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SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 8, 2008

- Jack Sullivan , Chair
- Paul Campos, Vice Chair
- Michael Anaya
- Harry Montoya
- Virginia Vigil

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

January 8, 2008

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:14 p.m. by Chair Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

Commissioner Jack Sullivan, Chairman
Commissioner Paul Campos, Vice Chair
Commissioner Virginia Vigil
Commissioner Harry Montoya

Members Absent:

Commissioner Mike Anaya

V. INVOCATION

An invocation was given by County Chaplain Jose Villegas.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Mr. Chair, we have three additions to today's agenda. The first under X. Matters from the Commission, we added F. Discussion and possible approval to allocate \$5,000 of discretionary funds to the Santa Fe Fiesta Council for their Youth Mariachi Workshop. We added an item G. Regional transit priorities for Santa Fe County. And on page 2 of the agenda, under XI. Appointments, Reappointments and Resignations, we added I. Appointment to the Senior Services Advisory Board. Those are the changes and amendment staff has, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Mr. Abeyta. Are there any changes

by the Commission?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya, then Commissioner Vigil.

COMMISSIONER MONTOYA: Mr. Chair, I'd like to amend item X. C. so that that would be in the amount of \$5,000 as opposed to \$3,500.

CHAIRMAN SULLIVAN: All right. Anything else? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, we have a resolution supporting the protection of water resources in the traditional communities of La Cienega and La Cieneguilla, La Bajada and El Cañon. It's item X. E and I know there are residents here in support of it, however, Commissioner Anaya is not here and there are going to be some questions that we have. I'd like us to table that until Commissioner Anaya can be here and fulfill his advocacy role on this to the best extent possible.

CHAIRMAN SULLIVAN: Okay. The request is to table X. E. Any other changes?

COMMISSIONER MONTOYA: Move for approval as amended.

COMMISSIONER VIGIL: Second.

The motion to approve the agenda as amended passed by unanimous [4-0] voice vote.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

XII. CONSENT CALENDAR

A. Findings of Fact

1. **CCDRC Case No. Z 07-5031 Los Cabos Reconsideration of Imposed BCC Condition Requiring a Single Point Access - Los Cabos LLC (Ron Adams), Applicant, Tigges Planning Consultants (Linda Tigges), Agent, Request Re-Consideration of a Condition Imposed by the BCC Requiring a Single Point of Access off Fireplace Drive with a Knox Lock Gated Emergency Access Only on NM State Road 14. The Property is Located within the Community College District, off of NM State Road 14, East of the Santa Fe Brewery, within Sections 24 and 25, Township 16 North, Range 8 East, (5-Mile EZ, District 5) (Approved 5-0)**

B. Miscellaneous

1. **Consideration and Approval to Submit to the NM Legislature of "A Joint Resolution Proposing the Purchase or Long-Term Lease of the Penitentiary of New Mexico's Waste Water Treatment System and**

**Associated Land to Santa Fe County” (Growth Management
Department) ISOLATED FOR DISCUSSION**

CHAIRMAN SULLIVAN: Does anyone on the Commission have items that they would like to withdraw from the Consent Calendar? There are three items on the Consent Calendar.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Vigil:

COMMISSIONER VIGIL: Just for consideration, I thought item XII. B. 2, Request approval of Community Benefit fund award as recommended by the Health Policy and Planning Commission might need some discussion. I don't have any particular discussion items. I'm just going to defer to Roman on that. Do we need to have any further discussion? Or any of the Commissioners, if they have any concerns about it.

MR. ABEYTA: Mr. Chair, if you have any concerns regarding that item we do have a member from the Health Policy and Planning Commission available, if you have any questions. But staff felt that that was a Consent Calendar item, that it could be approved without much discussion.

COMMISSIONER VIGIL: Okay.

CHAIRMAN SULLIVAN: Any others? I'd like to withdraw XII B. 1 and B.

2.

COMMISSIONER MONTOYA: Both? That's all there is, right?

CHAIRMAN SULLIVAN: So that leaves us with A. 1, which is the findings of fact on CCDRC Case #Z 07-5031, which is now the Consent Calendar, so I'll look for a motion to approve.

COMMISSIONER VIGIL: Move to approve Consent Calendar with amendments.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and second. Discussion?

The motion to approve item XII. A. 1 on the Consent Calendar passed by unanimous [4-0] voice vote.

VIII. APPROVAL OF MINUTES

A. November 15, 2007

CHAIRMAN SULLIVAN: We have two sets of minutes to approve – November 15, 2007, which was a special meeting of the Board of County Commissioners at the Eldorado Elementary School. I have a few typographical changes to that. Are there any other changes to that set of minutes? None? Okay. How about a motion for VIII. A. then?

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Okay. As amended?

COMMISSIONER VIGIL: As amended.

COMMISSIONER CAMPOS: As amended.

CHAIRMAN SULLIVAN: Okay, that's a motion from Commissioner Vigil and seconded by Commissioner Campos, approval as amended.

The motion to approve the November 15th minutes as corrected passed by unanimous [4-0] voice vote.

VIII. B. November 27, 2007

CHAIRMAN SULLIVAN: We have minutes for the regular meeting of the Board of County Commissioners, November 27, 2007. I have a few typographical changes to those minutes. Are there any other changes to those minutes. Seeing none, how about a motion?

COMMISSIONER CAMPOS: Motion to approve to approve as amended.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Vigil.

