a contractor would have that we would contract with and they would pull the trees out, root-ball and all. And then they would be masticated by a large machine. In some areas where we cannot get any machinery in there we do what we call cut-stump, which is cutting the tree and then treating the stump with chemicals and depending on where you are, if you're near water or away from water you can use different chemicals. Most of the time we do not use chemicals; only in areas where it has to happen.

COMMISSIONER STEFANICS: Well, thank you. I know that it's been an ongoing problem so that's why I was asking if there was any new solution.

Back to the dam sites. In this particular dam and others, are they mostly earthen or have they been upgraded to cement or what are the materials the dams are made of?

MR. VARELA LÓPEZ: Madam Chair, Commissioner Stefanics, almost all the flood control dams, 100 or so that are in New Mexico are all earthen dams. Some districts who actually have created watershed districts garner a couple of mils from the people that live below the dams and they have been able to basically put cobble over them to ensure that their lifespan is longer than it normally would be. With these dams, the soils above Chimayo are highly erosive so that's why it's important to keep them intact and people off of them because the native material was used to do those earthen dams so they're very fragile.

COMMISSIONER STEFANICS: Well, thank you very much for your presentation. I just have more questions. I'm wondering if our federal government is spending enough time eyeing some of these dams and putting some resources into upgrading them, but I truly appreciate the need for resources. So thank you very much for the presentation.

MR. VARELA LÓPEZ: Madam Chair, if I could just answer that. On Site 1 we have gotten a commitment from the federal government to put in about \$1.3 million and we have come up with \$200,000 approximately through the state legislature to rehab that one particular dam. Right now though, with the budgetary crisis nationwide we're at a critical juncture because one of the programs that is proposed to be cut now is the watershed projects, which is a federally funded thing of several million dollars per year. So if that were to happen there would be no more work on any of these dams nationwide.

COMMISSIONER STEFANICS: Thank you.

CHAIR VIGIL: Thank you. And let us know if there's anything we can help in gaining support from the federal government. Thank you very much. Thank you,

Commissioner Mayfield for bringing this forward.

If the Commission will bear with me, I did want to go into Matters from the Commission, but there is an item that we need to listen to before we take a break and that's XII. B under Finance Department.

XII. B. Finance Department

- 1. Resolution No. 2011-51, Authorizing the Issuance and Sale of the Santa Fe County, New Mexico General Obligation Improvement and Refunding Bonds, Series 2011, in the Principal Amount of \$17,500,000 Payable From Ad Valorem Taxes Levied on All Taxable Property within the County, Awarding the Bonds to the Best Bidder [Exhibit 1: Pricing Book; Exhibit 2: Resolution Text]**

CHAIR VIGIL: Mr. Franklin, are you going to be presenting this?

PETER FRANKLIN (Bond Counsel): Madam Chair, Kevin Powers and I will walk this through.

CHAIR VIGIL: Very well. Thank you. Kevin, you can go ahead and get started if you're ready.

KEVIN POWERS (Financial Advisor): Thank you, Madam Chair. My name is Kevin Powers. I'm with RBC Capital Markets down in Albuquerque and I am the County's financial advisor. We have some very good news here this afternoon. The County conducted a sale of bonds this morning according to the notice of sale that you approved last month and at that sale you received 12 bids on your bonds. On page 1 of the handout we have an overview of the transaction. Just to refresh your memory the bond sale was \$17.5 million. \$16.5 million was new money and \$1 million of that was a re-funding of some 2001 bonds that had interest rates that were higher than currently in the market and we were able to take advantage of a lower interest rate environment.

The average life of this bond issue was a little over seven years. The ratings on the bonds are triple-A by Moody's, double-A plus by S&P. You don't need credit enhancement with those kinds of ratings. The net interest cost to taxpayers on this transaction will be about \$4.2 million over the life of the bonds. There was a premium bid on the bonds of \$225,000. The true interest cost, that's the method we use to determine the best bid, was actually 3.12 percent, which is very favorable.

The current tax rate to support you GO bonding program is 1.896 mils. The result of the re-funding is a savings of about \$214,000 over the life of the bonds. That's a 5.6 percent PV savings ratio and typically, with re-fundings, if you can get 3 percent PV savings you feel good about the re-funding, so we almost doubled that here. So that's a very good result.

Just a little bit about the ratings. The County has two excellent ratings, double-A plus from Standard & Poors is the second highest rating available; triple-A would be the highest. The Moody's rating of triple-A is the highest rating. When the County last sold bonds in 2009 and again in 2010 the Moody's rating was double-A-1. Moody's actually went in and recalibrated its rating scale, resulting in the County's rating going from double-A-1 to triple-

A. So the combination of the triple-A by Moody's and the double-A-1 by S&P really helped the County achieve the very low borrowing cost. It's also, it bears mentioning here that the County has done a very good job over the last few years dealing with the economic downturn matching expenditure levels to the adjusted revenue levels, so the rating agencies took note of that and maintained the ratings at these levels.

In the market today you are definitely rewarded for having a strong rating. Bond buyers are very much interested in good solid credit with high credit ratings. So that was very, very important in the sale.

On page 2, we just have an overview of the page on the website that was used for the bidding. We used the same process that's been used over the last five years or so for County bond sales.

On page 3 we have a listing of the brokerage firms, banking institutions throughout the country that had indicated an interest in bidding on the bonds and there were 16 bidders that had indicated an interest.

On page 4, the next page, we actually have the page that shows the bids that were received. Piper Jaffrey was that best bid that resulted in a TIC of 3.12 percent. Wells Fargo was number two with a 3.18. Hutchinson Shockey was number three at a 3.2. There were actually 12 bids submitted and that's a very, very, very solid showing and an indication of how well your bonds are received in the market place.

Page 5 is a little bit of a number of things here but primarily what we're measuring is how closely your bonds sold to the triple-A index. It's an index that's used in the industry to kind of gauge sales. You were very close to the triple-A index on this sale which is an accomplishment. And I think one thing that I'd like to point out here is that the bottom number down here, the per-bond spread of \$1.32 per bond is really a very, very nice number. It's a very small number and it indicates that you were able to sell your bonds at a very low cost. So that not only was the rate low but the cost that was passed on by the purchaser to the County to sell these bonds was extremely competitive, once again another indication and a result of the 12 bids so it was a highly competitive sale.

On page 6 we've listed the more recent sales of the County's GO bonds and this one certainly stacks up very well. Obviously, you can't control the market. We try to put you in a position to be in the market at a good time. It turns out that today was a pretty good day. If you are in the stock market it wasn't a good day but usually the stock market and the bond market go in opposite direction. The stock market was down the bond market was actually up today, so you were in the market on a good day.

But you can see here, if you compare these TIC rates across the bottom there, one of the things you have to look at is the structure of the bond issue and if you just go back to 2009 when we sold bonds back then you had an 8.3-year average life on that bond issue and you received a 3.58 percent TIC. This transaction was a little shorter; it had a seven-year average life, but the TIC was considerably lower at 3.2.

We've included some additional information, some more detailed information in the back on the ratings. We actually have included the rating reports that were produced by Moody's and S&P for your information, and we've also included the detailed number runs that we use to determine the total repayments and the benefit of the refunding. And with that I

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would stand for any questions you might have on the numbers side of it and then turn it over to Peter to work through the process of actually adopting the paperwork to accomplish the sale.

CHAIR VIGIL: Okay. Go ahead, Peter. I don't see any questions thus far.

MR. FRANKLIN: Madam Chair, members of the Commission, I'll just be very brief. The resolution before you awards the bonds to Piper Jaffrey as the lowest bidder for the bonds. In other words the bidder that submitted the bid that is the lowest cost to the County. I'll just point out that on pages 3 and 4 of the resolution you'll see a table which indicates, as far as the new money portion, how the proceeds of the bonds are going to be allocated to open space, roads, fire safety facilities, water projects and waste transfer stations. The rest of the resolution really gives details about what will be required to close the transaction, indicates that the bonds are payable from ad valorem property taxes collected by the County.

In Section 9 on page 20 you'll see a breakdown of how the re-funding portion of the transaction will be carried out. It's actually – that language appears on page 21, indicating that a million dollars in principal amount of the bond shall be applied to the refunding of the 2001A bonds, along with \$30,239.87 in premium, which was generated by the sale of the bonds, and \$2.9 million in cash that has already been accumulated for payment of debt service on those 2001A bonds.

So the reason I'm pointing out these details is I didn't want anyone to be confused about the fact that we're issuing a million dollars in re-funding bonds to re-fund \$3.8 million in old bonds. That's how we accomplished that. And I'd be happy to try to answer any of the questions.

CHAIR VIGIL: Any questions? Seeing none, what's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I move for approval of Resolution No. 2011-51, authorizing the issuance and sale of Santa Fe County, New Mexico general obligation improvement and re-funding bonds, Series 2011.

COMMISSIONER STEFANICS: I will second.

CHAIR VIGIL: I have a motion and a second. Is there any discussion?

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

CHAIR VIGIL: Motion unanimously passes. Thank you, gentlemen.

MS. MILLER: Madam Chair.

CHAIR VIGIL: Yes.

MS. MILLER: Could I make a comment on this? I'd just like to comment the Finance staff and others in the County that have worked hard to make sure that Santa Fe County's bond rating is as high as it is. It's really commendable to note on the first page of the overview the Moody's triple-A rating and the S&P double-A+ rating. Truly you can't get any higher than that with Moody's and with S&P. Actually, we were just talking about this,

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Kevin and I were talking, that the only thing that keeps us probably from having a triple-A rating with S&P is income levels in the area in the state, something which the County doesn't have control over. But as far as ratios and all the fiscal management practices put in place at Santa Fe County you really can't get better than that. So I think the staff needs to be commended for how much work they do in this area.

CHAIR VIGIL: Thank you, Katherine. Thank you, Teresa. Please extend our congratulations for the hard work and the dedication and commitment our staff has to make this happen. Appreciate it. Thank you very much.

X. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: Commissioner Anaya, do you have any matters?

COMMISSIONER ANAYA: Thank you, Madam Chair. Madam Chair, I'll go through these and then if Manager or staff want to follow up or some of them may have some work to look into. First item, La Bajada does have running water again through their pipes, which is a good thing, but they still need assistance to insulate and secure that pipe so it doesn't freeze again. So I'd like to – I know, it's my understanding there's another meeting this week some time. I'd like to follow up on that.

For Mr. Martinez from Public Works, I have had a few requests on brush alongside County Road 42, was the one that I got a call on yesterday and an email that I'll forward to you and the Manager. But I guess a general request would be in the course of our regular work along County roads if we could address the concern about fire hazards. But I will forward that email to you.

If I could, Madam Chair, I'd like to get an update briefly from Mr. Guerrerortiz on the transfer station on 42. I know that we were going to – it was my understanding that we were going to get a bid under construction in this current construction season that we're in so if I could get a brief update I'd appreciate that.

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, Commissioner Anaya, the transfer station is this close to being advertised. Right now it's in the final review in both procurement and the Legal Department. So we should have it, if not towards the end of this week some time next week in the newspapers.

COMMISSIONER ANAYA: Madam Chair, Mr. Guerrerortiz, I appreciate that. I know that a lot of the constituents on both my end and Commissioner Stefanics' constituents are excited about seeing that get under construction and it's also something that former Commissioner Anaya has expressed an interest in. So I thank you for that. So we're still on track to have that under construction in this construction season?

MR. GUERRERORTIZ: It is going to be under construction this season and we are very excited about this too. It's been a long way coming. Seeing it out there it's going to be very exciting. And we will extend invitations to people who have been part of the process in the past and would like to be at the ceremonial, first shovel of dirt out, which will happen within the next couple of weeks.

COMMISSIONER ANAYA: I appreciate that, Madam Chair and Mr.

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Guerrerortiz and Ms. Miller, if you'd like to comment. You and I had a conversation probably about a month ago, in conversations with people out in the community of Stanley at the transfer station, now with the change of time we have a lot of people that get home at the end of work and because of travel time it takes them an hour to get home. By the time they get home they never have an opportunity to go to the dump, to the transfer station.

And so, Ms. Miller, you and I had that brief conversation. I don't know if you've had a chance to share with Mr. Guerrerortiz, but I suggested and I've been getting some feedback on the community from, in the summer months, trying a pilot project of extending the hours and going to a four-day schedule in the southern part of the county to see how that works so that when people get home from work they would have an opportunity to go to the transfer station. So, Ms. Miller, your thoughts?

MS. MILLER: Madam Chair, Commissioner Anaya, actually Pego and I talked about this at length and we've gone back through a couple of things. There are some issues with going to four tens relative to the union and also schedules with other transfer stations. But we're looking at a couple of alternatives particularly there, looking at later hours, so even if we had it still be a five 8-hour day work week, looking at having later hours and trying some different schedules along that like. We actually had gone through a few iterations on different schedules over all on all the transfer stations and different staffing due to a variety of issues, and Stanley in particular trying to accommodate your request and looking at either the four tens or adjusted hours of operation that are later in the day.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, I appreciate that and I guess a follow-up to that, is it a restrictive clause in our union agreement that doesn't allow it, because I guess my request as a Commissioner to the union negotiation team would be to engage in some discussion with the union about – with the union and the employees. I did get some general feedback from some of the County employees out there and it wasn't a poll of everybody but the people that work there, in Stanley, typically said, hey, we'd be willing to look at it but I understand we're under the contract. So I would just ask that maybe you and the team bring that up as a discussion item.

MS. MILLER: And Madam Chair, Commissioner Anaya, we haven't set that in stone; it's just one of the considerations that if we shift types of work schedules we have to work with the union on that. So if we are unable to do that then we would look at at least adjusting the hours so they're more evening hours. So it was kind of an either – we're going to try one, if we can't make that work with other schedules of employees and with working on the union on that, then we would at least work on adjusting the hours of operation to be more accommodating to the evening.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, I appreciate that very much. Mr. Guerrerortiz, your thoughts and deliberation on that. I know there's been many other discussions on other options for solid waste, so I appreciate those efforts as well.

Another item that I had, Madam Chair, request for you, Ms. Miller and Mr. Martinez from Public Works. Former Commissioner Anaya who is now the Assistant Land Commissioner for I believe surface land at the land office is working on a – per work and direction of the State Land Commissioner Powell, is working with all the counties throughout the state on easement issues that are always coming up relative to access through State lands

and he's assembled a group of people statewide, counties that are working through that particular initiative.

So I would ask, Ms. Miller, if you could follow up with Commissioner Anaya as well as Mr. Martinez and have some presence and participation in that initiative. I don't know all the crux of it but from what I understand it's going to be something beneficial to counties and local governments relative to easements and access and work that goes through state land.

Another comment that I had, once again, Public Works, Mr. Martinez, in the Village of Galisteo and I think I heard in the hallway, if you will, that there may be other people bringing up concerns about equipment parked in various areas. Maybe at some point you could visit with Manager Miller and give me some feedback on that. I got a specific request that in the Village of Galisteo next to the community center they're concerned about the equipment. So I know it's a logistical thing and that if you have to relocate equipment back to the yard every day that could cost us a lot of money and time. But what are your immediate thoughts on that? And I'd be willing to engage in discussions with you and Ms. Miller on how we might be able to find options. I think up north it's something that's coming up as well, is my understanding from comments that Commissioner Mayfield has made to me as well. So I would think it's countywide. So what are your thoughts on that particular issue?

