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XII. A - B**

**NO PACKET MATERIAL FOR THIS  
ITEM**

**EXECUTIVE SESSION**

Daniel "Danny" Mayfield  
*Commissioner, District 1*

Virginia Vigil  
*Commissioner, District 2*

Robert A. Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Katherine Miller  
*County Manager*

## MEMORANDUM

**DATE:** March 19, 2012

**TO:** Board of County Commissioners

**VIA:** Katherine Miller, County Manager

**FROM:** Tina Salazar, Constituent Services Liaison on Behalf of Commissioner Holian

**RE:** A proclamation recognizing March 26<sup>th</sup> through March 29<sup>th</sup> as Battle of Glorieta Pass Days

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**Issue:**

On the agenda, under Matters from the Commission for your consideration is:

A Proclamation Recognizing March 26<sup>th</sup> through March 29<sup>th</sup> as Battle of Glorieta Pass Days. A battle fought during the Civil War, in which courageous Colorado volunteers and New Mexico soldiers stood together against the Confederate Army at Apache Canyon. The battle resumed west of the village of Glorieta Pass, and there the Confederates were defeated. This battle played a significant role in the Civil and prevented the Confederacy from taking control of the West.

Let us remember the highest sacrifices made by those soldiers who died on the battlefields in the battles of Glorieta Pass and Apache Canyon, and recognize their crucial role in ensuring the future union of our great country and in preserving the freedoms we all enjoy as citizens.

**Request Action:** Commissioner Holian respectfully requests the Board of County Commissioners support and approve this item.



## Santa Fe County Proclamation

*Introduced by Commissioner Kathy Holian*

### RECOGNIZING MARCH 26<sup>TH</sup> THROUGH MARCH 29<sup>TH</sup> AS BATTLE OF GLORIETA PASS DAYS

**Whereas**, during the Civil War, New Mexico became a key arena in the war as the Confederate Army advanced northward through the state, gaining ground in battles from Las Cruces to Santa Fe, and on March 10, 1862, forced the seat of state government to retreat to Las Vegas;

**Whereas**, on March 26, 1862, the courageous Colorado volunteers and New Mexico soldiers stood together against the Confederate Army in the Battle at Apache Canyon, just 13 miles from Santa Fe, losing only 5 union soldiers, taking 71 confederates prisoners and killing an estimated 32 to 70 soldiers that remain buried at the battlefield today;

**Whereas**, the battle resumed on March 28, 1862, west of the village of Glorieta at Glorieta Pass, and there the Confederates were defeated as a result of the rear guard wagon train destruction at Apache Canyon;

**Whereas**, the victory of the battle at Glorieta Pass occurred 1 year, 7 months and 13 days before Gettysburg and became a turning point in the civil war by preventing the confederates from taking control of gold mines from Colorado to California;

**Whereas**, for over 150 years, the significance of the battle of Glorieta Pass has been inadequately recognized, and the battlefield, known as the "Gettysburg of the west," remains among the top 10 most endangered civil war battlefields; and

**Whereas**, it is our duty to remember the highest sacrifices made by those soldiers who died on the battlefields in the battles of Glorieta Pass and Apache Canyon, and recognize their crucial role in ensuring the future union of our great country and in preserving the freedoms we all enjoy as citizens.

**Now therefore**, be it resolved that we the Board of Santa Fe County Commissioners do proudly proclaim the 26<sup>th</sup> through the 29<sup>th</sup> of March 2012 as:

### **"The Battle of Glorieta Pass Days"**

in commemoration and honor of those who gave their lives for the victories won at Glorieta Pass and Apache Canyon.

**APPROVED, ADOPTED AND PASSED, ON THIS 27<sup>TH</sup> DAY OF MARCH, 2012.**

#### BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Liz Stefanics  
Chair, Commissioner, District 5

\_\_\_\_\_  
Kathy Holian  
Vice-Chair, Commissioner, District 4

\_\_\_\_\_  
Daniel "Danny" Mayfield  
Commissioner, District 1

\_\_\_\_\_  
Virginia Vigil  
Commissioner, District 2

\_\_\_\_\_  
Robert Anaya  
Commissioner, District 3

\_\_\_\_\_  
Katherine Miller  
County Manager

**Approved to Form:**

**Attest:**

\_\_\_\_\_  
Stephen C. Ross, County Attorney

\_\_\_\_\_  
Valerie Espinoza, County Clerk

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SANTA FE COUNTY INTEROFFICE MEMORANDUM

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**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** ARNOLD VALDEZ, SENIOR PLANNER  
**VIA:** COMMISSIONER HOLIAN  
**RE:** A RESOLUTION TO RECOGNIZE THE GALISTEO CONSERVATION  
INITIATIVE PLAN AS A MODEL FOR WATERSHED, NATURAL RESOURCES AND GREEN  
INFRASTRUCTURE PLANNING  
**DATE:** 3-27-2012  
**CC:** PENNY ELLIS-GREEN; ROBERT GRIEGO *RG*

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Issue

The purpose of this resolution is to recognize the Galisteo Conservation Initiative Plan as a Model for watershed, natural resources and green infrastructure planning throughout Santa Fe County.

Background:

Previously, Resolution 2005-87 specified that Santa Fe County had been participating in planning initiatives in the Galisteo Watershed and its mission was to facilitate coordination, public education, research and planning. Several public and private institutions collaborated on this conservation initiative as a way of preserving the heritage and landscape of the area. As a continuing effort to Resolution 2005-87 a plan was developed, recently released and entitled the Galisteo Watershed Conservation Initiative Plan (hereinafter the "Conservation Plan"). The Conservation Plan recognizes the vast cultural and natural resources of the Galisteo Basin and the need for creating new paradigms for growth management in Santa Fe County.

The Conservation Plan addresses the recent population growth in Santa Fe County that has led to suburban settlements on the perimeter of the Galisteo Basin Watershed. This development activity has triggered environmental problems downstream and across the landscape. There is a need to implement more sustainable infrastructure for future use as a way of supporting essential ecological services that contribute to the quality of life. As a result of identifying "significant conservation values," the methodologies of the conservation model are ultimately used to identify and protect hubs and links in the landscape at a regional and continental scale.

The planning models from the Conservation Plan led to the development of the land suitability analysis that is the foundation for the 2008-19 Oil and Gas Ordinance and the planning methodology incorporated into the Sustainable Growth Management Plan, specifically Chapter 5, Resource Conservation.

The Conservation Plan makes specific recommendations for sustaining manageable growth, such as encompassing a stronger community planning processes, developing strategic land and easement acquisitions, developing sustainable growth policies, implementing restoration and educational

activities that include, flood plain management, land owner education programs and developing strategic partnerships among communities, land use departments, transportation planners, developers, agricultural interests, land owners, and other watershed stakeholders.

The planning applications in the Conservation Plan for evaluating site development plans as to specific areas on a specific site that should be protected, as well as evaluating potential areas for open space acquisition, make this model valuable for consideration in sustainable growth management planning.

**Recommendation:**

Approve the Resolution To Recognize and Utilize The Galisteo Basin Conservation Initiative Plan As A Model For Watershed, Natural Resources And Green Infrastructure Planning.

**Santa Fe County**  
Resolution NO. 2012-

**A RESOLUTION TO RECOGNIZE THE GALISTEO BASIN CONSERVATION  
INITIATIVE PLAN AS A MODEL FOR WATERSHED, NATURAL RESOURCES  
AND SUSTAINABLE AND GREEN INFRASTRUCTURE PLANNING**

**WHEREAS**, Resolution 2005-87 supports the cooperation between Santa Fe County (the "County") and the Galisteo Watershed Partnership for Planning ("Galisteo Partnership") in the Galisteo watershed;

**WHEREAS**, the Galisteo Watershed Partnership consisted of Federal, State, and Local Government Agencies, and Non Governmental Organizations; and

**WHEREAS**, in addition to members of the Galisteo Watershed Partnership the following organizations participated in the development of the Galisteo Conservation Initiative: Office of the State Engineer/Interstate Stream Commission, the Santa Fe Conservation Trust, UNM (School of Architecture and Planning) National Park Service (Rivers, Trails, and Conservation Assistance), Santa Fe County, Earth Analytic, Inc. and Earth Works Institute;

**WHEREAS**, the mission of the Conservation Initiative is to facilitate coordination, public education, research and planning throughout the County;

**WHEREAS**, Planning models of the 2007 draft Conservation Initiative lead to the development of the land suitability analysis that is the foundation for the Oil and Gas Ordinance that Santa Fe County adopted in 2008 and the recently released Galisteo Conservation Initiative Plan;

**WHEREAS**, the Galisteo Watershed Conservation Initiative is relevant to the Sustainable Growth Management Plan, Chapter 5 Resource Conservation Directives; and

**WHEREAS**, the Galisteo Watershed Conservation Initiative is an important planning tool that makes specific recommendations for a holistic community planning process;

**WHEREAS**, this planning process includes, but is not limited to, developing strategic land and easement acquisitions, sustainable development growth policies, restoration activities, flood plain management approaches, land owner education programs and strategic partnerships among communities, land owners and other stakeholders.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Santa Fe County hereby approves the recognition and utilization of the Galisteo Basin Conservation Initiative as a model for watershed, natural resources and green infrastructure planning throughout Santa Fe County.