The motion to approve the November 27, 2007 minutes passed by unanimous [4-0] voice vote.

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN SULLIVAN: At this point we invite anyone who would like to bring forward a matter of concern – we also take compliments – that is not listed on the agenda for other discussion today. Seeing neither concern nor compliments we'll move on to item X.

X. MATTERS FROM THE COMMISSION

A. Discussion and Possible Approval of Discretionary Funds in the Amount of \$2,500 for the Santa Fe Concert Band (Commissioner Sullivan)

CHAIRMAN SULLIVAN: This is an item brought forward by myself. This is an organization that we have assisted in funding in the past. They provide free concerts throughout the year for the community and I would make a motion for approval of item X.

A.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Moved and seconded. Discussion?

The motion passed by unanimous [4-0] voice vote.

X. B. Proclamation in Recognition of Martin Luther King Day (Commissioner Campos)

COMMISSIONER CAMPOS: Thank you, Mr. Chair. Martin Luther King played a great role in American history and we think it's important to remember him. I'll read a proclamation and then I'm going to ask the Board to indulge us for about five minutes as we listen to one of the speeches, the I have a dream speech, which is one of the greatest in the last couple hundred years in American political history.

The proclamation basically reads: As we observe the 40th anniversary of Dr. Martin Luther King, we reflect on the history of civil rights in America and honor Dr. King. Dr. King became a leader in the civil rights movement in the fifties by advocating non-violent action as a means to overcome the evil of racism in America and led the effort that resulted in the Civil Rights Act of 1964.

Dr. King said that the legislation has worked for all citizens who took to the streets and marched for justice and equality. The Voting Rights Act of 1965 was passed because of the Civil Rights Act and it guaranteed all citizens the right to vote regardless of race, and helped our country realize the promise of the 15th amendment to the Constitution. Thus we observe and honor Dr. King's birthday, honor his legacy and go forward in confidence as a nation. And at this point I ask that we declare and proclaim Monday, January 21, 2008 as Dr. Martin Luther King, Jr. Day throughout the County of Santa Fe. And that's a motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Moved and seconded. Discussion?

The motion passed by unanimous [4-0] voice vote.

[A video recording of Dr. King's speech took place.]

COMMISSIONER CAMPOS: Thank you, Mr. Chair, and let us not forget Martin Luther King and the example and the leadership he showed in this country. It's been a long time but we need to keep him in our minds and remember what he did for everybody. Thank you.

CHAIRMAN SULLIVAN: Thank you, Commissioner. It's great to be reminded of something like that that changed the direction of the country. Other comments?

COMMISSIONER MONTOYA: Mr. Chair, I guess when you're campaigning for different offices and you get different questions, one of them was actually which political leader do you aspire to in terms of the work that they've done and Martin Luther King was the individual that I certainly feel has done a lot in terms of civil rights, social justice and something that thirty years later we're still working towards, so I think his words ring true today as well.

CHAIRMAN SULLIVAN: All right. Thank you, Commissioner.

X. D. Resolution No. 2008-1. A Resolution Urging the Legislature to Pass the Health Security Act (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chair. The healthcare issue again is before us and it's become an urgent concern for our nation and our state. There have been many solutions that have been proposed. In 2006 our governor set up a committee to specifically select different healthcare reform proposals and to contract with an expert to perform a cost analysis. This is the second time that our state has commissioned such an healthcare reform study. The results have been made clear in terms of the Health Security Act as being the only proposal that reduces healthcare costs. Even the latest revisions to the commission's study make that conclusion, and we're talking about hundreds of millions if not billions of dollars over time.

While it's expected that the legislature will be presented with a variety of reform options this session, only the Health Security Act has strong public support with about 135 diverse New Mexico organizations and over 27 cities and counties that have endorsed it as well. This proposal has had years of input from New Mexicans from all walks of life. It's not something that has been created just within the last few months. '

The Health Security Act will enable New Mexico to set up its own plan like a cooperative with freedom of choice of provider and a comprehensive benefit package. It preserves the private delivery system. It simplifies what has become an incredibly complex system. The savings produced by such a system mean more money will be spent on services and not on paperwork. Premiums which are based on income and employer contributions will be deposited into a dedicated fund. This fund will earn interest, money that can be used to work for New Mexicans instead of filling insurance company coffers.

The Health Security Act will actually help create jobs as well. Claims must be processed in New Mexico. Businesses will see predictable costs, less absenteeism, and greater productivity. Workers' Compensation and auto insurance premiums will be produced because of the large health components. These premium reductions will not only benefit businesses and consumers but governmental bodies as well, like ours here in Santa Fe County. So setting up our own health plan in New Mexico will shift the role of private health insurance to a supplemental one as has happened when Medicare was established. Now this is a major paradigm shift. In recognizing this, the Act sets up an important

process that lets us decide whether this is in fact the path that we should take.

After passage, the Legislative Finance Committee will be responsible for a cost and financing analysis. The process will be a public one. The legislature and governor must approve the financial details before the plan goes into its development phase. If the plan does not look financially feasible then there's a sunset clause so it will not go into effect. If, however, the numbers do look good then the next phase, an estimated two-year process, will take place. Should the details of the plan prove to be unworkable the brakes can be put on before the plan would begin operation.