ROBERT MARTINEZ (Public Works Director): Madam Chair, Commissioner Anaya, that is correct. We typically park the equipment at community centers or fire stations when we're out in a particular area doing blading or any other type of maintenance so we don't have to road the equipment back and forth to the Public Works facility. Since Public Works main facility moved further away from some areas it's harder for us to move this equipment back and forth regularly. We were approached by a resident in the Eldorado area, as a matter of fact near the transfer station and fire station willing to work with the County to provide another yard there, so we're exploring that. But we do rely on these community centers of fire stations to park equipment.

In the future we've told the people that are in charge of the community centers if they have an event or a function going or scheduled to let us know in advance and we will make sure that we do not park the equipment because we understand the concern about kids playing on the equipment. We don't want anybody to get hurt and the County be liable for that. But we can definitely make sure that we don't leave equipment if it's posing a problem at these sites.

COMMISSIONER ANAYA: Madam Chair and Mr. Martinez, I see and understand the importance of having the ability to put up equipment in different places and I would just ask you and Ms. Miller to, as we're getting into our capital planning and discussions on yards to take a look at that throughout the entire county. I think it's beneficial and there may be other landowners that might be willing to either let us use the land or maybe that's something that's something that's part of our capital package to talk about, acquiring some properties, not for full blown yards but at least fenced-in areas that are secure. So I appreciate the follow-up on that.

Madam Chair, a couple more items. Another item that I have brought up before that I would like to get a status on is the code. I'm getting a lot of people that are asking for more information on the code itself and the draft. I know that we have, from my understanding,

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going back through the minutes, we had a discussion about a process but I think in reading those minutes we also articulated that we'd like to see what we've drafted thus far. So as one Commissioner sitting up here I'd like to see what's been drafted thus far with the code and then get an update on the process of what we're going to do to make sure we engage the public.

I know Mr. Kolkmeier presented that we're going to start in the south this time on the hearings but as soon as we can get information out to the public on the code that is appreciated. So Madam Chair, Ms. Miller, if you could comment on the code and what's been drafted and if you could provide copies of that to the Commission that would help us understand where things are at.

MS. MILLER: Madam Chair, Commissioner Anaya, I think at the end of the month we'll have Jack make a formal presentation of what are we on. The reason we haven't released anything as I said before, once there were lots of things that were being drafted in the code but then as the plan rewrite or work-up on the code stopped as we went into the final stages of writing the plan and adjusting the plan right now it would be pointless to release any drafts of the code that have not been reviewed and reread for consistency with the plan as it was adopted at the end of the year. So that's what staff is working on is trying to go through the code and make sure that it aligns with the plan as it was adopted and then go through technical review and then as it has completed its technical review, then we release that to you and to the public. Because right now it would be inconsistent and incorrect and you'd be making a lot of comments on things that we know are not consistent with the plan.

So Jack is going to do a formal presentation to you of the schedule and where we will be with all of that and when we will be releasing pieces that have actually been reviewed for – drafted, consistent with the plan, and gone through the technical review and ready for public comment. So he'll be doing that at the end of the month.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, to get into the discussions or the detail of what's happened thus far, not for release until it's as you said, it would be pointless. As a Commissioner I'd like to see what's been drafted. Is it best for me to sit with yourself or Mr. Ross to be able to see what we have thus far?

MS. MILLER: Madam Chair, Commissioner Anaya, you could I guess say sit with Mr. Ross, but I haven't even gone through it because I know that it's changing as we're actually trying to make it consistent with the plan. So they've been working on a fairly regular basis every week, dedicating hours to try to get that consistency in place before releasing it but I think we could probably work with Penny or with Steve on where we are if you want to look at the technical side of it right now.

COMMISSIONER ANAYA: Thank you, Madam Chair. One last comment. I very much appreciate the work of everyone and staff and for those County committees I haven't had the opportunity of visiting yet, I'll be visiting you soon. We've already started meeting with community leaders through out the district and will continue to do that. But I do appreciate the work of the communities. I do appreciate the work of staff. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. A few brief

things. The Vista Grande Public Library celebrated its tenth anniversary this past Sunday and they are now serving several communities: Pecos, Glorieta, Canoncito, Ojo de la Vaca, the 285 Corridor, Lamy, Galisteo, Eldorado and new subdivisions. This is the first year that the numbers of users of the library are not the majority of Eldorado residents; they are the surrounding areas. And I've asked the library to provide those statistics specifically to Commissioner Holian and Commissioner Anaya but we'd be happy to give them to all of you. But they remembered their founders and a few of their original founders came, and they also remembered the County staff that helped them purchase the equipment that went into that building. Just as a reminder for everyone, that is a County-owned building. We do provide the maintenance, but it is a non-profit. The library is a non-profit. They have one staff person and everybody else is a volunteer.

So I would say at the event there were maybe 75 to 100 volunteers and residents who came who were very interested in helping to celebrate so I congratulate them very, very much.

The next thing is, in the Sunday newspaper there was mention, and I think this deserves a proclamation and I will do something for this person. Roni Rohr is an art teacher at the Eldorado Community School, and she was recently presented with the New Mexico Art Educator Award for 2011 by the National Art Education Association. So we really congratulate her.

The next thing is the health indicator results for Santa Fe, the community health rankings have come out, and I mentioned them last year about what we, Santa Fe County had done good in and what we weren't so good in. So I'd like to start with the things that we are better than other counties in the State of New Mexico. We are better – that doesn't mean more; in this case it means less – we have less heart disease deaths in our county compared to other counties. We have less diabetes death. We have less teen birth rate – our teen birth rate is lower. Something else that we are good at, our youths are not as obese as in other counties in the State of New Mexico. We have more adult physical activity. Maybe it's our mountains and our ski area. And we also have less children living under 18 who are living in poverty, but our rate is still 19 percent, which is very, very high.

Some of the things we're still bad at, compared to the rest of New Mexico: alcohol-related deaths. This is Santa Fe County. Youth smoking. Caring and supportive family relationships – apparently there are a lot of children who are being abused or having problem relationships with their families. We have less people covered by health insurance in our county than in the rest of the state. We have less people being vaccinated for the flus. We rank low – not good low – low in prenatal care in the first trimester of pregnancy, and another negative, sorry to say, is our high school graduation rate.

So while we excelled in some areas we did not in others. I would like to thank our Health and Human Services staff and our HPPC, and our volunteers with DWI Planning Council, the Maternal and Child Health Council, the HPPC Health Planning Council, the staff. Thank you very much for helping us to achieve, but we still have some other things we have to work on.

The other comment I wanted to make was, this is a congratulations to the entire County, but Kristine worked very, very hard. The League of Women Voters came a few years

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ago and bugged Santa Fe County, and they said you are just horrible in terms of your transparency. And I don't know if you remember then, a national group graded us F and we now have an A- from that same national organization. I'd like to thank the League of Women Voters and Kristine Milhelcic very, very much for all their hard work, and then of course Commissioner Mayfield came forward with the sunshine portal resolution which is only going to add to that.

So we're on our way. I think we can go from that A- to A shortly. Thank you very much, Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just have one item. Last week I attended a conference which was called Integrating Land Use and Water Planning in New Mexico, and this conference was organized by the Utton Center in Albuquerque. It was very well attended. There were a lot of elected officials there, there were water planners, land use planners, and anybody who's interested in the general topic of how you do you land use planning and you relate that to your water supply.

I was invited to give a talk at the conference about our Sustainable Growth Management Plan and I have to say that there was an awful lot of interest in that plan. I directed a lot of people to our website and thank you to our Land Use Department for putting the plan on the website because that made it a lot easier on me. But one thing I found out from being at the conference is that we are really on the forefront of planning for a sustainable water supply in the future. And we can really thank the Buckman Direct Diversion project for that. I hadn't realized until I prepared for the talk how important a part of the whole picture that Buckman project really is.

Also, we have probably the most aggressive water conservation effort in the entire state. So I would like to first of all thank Robert Griego. He helped me with my talk and he made some really good suggestions, and he was there to help answer questions at the talk. And I would also really like to thank Pego Guerrerortiz because he has really shown some visionary ideas to be able to expand our water utility into the county and to put more people on our water utility, and that is also a really, really important part of a sustainable water supply in the future, getting people off of groundwater.

So I was very proud to be associated with Santa Fe County and I was very proud to be able to present our plan. And then I would like to say Happy Easter to everybody. I think that Easter will be occurring before our next meeting. Thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Just a quick letter that Mr. Robert Martinez of our Santa Fe County Public Works Department received and it was forwarded to me by Hvtce. The United State Department of Interior, Bureau of Indian Affairs sent us a letter thanking us and thanking the County and all staff for the work that they did in reclamation of one of the hazard dams such as the ones that were presented to us earlier today. This one dam, Commissioners, you may recall, was one I that I brought up a month or so ago and Ms. Miller along with staff worked with San Ildefonso Pueblo and with the local residents of the El Rancho Community to have some remediation of all that and sediment removed. In particular the United States Department of Interior, BIA, Northern

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Pueblos, wanted to thank Ramon Trujillo, Rick Varela, Chris Sena, David Roybal, Alex Hernandez and Diego Gomez, Eric Giron, for a job well done and thank you gentlemen and all of our department for that phenomenal work. It's very much appreciated.

Also, Commissioner, I had the privilege of going with the Commission today on a tour of the Santa Fe County Detention Center. I just want to thank you for that and thank staff. Annabelle, your staff does a great job and also our warden out there. I believe he's Mr. Trujillo, and all of our DO officers. I know that they have a very tough job but they're very professional and our facility definitely does look like a top-notch facility, and thank you.

CHAIR VIGIL: Thank you, Commissioner Mayfield. I think that's it for items under Matters from the Commission. I would just remind everyone that one of the reasons that the resolution was brought forth regarding celebrating Earth Day, we all have copies of this that we referenced early. This is National Earth Month and there are many things that we can do to promote sustainable communities in Santa Fe County. Thank you. Commissioner Holian is certainly stepping up to the plate in terms of what authority Santa Fe County has. I think citizens can also participate quite a bit. It makes a huge difference, and I'm going to reference just one particular item, and that's affecting your utility bill. You can affect your utility bill hugely by just disconnecting the hair dryer you use in the morning or disconnecting the shaver and not leaving it connected. Any item that you use that's not connected makes a difference in your billing and if all of us participate in doing that it makes a huge difference in promoting a sustainable community.

I wanted to also say that at the last Buckman Direct Diversion Board meeting we actually set a date. It will be some time in June and there will be a lot of advertisement for this for the groundbreaking, so to speak, of the Buckman Direct Diversion. It's not going to be a traditional groundbreaking, where you have the Mayor and the Commissioners and everybody speaks to a ribbon-cutting type ceremony. We're actually going to engage youth throughout Santa Fe County to participate in this. We want it to be a different groundbreaking. It will be at the water park up on Canyon Road and it will be a picnic-type event. So we'll be promoting that quite a bit and it's a huge event to celebrate. We want to celebrate it in a non-traditional way.

So with that I think we're done with Matters from the Commission. We'll be getting some more information on a lot of the upcoming events that we all referenced.

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Community Services Department

- 1. Authorize the Creation of 14 Positions, Constituting 13.6 FTEs, for the Operation of the Six (6) Santa Fe County Senior Centers in Fiscal Year 2011 (Community Services Department / Seniors)**

RON PACHECO (Senior Services Program): Madam Chair, Commissioners, I thank you for this opportunity to request the authorization to create 14 positions constituting 13.6 full-time employees for the operation of six Santa Fe County senior centers in fiscal year 2011/12. Santa Fe County is planning the assumption of operational responsibility for five

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County senior centers that are currently being run by the City of Santa Fe. One of the steps in preparing for this responsibility, Madam Chair, is currently to authorize the creation of positions for the people who will work at the centers and/or will be administering the program.

Before you we have the information in the packet to authorize these positions and I think I will just stand for questions, Madam Chair, if that's okay.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

CHAIR VIGIL: I have a motion. Is there a second?

COMMISSIONER MAYFIELD: Second.

CHAIR VIGIL: Okay. Is there further discussion?

COMMISSIONER STEFANICS: I'll second, and then I have a comment.

CHAIR VIGIL: I do have a second by Commissioner Mayfield. Please.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I had the opportunity to visit the senior center in Edgewood, Commissioner Anaya's district, and I think maybe Mr. Ron Pacheco should be one of the program staff instead of an administrator. He has high enthusiasm, he works well with the seniors and the meeting went smoothly. People were not concerned about the transfer. I think if anything they wanted to know why they had to each their vegetables, at that particular meeting. They also wanted to try to interact with seniors from other senior centers in the county, and I thought it was a great message to us that there are some ideas out there that we could pick up from these senior centers. Thank you very much, Madam Chair.

CHAIR VIGIL: Any other questions?

COMMISSIONER MAYFIELD: Madam Chair, I also have had the privilege of being out there with Mr. Pacheco, and I think we're going to do a couple more presentations within the coming weeks. Also, Commissioner Stefanics, one note that came up at one of our community centers is that we also have a Santa Fe County Fairgrounds and a suggestion was made that maybe we could coordinate a dance for all our seniors at a centralized area such as our Santa Fe County Fairgrounds, and that was very well received with some of the northern centers.

COMMISSIONER STEFANICS: Madam Chair, on that point, that had been brought up to us from the seniors at Eldorado to have like Sunday afternoon tea dances. And I think it would be a great idea for us to maybe even do a big bang at the beginning of the new fiscal year. Thanks.

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

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XII. A. Ordinance No. 2011-02, an Emergency Ordinance Declaring Hazardous Fire Conditions and Imposing Restrictions on Open Fires, Smoking and Other Ignition Sources. (Community Services Department/Fire)

DAVE SPERLING (Acting Fire Chief): Thank you, Madam Chair, members of the Commission. I'm requesting approval of an emergency ordinance declaring hazardous fire conditions and imposing restrictions on open burning, smoking, and other ignition sources. The ordinance covers campfires, open fires of any kind – that includes agricultural burning and ditch cleaning, open burning of vegetation and rubbish, smoking within county parks, campgrounds or any wildland area, except within an enclosed vehicle or building. Littering on public roadways with ignited smoking materials, use of off-road vehicles and motorbikes within county parks, campgrounds and wildland areas, and the issuance from our office of permits for open burning.

The intent of this ordinance is to take effect immediately and be in place for 30 days, to be renewed in May, if necessary. Burn restrictions have also been imposed by the City of Santa Fe and in some areas of the state by other agencies including State Forestry and I'm sure they'll be considered by the US Forest Service here in the near future.

As you are aware, they're necessitated by the immediate and present danger of range fires, brush fires, grass fires, forest fires, construction fires caused by the persistent lack of significant moisture and drought. From the materials that I have the drought is likely to persist or intensify over the next 30 days. We've also seen very high fire danger throughout the county with, as I say, a forecast for higher than normal temperatures and lower than normal precipitation. Our experience thus far, since March 1st has been 56 wildland fires, and to give you a comparison, last year during the same time period we had 17 fires. So definitely drier this year. March this year was equivalent to June of last year, June normally being our high wildland month.

So I think this request will complement and simplify administration and enforcement of restrictions locally and improve our public safety, both for firefighters and preserve property.