**PASSED, APPROVED, AND ADOPTED THIS 27<sup>th</sup> day of March, 2012**

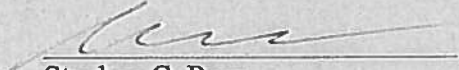
**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Liz Stefanics, Chair

Attest:

\_\_\_\_\_  
Valerie Espinoza,  
County Clerk

Approved As To Form:

  
\_\_\_\_\_  
Stephen C. Ross  
County Attorney



# GALISTEO WATERSHED CONSERVATION INITIATIVE

Quality of Life at a Crossroads

BY EARTH WORKS INSTITUTE & SANTA FE CONSERVATION TRUST  
IN PARTNERSHIP WITH EARTH ANALYTIC, INC.  
AUGUST 2011

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## ACKNOWLEDGMENTS

The Galisteo Watershed Conservation Initiative (GWCI) team thanks the Office of the State Engineer/Interstate Stream Commission, the County of Santa Fe, the University of New Mexico's Community & Regional Planning Program, and the National Park Service's Rivers, Trails & Conservation Assistance Program for their guidance over the course of this Initiative.

### SUPPORT FOR THE GWC INITIATIVE

Funds for the GWCI were provided by the State of New Mexico as administered by the New Mexico Office of the State Engineer (OSE), Interstate Stream Commission (ISC). The partners wish to thank the visionary support of former State Representative Max Coll and State Senator Phil Griego, co-sponsors of the bills that enabled the funding and establishment of the GWCI.

Advisory support and material aid have been provided by the Santa Fe County Planning Division and the OSE/ISC. Our thanks go to County Planner Beth Mills, ISC staff Tim Murrell and Gar Clarke, former Trust employees Melisa Collett and Cyrus Samii, and GWCI Steering Committee members Alan Ragins (National Park Service) and David Henkel (UNM School of Architecture and Planning). Tom Seamster provided expert editing assistance, for which we are most grateful. Additionally, we wish to thank the local and professional experts who provided feedback during a series of expert meetings in the spring and summer of 2006. Finally, we thank Commonwealth Conservancy for graciously supporting us in the implementation of this Initiative's Conservation and Restoration Pilot Project on the Galisteo Basin Preserve.

### THE AUTHORS

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Except where noted, all photographs are courtesy of Earth Works Institute.

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## EXECUTIVE SUMMARY

**The Galisteo Watershed: Landscape at a Crossroads.** The Galisteo Watershed, more commonly known as the Galisteo Basin, is an extraordinary landscape, reflecting a confluence of geological epochs, ecoregions, wildlife, and human communities past and present. All have left their tracks and trails, creating a crossroads where traditional and contemporary cultures, lifestyles, values, and land ethics converge. As growth comes to Santa Fe County, land use decisions will affect the future of the Galisteo Basin and its residents. With this report, we intend to define, document, and preserve the quality of life embedded in this extraordinary landscape, which lies both literally and figuratively at the crossroads between an Old and New West. Covering 730 square miles just south of Santa Fe, the Galisteo Basin's varied geography includes grasslands, forests, mesas, rolling hills, rocky escarpments, streams, small lakes, and wetlands. The Galisteo Basin lies at the intersection of four western ecoregions: the Southern Rocky Mountains, Arizona/New Mexico Mountains, Southwestern Tablelands, and Arizona/New Mexico Plateau, each contributing to a rich biodiversity. Pronghorn, cougar, mule deer, and black bear occupy the Basin's undeveloped lands, relying on the water resources of Galisteo Creek and its tributaries and wetlands.



*The Galisteo Basin is well known for its spectacular views*

This area has long served as an intersection of human cultures and populations. Before European contact, the Central Bowl of the Basin supported the highest density of human settlement in northern New Mexico. Evidence of these rich cultures—the largest ruins of Pueblo Indian settlements in the United States, as well as a vast system of rock art—is an archaeological treasure of national significance. Here, the colonial Spanish created some of their most northerly missions, settled small villages, and created many private land grants. These settlement patterns allowed the settlers to graze livestock, develop farms, harvest timber, and explore the area's rich geological formations for turquoise, silver, and gold. Later, and throughout the 20th century, a significant percentage of the Basin lay in large ranch holdings—Ortiz, Ortiz y Pino, Anaya, Simpson, San Cristobal, Thornton, Saddleback, Zorro, Lone Mountain, Cerro Pelon, Thompson, and others.

**Changes in the Basin Create a “Growing” Problem.** Recent population growth in Santa Fe has led to suburban settlements outside the city's boundaries. The tiny settlements of Cerrillos, Madrid, Galisteo, Lamy, and Cañoncito grew, scattered homes were built in the forested highlands and across abandoned grasslands, and large housing developments appeared along the Basin's highways. Development, mostly concentrated at the perimeter of the watershed—the sensitive higher

ground where drainage systems begin — has triggered environmental problems downstream across the entire landscape, and these problems can be expected to increase if historical growth patterns continue. Roads, fences, rail lines, paving, and housing settlements fragment habitat, create barriers to wildlife migration, increase flood flows, generate erosion, and obscure scenic views. Domestic and community wells deplete groundwater, shrinking wetlands, drying grasslands, and accelerating gully erosion in arroyos and creeks in the process. The Basin's magnificent night sky is disappearing one light bulb at a time, vandalism threatens archaeological resources, and the scenic and extraordinarily long views of the Basin's beautiful geologic outcroppings are increasingly obstructed. Clearly, new paradigms for growth management are needed if we wish to ensure the survival of the unique and fragile heritage resources of the Galisteo Basin.

**Working Together to Preserve a Heritage Landscape.** Several private and public institutions have begun to focus on cultural and natural resource conservation in the Galisteo Basin, including Santa Fe County, which has outlined a program of voluntary measures for land conservation and trail creation. However, to date there has been no collaborative effort that gather, share, or use cultural and natural resource data for the Basin nor create a conservation prioritization strategy that can inform more viable land use decisions in the area. It is our hope that this Galisteo Watershed Conservation Initiative (GWCI) plan will be actively used and updated by land use and transportation planners, resource specialists, conservation organizations, communities, educators, researchers, and individuals who live within or are concerned about the future of the Galisteo Basin and the greater Santa Fe area. It is also our hope that the model will be duplicated and used in other watersheds throughout the state.

**Green Infrastructure: Planning for Smart Growth.** Across the U.S., communities concerned about ecological, social, health, aesthetic, and economic problems are developing green infrastructure plans. Just as human infrastructure supports human civilization, “green” infrastructure provides essential ecological services on which we all depend and that support our quality of life. Nature's infrastructure provides the planet with its most fundamental and essential support system: ecological, or life-support, services that underpin all of life, including human activity. Protecting green infrastructure—a network of interconnected natural lands and waters in, through, and around human development—thereby becomes a local and regional approach to solving a national and global problem. By planning for and developing around green infrastructure,

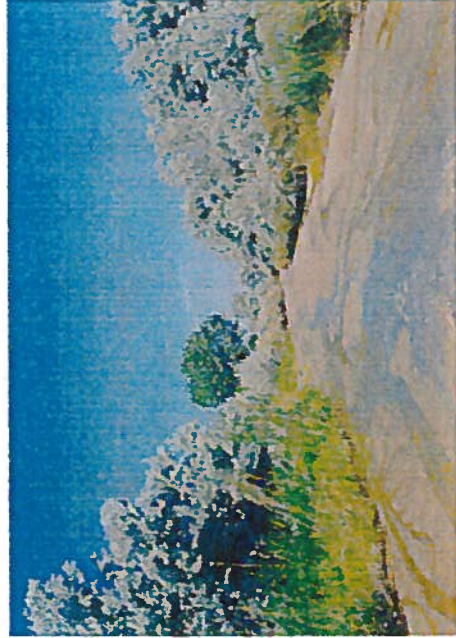


*Preliminary Puebloan rock art in the Basin*



habitat fragmentation is reduced, ecological processes are protected, clean air and water are maintained, and recreational opportunities and viewsheds (scenic landscapes) are preserved.