Thus the legislation outlines a very careful, deliberative approach and taking such a major step requires such care and diligence. The New Mexico counties are on the front line of the healthcare crisis. As the County Commission it's important that we make our position clear as to the direction that New Mexico needs to take at this point. The Health Security Act which has so much public support in my opinion is the way to go. Other proposals recommend investing more and more dollars into a failed private insurance system. This approach simply does not make sense. Over the years many reforms have been tried in our state and in others and still premiums are rising and growing numbers of people are uninsured and underinsured.

So let us join the growing list of counties that have endorsed this important legislation, and with that, Mr. Chair, I move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion and second. Discussion? I believe we have in our packets some information on this, and of course we've discussed it previously, and also a letter from the chair of our Health Policy and Planning Commission, Mr. Larry Martinez, would you mind coming forward and perhaps just summarizing your letter for us.

LARRY MARTINEZ: Mr. Chair, members of the Commission, thank you for the opportunity for the Health Policy and Planning Commission to share with you our concerns and considerations with respect to healthcare reform in the state. Your Health Policy and Planning Commission has devoted a significant amount of time to studying the varying proposals that have been made, and among those proposals were the three models that were advanced and assessed by Mathematica under the contract with the State of New Mexico, which Commissioner Montoya alluded to. Among those models is in fact the Health Security Act. The Health Security Act has a lot of elements that are very similar to what we call the single payer system, and as Commissioner Montoya did report it was shown to be probably the most cost effective of the three models that were looked at. The second model was one which constituted major health insurance reform. The third model represented some incremental expansions in eligibility for Medicaid coverage and some other publicly financed efforts as well as some health insurance reform.

What we submitted to you in a letter dated November 19th was the recommendation which the Health Policy and Planning Commission made in response to Governor Richardson's Health Solutions New Mexico document, which was a distillation of some of

the recommendations which were contained in the Mathematica report. So while our recommendations don't directly address the Health Security Act, I would like to just highlight those issues which we think are issues of importance.

We have recommended a high level of caution with respect to the endorsement for adoption of the various models for a number of reasons. Our first reason is concern with respect to the perception or the action that would be taken by the state in determining that everyone is covered, or establishing universal coverage. While the Health Policy and Planning Commission very strongly supports the overall intent of ensuring that all people have some type of means of financing healthcare services we also recognize that difficulties have been encountered by other states when, for example, they have passed legislation or established gubernatorial decrees, executive orders, which declare their states to be universal coverage states.

And the reason we are concerned about that is that we receive a substantial amount of funding as well as external resources which support the healthcare system right now, which are predicated on uncompensated care or uncovered populations. Let me see if I can explain that recommendation in fairly simple terms. If the state of New Mexico were to determine it's a universal coverage state, where everyone is "covered" and I say "covered" in quotes, because what that may mean is that anyone who practices medicine in the state of New Mexico cannot refuse any individual, services to any individual, that could be perceived as universal coverage, regardless of what the reimbursement would be for any provider that would be providing that service.

So what we're concerned about is if New Mexico does declare that it's covering all citizens it may jeopardize sole community provider funding, which is predicated upon uncompensated care provided by sole community provider hospitals throughout the state and for Santa Fe County that means approximately \$32 million of which the Santa Fe County Commission provides \$9 million in matching funding to the St. Vincent Regional Medical Center to attract \$23 million of Medicaid funding for the purposes of meeting the needs of people who have no means of paying for healthcare insurance. This also could jeopardize the \$37 million that the state of New Mexico receives through the Section 330 funding under the Health Resources and Services Administration, and that is money that is made available to federally qualified health centers for services provided to individuals who cannot afford to pay for the healthcare.

Admittedly, most of the federally qualified health centers in the state of New Mexico receive about half of what they provide in healthcare services, but it still is a very substantial amount of funding, approximately \$37 million statewide today. Additionally, many of the healthcare providers across the state are eligible for Rural Primary Healthcare Act funding, which is funding again that is provided for the purposes of serving people who do not have the means of paying for healthcare services. What those - the amount of that funding is in the vicinity of about \$15 million a year that is being paid to various health centers across the state.

So what we are urging is a high level of caution with respect to any of the models.

We do know that the administration will be presenting during the 2008 session Health Solutions New Mexico which constitutes some incremental expansions in eligibility as well some health insurance reforms, and we have cautioned in our letter of November 19th to be very cautious with respect to reaction to that legislative package. Because it is a 30-day fiscal legislative session also we have concerns about whether or not there is sufficient time to adequately assess all of the various models that exist, and there may be limitations in terms of some of the other models with respect to consideration due to the fact that the vast majority of what is considered during the legislative session is what is contained in the governor's call.

So with that, Mr. Chair, members of the Commission, I'd be very happy to answer any specific questions you might have with respect to the Health Policy and Planning Commission recommendations on healthcare reform.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, my question is really specific. The Health Policy and Planning Commission is recommending that we not support any particular model.

MR. MARTINEZ: That is correct, Mr. Chair and Commissioner Vigil.

COMMISSIONER VIGIL: Okay. That's the only question I have, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. I see that in your letter of the 7th you say - you recommend withhold the County endorsement of any of the proposed legislative initiatives until the concerns articulated in this resolution are resolved. Let me ask this. Having seen healthcare from the days of then president Clinton and his wife, do these concerns ever get resolved?