CHAIR VIGIL: Thank you, Mr. Sperling. Commissioner Stefanics, then Commissioner Anaya and Commissioner Holian.

COMMISSIONER STEFANICS: Yes, Madam Chair. I fully support this. My question is wouldn't it be easier to make it for a longer period of time and then to rescind it rather than bring it back and continue it? Steve? Mr. Sperling?

MR. ROSS: Madam Chair, Commissioner Stefanics, normally emergency ordinances are enacted for the shortest amount of time that constitutes the emergency. The validity of these ordinances is dependent upon a real emergency, a threat to the public health and safety being imminent. So what he's chosen to do here is a very sensible approach to that statutory problem, which is to address the problem in chunks when there's a demonstrated emergency.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I also – anybody who's been watching TV, we all have seen the news, understands the hazards that are occurring throughout the State of New Mexico as well as the country so I also support the ordinance. I guess commenting on Commissioner Stefanics' last question, I would ask Ms. Miller and Chief if – I know that there's people that utilize burning, especially in our acequia systems and to prepare for their crops and I know that it's needed, that we need to do this, but at the same time I guess my thought on the 30 days is that if you could come back monthly during this process and provide an update to us and the public based on precipitation and the need to extend it – is that the process and what you would do monthly, is have an item on and then come forward and give us an update?

CHIEF SPERLING: Madam Chair, Commissioner Anaya, that's correct. My intention is, as Mr. Ross reiterated was to enact this ordinance for the most reasonable amount of time possible, given the consideration that there are people throughout the county who do rely on burning to clear their fields, the acequias and other needs that are certainly legitimate. And over the last 30 days when we have had some fire issues we've been regulating the burn process as carefully as we can through out permitting process. We feel like the time is appropriate now to put overall restrictions in place. I will come back again in May if necessary if the weather predictions stand true and request that we redo this ordinance for another 30 days. And, again, in June if necessary, to bring us into Fourth of July. Hopefully that won't be necessary but we're definitely prepared to do it.

COMMISSIONER ANAYA: Madam Chair, Chief, I appreciate the response to the questions.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Chief for bringing this forward. Actually they fire off of Rabbit Road, the people in my district got really very anxious to have this happen. I have a question first I think for maybe staff, and that is I noticed that item 1.e is a prohibition against littering on public roadways with ignited smoking materials. Isn't that always prohibited? It should be. Well, it's littering with ignited smoking materials, so in any event, well, my opinion is it should be prohibited at all times.

Also I have a question, I assume that we're going to do a press release, but I'm wondering if we could, if it would be possible to have some public service announcements on the radio about this. Would that be a possibility?

CHIEF SPERLING: Madam Chair, Commissioner Holian, certainly we plan to do a press release. I'll also be in contact with Rio Arriba County and our neighbors in Edgewood and to the south. I have worked with Hvtce Miller. We've already alerted the tribes in Santa Fe County of our approach here on no burning asking them to participate with us or at least to be aware of what we're doing.

As far as the throwing lighted material out of a motor vehicle, I assume that that is already prohibited, as our some of these other functions during different times of the year. Again, the intent of this ordinance is to pull all this together and make it clear and more consistent for the next 30 days to make sure people are aware that that's what we're going to be watching out for in particular, and if necessary, fining them.

COMMISSIONER HOLIAN: Thank you. Also, I wanted to ask – actually this

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question came up from a constituent of mine. She asked whether we have any of those signs that have sort of a dial that shows what the fire danger is. I know at the entrance to Los Alamos they have one of those signs that can go from low to high and so on. First of all, I was wondering if we've ever considered putting up signs like that in places like say, off Old Las Vegas Highway in Santa Fe County, and also, what if the people in the community wanted to raise some money to purchase one of those and put it up?

CHIEF SPERLING: Madam Chair, Commissioner, we do have signs like that throughout the county. I don't believe there's one on Old Las Vegas Highway but there is one at the entrance to Eldorado, for instance. There's a sign in Tesuque and some of the other areas of the county that are maintained by the local fire districts. They adjust the dial to different conditions as necessary and we can find some money to put up a sign in the Old Las Vegas area if that was something the district would want to work toward.

COMMISSIONER HOLIAN: Okay. Yes. I think that would be a good place for it, because that's sort of on that wildland-urban interface boundary right there so it seems like a good place to put a sign.

CHIEF SPERLING: Absolutely.

COMMISSIONER HOLIAN: Okay. Thank you, Chief.

CHAIR VIGIL: Very good. What is the pleasure? Is there anyone who would like to address the Commission on this? Seeing none, the public hearing is closed.

COMMISSIONER HOLIAN: I move for approval of Ordinance No. 2011-02.

COMMISSIONER STEFANICS: Second.

The motion passed by unanimous [5-0] roll call vote with Commissioners Anaya, Holian, Mayfield, Stefanics and Vigil all voting in the affirmative.

XII. A. 3. Request for Approval of Change Order No. 6 to the Contract Between Santa Fe County and Bradbury Stamm Construction, Inc., for Construction of the First Judicial Courthouse Project in the Amount of \$161,438.51 (Community Services Department/Projects)

JOSEPH GUTIERREZ (Community Services Director): Madam Chair, in front of you is charge order #6 for \$161,438.51. There's basically three components to this change order. The cost for the change order was originally about \$212,000 and that is for the excavation and backfill of the parking garage. We went a little bit deeper because of the contaminated soils. Therefore we had to haul in more clean soil and gravel. There's a credit to the County for general administrative costs. We anticipated to start the construction of the project later than when it actually started which is the middle of February so we have a \$50,000 credit there. And the last part of the change order is adding 687 days to the construction period bringing the completion date to December 20, 2012. Those are the delay days due to the environmental issues at the courthouse site.

I stand for any questions. I'd like to – before I take any questions – introduce the two gentlemen that I brought with me. First I have Robert Martinez who is with Gerald Martin,

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and he's the owner representative for the County. And I also have Dan Lyons who's with Bradbury Stamm who's the general contractor on the courthouse. In addition to that, just a quick update. Late this weekend on Friday night and Saturday, almost a 24-hour period, we did a major pour at the courthouse where they had 2500 yards of concrete poured for half of the foundation of the parking lot. So that occurred late Friday night through the night and into Saturday morning. We completed it about Saturday evening. So that was a major milestone on the courthouse project.

CHAIR VIGIL: Okay. Questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: On that point, Mr. Gutierrez, you guys have and Kristine, on the County, we have some great pictures and some updates that are provided on our website under Ongoing Activities, so thank you for those updates. Mr. Gutierrez, are you anticipating any other additional change order coming forward to this Commission?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, we're in the construction process right now and I would anticipate we will have other change orders. In previous presentations to the Commission I had mentioned during the budget process that there's a \$2 million contingency for these kinds of things that may occur in this construction process. In addition to that \$2 million we also received a federal grant for \$382,000 that will help offset some of the costs on the environmental side. So there is an allowance right now, if you take that approximately \$2.4 million for these types of things. And this would be the first expenditure against that contingency budget. It is normal to start a budget – in this case we started with a five percent contingency, given a \$40 million construction project.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Any other questions? What's the pleasure of the Board?

COMMISSIONER HOLIAN: I move for approval of the change order.

CHAIR VIGIL: I have a motion.

COMMISSIONER STEFANICS: I'll second.

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

COMMISSIONER STEFANICS: Madam Chair, on that point.

CHAIR VIGIL: Commissioner.

COMMISSIONER STEFANICS: I'm not sure if anyone saw the news, the evening they actually did a turnaround about Santa Fe County cleaning up a piece of land. And the news spot actually showed pictures, referred to the fact that it had been deemed a silly project to take this on, this piece of land, and now it has turned into a very good offering to the community and the environment. So I just wanted to let you know. It was a few weeks ago. It was 10:00 news on one of the three stations but something that we have been dinged for in the past is now being noticed as a cleanup effort. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner.

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XII. C. Public Works Department

**1. Request Approval of Resolution No. 2011-52, a Resolution
Creating the Santa Fe County Road Advisory Committee**

CHAIR VIGIL: Make this easy for us Robert.

ROBERT MARTINEZ (Public Works Director): Madam Chair, Commissioners, on March 29th at the BCC meeting the Commission tabled this item and asked staff to go back and include alternates in the resolution and also revise the boundary map so that the Road Advisory Areas did not cross into different Commission districts. So we've accomplished both. We do have alternates in the new resolution and if you look at the attached exhibit it shows the Commission boundaries and shows the Road Advisory areas in each Commission district. There is also a little spreadsheet or whatever you call it that shows each Road Advisory area and each Commission district and the communities that are being represented by those Road Advisory areas. Due to the mileage and the difference in land area, not each Commission district has the same number of representatives. So with that I stand for questions.

CHAIR VIGIL: Okay. Questions? Seeing none, we're just taking action on the change of the resolution, right?

MR. MARTINEZ: Madam Chair, that is correct.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I want to thank Mr. Martinez. He actually did accommodate some of my requests and although I won't have as many representatives it doesn't matter; they will be looking at roads within my district, so I really appreciate that. So I would move for approval.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: I have a motion and a second.

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

CHAIR VIGIL: Thank you very much. Robert, do you have any anticipation that this might change in any way should we set new boundaries for Commission districts when we're redistricting? Probably very little I would assume.

MR. MARTINEZ: I would think very little. And we did already advertise for volunteers, so that has already taken place.

CHAIR VIGIL: Okay. Robert, if you wouldn't mind extending our appreciation to the following people who previously served on our Road Advisory Committee, and there's many of them. Again, this is a volunteer position. Manny Chavez, Edward Medina, Benny G. Gomez, Barbara Jeffee, Kathy Glenn, Paul Wyatt, Andrew Griego, Gary Onstatt, Thomas Pogue, Ivan Pato, Richard E. Sena, Ann Probst, Paul Montoya, Frank Schober, Linda McThoy, Mark Murdock, Chris Mayrant and Gail West will be receiving certificates of appreciation. Please extend our gratitude for their commitment to their community and willingness to serve in this capacity.

MR. MARTINEZ: Madam Chair, I will do that. As a matter of fact Rita Maes is drafting a letter right now and also preparing the certificates. We do have a Road Advisory Meeting for tomorrow that is still under the ordinance that the Commission repealed. So we will have one more meeting prior to the committee dissolving and us getting applications and letters of interest from other interested volunteers.

CHAIR VIGIL: Thank you very much.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Robert, How long will you be accepting applications?

MR. MARTINEZ: Madam Chair, Commissioner Holian, we put a deadline of May 1st but I'm not too optimistic that we'll fill all 15 areas and alternates by then. So we will just continue to leave it open until we fill all positions.

COMMISSIONER HOLIAN: Okay. Thank you.

XII. D. Matters From the County Manager

MS. MILLER: Madam Chair, a couple things. There's two things mentioned on the agenda but there's a couple other things that have come up that I just want to mention. First of all the sole community provider process, there was, at one of the last meetings it was mentioned that the UNMH was providing funding for the super-supplemental for this fiscal year to the state to draw down the federal funds for hospitals. There was some debate as to when that would need to go forward, some time before the end of this fiscal year. However, this week we were notified that HSD would like counties to move forward on those agreements with UNMH by the end of the month, so we will be bringing that to you at the April 26th meeting. I did want to let you know that we've been working, Steve's been reviewing those to make sure that that agreement is a legal agreement, that there are no issues with it and we find no reason that we would not be able to do that for St. Vincent's and for the HSD.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Steve, have you received anything in writing from either Mark Reynolds, the attorney at HSD, or from CMS indicating that this is a proper transaction?

MR. ROSS: Madam Chair, I have not received anything from anyone making those kind of representations. You mean CMS?

COMMISSIONER STEFANICS: Yes.

MR. ROSS: I don't think anyone's even requested that they take a look at it although I've seen some conflicting emails on that subject. But I've not seen anything from HSD, although I was told verbally by HSD that they thought the transaction passed muster.

COMMISSIONER STEFANICS: Thank you. Well, Madam Chair, I just want to note that until we have something in writing I'm going to remain skeptical. Thank you.

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CHAIR VIGIL: Any other questions? Katherine, next item.

MS. MILLER: I also wanted to give you an update on the pilgrimage for Good Friday. This is based on a report from Martin Vigil. There are 21 agencies that are confirmed participating in that. The final planning meeting is scheduled for April 15th. There will be a unified command post located at the Apple Shed. There's quite a few things here if you want the details but ultimately, also we will be providing chemical toilets on the way. This was not budgeted for in the County budget but after discussing this with the staff that's working on this project and how this has been done in the past. It's been something that's been provided on occasion by the County but we do consider it to be a public safety issue, so we have had Lisa working on getting quotes and seeing what we can do along this line so I'm looking for some contingency funding to do this.

We will be providing 27 portables that we will service daily. It's going to run probably somewhere between \$4,000 and \$5,000 and they will deliver those on Wednesday and pick them up on Saturday evening. They will be along County roads or at County facilities. We will not be placing them on private property thought. Then Rio Arriba County has indicated that they will probably do something but I don't know what that is. But I did just want to let you know because that was some item of discussion that we had been having.

Additionally, we will be closing the County offices that afternoon, Good Friday, as we have traditionally done to provide opportunity to staff to participate in events along that line.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Question.

COMMISSIONER MAYFIELD: Manager Miller, thank you.

MS. MILLER: You're welcome. One other item, just kind of an update, just to let you know that based on the unfortunate passing of Representative Wallace there will be a legislative vacancy. The process for filling a vacancy like that that covers multiple counties is that each county commission puts forward to the governor a nomination and the governor selects from one of those three nominations a replacement for that seat. If the district is contained within one county then the county commission does it but in this case it covers Sandoval, Los Alamos and Santa Fe County. We do have a list of registered voters in the two precincts that are within that legislative district. I just wanted to let you know that that will be the process that this governor will follow. So when the Commission would like to take any applications and put forward a name I would think that would be some time within the next month.

So those are some of the things that have come up just in the last couple of days. The items that are on the agenda – the legislative update – Rudy is here to give you a real quick update of what was actually signed into law and the final update of what happened with the legislature. And then you will not see this on the agenda for another year.

XII. D. 1. Legislative Update [*Exhibit 3: Legislative Update*]

RUDY GARCIA (Community Services): Good afternoon, Commissioners. First of all I'd like to give my condolences to Representative Wallace's family, as her being

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the representative from my district, representing the La Cienega area she actually did help out the La Cienega area, anywhere from the acequias to the rural communities of her district. As you all mentioned earlier about all the things she did for Santa Fe County, I'm actually going to truly, personally miss her because you all may not know this but she really actually helped out Santa Fe County, particularly me at the session, in tremendous ways, probably assisting me in ways that she probably shouldn't have helped me with. But definitely she did a good job and I'm certainly going to miss her.

On another note, actually, I would like to thank everybody that was there at the session who helped me out. I certainly learned a lot of things from Katherine this year on how to get a bill passed fairly smoothly through the session and that actually was an interesting process, as well as seeing bills that we actually supported as a County as a whole that didn't actually progress forward. And I would actually like to thank Hvtce. Hvtce helped me out this year and he was a tremendous help to me, so thank you, Mr. Miller.

We actually did put together this legislative report, which is 2011. This report actually has all the bills that the governor signed into law. The first several pages. This handout actually has all of the bills that the governor vetoed and all of the bills that got pocket vetoed.