**Identifying Conservation Values.** The GWCI team identified four “significant conservation values”—water resources, scenic values, cultural resources (historic and prehistoric), and ecological resources (i.e., wildlife habitat)—as primary resources of interest for a conservation plan. We gathered digital geographic data on these four values from diverse sources pertaining to land use, cultural resources, ecological resources, and visual quality resources to create a conservation data “toolset,” the first of its kind for the area. Using Geographic Information System (GIS) software to plot complex data sets as “overlays” on a map, Earth Analytic produced data layers, each representing water, habitat, cultural, or scenic resources, on a series of watershed-wide maps. These layers were then combined into models that can be fine-tuned according to the interest of the user to reveal the cumulative and/or particular values of landscape areas and features, yielding color-coded maps identifying areas of Moderate, High, and Very High conservation priority. In addition to the four conservation values, two land uses were considered as high conservation priorities: working lands (income-producing properties that rely on undeveloped land, such as ranches, farms, outdoor movie sets, etc.) and recreational resources (trails, scenic byways, and outdoor recreation areas).

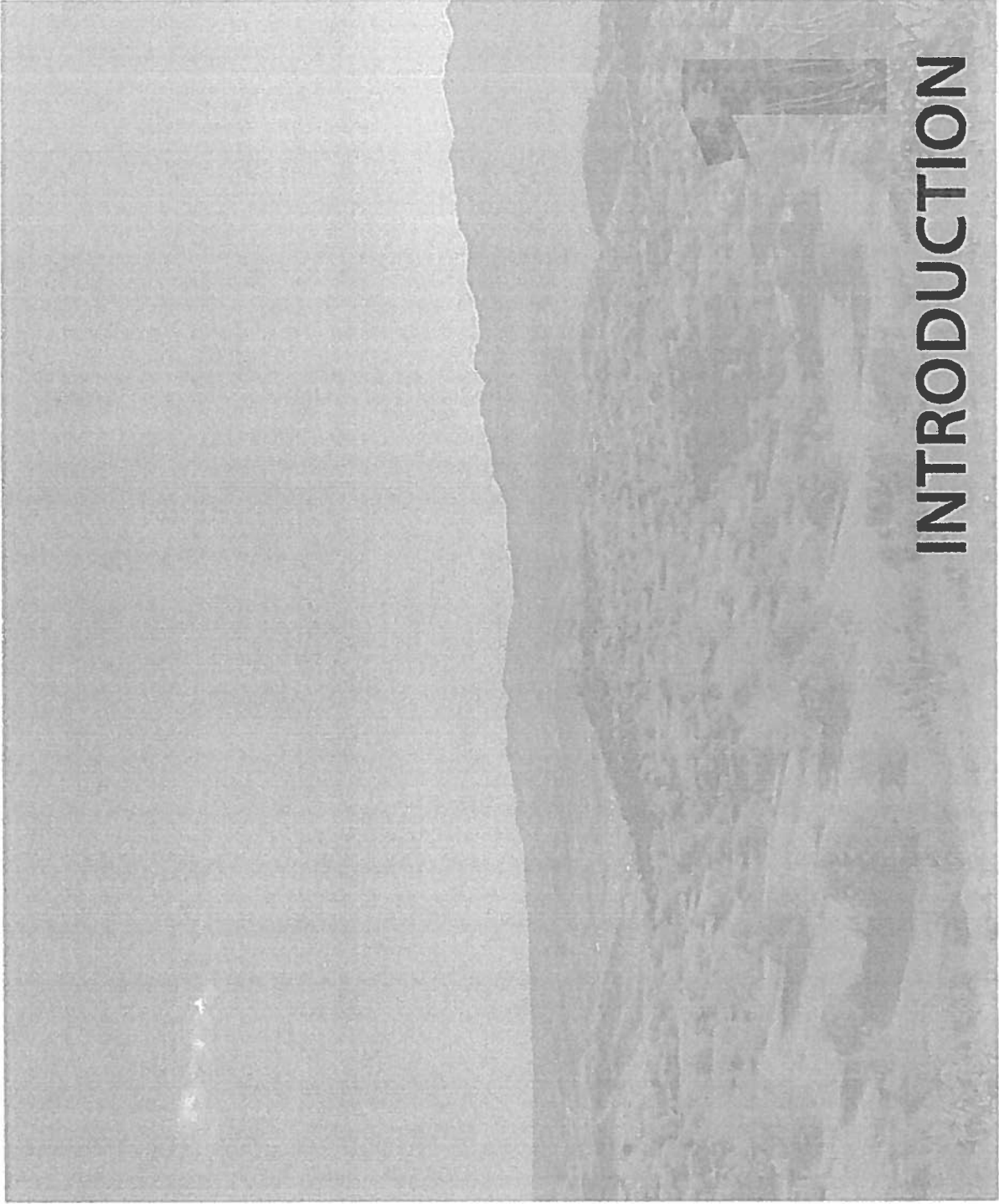


*Galisteo Creek, flowing west toward the Rio Grande*

**Hubs and Links: Connectivity is the Key.** Identifying areas of high conservation interest is not sufficient to form a plan for their preservation. Because fragmentation of habitat, soil erosion, river system damage, migratory route disruption, and other disturbances of ecological processes occur on a landscape scale, it is vital to understand—on a landscape scale—the spatial relationships between priority conservation areas, and to provide for buffers and permanent connectivity between conservation sites. Therefore, the Green Infrastructure Plan in this report identifies “hubs” (sites of high conservation value) and “links” (corridors of open land and/or water that connect hubs). Both must be preserved in order to sustain the ecological services and processes of the landscape as a whole. The Plan identifies that, at a regional and continental scale, the Galisteo Basin serves as a crucial link between several ecoregional hubs. At a local scale, however, the watershed area is made up of seven hubs

(homogeneous landscapes) that are separated by geologic and human-induced barriers and connected via the watershed's network of streams and grasslands. The Plan highlights specifically the local hubs and links within the Galisteo Basin.

**Recommendations.** These seven hubs and corresponding links, along with data on current protection and restoration efforts, threats and barriers, and land ownership patterns, form the basis for the Galisteo Watershed Green Infrastructure Plan. More data are needed in all of these areas, but even with its data gaps, the Plan is a powerful tool for raising conservation awareness in our communities' priorities. The Plan makes specific recommendations such as community planning processes, strategic land and easement acquisitions, "smart growth" policies, restoration activities, floodplain management approaches, landowner education programs, and strategic partnerships among communities, land-use departments, transportation planners, developers, agricultural interests, landowners, and other watershed stakeholders.



**INTRODUCTION**

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**Figure 1.1: A Vision Statement for the Galisteo Watershed**

(formulated at the community meeting "Paradox and Promise" at Vista Clara Ranch on February 28, 2004)

Residents and stakeholders of the watershed share common values that are the foundation to creating a desirable future. People who live in the Galisteo Watershed want to protect the natural beauty of the land — open spaces, vistas, night skies, wildlife, and solitude. They treasure the creeks that run through the sparsely populated landscape. They want to maintain small scale communities with a culturally diverse group of independent, environmentally conscious neighbors, many of whom live connected to the land. They value the unique historic and cultural heritage of the watershed.

The watershed is a microcosm of the Inter-mountain West. Like the rest of the region, people living within the watershed have not heeded the lessons from their past. Climatic cycles and the resulting availability (and lack) of water — and how that water has been managed — is a large part of the reason why the watershed has sustained and not sustained its residents. The economy of the watershed in the past was based on extractive industries that no longer provide an economic engine for the local population. The new economy is a variation on the historic attraction (or is it extraction?) of the watershed — the enchantment with the place and the subsequent value of the land for residential development.

The challenge for the people living in the watershed is how they can live in balance with a fragile, impermanent environment. Thus, what should guide how people in the watershed plan for the future?

- Growth for commercial and residential development should be ecologically sensitive.
- Open spaces and the sense of open space must not be compromised by growth. Any growth should be guided by smart growth (see definition in Appendix A) strategies, including cluster development and mixed use. Ideally, open spaces and villages will be interconnected by trails and public transportation.
- Strategies should be undertaken to conserve and preserve important ecological areas.
- Water availability should limit all plans for growth.
- Appropriate technologies — such as water catchment systems, recycling water, and high tech waste water systems — should be required.
- New construction and restoration of existing buildings should utilize environmentally friendly designs and reflect environmental limits.
- The watershed should be restored so that the riparian areas are healthy, water flows in the river, and wildlife is abundant. Watershed restoration will require land management strategies such as rotational grazing, grassland restoration, and storm-water management.
- Archaeological sites should be protected.
- There is a need for a healthy, local economy that fits the custom and culture of the watershed: small-scale, clean, and locally-owned.
- Residents of the watershed should participate in decisions likely to affect them. Local decision-making should be the product of regional cooperation reflecting a watershed orientation.
- Continuing environmental education — especially for youth — should be a commitment of the communities within the watershed.