MR. MARTINEZ: Mr. Chair, members of the Commission, I think we're reaching a stage where we have almost no choice but to make some significant modifications to the current healthcare system. The Clinton administration in attempting to bring about major change resulted in the establishment of the State Children's Health Insurance program or SCHIP, as it is called, still a fairly controversial program today, primarily because New Mexico positioned itself in such a way that we had expanded eligibility through Medicaid for the vast majority of children in the state of New Mexico and that money that was made available to New Mexico could not be used very readily because there was a very limited number of children who were served.

It's also serving as the base right now, however, for the State Coverage Insurance program, SCI, which the Human Services Department is currently pushing. And what that is aimed at doing is allowing working poor individuals to purchase Medicaid coverage at a relatively low price. So we're seeing quite a number of things that are occurring which we think are very healthy. We also think some of the health insurance reform that has been proposed is certainly good in and of itself. For example, it appears we're moving in the direction of eliminating the ability of the insurance companies to exclude coverage for individuals with pre-existing conditions, so there are a number of very good directions that

are happening right now which we think can be carried out and will certainly help the system but we also have to be again, as I say, very cautious when it comes to possibly jeopardizing the funding sources that we've got, which are providing a substantial amount of the money for what is a fairly underfunded system in New Mexico.

CHAIRMAN SULLIVAN: Commissioner Campos, then Commissioner Vigil.

COMMISSIONER CAMPOS: Mr. Martinez, other states have tried to establish healthcare models - Massachusetts, California, other states. Have they encountered these same problems that you're thinking may be a problem for New Mexico?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: They are experiencing these problems.

MR. MARTINEZ: Yes, and that's one of the reasons we'd like to see how some of them play out. There's litigation going on in other states. Some of you might recall the Oregon plan, known as Healthcare Prioritization. Some people labeled it rationing of healthcare in Oregon. There were major changes made to that legislation as a result of some of these considerations and many of the states have had to repeal some of the actions that have actually been taken. So we'd like to see what does in fact occur in some of the other states before we submit a recommendation to endorse a specific model. It doesn't mean that every state, the situation is going to have to be resolved. We would just like to see how some of the issues involved with respect to current litigation will be disposed of rather before we make a specific recommendation.

COMMISSIONER CAMPOS: Mr. Chair, this country does have rationing for healthcare right now. Some people don't get it at all, 47 million people don't. It's probably one of the most expensive and inefficient systems we have in the world, at least in the western world. It seems that we have to move forward with a comprehensive solution yet all we do is band-aids, a piece here, a piece there, and we have this complex system that's just dollars here, dollars here. It's just all mixed up and some people can't understand the system.

I think we need to move forward with some form of vision and leadership on this point instead of standing back, I think. We have rationing. We have an expensive system. We've got to show some leadership, I believe, in the state of New Mexico.

MR. MARTINEZ: Mr. Chair, Commissioner Campos, if I might use that as an example of what we're recommending to the Commission. I agree that there are many, many faults to our current healthcare system. However, when we make the statement that it can't get any worse, it really could. And one of the concerns that we've got too is, for example, a number of the models are indicating that providers will be mandated to accept individuals regardless of what reimbursement may be for some of those providers. If that were to result, for example in a migration of physicians or obstetricians or gynecologists to another state, what we find is that we've got a significantly worse situation on our hands without sufficient resources to even meet some of the more pressing healthcare needs.

Dental services is another good example. It's been estimated that the state is about

3,000 dentists short of what we need to serve a population the size of New Mexico. That comes out of the University of New Mexico's Dentistry's Department. If we establish a policy which is going to provide further incentives to dentists to leave New Mexico because their reimbursement, which is already rather poor under Medicaid, for example, becomes even less, then that's going to be counterproductive to the state and we'll find ourselves with people unable to even secure the most basic of dental services. That's why we believe we've got to be as cautious as possible in recommending some of these changes.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I want to go back a ways because I thought this issue - there's a legal term, Steve called *res adjudica* [judicata], the decision is already been made if I recall correctly. If I'm wrong don't correct me in public. At the Indigent Board of the Healthcare Board we've discussed this. I thought there was a consensus at minimum. I thought even motions were made that this Commission was not going to support any particular model. So to see it on the agenda made me think there was perhaps a new reason. And I'm not hearing that.

I really have to admire the advocates for the Health Security Act. They've worked very hard. They've created an initiative that really is a response. But I also have been at the Health Policy and Planning Commission meetings when other models were discussed. I would hate to support something that our own advisory board is telling us don't do something like that unless you're cautious about it. And I actually witness some of the deliberations on several - on another model, actually, at the Health Policy and Planning Commission. These are complex issues. I think when I know about the Mathematica model, the governor's model, the Health Security Act and perhaps even something that the legislature may propose, there may be components of many of these models that would be somewhat of a hybrid for New Mexico and I'm glad New Mexico is taking the initiative to start moving forward with something like this because we do have so many gaps in our health security, and the advocates for this Health Security Act have done such a wonderful job of getting counties behind this.

However, I think Santa Fe County has to do this cautiously because I'm not sure how many other counties support sole community provider, are sole community provider to the extent and to the dollars that we do. Perhaps some of the other counties don't even have that issue. It isn't an at-risk issue for them. It is for us, because we don't know what the impact is going to be. I think Mathematica has provided some information with regard to some of the impact. But I agree with you, Mr. Martinez. It's going to go to the legislature and it's going to fold into a lot of debate, which is good. That's the democratic process, and there's going to be strong advocacy for many models. But I hope as a result of that we're able to come forth with something that works for New Mexico. Because New Mexico truly is unique in its health gaps. We haven't been able to sign up enough Medicaid registrants. There's so many issues that are not addressed. The sole community provider funds are threatened now. The indigent fund is something that's unique to New

Mexico too. I just don't know that supporting this at this point in time is something that I would do for two reasons.