Some of the examples of some of the bills that actually got approved that affect Santa Fe County is House Bill 2, which is teen court, had about a \$60,000 appropriation in there. House Bill 426 is the City and County jail inspections. House Bill 373 is the reauthorization bill for capital projects. Santa Fe County did have a couple of projects in there. Senate Bill 429 was the surveyor position bill. There are also some bills in here that we still need to go through and see exactly how they affect the different departments of Santa Fe County. A couple examples of those bills being House Bill 93, which is police training of mentally impaired individuals. House Bill 106 is extension of sunset dates for boards and commissions. House Bill 167, Fire Prevention Ordinances. House Bill 558 is an industrial revenue bond, the notice for procedure for those. House Bill 607 is the film production credit. Like I said, some of these bills we're still going through to see exactly how they affect Santa Fe County.

There are actually two major bills that go vetoed that the County actually supported as a whole through a resolution. One of them was Senate Bill 63, the government local food product purchase. We actually did pass a resolution in support of that. And the other bill was Senate Bill 266, which was Senator Wirth's bill and that was the energy conservation bonds. With that I stand for any questions.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield:

COMMISSIONER MAYFIELD: Mr. Garcia, you just mentioned House Bill 226, the City and County jail inspections. I think that was what you said. What was the crux of that bill, Rudy?

MR. GARCIA: Madam Chair, Commissioner Mayfield, I'm not exactly too sure what that bill entails but we'll actually go through it and we'll actually forward you a copy of that. I know the County of Santa Fe actually does a yearly inspection on our jail.

COMMISSIONER MAYFIELD: Thank you. And then, Mr. Garcia, we also had a reauthorization bill that was passed on certain capital projects. Did the County have any

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projects in that reauthorization bill?

MR. GARCIA: Madam Chair, Commissioner Mayfield, we had a couple of bills on there. One bill was actually a bill up north for the Pojoaque Valley Community/Senior Center. We actually did a name change for that to the Nambé Community/Senior Center and a time extension for that grant until 2013.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, Rudy, on that point, where are we within the construction phase of the bidding?

MR. GARCIA: Madam Chair, Commissioner Mayfield, we actually put that project out to bid. The bids came in last Thursday and they came in over budget. So our next step in the Community Services Department is to go out and meet with the community one more time and actually have the community pick their priorities and then send out to bid hopefully within the next 30 to 60 days.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Any other questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Garcia, thank you for your work and the work of the team and Manager and all others that helped. I just wanted to make an additional note. It was something that the Association of Counties worked through I think several affiliates, I think including the Commissioners. But House Joint Memorial 4, reducing the burden on County detention facilities, puts us in a mode as county governments to begin a process to begin to define those areas where we're struggling and have difficulty with funding detention facilities. It's a first step, if you will, but I think it's something we want to keep our eye on, Mr. Garcia, relative to task forces that are going to be set up. Do you know of any particular task forces that are going to be associated with that joint memorial or maybe you could get some additional information and bring it back. But I believe that was an item that was pushed by the Association of Counties and got through. Do you have any comments on that?

MR. GARCIA: Madam Chair, Commissioner Anaya, you are correct. The Association of Counties did put that forward and we will keep in contact with them and any subcommittees or any interim committees that do come up we will actually follow through with that and give you a regular update on that.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, Katherine, do you think that perhaps our great staff who did all this legislative work could maybe by June 1 or so, maybe July 1, put together the bills with a little paragraph that has anything to do with the County impact, so that we are aware of that? It sounds like they are going to be looking at quite a few and I'm not looking for a page but maybe a sentence or two – would increase fees, mandates new training – something like that. Thank you.

CHAIR VIGIL: Okay. Any other questions? Thank you, Rudy and thank you Hvtce for all your work, late hours into the night. I saw you there. Katherine, thank you for your strategy at the New Mexico Legislature and helping Santa Fe County successful on

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many paths there. Anything else?

XII. D. 2. Update on Assessor's Office Contract
[Exhibit 4: Assessor's Presentation]

MS. MILLER: Madam Chair, yes, there's one other item. Back a couple months ago, the Assessor brought forward a budget resolution to budget additional funds for a study. That study came out of discussions last year relative to concerns with the Assessor's budget and their ability to look at assessing county properties countywide with the staff that they have. That resulted in meetings with DFA. From the meetings with DFA there was an agreement to go forward and look at doing a study, up to \$45,000. The RFP brought back some qualified respondents but the cost proposals were around \$110,000, \$120,000, which was what brought forward the budget adjustment resolution that was tabled. Then the discussion, when that was tabled, I was directed to go work with the Assessor to see if we could come up with an alternative to doing a \$120,000 study. So we have a few meetings and talked about what was the ultimate goal here?

The ultimate goal is, and I don't want to speak for the Assessor but to try to kind of generalize the way that the conversation went, the ultimate goal was bringing our property tax valuations to a current and correct status. Not the taxable value, nothing to do with tax lightening, but knowing that our tax records are correct. So we had a discussion about what that would take to get there and how could we collaboratively do that. What we decided to do was to try to move forward with looking at bringing a contractor in to help the Assessor's staff do a reappraisal of county properties, not in order to raise taxes but to actually make sure that our property tax records are correct. And I think Gary and Domingo could speak to this better, the Assessor and Deputy Assessor, but it's been probably 20, 30 years since a countywide reappraisal was done when the standards would probably call for something like five years.

I asked Gary to come and talk about the particulars of what they think is needed and then kind of what we'd like to do, and the reason I'm bringing this forward and asking them to come talk about it now is it's going to require us to budget for something like this. We're working on the premise that we would try to come up with a scope of work that we could go out, do an RFP for the services, and that we would split it 50-50 between the general fund and the valuation fund. So that's the premise that we worked under based upon direction from the Commission to go back and work on something. And Gary's here to talk on the Assessor's Office behalf of what he thinks we ought to be putting forward.

CHAIR VIGIL: Thank you, Katherine. Gary, welcome. Please proceed.

GARY PEREZ (Deputy Assessor): Thank you, Madam Chair. Good afternoon, Commissioners. Thank you, Ms. Miller. As Ms. Miller stated the ultimate goal here is to get all of the information on real property and all the taxable property in the county to be correct. There's a lot of information that has not been entered into the new computer system that Mr. Martinez acquired two years ago, that has not been able to be put into the computer or to be checked. And as Ms. Miller stated, there hasn't been a door-to-door reappraisal in many, many years. Certainly not in the past four years as Mr. Martinez has

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been the current Assessor, and even prior to that.

So to clarify something, it's that we, the Assessor's Office does a reappraisal essentially every year and changes values every year. We do studies of what's going on in the market and we can change those values using our computer system. But what is really needed is a door-to-door reappraisal or reinspection of all the properties. And we know that it's going to be quite costly so our plan is to do a portion at a time. So if I can just get started on what I have here in front of you, I'll explain.

CHAIR VIGIL: Please proceed.

MR. PEREZ: Why is it necessary to do this? First of all, the International Association of Assessing Officers recommends that you do a door-to-door reappraisal every four to six years. Again, we haven't done that for a long time. The purpose is to collect and input into our computer system a correct and accurate information about the property. Also to identify all properties and improvements that aren't currently on the tax rolls. And we're currently doing that now but we believe that there's many, many more out there that we could get and if we can get them all at once and be done with it all at once we would be in a much better position and so would the County and all the entities that collect revenue from property taxes.

It is also to identify any physical depreciation or obsolescence on each property. And keep in mind that any type of changes that we collect out there, if they're on residential property, are still going to be subject to the three percent cap. So if a property has not changed in any way and we go out there, the most it would increase in value for the following year is three percent. What we would be identifying is any additions that people haven't taken permits out for or any houses that people have built that maybe we're not aware of are out there and we need to get them on the tax rolls. So that's the primary purpose here.

You can see here is an example of a sketch of a house. This house is over 7,000 square feet. This is the initial staff that our appraisal staff does on the house. So what the door-to-door reappraisal would do would be to verify these sketches. And a lot of these sketches are still on these types of cards in our files but not yet inputted into our computer system for the computer to value it. So that's what needs to be done. Also to take this sketch out to the field to this particular home and verify everything that's on this sketch, such as all of the heated area, the garage area and porch area.

This slide will show you what the sketch looks like after it's drawn into the computer system, with all the characteristics of the house, all the attributes that are collected from the house such as the roofing, the flooring, the condition, the quality, and then the computer will actually calculate the square footage once it's input into the system correctly. You can see here that this sketch actually has a lot of porch area missing from it that was noted on the prior sketch and that was done intentionally so that I could show you that this would be an example of something that would really need to be on the tax rolls that is really not. So a door-to-door inspection would result in finding this type of information and correct it.

The next slide shows you that we are currently and have been currently in the past four years picking up properties that were omitted from the tax rolls. The Assessor has a duty that once we find property that should be on the tax rolls and it's taxable to enter it onto the tax rolls and we have the authority to back-tax that property for up to ten years prior. So this

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just shows you that for 2010 we picked up over 140 properties, added over \$22 million in taxable value, and brought in over \$492,000 in taxes. For 09, it was a big year, we added 226 property for over \$56 million of taxable values with \$1.2 million in revenue. So you can see that there are many properties that we've been able to pick up and we believe that there are many more out there. We're currently working on this.

But without additional help we believe that it's going to take probably a couple years or more to get caught up.

What properties will be affected on a door-to-door reappraisal? All the properties with residential structures on them, such as houses, apartments and residential condos is what we're going to want to be reviewing. All of the commercial properties we believe we can do with our in-house staff. And we've already done some of these residential properties. They have been working on them over the past four years, however, all of them haven't been able to be reviewed.

So only those properties that have not already been inspected by our office staff will be reviewed and we'll be providing – if we can do this – we can provide a list to a contractor and let them know which properties need to be field reviewed.

CHAIR VIGIL: Gary, I have a question, if you don't mind. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. If individuals have come forward and said I've built something, are you still going to go out and visit their property or are you going to take that as the evidence for a property tax increase?

MR. PEREZ: Madam Chair, Commissioner Stefanics, we would probably use that information because we would go out there and verify the information and collect the data so it's pretty current. We probably wouldn't need to go to that property on this reappraisal project.

COMMISSIONER STEFANICS: Okay. So for individuals coming forward, that's what I wanted to get at for the public, if individuals were coming forward and offering their information in the first place they wouldn't be subject to some of these visits?

MR. PEREZ: That's correct.

COMMISSIONER STEFANICS: Thank you.

MR. PEREZ: So currently we have about 49,000 almost 50,000 residential parcels with improvements on them. Approximately 12,000 have been inspected and we believe the data is correct. So approximately 37,000, 38,000 are yet to be inspected and reappraised.

So the next slide is why is an outside contractor necessary? Well, for one reason, the current staff that we have cannot accomplish this door-to-door reappraisal, complete it, and complete their daily assignments and get it all done in a timely manner. It would take years to do both. We're also lacking the resources. We could probably hire people and start our own project, hire additional people on a temporary basis, but we would lack the resources to be able to do this, such as office space. Right now we barely fit in the current space that we have. We would need to have more vehicles and we would need to have more computers.

Our goal would be to complete the reappraisal before next year's notice of values are mailed. That's a very optimistic goal. It may not be able to be achieved but that is our goal.

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So with that, that pretty much details what we would be requesting and you'll see in our budget and as we move forward through the budget process we just wanted to give you the information as to where we're headed with this, and getting away from the evaluation and moving forward with this work that needs to be accomplished. I also have a little bit more information since we're getting ready to mail out the notice of values to give to you with five more minutes of presentation if you like.

CHAIR VIGIL: Thank you, Gary. Commissioner Holian, then Commissioner Stefanics.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Mr. Perez for the presentation. First of all, can I get a copy of those slides?

MR. PEREZ: Absolutely.

COMMISSIONER HOLIAN: And the other question I have is about the commercial properties. How many commercial properties do you think that we have to reappraise and how long might that take?

MR. PEREZ: Madam Chair, Commissioner Holian, I believe we have about 30,000 commercial and vacant properties. Actual commercial properties that have structures on them, about 3,000.

COMMISSIONER HOLIAN: An how long do you think that might take with in-house staff?

MR. PEREZ: Madam Chair, Commissioner Holian, that would take probably, given the fact they have other duties such as protests to contend with each year, probably, I would say at least a year. Maybe less.

COMMISSIONER HOLIAN: Thank you, Mr. Perez.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. On just the commercial properties first, during the legislative session the County Manager and I happened to be visiting with Senator John Arthur Smith. And he indicated that in a private role he was here in Santa Fe with his son doing some appraisal of a commercial property. And he brought to our attention that that commercial property wasn't even on our tax rolls. So I do think that this effort is necessary and perhaps this is the right compromise.

The second thing is a question, Madam Chair, and Domingo or Gary, I don't know who can answer this. Is last year, I thought we had appropriated or supported your purchase of laptops for the individuals who go out in the fields so that they could do work. Did that occur?

MR. PEREZ: Madam Chair, Commissioner Stefanics, yes, that has occurred. We started implementing the use of those laptops about a month and a half ago. We have about eleven laptops. They are fitted so that they can – there's a bracket placed in each vehicle so that the laptop can be secured to the bracket, and they are actually collecting the data, entering it directly into the laptop when they are at the property and that is actually reducing or helping pick up properties in a more efficient manner.

COMMISSIONER STEFANICS: So then, Madam Chair, so the process is that it is wirelessly communicated? Or it's saved to a CD or flash drive and then put into our mainframe? How does that work?

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MR. PEREZ: Madam Chair, Commissioner Stefanics, it is saved to the drive of the laptop and then it's docked when it comes back to the office and it's input into the system. They also have wireless ability. When they're out in the field they can access the system, wireless, and they can also access the internet if they need to access our GIS or aerial photos they can do that from the field as well.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: Okay. Any other questions? Comments? Direction?

COMMISSIONER STEFANICS: So could we rephrase the request? From what I understand it's \$50,000 from general funds, \$50,000 of –

MS. MILLER: Madam Chair, what was originally requested was a budget adjustment for the study. This is a completely different approach. That study was originally – the target price for the study was about \$45,000. And that then was going to be split, although I think that was actually all budgeted under the valuation fund. And then what had been requested was taking that up to \$110,000, and that was what was brought to the Commission out of the valuation fund and the discussion at that particular time was to table it and to look at could we do something other than study how much staffing was needed additionally and going in that debate and really look at what could we do to actually get to the problem that the Assessor's Office was experiencing and that was having incorrect data on the property cards and not wanting to load that data into the CAMA system but get accurate, current data into the CAMA system. That was really the issue at hand, and then determining what staffing needs were there once we had correct and up to date data.

Additionally, I would like to say there's been a lot of discussion at the City about raising property taxes. Well, it doesn't really make sense to raise property taxes if the taxed properties are not in the system. If there's properties that aren't there and aren't actually even paying those should be brought into the system, or that the properties' values that are in the system are not up to date. It actually makes more sense to get the data accurate and then look at what that does to the tax base. It could actually decrease the overall property tax rate within the county and the city, if all property values are accounted for. And some people's property may go up, some people's property may go down.

So I think what we tried to come up with to present to you was that this was an alternative to studying staffing in the Assessor's Office. That this is really something that the County has needed to do for a long time and to bring that to you during the budget process. So the Assessors have requested that funding, and I said that I would bring forward this also from an administrative side that I think this is a good idea for us to look at this because it could ultimately save on the overall property tax rate.