## 1.1 PARTNERS AND HISTORY

The Galisteo Watershed Conservation Initiative (GWCI) is a collaboration between Earth Works Institute (EWI) and the Santa Fe Conservation Trust (SFCT), in partnership with Earth Analytic, Inc. Supporting partners include the National Park Service (Rivers, Trails and Conservation Assistance Program), Santa Fe County (Planning and Conservation Division), New Mexico Office of the State Engineer (Interstate Stream Commission), and University of New Mexico (Community and Regional Planning Program).

The GWCI arose as part of a multi-partner effort to support a comprehensive and coordinated approach to preserving the unique scenic, cultural, and natural characteristics of the Galisteo Basin. There is a growing awareness among planners, communities, and conservation groups of an urgent need for an ongoing, integrated planning process for the Galisteo Basin. Since around 2000, many private and public institutions have begun developing and implementing plans for land conservation and natural resource rehabilitation in the watershed. The watershed's center, a grassland ecosystem hub which we call the "Central Bowl," contains such an extraordinary array of archaeological resources that their protection has been mandated by Congress through the Galisteo Basin Sites Protection Act of 2004. In addition, the area is under consideration by the New Mexico Heritage Preservation Alliance as one of the state's "most endangered landscapes" (personal communication from Gary Wolffe, former executive director of the NMHPA, May 2007).



*Restoration Ecologist Steve Yvonman discusses wetland restoration issues with a group of workshop participants in the Eldorado Community Preserve.*

This Initiative began when Santa Fe County identified an open space planning requirement in Santa Fe County's Growth Management Plan (Santa Fe County, 1999) and its Open Land and Trails Plan (Santa Fe County, 2000), both part of the Santa Fe County General Plan. In 2001, Earth Works Institute first identified the need for Geographic Information System (GIS)-driven open space prioritization planning for strategic decision-making on future conservation and restoration interventions in the watershed. In 2003, following Santa Fe Conservation Trust's strategic decision to focus on the Galisteo Basin, Earth Works Institute and Santa Fe Conservation Trust began collaborating to establish a watershed-wide mapping project, which led to a proposal to the New Mexico Legislature in January 2004. Simultaneously, Earth Works Institute led a working group to formulate the Galisteo Watershed Restoration Action Strategy (WRAS) with support from the New

Mexico Environment Department. One of the recommendations of the Galisteo WRAS Report (July 2005 version) calls for a watershed-wide master plan for green infrastructure. (The WRAS Report is available in the Water & Land Health section of the Earth Works Institute website, [www.earthworksinstitute.org](http://www.earthworksinstitute.org).)

The concept of watershed-wide open space planning and prioritization was a central part of the visioning and strategic planning dialogue meetings held at Vista Clara Ranch in 2004-2005, and leading in July 2005 to the establishment of the Galisteo Watershed Partnership (GWP) ([www.galisteowatershed.org](http://www.galisteowatershed.org)), a forum for non-profit organizations, government agencies, and landowners concerned about the Basin's future.

The GWCI Green Infrastructure Plan is founded on the group's vision statement for the Galisteo Basin, generated at the February 2004 Vista Clara session (see Figure 1.1). Subsequently, the Galisteo Watershed Partnership helped coordinate the GWCI planning in relation to other initiatives of local and state government agencies, conservation groups, and developers in the watershed. The Galisteo Watershed Partnership focused its May 5, 2006 membership meeting on open space planning in the watershed.

In the fall of 2004, Earth Analytic, Santa Fe Conservation Trust, and Earth Works Institute collaboratively produced a map called the Preliminary Infiltration/Runoff Model for the Galisteo Watershed. The Preliminary Infiltration/Runoff Model project helped the three partners formulate the methodology for the GWCI. Earth Works Institute used the model to develop the project "Planning for Wetlands in the Galisteo Watershed." This collaborative wetlands planning and rehabilitation project has been developed in close coordination with the emerging GWCI. The wetlands project is funded by the U.S. Environmental Protection Agency, coordinated by the New Mexico Environment Department Surface Water Quality Bureau's Wetlands Program, and implemented by Earth Works Institute.

Wetlands and riparian areas constitute the backbone of open space corridors and areas in the Galisteo Basin. As permanent or intermittent sources of fresh surface water, wetlands and streams are historically relevant to the location of archaeological sites, land grants, working ranches, and traditional communities. Wetlands and riparian areas in the Galisteo Basin are crucial wildlife habitat areas and show high ecological diversity. This observation is supported by the February 2006 Comprehensive Wildlife Conservation Strategy for New Mexico, which includes GIS map information that specifies the riparian corridor of the Galisteo Creek and adjacent insular mountain areas and plateaus as priority wildlife habitat for purposes of conservation (New Mexico Department of Game and Fish, 2006). As a result, wetlands and streams are also of great importance for the scenic quality and human experience of the landscape.



## 1.2 INITIATIVE PURPOSE AND NEED

In the past decades, residents in the Galisteo Basin have faced the impacts associated with rapid population growth, urbanization, and the lingering impact of large-scale natural resource extraction and disturbance of the past 200 years. Until recently, there have been few concerted efforts to address these problems. However, in the face of increasing conversion of rangeland into residential areas, increasing shortages of water for domestic use, rapid disturbance of open space areas, and the increasing awareness of the cultural and ecological value of the watershed area, the need for the preservation of the Galisteo Basin has become apparent.

Over the past decade, various public and private institutions have begun developing and implementing plans for cultural and natural resource conservation in the Galisteo Basin. The Santa Fe County Open Land and Trails Plan (Santa Fe County, 2000) is perhaps the most important landscape-scale resource conservation plan produced to date for the watershed area. The County Open Land and Trails Plan proposes voluntary, not regulatory, measures for land conservation in the context of a series of long-term goals for open land and trail conservation in Santa Fe County.



*Wetlands in the Galisteo Basin provide critical wildlife habitat for dozens of species.*

These local efforts reflect a national trend. Over this past decade, various universities and national conservation groups such as The Nature Conservancy and Trust for Public Land have developed similar methodologies, largely on a regional scale. However, no such plan had yet been developed for the Galisteo Basin; hence the GWCI study. This Green Infrastructure Plan for the Galisteo Watershed is intended to:

- Assist Santa Fe County, public land management agencies, local conservation organizations, rural communities, and private landowners in the coordination of resource conservation in the watershed
- Compile existing data, reduce the disparity of data sources, provide new data, and develop procedures for collaborative data gathering, storage, management, and utilization for the watershed
- Inform more viable land use decisions
- Establish a prioritization strategy for conservation of open space and restoration areas based on a set of criteria relating to the ecological health of the watershed as well as cultural and historic criteria
- Implement a specific, small conservation restoration pilot project designed to enhance the health of the watershed, and
- Summarize the U.S. GIS map production, the resulting land prioritization, and the implementation of a Conservation and Restoration Pilot Project into a Green Infrastructure Plan for the watershed.

Like Santa Fe County's Open Land and Trails Plan (2000), the proposed Green Infrastructure Plan for the Galisteo Watershed is exploratory and voluntary, not regulatory. The plan echoes the development of green infrastructure plans being created across the U.S. in response to rapid urban development, extirpation of natural resources and ecological landscape functions, and the destruction of wildlife habitat, water resources, and viewsheds. A study published in *Science* in 2002 estimated that "the destruction of habitat costs the world the equivalent of about \$250 billion each year" (Balmford et al., 2002). In their book *Rivers for Life*, Sandra Postel and Brian Richter (Postel & Richter, 2003) emphasize the central ecological role of water bodies such as flood plains and wetlands, and cite Vermont researcher Robert Costanza's (Costanza et al., 1997) estimate that the ecological value of floodplains is about \$8,000 per acre, which translates into nearly \$11,000 per acre at 2007 values (Postel & Richter, 2003). This would mean that the 1,000 acres of present wetlands and streams in the Galisteo Basin represent a value of \$11 million to society, while about 4,000 acres of historical wetlands and floodplain in the watershed have disappeared, at a value of \$44 million.

Green infrastructure goals include the conservation and enhancement of three critical elements: landscape processes, working lands, and open spaces for human benefit. As green infrastructure plans incorporate ecosystem and land use components and processes over space and time, they must focus on landscape-scale approaches to conservation planning. A landscape-scale approach considers how an area's resources "contribute to, interact with, and are influenced by the ecosystems of surrounding areas.... Green infrastructure plans should not only identify a green infrastructure network design, but they also should provide a list of the mechanisms and tools for land protection as well as viable funding programs for reaching plan goals." (Benedict & Bjornlund, 2002).