Number one, it would go against our Health Policy and Planning Commission's advice, who I consider the who's who of the health industry in Santa Fe. And number two, I think we don't have enough information to know what the impact will be for what the future of the funding and how Santa Fe County in particular would be affected.

COMMISSIONER CAMPOS: We've got a motion.

CHAIRMAN SULLIVAN: Other questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Mary Feldblum is here for - she's kind of followed us along in terms of over a year's time that we've been deliberating this and I just want to say in terms of background information, over a year ago I had requested that Santa Fe County look into what type of a community provider system we can provide. As a result of the governor coming up with his task force and some of the recommendations from the Health Policy and Planning Commission it was suggested that we wait until this study was completed.

Well, the study's completed and I think the results are certainly conclusive that the Health Security Act is the one that at least we should begin, and I'm not saying and I don't think anyone's saying that this is what this model is going to be. It's not going to be an end-all be-all the way it is right now, but it is a beginning in terms of the type of system that we need to begin looking at in terms of providing healthcare coverage for all. So I think that we've waited. I've waited for this for over a year in terms of the Mathematica study. It's complete and I think, along with the 27 other cities and counties and 135 other organizations who have seen this as a viable means at least to begin the discussion in terms of where do we go in terms of providing healthcare coverage for New Mexicans. This is at least a beginning step to look at this model. So that's what I'm suggesting and in no way disrespecting or discounting the recommendation from the Health Policy and Planning Commission, but this again has been something that I have wanted to do personally and I think there's others on this Commission who have - and others in this county who have a vested interest in trying to provide healthcare for people that aren't covered in Santa Fe County.

So Larry, I'd just ask that maybe you provide some comments, because I know that the reality is right now, the sole community provider funding is under attack. We just passed a resolution two weeks ago asking that Congress keep that funding intact right now as we speak. So whether or not it happens before we even enact some sort of a statewide health coverage plan for all New Mexicans or after, it's under attack right now. So that's the other reality that's before us as we speak. So I just want to ask you to maybe get some comments in terms of some of the concern that has been brought up.

MARY FELDBLUM: I think it's important to know, and I've known Larry for many years. He's very dedicated. I think some of the programs he's mentioned are in serious jeopardy financially. We don't know what's going to happen. Even when there were at maximum dollars we still had uncompensated care around the state. There's still

problems. Premiums are going up and we're seeing more and more people uninsured. And the way the Health Security Act is structured, and I think it's a different path towards what we've been doing for many, many years. States are actually faced with a choice. They can try and fix the private insurance model, or they can try and do something new. Our state has a small population. It doesn't make sense to have these small risk pools, this complicated system. Lovelace offers 100 different types of policies. It costs all of us.

So to take that step is a big one. So that's why the structure of the Health Security Act is set in the first year, let's look at the numbers. And if in fact - that's a revenue source. Sole community provider, all of the primary care funds, those are revenue sources. If in the number-crunching this plan is unaffordable - in other words those sources don't have [inaudible] that can't be made up somehow, then there's a sunset clause. It's not going to even be considered. And I think that's really important. That's the purpose of that first year and that's why there's a sunset clause.

The other issue I think is that the states are really trying to deal with universal coverage. Massachusetts has a mandated model and there's no litigation that I'm aware of in Massachusetts over the issue of sole community provider, or any of the other federal dollars. In fact they developed their plan because they were in violation of some Medicaid law. But those are models that are relying on private insurance. And the Health Solutions proposal by the administration is very similar in some ways to the Massachusetts model. It's mandated that everybody purchase insurance or enroll in public programs.

And I don't know if you're aware that in Massachusetts they're subsidizing people who aren't able or eligible to get in public programs and who can't afford the insurance. And they're already \$150 million over budget. This is a state that's far wealthier than New Mexico. In addition, the health policy experts in Massachusetts are already worried that premiums are rising, because in these models it is the insurance companies that determine the premiums. Maine, which has a Dirigo health plan has some problems. The problems that they face are because they're relying on the private insurance system. That's really what it amounts to.

And that's why the Health Security Act says we need to do something new and different and shift their role the way Medicare did. As for mandates for physicians, that's Health Solutions. That's not the Health Security Act. In fact Senator Steve Komadina, who's a physician is very pleased that any willing provider provides for the Health Security Act, and he wrote a piece in the *New Mexican* actually stating that the Health Security Act is the only real reform as far as he's concerned and he is a physician. He's actually from my village, Corrales.

So we're finding that more and more physicians are finding that the Health Security Act actually will develop a very [inaudible] model. And that begins that three-year process, because the numbers could look could. We could actually be able to figure out how the sole community provider and the other funding sources and numbers could look good and how the plan looks for doctors, hospitals. [inaudible] what are our rights under the plan. There's plenty of time. It's a three-year process that's laid out. We can pull the plug if this

bill – if it doesn't seem to be workable. It's a go-slow, careful, judicious approach and it gives hope, hope to New Mexicans that are so concerned whether they have insurance or don't, that we can do something that will help in our state.