CHAIR VIGIL: I want to comment. It just makes so much sense. It's really the most and highest best use and most efficient use of taxpayer dollars. And it's also an expeditious way of getting everyone on the tax rolls. I'm totally in favor of this. I would definitely support it through any of the budget processes. I see this as far better than trying to find out what are needs are because it's like, we know that. We know what our needs are and that is getting those taxes up to date. I have a question though and this is a systemic question. When the City or the County issue building permits are they communicating that to the Assessor's Office?

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MR. PEREZ: Madam Chair, Commissioners, the County is currently. The City has the information about their permits on their website. However, we are wanting to work with them to see if we can get the information electronically so that we don't have to merely get a .pdf file or a static file that's on their website, so that we have to re-input everything into our system. So I'll be talking to the people at the City to try to get their electronic file so we can just pull it into our database and use it. And we're developing a system for picking up properties off of permits.

CHAIR VIGIL: That is such a sensible transaction that should be consistently occurring and ongoing. Just having been born and raised in this area a lot of the issues you're probably going to be dealing with are infill in the city, because that's where the building permits are and that's where the assessments probably don't have the door-to-door approach that we're going to be doing here. So if there's a way that the Assessor's Office feels confident that building permits are being given to you directly. In Bernalillo County they issue a building permit, the City does or the County does, it automatically goes to the Assessor's Office. To place the burden on the Assessor's Office to look on the website I think isn't as cooperative as just getting those building permits directly to you. If there's a way that piece could be taken care of I think once we get fully assessed we're not going to have the problems that we have now.

MR. PEREZ: Madam Chair, Commissioners, I think that the real issue here too is that there's people who build without building permits, and that's the big purpose of the reappraisal. And if I may, Madam Chair, once we're done with questions, I still have a little bit more information I'd like to present to you about the upcoming notice of value mailing.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Just my individual comments, I had a brief conversation with our Assessor and I want to spend some more time with the Assessor and Deputy Assessor to take a more detailed look at what's been presented here. I think it's an option to look at but like all other budget options I think that during the budget process and that evaluation I think we'll go through this and the entire balance of the budget to determine whether or not it is the best option. So that would be my individual comment. But I do look forward to meeting with you and the Assessor to better understand what's in the presentation, maybe have some more questions for you individually. Thank you.

CHAIR VIGIL: Please proceed.

MR. PEREZ: Thank you, Madam Chair. So the next slide – actually what I'd like to do right now is present to you this, what we call the annual report and we'll be giving this annual report to you yearly at budget time, so if I may give this to you. Just so you know the annual report is not exactly what is here. There's a few things that I didn't include in the slides that I'm discussing up here that are included in your annual report.

So in the annual report, if you'll go to page 3, on the taxable value comparison between 2009 and 2010, I just brought this information forward to you just to show you that the Assessor's Office, on the top row, the total taxable value in 2009 was \$6.7 billion and in 2010 the total taxable value was \$6.89 billion. That was an overall change and increase of 2.8

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percent. We added about \$186 million in taxable value. Again, taxable value is one third of the full market value. And then you have further below a breakdown between residential value and non-residential value.

If you'll turn to the next page and the next slide shows what we've done for this year. In 2010, again, the total valuation was \$6.89 billion. This year, in 2011, that total will be \$6.957 billion and that will represent about a one percent change over last year's.

The next slide, and it may not be the exact slide in your packet, as I said, but it shows a bar graph and it's the County taxable value history from 2005 to 2011. I just wanted to show you that these were the totals from the prior years and that we're at \$6.957 billion for 2011. Even though the economy continues to suffer the Assessor's Office continues to pick up valuation and a lot of it is due in these past couple of years due to new construction being added and the values increasing, the three percent on the residential side, up to three percent on the residential side, and we can discuss that further in the next couple slides.

The next slide shows the net new valuation that we added to the tax roll in taxable value. So you can see that for this year we're down somewhat. We've only added \$169 million in taxable value for this year. In 2008 it was a good year and we're considerably down from that year.

The next slide kind of shows you what has happened here for this year. This is part of a report we must submit to the Department of Finance and Administration and it's part of the certification of values. These are the numbers that we've generated for this year. You can see that in yellow, prior years, the tax base was \$6.8 billion. For the current year we have net new valuation, we've added \$169 million in new valuation. That's new construction, new houses, new commercial construction, new additions. But you can see that under valuation maintenance we have a negative \$129 million. And that gives us a total valuation of \$6.843 billion. This number, the \$6.843 billion, is without our corporate properties which we rely on the State Property Tax Division to give us those valuations, then we plug them in and add them to this. But if you add last year's value you would end up at about \$6.9 billion.

The reason why I included this slide is so that you can see that our overall increase is probably going to be about \$40 million unless we have more on the corporate side to the tax base. And even though we picked up \$169 million in new value we're going to have an overall increase in only \$40 million, because the valuation maintenance went down \$129 million. Valuation maintenance is properties that are already on the tax rolls. They're not new. So it's those properties that we've reduced the values on. I know a lot of you probably have questions as to as to do we reduce values on properties because of the market going down? Yes we do, and this is evidence of it. We're going to have properties that go up, and they might go up three percent on the residential properties but they might come down as well because we may already be at market value on those. And we may be overvalued on those and we've actually brought those values down. So you can see that there's evidence here of that happening.

And then the last slide, actually I wanted to demonstrate to you why – because this is the biggest question taxpayers have – why does my assessed value – why did my assessed value increase if the market value decreased? And this is for residential property only. The property can go up by as much as three percent because of the cap law. This is part of the

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whole tax lightening issue. So let's assume in this example that the Assessor's value in 2010 was \$150,000. The real time market value for that same property was \$200,000 in 2009. Our value always reflects the prior year's true market value except that we are limited by three percent increase. So in this case if the market value decreased in 2009 and let's say that in 2010 that market value decreased to \$175,000. And that's in the real world. And then the Assessor's value in 2011 would probably have to be increased by three percent to \$154,500. So we'd be adding \$4,500 to that value.

This demonstrates to you why we have to go up three percent. Because even though the market value has decreased in this example from \$200,000 down to \$175,000, we are not yet, on our records, at \$175,000. Therefore the property gets appraised by it can only go up three percent. This is the main reason why values go up and continue to go up three percent, because there has been such a large disparity over the past ten years between our value and the real world value. In the real world it was up here, back in 06 and 07, but the values have come down. But our value is still not yet at this lower value. This is the main reason. So I wanted to give you this information so that you have that answer with you because we are getting ready to mail out the notice of values here on Friday. They should be reaching mailboxes Saturday or Monday and we'll be dealing with people who don't agree with their value. We'll be dealing with people who can come in and apply for exemptions and other benefits such as a freeze on value. And I wanted to let the public know that the deadline for contesting their value will be May 16th or for applying for exemptions. And we want to encourage people that if they have any questions to please let us know and we'll try to work with them.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on the last example that you provided, and my comments aren't directed at you as the Assessor. You're trying to do your job to make sure that the assessments are out there and that we pick up the properties and the improvements that need to be picked up. The sad reality, you mentioned the reality, the sad reality associated with Santa Fe County is that we have many – and I've made this comment before but I'll continue to make it. We have many people that have moved into Santa Fe, paid large sums of money for properties in existing residential districts and as a result of those purchases we have long-standing residents of those communities that are automatically getting that three percent increase no matter what, based on things beyond their control. These people being on fixed incomes that don't have those resources.

So I understand your example but I think that it's fundamentally flawed. It's not your fault, but I think it's flawed and it's wrong. I don't think that that is an adequate mechanism to be able to automatically increase those taxes three percent per year. That's what happened when disclosure came in and I think it has had some benefits but the unintended consequences are those communities and those members, that their taxes are going to go up three percent no matter what is unfortunate.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. So I want to make sure this is clear to the public. The tax bills are going to go out approximately when? April –

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MR. PEREZ: Madam Chair, Commissioner Stefanics, the tax bills go out in November but the notice of value comes out, it will hopefully be out this Friday. They'll be mailed this Friday, April 15th.

COMMISSIONER STEFANICS: Okay. So the tax values of properties will go out April 15th and May 16th is the appeals deadline.

MR. PEREZ: That is correct.

COMMISSIONER STEFANICS: Well, I think that's one thing that people miss a lot, so I just want to re-emphasize that. The second thing I wanted to ask about is I have recently had – well, not recently. It's on and off through the year. Not a lot of cases but occasional cases where people have sold a property and they've come in, they've done the recordings here about the sale, and they continue to get tax valuations on their property. So is there a lag time or – I think it's confusing for me and the public to understand if we're rolling forward, if we're rolling back. How does this work? Like, if I sold my property today when would I stop paying taxes on my property? For the year I'm in or for the following year?

MR. PEREZ: Madam Chair, Commissioner Stefanics, if you bought a property today and you closed the deal through a title company, the title company would prorate your taxes. If you sold it they would collect – they would estimate what the taxes would be for this year, for 2011, they would collect essentially three months from you and they would give it to the buyer. The buyer would then have it as part of their funds and the buyer would then get the tax bill in November. The buyer is responsible for the entire tax bill. It's prorated at closing time.

As far as the notice of value is concerned that we send to them, if they close any time between now and a month ago, more than likely the notice of value would still come to them, to the original owner. Because we have been working to get these values correct and we're about two weeks to a month behind in ownership changes, in correcting the ownership changes within our office, so they would probably get you, if you had sold that property you would still get the notice of value from us. We would hope that those people would forward the notice of value to the new owner or use their realtor to do that. The new owners, we would encourage the new owners that if they didn't receive the notice of value from us and this situation occurred, that they come in and ask for a copy from us.

COMMISSIONER STEFANICS: Okay. So Madam Chair, that's not the situation I'm talking about, really. I have individuals who for a year, two years, three years, they've sold the property. Julia, my liaison, has tried to work with your office, but it doesn't get fixed easy. So I'm wondering what the problem is for the buyer and the seller. What happens? What gets funny?

MR. PEREZ: Madam Chair, Commissioner Stefanics, what happens some times is that people don't use title companies to close. A lot of people don't record their documents. The only way that the Assessor's Office or any one knows, the world, that someone filed a deed is if they file the deed. If they bought a property and there was a deed issued they need to file it at the Clerk's Office. If they file it at the County Clerk's Office we would get a copy and that's how we know the ownership has changed on that property, and that's what we use to change the ownership information on our side for tax purposes, for notice of value and for the tax bill. So either they're not recording the deed, or the deed may

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have gotten recorded and maybe it has slipped through the cracks and we haven't found it.

So if they come in and make us aware of it we'll do our diligent effort to find that recording and if we find it, we'll make the correction. If they didn't record it it would be up to them to record their deed, or their real estate contract.

COMMISSIONER STEFANICS: So, Madam Chair, what I hear is if somebody has a problem and they've recorded, if they go and get a copy of that recorded deed and bring it to your office, it would be corrected?

MR. PEREZ: Absolutely.

COMMISSIONER STEFANICS: Okay. Because that is the situation I've had at least three times in the past two years. So I just want to be clear, that maybe, if somebody went, got their paperwork and brought it to your office, that might help.

MR. PEREZ: Madam Chair, Commissioner Stefanics, yes, it would help, and we're also working with the County Clerk, Valerie Espinoza, to get copies of those deeds electronically. She receives electronic copies from the title companies and we have asked her to forward those to us and we're going to develop a system to where we get those electronically. Currently, we have to go make copies of deeds, bring them back to our office and work them by hand. So there is another procedure that we're doing that we're going to be implementing soon that will hopefully minimize these types of errors.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: Thank you. Any other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm going to back up and ask a question on your chart if I could. Part of the valuation that occurred relative to what we're going to consider in the budget whether we augment staff internally, potentially, or bring in a contractor, had to do with an evaluation that occurred by the State Taxation and Revenue in which they required or requested that we do that? Is that kind of the quick evolution of how we got to that point once again?

MR. PEREZ: Madam Chair, Commissioner Anaya, DFA and the County and Assessor Martinez agreed that there should be an evaluation conducted, because he felt that in the prior year's budget he was not being funded properly or enough to be able to do the job properly that he's required to do statutorily. So DFA, when they intervened said that this evaluation should be done to determine whether or not that's correct. And so –

COMMISSIONER ANAYA: Okay, Mr. Perez. So on that note I'm looking at taxable value history in the county. And I'm looking from 2005 at \$4,887,341,430, in 2005, to a net increase to \$6,957,915,000. That demonstrated to me that there's been a progressive increase in valuation which is an increase in revenue. I get what you're asking for, but just fundamentally, you've shown net gain in valuation, which is an increase in revenue. I understand that you want to re-evaluate but that shows, demonstrates it works. So clarify the urgency of the re-evaluation of property given that gain over time. And how does this – and this question you might not be able to answer today but I've asked it before is how do we stack up against other counties in the state of similar size and scope? Maybe that's something later you can answer. But just on the first question, if we're showing a net increase in value that's demonstrating in my mind you're doing your work and so help me out a little bit.

MR. PEREZ: Madam Chair, Commissioner Anaya, really the Assessor is not

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concerned – the Assessor’s role is not to be concerned with the revenue coming in. The Assessor’s role is to ensure that the value of the property is being valued correctly. Okay? Yes, this demonstrates that we are doing our job. However, there is information from prior years, because of lack of resources or whatever the reason was, that we have incorrect data on individual properties that we know are incorrect, or it’s sitting in a paper file and it’s not yet inputted into the computer system. It’s not verified and put into the computer system. A lot of the properties that we have been able to verify off those paper copies we have found errors that someone picked up that house, they collected the data, measured it 20 years ago, but it’s incorrect.

So what we still need to do is to hit all the properties to make sure that everything is on correctly because you wouldn’t want to be assessed for – if you had a 2,000 square foot house you wouldn’t want to be assessed for 2,500 square feet. That is the main purpose of this reappraisal, and to also find properties that aren’t on the tax roll that should be on the tax roll because if everybody was paying their fair share of taxes more than likely the tax rate would end up coming down.

COMMISSIONER ANAYA: And Madam Chair, let me clarify. I think any department or any assessor in the whole state, probably the whole country would love to have the ability and the opportunity to clear everything on their desks and bring everything up to speed rapidly. I think anybody would agree to be able to do that. I’m just simply pointing out that there is an increase in valuation that has occurred consistently. There’s not a decline; there’s an increase, which demonstrates work and the work of the Assessor’s Office. I think that’s a good thing, and I think as we go through that evaluation of the proposal and other options we need to take into consideration all facets and factors.

But I just want to point out that it has been an increase in valuation consistently over time, not a decrease. So thank you, Madam Chair.

CHAIR VIGIL: Thank you. And thank you very much, Gary. I think we’re ready to move on to the next item. Ms. Miller, is there any other update you need to provide to the Commission?

MS. MILLER: No, that’s it. Except for one thing. Just so you know, the clock on the wall is wrong.

XII. E. Matters From the County Attorney
1. Consent to Rezoning of the Polk Property in the Presumptive City Limits

MR. ROSS: Madam Chair, the first item here is the consent to rezoning of the Polk property. The reason this is on our agenda, if you’ll take a look a couple pages back you’ll see a letter from Mr. Siebert to the City. He has made a request to rezone this property which is near the corner of Rodeo Road and Richards. It’s actually just down the street on Richards. It’s a little bit south of the intersection. It’s currently zoned rural residential pursuant to the City-County annexation agreement. And he has applied to the City of Santa Fe to rezone that parcel to C-2, commercial.