The open landscape of the Galisteo Basin is gradually fragmenting as a result of property division, highway and railway expansion, and the conversion of farms and ranches into residential areas. Conceived at a landscape scale, green infrastructure plans address the gradual fragmentation of landscapes resulting from exurban development; oil, gas, and mineral extraction; and construction of transportation lines (highways and railways). Fragmentation often jeopardizes space needed to accommodate high stormwater runoff and flood events and leads to isolation of wildlife and a reduction of minimally disturbed, contiguous habitat, eventually jeopardizing biodiversity and species survival. Additionally, fragmentation degrades recreation and watershed qualities of the landscape as well as architectural and cultural resource relationships.

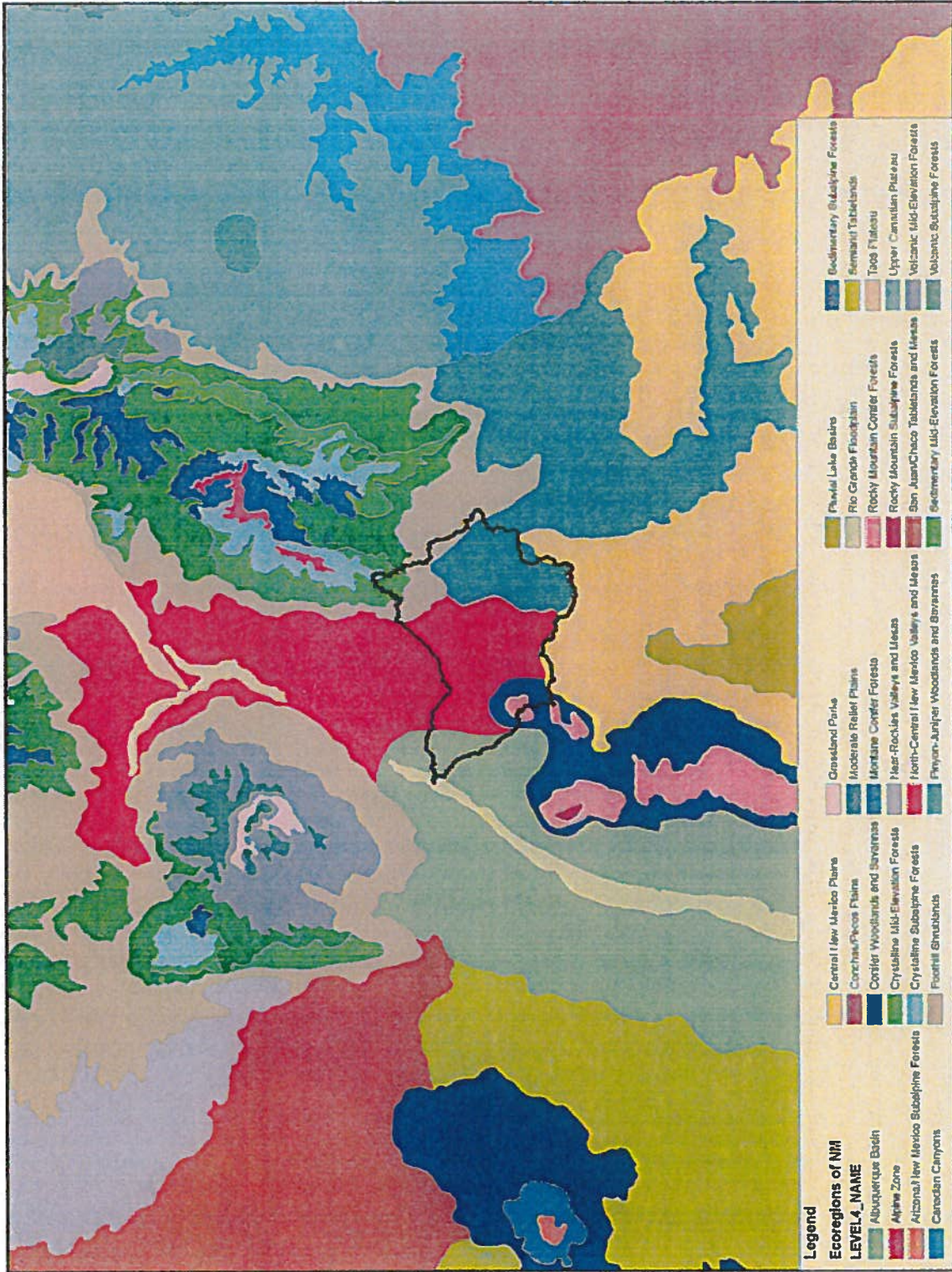


Urban sprawl near Albuquerque (© 2011 Google)

“One of the factors that distinguishes green infrastructure plans from other conservation plans is that the primary objective is to identify suitable lands for conservation in the context of current and future developed lands. Green infrastructure planning can assist the traditional land use planning process, delineating lands for protection before the allocation of lands for new development. This not only ensures that important natural systems are not fragmented by urbanization, but it also provides a framework for locating new development. Green infrastructure’s comprehensive network design gives conservationists and developers the certainty of knowing which lands are available for development, and which are conservation priorities. Moreover, conservation efforts are much more effective when they are coordinated with growth management and smart growth efforts” (McDonald, Allen, Benedict, & O’Connor, 2005).

Green infrastructure planning that anticipates or reduces the impacts of landscape fragmentation is particularly important in ecological transition zones, such as the Galisteo Basin. The Galisteo Basin lies in a transition zone between four ecoregions: the Southern Rockies to the north, the New Mexico/Arizona Mountains to the south, the Arizona/New Mexico Plateau (including the Rio Grande corridor) to the west, and the Southwestern Tablelands to the east (Griffith, 2006). (See Map 1.1, Ecoregions of the Galisteo Basin.) Transition zones are typical for increased ecological diversity and hydrological activity, which offer opportunities for a working landscape (food and water production), and for cultural richness and visual quality, which offer recreational and educational opportunities. As a transition zone, the Galisteo Basin also connects the lands associated with the Forest Ecosystem Restoration Analysis (ForestERA) mapping and assessment project (ForestERA Project, 2007) and the Southern Rockies Wildlands Network to the north with the New Mexico Highlands Wildlands Vision to the south (Benedict & Bjornlund, 2002). A green infrastructure plan for the Galisteo Basin is, therefore, of regional and perhaps national importance for the conservation of ecological connectivity and biodiversity as well as for the conservation of the rich cultural resources and visual qualities associated with the watershed’s ecosystem.





MAP 1.1: ECOREGIONS OF THE GALISTEO BASIN



### 1.3 INITIATIVE OBJECTIVES

The GWCI was conducted in two parts. The first part was the development of the Green Infrastructure Plan for the Galisteo Watershed and the second part was the implementation of the Conservation and Restoration Pilot Project. Based on this structure, the Initiative objectives were:

1. **Green Infrastructure Plan for the Galisteo Watershed:** To aid in the preservation of critical landscape values in the Galisteo Watershed by developing a “green infrastructure” open space plan that identifies priority lands for conservation by public and private entities.
2. **Conservation and Restoration Pilot Project:** To enhance landscape health in the Galisteo Watershed through the design and construction of an effective, low-cost demonstration project that counters the current trend of accelerated soil erosion, degradation of native vegetation cover, and dwindling surface and groundwater supplies.

Expected outcomes consist of a combination of private and public actions including improved stewardship of privately and publicly held lands, the development of conservation easements with individual landowners, well-planned approaches to village growth and resource use issues, and park and open space acquisition by public entities.



*Poorly designed culverts and road drainage systems contribute to erosion and ecological degradation throughout the Basin.*

The Santa Fe Conservation Trust anticipates using the Plan to raise public awareness regarding preservation of one of North America’s richest landscapes and to identify opportunities for conservation easement partnerships with private landowners. Earth Works Institute anticipates using the plan as a guide to identify and prioritize projects for the restoration of landscape health and the creation of “EcoWise Communities” in the Galisteo Basin. Santa Fe County is interested in using the Plan in developing a strategic plan for managing growth and natural resources in Santa Fe County. Communities in the watershed will find that the Plan can provide both regional and locally specific frameworks in support of thoughtful growth and sustainable resource use. All partners foresee that the model itself, once completed and refined, can be very easily adapted by communities around the state and the Southwest that are interested in sustainable living and enhanced quality of life.

Santa Fe Conservation Trust, Earth Works Institute, Santa Fe County, and the State of New Mexico believe that restoration and conservation work in the Galisteo Basin is important because the watershed landscape is degrading ecologically due to poor resource management, lack of stewardship, and the gradual impact of stormwater runoff, dewatering, erosion, and the collapse of soils and ecosystems. Despite its rural appearance, the cultural landscape of the watershed is no longer a rural, working landscape, but a chain of residential neighborhoods and investment or pleasure ranches. People's connections to the places they own or live on are limited, but as diverse as the origins of the current residents. In some cases this has led to poor land stewardship and many conflicting values about and interests in the fragile landscape.