We're really pleased that towns and cities, and bipartisan support with broad acceptance at the local level [inaudible] So we really ask – you're not saying that this will happen when you vote for this resolution. You're saying take a look at this model. It does make sense. Three times it's been studied and three times it's been shown to save money. The question is can we design it in a way in New Mexico that we feel comfortable with and that's why there's that three-year process. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mary. Commissioner Vigil I think has a question.

COMMISSIONER VIGIL: Mary, thank you and thank you for your work on this. I know you've worked tirelessly. I'm not sure how many other cities and counties have what I consider the privilege of having an advisory board like ours, our Health Policy and Planning Commission. The question I pose for you would be our Health Policy and Planning Commission is actually recommending to us that we allow them to continually monitor the progress of all of the proposals that are being brought forth, and it seems to me that that would be a good procedure at this point in time, particularly because, as I mentioned earlier, they are the health experts. Would you be opposed to really working with our Health Policy and Planning Commission? Because they not only will be looking at what your proposal is, but they're going to be looking at the other proposals too. And they also, because they represent Santa Fe County they actually would be able to be better entities to really interact and interface and communicate with you or with any of the other proposals that are put forward.

It seems to me that – and I know that your Act is really process-oriented – that would be a process that we could look to. Because I really would like the analysis done by those that we have appointed in our county that are our experts to be able to come and tell us, this is what this proposal will and will not do. And while yours will and will not do certain things and really, you've given us an excellent analysis in terms of the matrix, there are components of that in other proposals. It's getting a little too mixed up for me to be able to say Santa Fe County, this is how you need to move forward in your commitment to the future health issues.

I think that our Health Policy and Planning Commission would be the ones to best advise us. Would you be willing to work with them on that?

MS. FELDBLUM: Well, I've always been willing to present to the Santa Fe Health Policy and Planning Commission. There are quite a few counties that have similar bodies, and you'll actually see that quite a few are listed as having endorsed the Health Security Act. And I think that the idea of mixing and matching the different proposals – a couple of the proposals are dead. The Health Choices model, the voucher system, and the health coverage model are not even being considered. As Senator Sue Wilson Beffort said there are really two on the table – the Health Security Act and Health Solutions. The

reason you can't mix them is that they represent two very different paths. And that's the dilemma that you face as a County Commissioner, which path you take.

One path says we can fix the private health insurance system. And there are lots of models out there that are trying to do that. The other path says that we have to do something new and difference. And the first path, the Health Solutions path, is actually saying let's go into this. Let's jump into the cold lake, set up the system where we'll do it this way. The Health Security Act says let's not jump into the cold lake. Let's put our toes in. Let's see, because it's a really different paradigm shift. In a state that has two million people, to continue with a private insurance, complex system, that is frustrating physicians - I haven't met one physician that - they may not agree with the Health Security Act but they certainly are frustrated -

COMMISSIONER VIGIL: I think she did answer that she was willing to work with the Health Policy and Planning Commission. I would just say that there is also another proposal the governor is - and perhaps a hybrid from the legislature. So I think that the debate still needs to be had.

CHAIRMAN SULLIVAN: Thank you, Ms. Feldblum.

MS. FELDBLUM: Thank you.

COMMISSIONER MONTOYA: Thank you, Mary.

CHAIRMAN SULLIVAN: Are there any other questions or comments?

COMMISSIONER CAMPOS: Mr. Chair, I think this is the best proposal that's out there. A compromise would not be in the best interest. I think the governor has to be moved along a little bit on this issue. I think our action could maybe help influence the legislature on that. I would ask that we vote for this resolution.

CHAIRMAN SULLIVAN: Let me make a suggestion and perhaps some alternate language of the resolution that might incorporate some of the concerns of our Health Policy and Planning Commission. On the second page, on the third whereas, where it says "Whereas, the Health Security Act is the only healthcare reform proposal with widespread public support" we might say, Whereas, the Health Security Act has widespread public support. And then in the Be it further resolved paragraph, I was thinking that we might modify that to read, "Be it further resolved that the Board of County Commissioners of Santa Fe County will seek to ensure passage of a Health Security Act that will preserve federal funding and not result in a diminution of services to New Mexicans, and will urge the New Mexico Association of Counties to make such a Health Security Act a legislative priority." That might leave us open for further discussing these issues that Mr. Martinez has brought up that are some concerns of our Health Policy and Planning Commission. Does that sound like some language that the maker might be able to endorse?

COMMISSIONER MONTOYA: Yes, Mr. Chair.

CHAIRMAN SULLIVAN: How about the seconder?

COMMISSIONER CAMPOS: I would consider that friendly.

CHAIRMAN SULLIVAN: Okay, so we have a revised motion on the floor.

As amended as just read. Is there discussion on that revised motion?

The motion to approve Resolution 2008-1 as revised passed by 3-1 voice vote, with Commissioner Vigil voting against.

CHAIRMAN SULLIVAN: All right. Ms. Feldblum, thank you for your efforts. I hope that brings some – advances the issue some and I think that you and the Health Policy and Planning Commission have been very helpful in keeping us apprised of where these issues are going. This is by no means the end, as both of you have told us. Thank you so much.

COMMISSIONER CAMPOS: Mr. Chair, I'd like to recognize in the audience former Commissioners Patricio Larragoite and Ray Chavez. Could you please stand up? Thank you for being here and thank you for your public service and for your presence here today.