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The City has written us a letter which is the second page in your packet, the letter from Tamara Baer. Essentially the City wants to ensure that if they entertain this request to rezone this property that the County will not find that that action violates the City-County settlement agreement on annexation that was signed several years ago. The background for this request is in the little memo that I put together. Essentially, the City created the rural residential district in the City code. The area where this property is identified is to be annexed; it's in what's called the presumptive city limits. There's a nice colorful map at the very back of the packet that shows all the various annexation zones that were identified in the City-County settlement agreement.

Zones 1 and 12 were supposed to have been zone rural residential or in such a way as to preserve the current rural character of the area. Subsequent to the City creating the rural residential zone the joint City-County Extraterritorial Land Use Authority zoned this property and all the other properties in the presumptive city limits and that zoning map establishes most of the areas within the Zones 1 and 14 as rural, either rural residential or R-1. The residents in Zone 1 preferred the R-1 to the rural residential zone. That's all water under the bridge. That all happened quite a while ago and the City just wants assurances that if they entertain this request they have of course two choices. One, of course is to rezone the property C-2, or two, to leave the zoning the way it currently is, and they'd just like assurances from us that if they do so they will not be held to have violated the City-County settlement agreement.

You can see the analysis in the report. It appears to me that zoning this property C-2 would not violate the agreement because this is a property that is located already adjacent to existing commercial uses that were zoned commercial as a part of this extended process. It's on a major collector and it's near the intersection of two collectors. But that is a matter that you need to decide if you think in your opinion this violates the settlement agreement. If they get those assurances they will entertain the application. There's no telling what they will do with it.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: First of all, this is in my district and I've had some correspondence regarding it. So first, what I would like to do is clarify what happened to ELUC and ELUA?

MR. ROSS: ELUC and ELUA still exist. They're just not meeting regularly. Their only remaining task, the way this has all been set up is either to entertain annexation requests under the petition method of annexation, or tweaks to the City-County settlement agreement. And that's it. The entire area we're talking about, the entire presumptive city limits is zoned now by the ELUC and ELUA by the City code and the authority to zone in that area is delegated to the City.

COMMISSIONER STEFANICS: So, Madam Chair, Steve, why would we not just ignore this and let the City deal with it?

MR. ROSS: Madam Chair, Commissioner Stefanics, I guess we could do that. They have indicated that they do not want to entertain the request even unless they get a feeling from the Board whether this potentially violates the settlement agreement. I don't

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know what they would do if we say we're not going to even entertain it.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

CHAIR VIGIL: Any other?

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, I would defer to Commissioner Stefanics because it's her district but relative to the presumptive annexation area, I know you and I, Mr. Ross, are going to have more conversation on it but I did have a good conversation with Councilor Dominguez and plan on having conversations with Councilor Chavez as well. One question that I have that seems connected to this is associated with other requirements within the agreement that we're required to do an evaluation of those annexation areas. Where are we with that as far as our evaluation and the responsibilities laid out in the agreement?

MR. ROSS: Okay. Madam Chair, Commissioner Anaya, what's left to do and what we're working on right now are two big items. One is the realigning pursuant to the settlement agreement the water and sewer service area boundaries. And there's quite a bit of City service out in the county beyond the agreed upon 20-year annexation line and there's a little bit of County service within the presumptive city limits. In other words, within what the city will be when all this process is finished.

And so all that infrastructure has got to be valued and transferred back and forth and what we're seeing is we think it's about equal on that particular topic, water and sewer infrastructure. There may be a net, but we're still working on that and we'll have some agreements put together pretty soon to address that.

Another area that needs yet to be completed is some sort of a mutual aid agreement or cooperative agreement called for in the annexation agreement for police and fire, so that there's a ramp-up of City services and a ramp-down of County services but not an abrupt change to make sure the public safety is protected. That's called for in the agreement. The previous Sheriff and the previous chief of police had agreed upon the contours of the law enforcement agreement and we have yet to deal with the fire piece. But those are the next two pieces. Plus the ongoing process of annexation.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, my understanding, there's a roads component also associated with the agreement.

MR. ROSS: A roads component, yes. Well, all the roads that are in the presumptive city limits would become city streets once they annex those areas, but if the roads are brand new then there has to be an evaluation process to determine what if anything the County would be reimbursed for when annexation occurs, and a good example is South Meadows, a brand new road. Those kinds of situations have to be addressed.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, the roads that were brought up to me were those below standard. And I guess I would just ask of Ms. Miller if you have a group that's working with Mr. Ross or internal team that's trying to work through those issues or if you've even had a chance to give that a thought.

MS. MILLER: Madam Chair, Commissioner Anaya, I don't know if it's so much a team on that issue rather than discussions. For instance, on the utilities issues Pego and Steve and I have been working together. I've been talking to the City Manager about some of the issues that we have, that kind of stuff. So each individual issue as it's come

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forward rather than an overall team meeting on a regular basis on that.

COMMISSIONER ANAYA: And Madam Chair, I am getting calls and have been since I started on refuse for example is one item where people are in the presumptive area that's City land use responsibility. Have City water, City sewer, but can't get City refuse. So that's one item I did bring up with Councilor Dominguez as a discussion item to see if we could maybe come to resolution sooner rather than later.

MS. MILLER: And Madam Chair, Commissioner Anaya, that is actually one of the very specific areas we've been having discussions on.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, if you could at some point give me a more detailed brief on that I'd appreciate it. Thanks.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I want to float a motion to see if there's any support. I would move that this item be tabled and be brought up at another meeting when there is a public hearing and advance notice to the public.

COMMISSIONER HOLIAN: I will second that.

CHAIR VIGIL: Okay, I have a motion and a second to place this item under a public hearing in a future meeting. Is there any discussion on that?

COMMISSIONER ANAYA: I'm in agreement on that?

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

XII. 2. Executive Session

a. Discussion of Pending or Threatened Litigation

b. Limited Personnel Issues

MR. ROSS: Madam Chair, we need a closed executive session to discuss pending or threatened litigation, limited personnel issues.

CHAIR VIGIL: Do we need it for items c, d and e?

MR. ROSS: No.

CHAIR VIGIL: Okay. Do I have a motion?

COMMISSIONER STEFANICS: Madam Chair, I move that we move into executive session to discuss pending or threatened litigation and limited personnel issues.

COMMISSIONER HOLIAN: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H(2)(7) passed by unanimous [5-0] roll call vote with Commissioners Anaya, Holian, Mayfield, Stefanics and Vigil all voting in the affirmative.

CHAIR VIGIL: It is now 5:18. How long do you think we'll be, Mr. Ross?

MR. ROSS: Approximately one hour, Madam Chair.

CHAIR VIGIL: Okay. Those of you who are here for public meetings, I think if you came back about 6:30 we'd be good.

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[The Commission met in closed session from 5:18 to 6:35.]

CHAIR VIGIL: We've just been in executive session.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we come out of executive session where we discussed pending or threatened litigation and limited personnel issues. Present were the five Commissioners, the County Attorney, the Deputy County Attorney, the County Manager and the Deputy County Manager.

CHAIR VIGIL: I have a motion.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: I have a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Stefanics was not present for this action and arrives shortly thereafter.]

XIII. PUBLIC HEARINGS

A. Growth Management

- 1. BCC Case # MIS 11-5020 Albert Sedillo Authorization Request.
Albert Sedillo, Applicant, Requests Authorization to Subdivide 3.96 Acres Into Two Lots Via Small Lot Family Transfer within a Previously Approved Subdivision (Pinon Hills). The Property is Located at 13 Calle Estevan, within Section 25, Township 17 North, Range 8 East, (Commission District 2) Wayne Dalton, Case Manager [Exhibit 5: Wiese Letter; Exhibit 6: Maret Letter]**

WAYNE DALTON (Building & Development Services Supervisor): Thank you, Madam Chair, Commissioners. The applicant is requesting authorization of a small-lot family transfer land division. The property is currently vacant and consists of 3.96 acres and will be divided into two equal 1.9-acre lots. The subject property is located within the Pinon Hills Subdivision, which is a previously approved subdivision created in 1965 and is located within the Basin Hydrologic Zone.

Article III, Section 10 of the Land Development Code states that the minimum lot size in this hydrologic area is ten acres and can be reduced to 2.5 acres with water restrictions. Lot size may be further reduced to 1.25 acres via small-lot family transfer.

Staff brings this request before the BCC for consideration due to the subject property being located within a subdivision previously approved by the Board of County Commissioners. The small-lot family transfer land division would result in an increase in density to the area. The BCC has approved prior requests in this area for variances, land divisions, family transfers and small-lot family transfers.

Subsequent to historic requests the Public Works Department has constructed an all-

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weather access into the Pinon Hills Subdivision and there are no longer any issues regarding access into the subdivision. The applicant states he purchased the property with the intention of giving his sons a piece of property. Now that the applicant's sons are of age it is the applicant's intention to subdivide the property into two equal parcels and give his oldest son a lot.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 2.5 acres with water restrictions. Article II, Section 4.3.5 allows for small-lot family transfers of one-half of the minimum lot size, which is 1.25 acres with water restrictions and other conservation measures.

With the construction of the all-weather access into Pinon Hills Subdivision adequate access has been provided for emergency vehicles as stipulated within Article V, Section 8.1.3 of the Land Development Code. Staff recommends approval of the applicant's request subject to the following conditions. Madam Chair, may I enter those into the record.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per lot per year. A water meter shall be installed for both lots. This shall be noted on the plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
3. No further division of either tract shall be permitted. This shall be noted on the plat.
4. The Applicant shall connect to the County Water system when it becomes available within 200 feet of the property line.

CHAIR VIGIL: Are there any questions for staff? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Wayne. Is it possible for the Board to place a restriction on the lot that is split off, that it not be sold off for a certain period of time after the lot split?

MR. DALTON: Madam Chair, Commissioner Holian, as I recall in the past, when these requests have come forward to the Board of County Commissioners there are a couple that have had holding periods placed on them.

COMMISSIONER HOLIAN: Okay. Thank you, Wayne.

CHAIR VIGIL: Any other questions. This is a public hearing. First of all, is the applicant here? Are you in agreement with all the conditions presented by staff?

[From the audience the applicant indicated assent.]

CHAIR VIGIL: Okay. Because it is a public hearing is anyone here to testify on this case? Please step forward. State your name and address for the record.

[Duly sworn, Frank DiLuzio testified as follows:]

FRANK DILUZIO: Frank DiLuzio. I live at 69 Calle Enrique and my property adjoins the proposed subdivision. And I just wanted to speak briefly. This isn't about it being a family transfer. My concern with these types of transfers have to do with the size of the lots they're generating in a traditionally very rural area and although there has been one all-

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weather crossing brought into the community, there's still an at-grade crossing between this property and the main egress and there's still really only one way in and out of this particular subdivision.

My concerns have mostly to do with additional traffic flows in an area that was never designed to handle high traffic rates and if we continue to produce lots that are less than 2 ½ acres it will contribute additional cars to the community.

Also I have a concern with the proliferation of additional septic systems. We're in an area that doesn't have community wastewater treatment and of course we're in an area that does not now and probably never will have a community water system, and so we're all sharing the same aquifer. And I'm not sure that lots of 1 ¼ acres are really compatible with the hydrology in that area.

So I guess what I would ask – I did review the County Code and I do understand the provisions and the Code allowing for small family lots to be split down to half of the 2 ½-size. But I would at least ask the Commission to seriously consider imposing a holding period that's reasonable on that property, just to assure that this is truly a family transfer, there's no short-term plan to trade off or sell one of those two parcels and build on the other. I guess I'd ask the Commission to seriously consider that. And I think what I'm saying has been consistent with what the West Santa Fe Association has brought forward on similar subdivisions similar to this.

CHAIR VIGIL: Thank you, Mr. DiLuzio.

MR. DILUZIO: Thank you.

CHAIR VIGIL: Does anyone have any questions? Seeing none, is there anyone else that would like to address the Commission on this? Okay. What's the pleasure of the Commission? I will say that we did pass out the email that we received from the West Santa Fe Association in regard to this case, and they also recommended as Mr. DiLuzio did a holding period. Go ahead.

COMMISSIONER HOLIAN: Madam Chair, I move for approval of BCC Case MIS #11-5020, Albert Sedillo land division, with staff conditions and with the extra condition that we put a five-year holding period on the sale of the lot that is split off.

CHAIR VIGIL: I have a motion. Is there a second?

COMMISSIONER STEFANICS: I'll second it.

CHAIR VIGIL: Okay. Does the applicant understand that condition? Would you like to address the Commission on that? Just go ahead and state your name and address once you come up.

[Duly sworn, Albert Sedillo testified as follows:]

ALBERT SEDILLO: My name is Albert Sedillo. On the holding period, what

CHAIR VIGIL: The recommendation for the holding period is if this is truly a family transfer that it not be sold for five years. Is that your understanding of that?

MR. SEDILLO: Yes, I understand that.

CHAIR VIGIL: Okay. Do you have any objections to that?

MR. SEDILLO: Well, I've had the property for 16 years. Why would I want to sell it now? Do you know what I'm saying? With the economy the way it is and the property

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values have gone down, the lot, it's –

CHAIR VIGIL: So you wouldn't have any objections to this condition?

MR. SEDILLO: No. If that's what it takes to get it subdivided I guess have no choice but to do that.

CHAIR VIGIL: Okay. We have a motion and a second. Is there any other discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I guess just a question of staff. In an effort to understand and be consistent, what have we done? We've done it in the past a few times but do we do it sometimes but not all the time? Is there any discussion of staff to address this in another way as we go through this code process? What historically, is this something that we regularly do?

MR. DALTON: Madam Chair, Commissioner Anaya, in this area the past couple of cases that I can remember the Board imposed a ten-year holding area on these lots.

COMMISSIONER ANAYA: Thanks, Madam Chair.

CHAIR VIGIL: And Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and I guess staff, on that point, on a family land transfer, what are the conditions, or I guess what are on the books as far as how it can be allowed or afforded or how it can not be with these conditions. Is there something typical in a family land transfer on the books that says you can't sell this land at a later date?

MR. DALTON: Madam Chair, Commissioner Mayfield, right now there's nothing in the code regarding a holding period of family transfers.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Dalton, when an applicant comes to us or comes to you all for a permitting process or I guess a lot split and they're coming under the code that says it's afforded for a family transfer, is there a definition of a family transfer?

MR. DALTON: Yes.

COMMISSIONER MAYFIELD: And can you tell me what that definition is?

MR. DALTON: Madam Chair, Commissioner Mayfield, I'd have to look that definition up in the code so if you give me a couple minutes I can –

COMMISSIONER MAYFIELD: If you don't mind I'd appreciate that.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I want to go back to the standardization of holdings. Even if we've put a hold in this particular area of the county why would we not do that in other areas of the county for family transfers as well?

SHELLEY COBAU (Building & Development Services Manager): Madam Chair, Commissioner Stefanics, there are some provisions in the code to encourage people to hold their property subsequent to a family transfer. The code states that they have to, if they don't hold the property for a period of three years I believe they have to do road improvements subsequent to a family transfer. The code states that they have to, if they don't hold the property for a period of three years, I believe they have to do road improvements.