#### **1.4 INITIATIVE RESULTS, PRODUCTS, AND INTENDED USERS**

The data sets generated by the GWCI, which can be expressed in map overlays of qualities pertaining to historical values, surface water resource values, wildlife habitat values, and scenic values, among others, illustrate to some degree the multilayered quality of the landscape. However, the collective of all data sets does not reflect the "multiple senses of place" resulting from the multilayered cultural history of the people in the area (Lippard, 2006). The resulting data sets, therefore, stop short of addressing the differing values and interests that may underlie people's perceptions about the need or urgency for conservation and restoration in the watershed. The findings also do not address the many conflicting values related to cultural differences in land use, attitudes toward land, and concepts of ownership or trespassing and their relation to issues of power and privilege. All these issues will need to be addressed in political and community development processes. The GWCI team believes that the data sets, the digital modeling tool, and the Initiative's recommendations can serve as a valuable resource in planning and decision making processes for the future welfare of the community and the ecological health of the Galisteo Basin landscape.

We urge users of this report (and its associated geographic data and map layers) to interpret the information with careful judgment. The visual appeal, complexity, and volume of data presented should not lead users to believe that we have gathered a complete body of data sets on the geographic and cultural aspects pertaining to land conservation and restoration in the watershed. We also do not pretend to have captured in any way the diversity of values associated with the land.

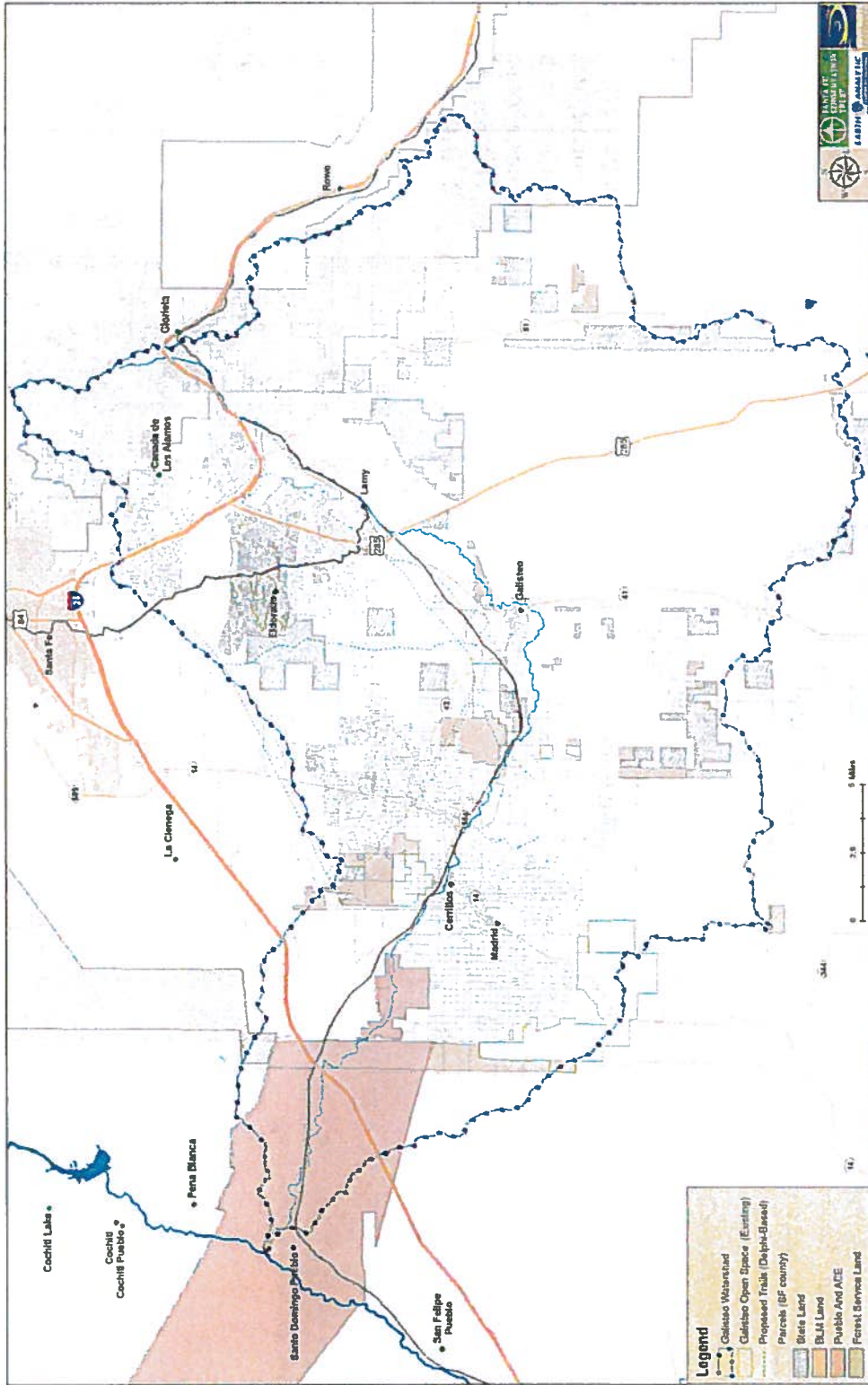
## 1.5 INITIATIVE AREA DESCRIPTION

This Initiative pertains to the Galisteo Basin or Watershed, comprised of the surface water drainage basin of the Rio Galisteo or Galisteo Creek. Galisteo Creek drains a 730-square-mile (467,000-acre) area and empties in the Rio Grande at Santo Domingo Pueblo, south of Cochiti Reservoir. The Galisteo Basin is part of the Jemez y Sangre Water Planning Area and is served by the Santa Fe-Pojoaque Soil & Water Conservation District. However, Galisteo Creek is a tributary to the Middle Rio Grande Conservancy District and Middle Rio Grande Water Planning Area. The Galisteo Basin is located immediately south of Santa Fe, New Mexico, and is bounded on the west by La Bajada Hill, Cerrillos Hills, and the heights of San Marcos; on the north by the Sangre de Cristo Mountains; on the east by Glorieta Mesa (sometimes called Rowe Mesa); and on the south by the Ortiz Mountains and the escarpment of the Estancia Basin. The watershed lies across three counties: San Miguel to the east, Santa Fe in the center, and Sandoval to the west.



*A volcanic intrusion typical of Basin geology*

The Galisteo Basin is characteristic of the many geologic and ecological processes and the many human occupation layers that shaped the landscapes of New Mexico. The contemporary geomorphological contours of the watershed originated in the Upper Cretaceous (more than 65 million years ago) and were subsequently altered by erosion, uplifts, mountain forming, volcanic intrusions, and periglacial effects, such as sedimentation from mountain streams and wind erosion and deposits. The cultural landscape is comprised of a complex layering of American Indian, Hispanic, and Anglo-American occupation and settlement patterns.



MAP 1.2: BASIN OVERVIEW: LAND OWNERSHIP AND PARCEL BOUNDARIES



The name “Galisteo” refers to both the contemporary Village of Galisteo, near the center of the watershed, and the older Galisteo Pueblo site, a few miles to the north of the village. This name dates back to the 1580-1581 expedition of Captain Francisco Sanchez Chamuscado and Fray Agustín Rodríguez. In September 1581, these Spanish explorers arrived in the area and found several pueblo villages, one of which they named Galisteo, most likely after one of several Spanish villages in Extremadura, Spain (Snow, 1994). In 1601, Juan de Oñate also mentioned “Galisteo Pueblo” in his travel log as a point of departure for a tour of the region (Snow, 1994). In 1706, the name was transferred to a Spanish settlement called Nuestra Señora de los Remedios de Galisteo (“Our Lady of the Remedies of Galisteo”), a few miles south of the former pueblo site. The village was also called Santa Maria (perhaps related to the ranch Los Marias, just north of the Village, currently Vista Clara Ranch). A different source mentions that “the name Galisteo is an old term for a native of Galicia in Spain” (Julyan, 1996). The Spanish settlement was not permanently established until 1814, when the (Mexican) Village of Galisteo was formed after nineteen settlers were awarded a series of individual farm plots (and not the Galisteo Land Grant for which they had applied) (Lippard, 2006).

Prior to the introduction of the name Galisteo, the pueblo — and the larger landscape around it south of the Santa Fe valley — was named after the Tanu (or Tanos): “people who live down country” or “nearer the sun.” To most Tewas, the ancient pueblo and surrounding region were called by a name that could loosely be translated as “the Down-Country Place” (Lippard & Ranney, 2010).