X. C. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of \$5,000 to Santa Fe County Growth Management Department for the Provision of the Acequia de Los Garduños Acequia Rehabilitation Project (Commissioner Montoya)

CHAIRMAN SULLIVAN: I believe this was amended, was it not? It's now \$5,000.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. The only one that would be added is the Acequia del Rincon. So that would be the additional \$1500 to have some rehabilitation on that acequia as well, so that was the additional \$1500 for the Acequia del Rincon.

CHAIRMAN SULLIVAN: These are for rehabilitation work or for a study?

COMMISSIONER MONTOYA: Rehabilitation work.

CHAIRMAN SULLIVAN: This is in-field work.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Okay. Thank you for the clarification.

COMMISSIONER MONTOYA: Sure. And I move for approval.

CHAIRMAN SULLIVAN: Motion. Is there a second? I'll second.

COMMISSIONER CAMPOS: I'd like a little more information.

CHAIRMAN SULLIVAN: Okay. Motion and second. Discussion.

COMMISSIONER MONTOYA: Mr. Chair, these acequias have been, in terms of the flow, the diversion has been eroded over the years to where they're continuously having to build up the presa to have the diversion go into the acequia. So what we're trying to do is build up the river bed a little so that the diversion won't have to be moved up so far back and it will be a lot easier for them to be able to divert water into

the acequia, into their ditch, without having to have a lot of major earthwork done, which currently they're having to do. So it would help in terms of building up the riverbed and kind of establishing the presas where they originally were twenty, even thirty years ago. The riverbed had just continued to sink and this will just help to build up the diversion and kind of dam the water. So it will help it build up the dirt, the silt. It's that situation with both of these ditched.

COMMISSIONER CAMPOS: Okay. Thank you, sir.

COMMISSIONER MONTOYA: Sure.

CHAIRMAN SULLIVAN: And Commissioner, who will be doing this work? A contractor?

COMMISSIONER MONTOYA: A contractor will. Yes.

CHAIRMAN SULLIVAN: That the associations will hire to do it.

COMMISSIONER MONTOYA: Yes. Correct.

CHAIRMAN SULLIVAN: Other questions?

The motion passed by unanimous [4-0] voice vote.

CHAIRMAN SULLIVAN: Item E has been tabled as a part of our approval of the agenda, and that's to allow Commissioner Anaya to be present when we discuss that.

X. F. Discussion and Possible Approval to Allocate \$5,000 of Discretionary Funds to the Santa Fe Fiesta Council for their Youth Mariachi Workshops (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chair. Christy Montoya is here, Christy if you might approach. You and Victor I know are Fiesta Council advocates. We have in the past been witness to the benefit of what the Fiesta Council actually does to promote youth mariachi workshops in our community. That is not done for free, and we have actually allocated funding for this project way in the past and haven't most recently. So I am asking that discretionary funds be made available to the Santa Fe Fiesta Council to promote their youth mariachi workshops. Similar, Commissioner Sullivan, to your resolution for the Santa Fe Concert Band except that this goes specifically for the development of youth. Is that correct, Christy?

CHRISTY MONTOYA: Yes, Commissioner.

COMMISSIONER VIGIL: And if there's any questions - I don't have any but the Commissioners might.

CHAIRMAN SULLIVAN: Anything else you'd like to add, Christy?

MS. MONTOYA: This project has been in existence for the last ten years. Within those ten years we have about ten students that have gone onto professional performance all over, Tucson, everywhere. So it's very beneficial so that we can continue

our traditional culture. We don't want to lose it. We want to be able to continue and if there's any questions, I'll be happy to answer them for you.

COMMISSIONER VIGIL: I move for approval

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and seconded by Commissioner Montoya. Any further discussion? I have a CD of one of the original Pojoaque school mariachi groups. I don't think they're currently playing anymore.

COMMISSIONER MONTOYA: Yes, they're done.

COMMISSIONER VIGIL: They have the female group, don't they? Don't they have the high school female mariachis?

CHAIRMAN SULLIVAN: When they were playing they were good. They were awesome. So it's a wonderful program and we appreciate your support.

MS. MONTOYA: We have students coming in Las Vegas, Taos, Albuquerque, Española and El Rito. And the students that we have here in Santa Fe are about 100 students and probably one of the mariachis that I'm sure you've heard all over, probably I could mention, is the Mariachi Buenaventura, which is an all-female mariachi group. Two of our students are in that mariachi group, got trained.

CHAIRMAN SULLIVAN: I've heard them play. All right. We have a motion and a second for the allocation of \$5,000 to these youth mariachi workshops.

The motion passed by unanimous [4-0] voice vote.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Christy, would you please extend my gratitude to the Santa Fe Fiesta Council for including the County Commissioners in many of the events that they promote, inclusive of the mariachi concerts that they provide at the opera. It's wonderful for them to extend the invitations that they have to make us a part of this process. We all who were born and raised here in Santa Fe are very tied to that cultural experience and I welcome the opportunity to continue to be a part of that. Please tell your council thank you very much for including us.

MS. MONTOYA: Thank you, Commissioner Vigil. Thank you so much.

X. G. Regional Transit Priorities for Santa Fe County (Commissioner Sullivan)

CHAIRMAN SULLIVAN: I brought this forward because in the past we have discussed funding that we have provided to the Regional Transit Authority in the amount of \$100,000 and I've gotten some confusing - at least to me - reports on how those priorities are being implemented and so I asked Mr. Kolkmeier if he would take a look into that for me. So Jack, could you tell us what you found out?