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Because family transfer subdivisions or land divisions are exempt from providing road improvements, so that's a big savings. So if people want to sell it they're often faced with thousands of dollars in road improvements. We do have a point in the code that encourages the code.

COMMISSIONER STEFANICS: But from what I'm hearing, Madam Chair, there's an encouragement, not a requirement, for all these other cases. First of all, I'm perfectly fine with the five-year hold. If it's going to be a family transfer I think it should be a family transfer. But I also think that we should be treating everyone in a fair and equitable manner. So I guess, Shelley, I'm asking why we're not doing that everywhere.

MS. COBAU: Madam Chair, Commissioner Stefanics, I can't answer that because it's somewhat – we've had different Commissions who've had different opinions so things change with the changing Commissioners. I think the new code when it's developed will address the subject of fairness and certainly the subject of necessary road improvements.

COMMISSIONER STEFANICS: Well, Madam Chair, I certainly am recognizing right now in one part of my district some development that occurred that now needs some major roads and it wasn't required. So do see that we probably need to clarify that in our new code, whether it goes back to what you're suggesting, that if you sell or transfer sooner than a certain number of years then you're on the hook, but even within family transfers at some point, if there's any easements, you still need to be thinking about road improvements as well. Thank you.

CHAIR VIGIL: Let me get Commissioner Mayfield's question answered on the family transfer, then I'll go to Commissioner Anaya.

MR. DALTON: Thank you, Madam Chair. Commissioner Mayfield, to answer your question, the definition of a family transfer is the division of land to create a parcel that is sold or donated as a gift to an immediate family member, as defined herein. However, the exception shall be limited to allow the seller or donor to see or give no more than one parcel per tract of land per immediate family member.

COMMISSIONER MAYFIELD: Okay, Madam Chair, Mr. Dalton, the way I hear that definition though, he is dividing this land into two tracts.

MR. DALTON: Correct.

COMMISSIONER MAYFIELD: The definition says he is only required to give one tract to a family member.

MR. DALTON: One lot per tract. So if he had additional land in the county and he was subdividing another piece of property through family transfer he would only be allowed to give one of those tracts to an immediate family member.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioners and staff, I appreciate the clarification on what's historically been done. I guess the other thing I would bring up is that at some point, is there anything in our code – I support family transfers; let me make that clear. I think that they need to be evaluated as staff does, but I support them because there's people that have an opportunity to provide their families something that they can carry on and they may not otherwise be able to do that. That being said, associated with

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the hold, I'm going to vote for this motion but I'm going to ask that we get some more information and maybe it's a code issue associated with if a hardship exists. If a family has a family transfer and they're within the five-year hold and if they have a medical emergency or some other catastrophic event occurs I think we should give consideration to that event and their need to sell the tract of land, whoever that person that got it was. So I'm going to support the motion by I'm going to ask staff to look into that. I think that we should evaluate that, that there could be circumstances that would come back to the Commission potentially to allow a sale to occur before the period of time of the hold. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. The former Commission did in fact ask staff to develop a policy to come forward for our consideration on hardship, because we had, and I think we'd have to search through the minutes, but I think that as a group, the former Commission asked for something to be developed because we were receiving different hardship requests. And I'm not insinuating that this is a hardship request. I'm just saying that we have had illness, we've had divorce, we've had the financial market, we've had unemployment, we've had lots of things, and I believe we did ask for something to be considered. Do you remember anything like that?

MS. COBAU: Madam Chair, Commissioner Stefanics, we have had those type of cases that you're referring to where people come forward with medical hardship, financial hardship, were normally associated with variance requests. And the code only allows for contemplation of two types of hardships. Those are ones that are topographic in nature and ones that are non-self-inflicted in nature. So right or wrong, variances have been granted for people who have financial hardship. In response to that we've changed the way we word our staff reports to make it help the Commission and others understand the code and if somebody's requesting a variance based on financial hardship for example we point out in our staff report that that's not the type of variance or hardship that's contemplated by the code. That's not a reason that's contemplated by the code for granting a variance request.

So we haven't done any kind of code amendment that goes through and says we can consider hardship for these types of cases other than the ones that are topographic in nature or ones that are non-self-inflicted conditions.

COMMISSIONER STEFANICS: Madam Chair, I understand that. I think that what I'm remembering is that the Commission wanted the opportunity to vet something and so they wanted to offer the staff an opportunity to come up with some policy that could maybe be amended into code or used, but we wanted something to vet. We might not agree on it but we wanted something to vet so that we had some standard by which to assess these unique situations that might come in front of us. So that's not related to this case. I don't want to divert us in terms of our time and energy, but I just would like to put it on the table again. I'm sorry.

JACK KOLKMEYER (Land Use Administrator): Madam Chair, Commissioner Stefanics, we do remember that and we did take that into advisement but the problem at that point was that then we would go in and start making changes to a code, the existing code, that we want to make major changes to anyway. So as came up in the meeting this afternoon, I'm going to come up to you at the next meeting and let you know how we're

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going to deal with the public input process and then we're going to pick a number of really important what we're calling decision points. Two of them will be variances and family transfers that we're going to vet in great detail and have you be a part of that process with us, so we can really debate these things and then come back and put them in the new code. That's how we're thinking of doing it right now, in answer to your specific question. So there will be an opportunity to do that. Thank you.

CHAIR VIGIL: Okay. Did you want to – Commissioner Holian?

COMMISSIONER HOLIAN: Madam Chair, well, in the interest of being consistent with what has been done in that neighborhood in the past I would like to amend my motion to ten years.

CHAIR VIGIL: So it would be a ten-year. Is the seconder of the motion in agreement?

COMMISSIONER STEFANICS: No.

COMMISSIONER HOLIAN: Okay. Then I'll stick with five.

CHAIR VIGIL: Then we'll stay with the five. There is a high concern, Mr. Sedillo, and the Commission has heard from a few of the residents there that there has been some solicitation, I don't know on who's part, to purchase this property that you're going to subdivide and they are highly concerned that that's the underlying purpose. Will you clarify that for us please?

MR. SEDILLO: I did put the property for sale a while back.

CHAIR VIGIL: The entire –

MR. SEDILLO: Yes, the whole thing.

CHAIR VIGIL: Okay.

MR. SEDILLO: It was getting hard for me to keep up with everything that was going on and I decided to, and I took the property off even before the contract, because I didn't want to sell it. The reason I bought it 16 years ago was for my boys, to help them out. I've invested a lot of money in this, in this property and I'm not going to lose out on it.

CHAIR VIGIL: Okay. Are there any other questions or statements? If not, we have a motion on the floor.

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

- XIII. A. 2. CDRC Case # V 11-5010 Bernie Romero Variance. Bernie Romero, Applicant, Requests a Variance of Article V, Section 8.1.3 (Legal Access) of the Land Development Code to Allow an Access Easement of Less Than Twenty Feet (20') in Width. The Property is Located at 11 Camino Santerra, within the Traditional Community of Canada De Los Alamos, within Section 27, Township 16 North, Range 10 East, (Community District 4) Wayne Dalton, Case Manager.**

MR. DALTON: Thank you, Madam Chair. On February 17, 2011, the CDRC

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met and acted on this case. The decision of the CDRC was to recommend denial of the requested variance to allow an access easement of less than 20 feet in width.

The applicant requests a variance of Article V, Section 8.1.13 of the Land Development Code to allow an access easement of less than 20 feet in width. The applicant would like to apply for a family transfer land division, however, his existing 15-foot access easement does not meet current code criteria. The applicant meets the density for the family transfer, as his property contains 5.84 acres and is located within the traditional community of Canada de los Alamos.

Article V, Section 8.1.3 states that legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of the code. Parcels to be accessed via a driveway easement shall have a 20-foot all-weather driving surface, a grade of not more than 11 percent and drainage control as necessary to ensure adequate access for emergency vehicles.

This application has been reviewed by the Fire Prevention Division. The driveway/fire access has two separate 90 degree turns and access from County Road 67-A exceeds 11 percent. Due to the inadequate fire access on the adjoining lots between County Road 67-A and the applicant's property the Fire Prevention Division recommends denial of the applicant's request, and you can refer to that memo as Exhibit I.

The applicant states that the original access easement of 15 feet was established in 1973. A land division and easement relocation were done by the applicant and were recorded on September 13, 1995. At that time the applicant claims he tried to widen the easement to 20 feet but his neighbor refused. The applicant also states he has not recently communicated with his neighbor regarding widening the easement to 20 feet and feels that it is not an alternative due to her refusing in the past.

Staff has reviewed this application and has found the following facts do now support this request. Article V, Section 8.1.3 states parcels to be accessed via a driveway easement shall have a 20-foot all-weather driving surface, grade of not more than 11 percent, and drainage control to ensure adequate emergency vehicle access. The applicant is requesting a variance to allow an easement of less than 20 feet which is not allowed by the code. The code will be nullified. The applicant has not justified a hardship as contemplated by code. Therefore staff recommends denial of the applicant's request. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Are there any questions for staff. Commissioner Holian, and then Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, Wayne, in the easement that's on the neighbor's property, is it a 15-foot easement that's actually recorded on the plat for that property?

MR. DALTON: Madam Chair, Commissioner Holian, that is correct. There is a 15-foot platted easement.

COMMISSIONER HOLIAN: And my second question is, in talking with our Fire Department, did the subject of installing a water storage tank strictly for firefighting ever come up as a possible solution?

MR. DALTON: Madam Chair, Commissioner Holian, not to my knowledge. The only thing that came up was inadequate access for emergency vehicles.

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COMMISSIONER HOLIAN: Okay. Thank you, Wayne.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, does staff at any time make an effort to contact adjoining properties or is that the sole responsibility of the applicant?

MR. DALTON: Madam Chair, Commissioner Anaya, do you mean for easement issues? Is that what you're asking?

COMMISSIONER ANAYA: Madam Chair, for any issue, especially if there's been a statement or case where they don't agree or they don't want to provide the easement. Does staff ever get involved in those discussions?

MR. DALTON: Madam Chair, Commissioner Anaya, no. Staff does not get involved in those types of issues. Those are civil matters. On a case-by-case basis staff will try to mediate between the neighbors but other than that they don't get involved in those issues.

COMMISSIONER ANAYA: Madam Chair, relative to the ingress and egress and Fire Prevention meeting with the applicant, were there any other alternatives proposed, other than it has to be 20 feet? That you're aware of?

MR. DALTON: Madam Chair, Commissioner Anaya, I believe right now, as per code, it has to be 20-foot access. I know that there was some discussion about a turnaround but I wasn't involved in those discussions.

COMMISSIONER ANAYA: Madam Chair, Mr. Dalton, do you think everything that the County could possibly do, either on your side or the fire side has been done to try and provide for a compromise?

MR. DALTON: Madam Chair, Commissioner Anaya, I believe so. It's really a civil issue between the two property owners. She won't give up the additional five feet that the applicant needs.

COMMISSIONER ANAYA: Madam Chair, I think I might have a few more comments but I think I'd like to hear from the applicant's any other concerns from the public.

CHAIR VIGIL: Are there any other questions of staff?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: On the maps that you provided us or at least on the plats that we have, which County Road is servicing this property?

MR. DALTON: Madam Chair, Commissioner Mayfield, the access is off County Road 67-A, which is Canada Village Road.

COMMISSIONER MAYFIELD: And where is said property on this overview map?

MR. DALTON: Are you talking about Exhibit H?

COMMISSIONER MAYFIELD: I'm on Exhibit H. Yes, sir.

MR. DALTON: I'm sorry I didn't identify the property for you. It's right smack in the middle and if I may go up and show you.

COMMISSIONER MAYFIELD: If you just tell me what number I can –

MR. DALTON: It's actually the property that contains 5.67557 acres. It's right

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in the middle.

COMMISSIONER MAYFIELD: Okay. So that one. So then the road is this one coming off 22, I guess.

MR. DALTON: The road you can see coming off Canada Village Road right into the middle of the property.

COMMISSIONER MAYFIELD: Canada Village Road, what's the width of that road?

MR. DALTON: Madam Chair, Commissioner Mayfield, I really couldn't give you an accurate answer on that. I would say in between probably 20 feet, 25 feet.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR VIGIL: Any other questions for staff? Seeing none, is the applicant here? Would you please step forward and state your name and address for the record and be sworn in.

[Duly sworn, Bernie Romero testified as follows:]

BERNIE ROMERO: Bernie Romero, #11 Caminito Santerra.

CHAIR VIGIL: And Madam Chair, are you in agreement – you're probably not in agreement with staff's recommendations. But is there anything you'd like to address the Commission with?

MR. ROMERO: Sure. Prior to applying for the variance I met with Buster Patty of the Santa Fe County Fire Department. We walked the road, we walked the driveway, and it's not 20 feet and the reason he said that he had to deny was because it wasn't 20 feet and also because a certain portion, about 70 feet as you go into the drive exceeds the 11 percent slope. But he said we have no problem getting in here. We walked over to the two lots, or one of them is a proposed lot and he said – and I told him there's no problem with doing a hammerhead for any of the fire trucks that come on in and have to move around and parking there. He said he had to deny it just because we didn't have the 20 feet and that it exceeded the 11 percent.

This family transfer is for my son. If there's anything we can do, if we need to write up an agreement that says it won't go any further than that that would be fine with me. I'm just trying to get one lot for my son. Canada de los Alamos is a mountainous area. You drive around that village and there are lots of drives that exceed 11 percent and there are lots of drives that are 15-foot wide. But it's a mountainous area, what can you do?

CHAIR VIGIL: Okay. Are there any questions of the applicants?
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I know that one of the fire trucks that's the hardest to get up steep roads is the water truck by far. It's the heaviest and hardest to maneuver. Would you consider installing a water tank, a storage tank, for firefighting purposes?

MR. ROMERO: Well, I would consider it. I think the thing is the well that I've got is a shared well with one of my neighbors and the new lot, if approved, will also be on the shared well. This well generates approximately six gallons per minute, and filling the tank –

COMMISSIONER HOLIAN: Well, you could pay to have it filled.

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MR. ROMERO: Oh, yes. That'd be fine.

COMMISSIONER HOLIAN: And you don't use the water; it's just there for firefighting, you understand.

MR. ROMERO: Sure. How big of a tank would it be? I don't want a sore.

COMMISSIONER HOLIAN: Ten thousand gallons is I think a typical –

MR. ROMERO: Could it be an underground tank?

COMMISSIONER HOLIAN: Yes. It certainly could.

MR. ROMERO: That'd be fine. I'd have no problem with that. Another option is to do – whatever my son decides to build he can sprinkler it. That's another option.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya, on that point.

COMMISSIONER ANAYA: Madam Chair, Commissioner Holian, on that point, I think I'd like to defer to our Land Use Administrator and/or you, Ms. Cobau, for some feedback. I was looking at the minutes of the CDRC meeting on the case and it basically looks like, well, it's not 15 feet and it doesn't have the right access and they denied it. But do you, Mr. Kolkmeier, do you have any thoughts associated with this case it is historically has come up and has come up again in the future relative to the request?