*The village of Galisteo, which was founded in 1706, is still located on the banks of Galisteo Creek. A nearby volcanic dike plays a role in supplying water for the village. (Photo courtesy of Greenheron147 at Flickr.com)*

Until the 1970s, the Galisteo Basin was a relatively remote, rural area with very little human habitation and few roads. It was considered and treated as a "back-yard area" for the City of Santa Fe and was given very little attention in planning and land conservation. Flooding and erosion led to the first resource conservation measures in the form of levees and dams, the first dating from the construction of the Atchison, Topeka and Santa Fe Railway in 1880. Other water control structures followed in the 1930s, the 1950s, the 1970s, and works built between 1995 and the present. Flooding also led to the construction of the Galisteo Dam in 1975, and to its alterations in 1998. Also in 1998, the New Mexico Highway and Transportation Department paved portions of the Interstate 25 median in Cañoncito, which relocated certain flooding and erosion problems from upstream to downstream. Since the 1970s, certain ranches have also implemented small-scale soil and water conservation practices.

The first large-scale conservation measure in the watershed was in 1892 with the establishment of Forest Reserve lands (now called National Forest). Today approximately 45,272 acres of National Forest lands are within the watershed. Later, larger-scale conservation measures include the implementation of the Galisteo Watershed Restoration Project (after 1998), the establishment of protected sites under the County Open Space and Trails Program (after 2000), the establishment of the Cerrillos Hills Historic Park (January 2000), the establishment of private conservation easements (1990s-present), and the 2004 Galisteo Basin Archaeological Sites Protection Act (S.210, H.R.506). Map 1.2 illustrates the currently existing open space and protected public lands in the Galisteo Basin.

**SANTA FE COUNTY  
LEGAL DEPARTMENT  
MEMORANDUM**

**To:** The Board of County Commissioners  
Katherine Miller, County Manager

**From:** Stephen C. Ross, County Attorney *SCR*

**Date:** March 20, 2012

**Re:** First Public Hearing:

*(A) Ordinance No. 2012-\_\_\_; An Ordinance Repealing Ordinance No. 2010-8; Reenacting Portions Of Ordinance No. 2010-8 And Making Appropriate Amendments; Reforming The County's Procurement Practices With Respect To Road And Building Construction Projects To Ensure That The Public Trust Is Maintained, That Projects Are Properly Designed And Constructed And Completed Within Budget, That Projects Are Contracted Only After A Fair And Transparent Procurement Process; Providing For Training, Auditing And Confidential Reporting.*

*\* (B) Ordinance No. 2012-\_\_\_; An Ordinance Establishing A Five Percent Santa Fe County Procurement Preference; Requiring A Santa Fe County Preference Certificate To Establish Eligibility For The Preference; Establishing Application Requirements; Providing For Protest Of Denial Of Certificates; Establishing Penalties.*

Both of these proposed ordinances were authorized for publication of title and general summary and are presented during this meeting for their first public hearing. The Board has authorized the ordinances to be subject to two public hearings. A number of changes are proposed by the legal department to the ordinances as proposed; those changes are clearly shown on the copies of the ordinances attached to this memorandum.

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

ORDINANCE NO. 2012-\_\_\_\_\_

AN ORDINANCE ESTABLISHING A FIVE PERCENT SANTA FE COUNTY PROCUREMENT PREFERENCE; REQUIRING A SANTA FE COUNTY PREFERENCE CERTIFICATE TO ESTABLISH ELIGIBILITY FOR THE PREFERENCE; ESTABLISHING APPLICATION REQUIREMENTS; PROVIDING FOR PROTEST OF DENIAL OF CERTIFICATES; ESTABLISHING PENALTIES.

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

**Section One. Short Title.** This Ordinance may be cited as the "Santa Fe County Procurement Preference Ordinance," or the "procurement preference."

**Section Two. Applicability.** This Ordinance shall apply to procurement by Santa Fe County under State law and the County's Procurement Regulations. This Ordinance shall not apply to a procurement by Santa Fe County that is governed, pursuant to a grant agreement, by the federal acquisition regulations, 48 CFR Part I *et seq.*

**Section ~~Three~~Two. Definitions.**

A. The phrase "Santa Fe County Business" shall mean a business that holds a current Santa Fe County Business Certificate at the time of application for a preference certificate pursuant to this Ordinance (or the appropriate municipal business license, if located within a municipality) that has its primary and permanent office or business location within the exterior boundaries of Santa Fe County, ~~and~~ which has had its primary and permanent office or business location within the exterior boundaries of Santa Fe County for at least three (3) consecutive years preceding the submission of an application for a Santa Fe County procurement preference, and which, if a foreign corporation, has filed a unitary return pursuant to the Corporate Income and Franchise Tax Act and NMSA 1978, § 7-2A-8.3.

B. The phrase "Santa Fe County Business Certificate" or "Business Certificate" shall mean the certificate issued to a business engaged in business within the unincorporated limits of Santa Fe County.

C. The phrase "Santa Fe County Preference Business-Certificate" or "Preference Certificate" shall refer to the certificate authorized pursuant to Section Four of this Ordinance.

D. The phrase "Santa Fe County Procurement Manager" or "Procurement Manager" shall mean the person appointed to serve ~~servi~~ng as the County's Procurement Manager pursuant to the Santa Fe County Procurement Regulations, Resolution No. 2006-60, as amended.



**Section ~~Four~~Three. Santa Fe County Procurement Preference Established.**

A. A Santa Fe County procurement preference is hereby established, as described in this Ordinance.

B. When Santa Fe County procures services using competitive sealed proposals pursuant to NMSA 1978, Sec. 13-1-111 (~~1975~~), an offer submitted by a Santa Fe County Business shall be, ~~for purposes of determining which business has submitted the lowest overall price, and when the County procures services using competitive sealed qualifications based proposals pursuant to NMSA 1978, Secs. 13-1-129, 120, 121 and 122,~~ shall be deemed to receive five percent (5%) of the overall total points awarded in connection with the evaluation of the proposals.

C. In applying the preference provided in this Ordinance, the Santa Fe County Procurement Preference shall be applied in addition to any other preference required by Law.

**Section ~~Five~~Four. Eligibility for the Santa Fe County Procurement Preference.** A Santa Fe County Business shall be eligible to claim the preference established in this Ordinance only when presenting, prior to or at the time established in the solicitation for receipt of proposals, a Santa Fe County Preference Certificate issued by the ~~Santa Fe County Procurement Manager ("County Procurement Manager").~~

**Section ~~Six~~Five. Obtaining a Santa Fe County Preference Certificate; Application Required.**

A. A Santa Fe County Business may obtain a ~~Santa Fe County Preference Certificate~~ by filing an application with the ~~Santa Fe County Procurement Manager~~.

B. The application shall be completed on a form provided by the ~~County Procurement Manager~~ that contains a sworn affidavit from the president or owner of the business setting forth each of the following:

1. The name, address, telephone number and name of the business and its registered agent (if applicable) ~~of the business;~~

2. If a corporation, information that the corporation ~~business~~ is registered to do business in the State of New Mexico and is in good standing;

3. If the business is a foreign corporation, information that the business is registered to do business in the State of New Mexico and is in good standing;

4. A copy of a valid business registration to do business in Santa Fe County (or a copy of the appropriate municipal business license, if located within a municipality within Santa Fe County);

5. A sworn statement that the business has its primary and permanent office or business location within the exterior boundaries of Santa Fe County;

6. A sworn statement that the business has maintained its primary and permanent office or business location within the exterior boundaries of Santa Fe County for at least one (1) ~~three (3)~~ consecutive years preceding the submission of the application; and

7. Copies of the most recent State and federal tax returns applicable to the business.

C. The ~~County~~ Procurement Manager shall issue a ~~Santa Fe County~~ Preference Certificate if the application demonstrates, to the satisfaction of the ~~County~~ Procurement Manager, that the business holds a current ~~Santa Fe County~~ Business Certificate at the time of application for a preference certificate pursuant to this Ordinance (or the appropriate municipal business license, if located within a municipality), that the business has its primary and permanent office or business location within the exterior boundaries of Santa Fe County and has maintained its primary and permanent office or business location within the exterior boundaries of Santa Fe County for at least three (3) consecutive years preceding the submission of the application.

**Section ~~Seven~~Six. Denial of Certificate; Protest; Revocation.**

A. If the ~~County~~ Purchasing Manager determines that an applicant is not eligible for certification, ~~as a Santa Fe County Business~~ the Purchasing Manager shall deny the application and shall issue a notice of denial.