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, again, I think it's this conflict with the basic provision as in the code, that is for the width of the road. So if it doesn't meet the code then as staff we can't support the variance. However, in the discussions that we have, and that's the reason they come. They go through due process and they come to you as the Board to consider some other recommendations and you have the authority to grant or deny that variance. So I think the point here is that the discussion that you're having right now is a good one.

If the road width is an issue and as Mr. Romero pointed out, there's difficult lots not only in Canada but a whole lot of other places, in La Cienega and Cerrillos and everywhere else. I think the point here being, in your consideration is what do you as a Board deem as reasonable conditions to put on a case like this that protect the health, welfare and safety of the individual and the neighbors? So the discussion about is there enough water to suppress the fire or sprinkler system that may be effective in that manor, that's what we have to take into consideration but from our perspective as your staff, it doesn't meet the code. So that's our recommendation to you: It doesn't meet the code.

So these are problematic and we have several every month and I think we just have to weigh these decisions so if the discussion continues, if you ask us do you feel that this would – a storage tank for water, or a sprinkler system, if that would be adequate? I wouldn't feel capable of answering that question until again we went back to Fire, because this is a fire and a safety issue. But I think it's not unreasonable to ask if there would be some alternative solutions.

COMMISSIONER ANAYA: Madam Chair, I'm going to defer to Commissioner Holian because she has the floor, but I'm going to make one more comment if I could, Madam Chair. And that would be that this isn't the first case. Granted, Commissioner Mayfield and I are brand new still, but this isn't the first case. This is probably the fourth case that has impact associated with fire where I think – my first comment is I

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think the Fire Department, with all due respect, should be here, so that when we get in dialogue and discussion about these issues that we can ask these questions of people that can provide us a response so that we're not prolonging, if you will, decisions that might be made based on some feedback. So I would ask you to discuss that with the Manager but I'm requesting that they be there, especially – maybe not on every case but if we know it's going to be an issue like this that's going to be directly tied to fire then I think it just makes sense to have them here.

But overall, I wasn't picking on you I think I just wanted to get your viewpoint and perspective. So thank you, Madam Chair, Commissioners.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I would like to actually make a motion to table this case at this point and to direct Mr. Romero to talk with Buster Patty again about the possibility of a storage tank and also sprinklers too in the home. You live in a very dangerous area. I understand that because I have land on Glorieta Mesa and we are being required to put in a water storage tank and sprinklers in the home, and I don't mind doing that because I know that not only do I want to be safe for myself but I don't want to cause a fire that's going to cause anybody else to be in danger too. It's not just me it's about my community and caring about my community. And so I would like to investigate those possibilities and that might be sufficient to not have to bring a water truck up that 15-foot easement, might make the Fire Department feel a lot better. That's my motion.

CHAIR VIGIL: I have a motion to table this until the applicant has an opportunity to work out alternatives with the Fire Department. Is there a second?

COMMISSIONER STEFANICS: Madam Chair, I would make a second as long as we add that it comes back to us next month.

CHAIR VIGIL: I think we can include that if the maker of the motion is okay. I do have a motion and a second. Before I take action on it, those of you who are here to speak on this case please come forward. I won't take action on it yet.

MR. ROMERO: Well, if I'm tabled –

CHAIR VIGIL: I haven't taken action on it. We haven't heard from the public yet. Those of you who are here to speak on this please step forward, whoever would like to speak. State your name and address and get sworn in.

[Duly sworn, David Birnbaum testified as follows:]

DAVID BIRNBAUM: My name is David Birnbaum and I live at 7727 Old Santa Fe Trail. And I have lived there since 1979 and my property is adjacent to Mr. Romero's property. In the late – early 1990s I participated in a lot of meetings here with many, many members of our community where we were trying to limit the division of property into smaller and smaller parcels. And one of those was Mr. Romero trying to divide this piece of property, a 7.5-acre piece of property into three parcels. And at that time the wisdom of the County was that that was inappropriate, mostly, I think it was based on water shortage issues in that area. We have very, very unusual situations where one neighbor will fill a storage tank and on that day the other neighbor can't take a shower. A neighbor will water his fruit trees, on that day the other neighbor can't wash the dishes.

It was very, very clear that we're all dipping our straws into the same little glass and I

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don't know for sure that that was the sole reason but it was a major reason. But in any case I realize this is not about the water issue. It is although about basically reversing an earlier decision to restrict the small size of the lots that Mr. Romero was trying to obtain in the early 1990s.

I also am a general contractor and I am a tremendous advocate of respect for the code and especially respect for the Fire Marshal and their interest, and I just cannot see how it benefits anybody except Mr. Romero to look for ways around these very carefully thought out restrictions. And I know I'm speaking for many of my other neighbors who couldn't be here tonight when I say we are all aware that this is a bad idea. There is a very, very difficult access even to get to the point where you get off the road to get onto the driveway, which is definitely too steep and definitely too narrow. By the time those firefighters or an ambulance – it doesn't have to be about a water tank. It could be any number of different issues, by the time they get there, for them to have to navigate a substandard, too-steep, too-narrow easement is just something that doesn't make any sense.

There's no hardship here. Mr. Romero I think can find another way to benefit his son and I don't think it's good to set a precedent where we're going to say, Is 20 feet really necessary? Wouldn't 19 ½ be good enough if I have a big enough tank? If I put sprinkler systems? If I don't have any matches in my house? That's going to allow me to not respect these carefully thought out rules, and I really implore you, please, let's not let each individual chip away at these well thought out rules and regulations. Thank you very much.

CHAIR VIGIL: Thank you. Next.

[Duly sworn, Bill Keller testified as follows:]

BILL KELLER: Commissioners, my name is Bill Keller. My address is 7731 Old Santa Fe Trail and I'm also a neighbor of Mr. Romero's. The County Land Use Code 20-foot access requirement is a health and safety requirement. It is there to protect our communities, and I have to admit I was somewhat taken aback by the conversation that occurred a few minutes ago. Canada de los Alamos is an incredibly heavily forested community and it also is an extremely dense community in terms of population. When the County paved Old Santa Fe Trail about 20 years ago there was a huge increase in the number of people developing land and moving into that area.

We don't see each other because of the amount of forestation but we hear each other talking from our houses. There are a lot of folks there. We have one road in and out of that community. It's the Old Santa Fe Trail and coming through the village it is extremely narrow and it is extremely winding, and in the wintertime when there's snow and ice on that road, particularly on the steepest hill in that entire area, it is extremely treacherous. We had developed back in the mid-nineties, Mr. Birnbaum was talking about our effort to develop – well, actually it was the community land use plan. We developed a fire escape route system which had people living on Camp Stoney Road driving south down a road to La Posta and driving through a fence in the San Sebastian Subdivision in order to get out in order to get out because of the potential difficulty of everybody getting out on Old Santa Fe Trail.

If there's a fire the entire community is in danger of going up because of the amount of vegetation. This 20-foot access requirement is not something that you should take lightly. It is in fact literally a matter of life and death potentially for people. People can get trapped in

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that community if fire trucks can't get in. My driveway is more than 11 percent. In wintertime my wife and I have to walk up and down the driveway. We can't drive our vehicles. Sometimes you can't drive the four-wheel drive truck up and down the road.

Those are the kinds of driveways that are out there. Yes, they've been out there – non-compliant; there are lots of non-compliant driveways out there now under the current code but that community has been there since the mid-nineteenth century and those roads pre-exist the code. That's why they're like that. And the fact that you have some roads that are not compliant does not justify approving the variance when there's no showing of extraordinary hardship as required by the code to satisfy someone's desire to put in a third lot on a parcel of land where the County said 17 years ago you can only have two.

I understand that you're interested in looking at alternatives but I would like for you to think about what those alternatives may mean to the community. If Mr. Romero's house goes it's likely that my house is going to go; it's likely that Mr. Birnbaum's house is going to go, and it's likely that other houses in that immediate area are going to go.

We had a fire, a ground fire, over by the church 20 years ago. Fortunately it was on a Saturday and people came out and were able to extinguish that fire. If they hadn't done that, if it happened in the middle of the workday we might have lost dozens of houses. I urge you to look to the code. The code exists for a reason. It exists to protect the entire community. And I understand about family transfers. I have two kids; I have seven acres, I could put in six more lots, theoretically on my property. I'm not going to do that because I think it's a really bad idea.

But somebody desiring to do family transfers is not in and of itself a justification for setting aside a requirement under the code which is intended to protect the community as well as the Romero family itself. If it's wintertime and there's snow piled up from plowing on that driveway and the 15 feet is down to 12 feet because of those piles of snow like last winter when we had so much snow, maybe that fire truck can't get in. Maybe they can't get back out because there's ice on that driveway.

The code says you have to show extraordinary hardship. Not just hardship. You have to show extraordinary hardship. And when we were here back in the nineties trying to develop a land use plan and talking about the applications of developers to subdivide in that community, we talked consistently to the Commission about the overriding purposes of the code, which are stated in the code, and what we were told every single time was those things don't matter. Those are general principles. We have to apply the letter of the law. We're asking you in this case to apply the letter of the law and protect all of us. Thank you.

CHAIR VIGIL: Thank you. Next.

[Duly sworn, Suzy Romero testified as follows:]

SUZY ROMERO: My name is Suzy Romero. I am the wife of Bernie Romero and I married him after he bought this property. I know who his son is who went back to live with his mother. He stayed at our house a lot of times. He used to come over a lot of times. These two gentlemen do not live in La Canada, in the community of La Canada. They live off Camp Stoney. They're not part of – you're not of Camino La Canada. They're not in there. They are off Camp Stoney Road. Their properties are much smaller than what we have.

My husband is wanting to give property to my son, to my son who has his own child,

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who is – he’s actually living with us right now. It’s really no different. The reason that he doesn’t want us to build is because I think he feels that it’s going to interfere with his views. His property is much higher than ours. If he was concerned about the fire danger in La Canada, Camino de los Alamos, I mean, he would have gone and taken down all the dead pinon that died in that property way back a couple years ago which is what my husband and Mr. Boll did do. They went and took down all the dead brush. These two gentlemen, as far as I know, when I see the property, there’s dead pinon there.

So what they’re telling you is more of a personal want rather than – this is my opinion. Is it’s something that they’ve been fighting with us all along from day one. I did date Bernie before he bought the property. I saw the property before he fixed it up. He’s actually an architect. So he’s built it to where it is secure. There’s prairie around the whole house that keeps it safe. There’s – if you would look at the property, you see the property in front of you, you see where the house is, there’s clearing around the house that had been a fire it would not – in the house, I’m talking about in the house – it would not affect that [inaudible] properties.

The properties that they’re talking about, there’s brush all the way up to the house. We’re concerned with the village too. We’re water-conscious. We make sure that we have drought-tolerant plants. We make sure that everything is cleared around from where we’re going. Where we live there’s clearing to make sure that everything is safe. This is Mr. Boll. He lives right next to us. He’s one of the people that uses our road. We are all – I’m not saying all of us but there’s several neighbors right using that same road, we all make sure that it is very safe and – I’m not saying all of us. I’m saying the majority of us make sure that the road is clear and that everything is safe and all the dead brush is gone. I’d like to see if these two gentlemen can say the same.

CHAIR VIGIL: Okay. Ms. Romero, are you done?

MS. ROMERO: No, I’d like to say this is a family – this is for my son. He already lives in the area. He already lives with us. This is for him and his son to use part of the property, which is a large area and there’s already – there was a structure there before. I don’t know what it was but there was something there before. This property, there was squatters on it. It’s cleaned up. It’s nice and neat. It probably raised the value of their property after Bernie fixed it. I think they should be thankful because it probably did raise their property value and I don’t see why there would be a problem with transferring when it was already permitted in the past.

There was already three lots. If you see the paper there was three lots put on it that were approved for it. This ordinance says – she told us that [inaudible] came after there was already approval for a three-lot split.

CHAIR VIGIL: It’s my understanding, and Wayne, you might answer this just so that we don’t go down a path that gets a little foggy. There’s no problem with the density transfer on the family; the only issue is the 20-foot wide –

MS. ROMERO: Which is every –

CHAIR VIGIL: Let me have staff answer that, Ms. Romero, just so that it will be in the record.

MR. DALTON: Madam Chair, that is correct. The applicant does have the density for a family transfer.

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CHAIR VIGIL: So I needed that on the record. Is there anyone else? Please step forward and be sworn in and state your name for the record.

[Duly sworn, Scott Boll testified as follows:]

SCOTT BOLL: Scott Boll. I live at 7 Camino Santerra. I guess what I would say is – I don't really have a real emotion stake in any of this. What I would – I was part of the proceedings maybe a dozen years ago when they were first trying to take this lot and split it into three parcels and I was against it, mostly because I didn't want to see the density, more houses there really. What ended up happening was it got hammered out in a meeting similar to this was that a lot split was going to be allowed for two residences, for two dwellings, and that there was room for a family lot split for a later time. So I would guess that if you went back through the records of that you would probably find where that was agreed upon by the Commissioners, your predecessors at that time.

And for that reason, because we did agree to it as both a community, the people who were trying to fight the split in the first place, and at that time they did create the new easement. So apparently that easement was okay for the idea that there would also at a later time be that possible family transfer. So I didn't actually understand why this was an issue when it was brought up, when I got certified letter saying what was all going to be happening and everything. I thought, oh, well, I thought we already agreed to that a dozen years ago. So with that in mind I just want to say that if you go back and look at that I don't quite understand why it's not okay now when it was okay then. And for that reason and for that reason only I support it.

CHAIR VIGIL: Thank you very much, Mr. Boll. Just for the benefit of everyone, what I would say at this point in time is that the motion that's before us does not take action either way, for or against the applicant. What the Commission would be saying on a motion to table is we don't think we have enough information here and we'd like further information with regard to this case. And based on all the testimony that I've heard, which somewhat contradicts itself, I think we do need more information. So unless there's an alternative motion – and is there anyone else who would like to address the Commission? I don't see, so the public hearing will be closed and we do have a motion and we have a second. And unless I see an alternative motion I'm ready to take a vote. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just a question. [inaudible] the adjoining property owner that you have to get the easement from, to go beyond the 15-feet, or someone else? It's someone else that's not here.

CHAIR VIGIL: We'll need you to answer that on the record. Commissioner Anaya has asked the question if anyone who has easement rights to the property is here and the applicant is ready to state that – please make your statement.

MR. ROMERO: She was at the CDRC meeting and she was aware of trying to widen it to 20 and I talked to her about it then and she didn't respond. She's not interested in widening it.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Okay, with that in mind I'm ready to take – the public hearing is closed. I closed it a while ago. He was just responding to a question of his and we're ready

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to take action on this motion. We have a motion to table. On this point, then you're welcome to respond.

MR. BOLL: Just to respond, it probably goes through like ten feet of my property. Not much, but it does go through. I have just a little sliver that it comes through to this one.

CHAIR VIGIL: Okay.

MR. BOLL: So, I'm the other one.

CHAIR VIGIL: I have a motion and a second.

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

CHAIR VIGIL: The motion passes unanimously. This case will be heard at the next land use meeting and if staff will follow up on the recommendations that we made to get that information to us at the next meeting. Thank you very much. Thank you, Commissioners for all your input in this meeting.

XIV. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Vigil declared this meeting adjourned at 7:35 p.m.


Approved by:

Board of County Commissioners
Virginia Vigil, Chairwoman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


Karen Farrell, Wordswork
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Santa Fe, NM 87501