B. A business whose application for a ~~Santa Fe County~~ Preference Certificate is denied may protest the denial to the ~~County~~ Procurement Manager in conformity with the protest procedures in Paragraph 62 of the ~~Santa Fe County~~ Purchasing Regulations, ~~as may be amended from time to time~~.

C. If facts are developed by the ~~County~~ Procurement Manager that information provided by an applicant seeking a ~~Santa Fe County~~ Preference Certificate has provided inaccurate or misleading information that resulted in the issuance of a certificate, the ~~County~~ Procurement Manager shall revoke the certificate and notify the applicant.

**Section ~~Eight~~Seven. Expiration of Certificate.** A ~~Santa Fe County~~ Preference Certificate shall be valid for two (2) years from the date of its issuance.

**Section ~~Nine~~Eight. Penalties.** Knowingly providing false or misleading information on an application for a ~~County~~ Procurement Preference shall constitute ~~be a~~ violation of this Ordinance and shall be punished as set forth in NMSA 1978, Sec. 4-37-3 (1975), and may also expose the person providing such information to additional criminal penalties as provided ~~by~~ State law.

PASSED AND ENACTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY, NEW MEXICO**

By: \_\_\_\_\_  
Liz Stefanics, Chair

**ATTEST:**

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Valerie Espinoza  
Santa Fe County Clerk

**APPROVED AS TO FORM:**

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Stephen C. Ross  
Santa Fe County Attorney

**SANTA FE COUNTY  
LEGAL DEPARTMENT  
MEMORANDUM**

**To:** The Board of County Commissioners  
Katherine Miller, County Manager

**From:** Stephen C. Ross, County Attorney *SCR*

**Date:** March 20, 2012

**Re:** First Public Hearing:



*(A) Ordinance No. 2012-\_\_\_; An Ordinance Repealing Ordinance No. 2010-8; Reenacting Portions Of Ordinance No. 2010-8 And Making Appropriate Amendments; Reforming The County's Procurement Practices With Respect To Road And Building Construction Projects To Ensure That The Public Trust Is Maintained, That Projects Are Properly Designed And Constructed And Completed Within Budget, That Projects Are Contracted Only After A Fair And Transparent Procurement Process; Providing For Training, Auditing And Confidential Reporting.*

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

**ORDINANCE NO. 2012-\_\_**

**AN ORDINANCE REPEALING ORDINANCE NO. 2010-8; REENACTING PORTIONS OF ORDINANCE NO. 2010-8 AND MAKING APPROPRIATE AMENDMENTS; REFORMING THE COUNTY'S PROCUREMENT PRACTICES WITH RESPECT TO ROAD AND BUILDING CONSTRUCTION PROJECTS TO ENSURE THAT THE PUBLIC TRUST IS MAINTAINED, THAT PROJECTS ARE PROPERLY DESIGNED AND CONSTRUCTED AND COMPLETED WITHIN BUDGET, THAT PROJECTS ARE CONTRACTED ONLY AFTER A FAIR AND TRANSPARENT PROCUREMENT PROCESS; PROVIDING FOR TRAINING, AUDITING AND CONFIDENTIAL REPORTING.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO:**

**Section One. Outside Contracts.** The practice of purchasing projects utilizing contracts with another government agency pursuant to NMSA 1978, Section 13-1-129 (1984, 1991), should not be used unless the Procurement Manager makes a specific finding that competitive bidding for the particular product would not be advantageous to the County. In no event shall a contract in total value exceeding \$250,000 be awarded without competitive bidding unless the Board of County Commissioners specifically approves.

**Section Two. Periodic Rebidding.** Each multi-year contract awarded henceforth following a competitive procurement process shall be written for a one-year term with an annual renewal at the County's option for no more than three additional one-year terms unless a modified term is specifically approved by the Board of County Commissioners.

**Section Three. Board of County Commissioners to Approve Capital Projects.** All construction projects undertaken by the County (except those projects that are funded by a grant from the New Mexico Legislature or the federal government) whose construction budget exceeds the sum of \$2400,000 must, before being constructed, be included in the Capital Improvements Plan (CIP). This section shall not apply to a construction project that is necessary to address an emergency declared by the County Manager or the Board of County Commissioners that endangers the public health, safety, welfare or property.

**Section Four. Road Maintenance List.** Road maintenance shall only be performed on a County-maintained road. All road maintenance work shall be placed on a list developed by staff and recommended by the Road Advisory Committee and approved by the Board of County Commissioners. The list must be updated through the same process at least annually. Road

maintenance work, including routine and priority maintenance, must be identified equitably in each Commission District, unless there is no need for a project in a particular district.

**Section Five. Bidding and Engineering of Construction Projects.** Each construction project whose budget exceeds the sum of \$250,000 must have plans and specifications drawn by a licensed professional engineer in the State of New Mexico or an architect licensed in the State of New Mexico, as appropriate.

**Section Six. Constituent Requests.** All requests by constituents for maintenance, repair, construction or reconstruction should be made through the County's internet web site or to a Constituent Services Liaison. Each request shall be subsequently referred to the appropriate Constituent Services Liaison. The Constituent Service Liaison must work with appropriate County staff and the legal department to ensure that the request meets constitutional scrutiny and is placed on the CIP or the road maintenance list, as appropriate. If the request pertains to a road, the Constituent Service Liaison must work with appropriate County staff and the legal department to ensure that the road in question is a County-maintained road.

**Section Seven. Pre-Auditing.** All construction contracts for a sum exceeding \$250,000 shall have signatory authorization forms included in the official contract file prior to issuance of the notice to proceed. The forms shall designate individual authority levels for contract change directives, change orders, amendments and other construction documents that obligate the county. The forms shall have original signatures for specific authorizations and copies shall be given to the contractor, the using department, and the accounts payable division of the Finance Department. Accounts payable personnel shall verify signatures when processing invoices to ensure appropriate individuals verified work received and authorized payments.

**Section Eight. Auditing.** The Finance Division must periodically randomly review and audit procurement files the total value of which exceeds the sum of \$250,000 to ensure compliance with the Procurement Code and the County's Purchasing Regulations; variances shall be reported to the Department Head and the County Manager. Any violation of a criminal statute discovered in connection with the audits required by this section shall be promptly reported to the appropriate law enforcement agency, and reported to the State Auditor pursuant NMSA 1978, Sec. 12-6-6 (1969, as amended).

**Section Nine. Training.** A comprehensive and mandatory procurement training program shall be given to all County employees and elected officials on the constitutional limitations of county government and on the legal limitations of procurement pursuant to the Procurement Code and other relevant statutes.

**Section Ten. Appointment of Persons With Purchasing and Financial Responsibilities.** Persons responsible for procurement, persons with authority to sign requisitions, and persons otherwise authorized to accomplish County expenditures, must be the most responsible, experienced and capable employees. Persons possessing these responsibilities must be specifically designated in writing by the Department Head or Deputy Department Head and approved by the County Manager. The designation may be revoked at any time. Each person responsible for procurement, signing requisitions or otherwise authorizing County

expenditures, and the Department Head and Deputy Department Head, shall receive additional training in procurement and financial controls on an annual basis. Those individuals shall be strictly responsible for any such actions, and may be disciplined, up to and including termination, for failure to exercise those responsibilities in a proper and lawful manner.

**Section ~~Eleven~~Twelve. Confidential Reporting.** Employees and members of the public are encouraged to report confidentially, but not anonymously, any potential wrongdoing or other concern relating to a construction project or any fraud, abuse, illegal or unlawful activity within County government. The County Attorney shall be the recipient of such reports, which, if a report concerns criminal conduct, shall be reported to the appropriate law enforcement agency, and if not, reported to the Board of County Commissioners and the County Manager. The County Attorney shall provide forms and other means of confidential reporting so that persons concerned about potential wrongdoing can report either in person, through a confidential reporting system, or confidentially on the County's internet web site.

**Section ~~Twelve~~Thirteen. Definitions.**

A. The term "construction" shall have the meaning assigned by NMSA 1978, Section 13-1-40 (1984).

B. The term "engineering" shall have the meaning provided in NMSA 1978, Sec. 61-23-3(E) (1987, as amended).

C. The term "architecture" shall have the meaning provided in NMSA 1978, Sec. 61-15-2(B)(1979, as amended).

**Section Thirteen. Repeal. Ordinance No. 2010-8 is repealed.**

**Section ~~Fourteen~~Fifteen. Severability.** If any section, subsection, sentence, clause, item, change or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**PASSED AND ENACTED THIS \_\_\_<sup>th</sup> Day of June, 2010.**

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY, NEW MEXICO**

By: \_\_\_\_\_  
Liz Stefanics, Chair

**ATTEST:**

\_\_\_\_\_



DRAFT 2-20-2012

Valerie Espinoza, County Clerk

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Stephen C. Ross, County Attorney