JACK KOLKMEYER (Land Use Administrator): Good afternoon, Mr. Chair and Commissioners. Thank you. Commissioner, as you know, we undertake our transit program in cooperation and conjunction with the North Central Regional Transit District, of which Commissioner Anaya is currently the Board member. This afternoon I've asked the director of the transit program, Jack Valencia, to give you a really brief update on what programs are being funded and how they're being funded, and I'd like to turn your questions over to him, if I may. Also with Mr. Valencia is Ivan Guillen from the RTD, Mr. Fred Allen from All Aboard American, and Mr. Shabih Rizvi, who is our transportation planner. So I think we can probably answer all your questions about the program pretty quickly, Commissioner Sullivan, If I may turn it over to Mr. Valencia.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Can you give us context so that we understand this discussion?

CHAIRMAN SULLIVAN: Sure. Basically, at our last presentation the district had asked for our direction as to prioritization and my recollection of how that worked was that we had allocated \$100,000 to the district, and that was originally primarily for the Eldorado pilot bus program. And then we - well, we allocated less than originally and then we allocated \$100,000 to continue that. I believe we were told that that would be funded with other funds and that a program would be initiated to provide service from Edgewood through Stanley connecting into Eldorado and my concern was that we had other priorities that had more ridership potential, particularly in the Route 14 area and the Rancho Viejo loop that could be extended to handle that.

I understand now that the Edgewood bus service is underway but the Route 14-Rancho Viejo loop is not. I was concerned that, at least from Santa Fe County's priorities that things were operating backwards and that was one of the questions that I had and I was hoping you could perhaps answer that.

JACK VALENCIA: Thank you, Mr. Chair, members of the Commission, also with us, I'd like to introduce is Jon Bulhuis. He's the director of Santa Fe Trails, one of our partners in the Highway 14 Community College Corridor which we're speaking about. Mr. Chair, members of the Commission, just to highlight, back in September when I spoke before this body before, as I described the funding and the manner in which the funding was going to be utilized, as Commissioner Sullivan stated earlier the initial pilot program ran from April through September. That funding scenario, the massive support was provided by the State DOT and there was approximately \$14,000 of County money that went to that pilot program.

At the time of conversion from the pilot program into permanent funding there was \$100,000 in which the County had put in their general fund budget for transportation purposes with high emphasis in the Eldorado area for continuation. In addition to those funding levels we received \$100,000 of Los Alamos gross receipts tax that was being provided for County purposes. In addition to that we were able to leverage approximately

\$60,000 of additional state and federal monies to put the whole program together.

Presently we utilized, or initially we utilized from October through the first week of January we utilized County funding for the purposes of Eldorado. We enhanced the project service territory to include Edgewood, Moriarty, Galisteo, and Stanley effective yesterday. We had been working with the City of Santa Fe and its Transit Advisory Board and its staff in putting together the proposal that is going to fund the - once it is determined - the Highway 14 or the Community College Corridor. This will be presented at a February 6th meeting, I believe, before the City's Transit Advisory Board, hopefully that futuristically in the short term that will be adopted and implemented as early as April of this year to service the Community College or Highway 14 corridor, whichever is selected from that body, implemented jointly between the City of Santa Fe and the North Central Regional Transit District.

So that is the manner in which the funding has been used. The funding from the County of Santa Fe, I assure you Commissioner and members of the Commission has been utilized on the Eldorado priorities and emphasis that this body stated to date. We have expended approximately \$30,000 of the \$100,000 which this body has provided us in the first quarter, so looking at that scenario on a quarterly basis, there's approximately \$120,000 worth of benefit to the Eldorado program, with \$100,000 which the County has dedicated and set aside specifically for that implemented portion. Mr. Chair, members of the Commission, I'll stand open for questions.

CHAIRMAN SULLIVAN: I guess the question I had then was the funds for the Edgewood enhancement, as you call it, where did they come from?

MR. VALENCIA: Mr. Chair, members of the Commission, those are being utilized as the Los Alamos gross receipts monies. In addition to that, the monies which we were able to jointly leverage between the state and federal funds, which are what they call Jobs Access Reverse Commute monies, JARC, and 5311, which are general transportation monies that are provided through the application process in which we were funded through the state.

CHAIRMAN SULLIVAN: But wouldn't some of those funds be available for the Eldorado run, as well as for the Community College District or Route 14? Are we using all those on the Edgewood run?

MR. VALENCIA: Mr. Chair, members of the Commission, as I stated to you before, the LAGRT money that the City of Santa Fe is getting, the City of Santa Fe is utilizing it based upon the agreement of the regional partners, that is routes that are contiguous and beneficial on a regional basis. With that being said, there is benefit to the County being obtained with utilization of the City of Santa Fe's allocation of Los Alamos gross receipts in conjunction with the contiguous service that they're able to provide from within the city and extending outward into the county.

CHAIRMAN SULLIVAN: But you said the Los Alamos gross receipts is being used on the Edgewood run.

MR. VALENCIA: Mr. Chair, members of the Commission, there are two

elements for the Los Alamos gross receipts. There's the County element and then there's the municipal element. On the Eldorado service, that is the County's - Eldorado and further, the extension of Moriarty, Edgewood and that is an accumulation of three funding sources. That is the County of Santa Fe's general fund, the County of Santa Fe Los Alamos gross receipts tax allocation, and the federal and state funding that we were able to leverage for a total package of approximately \$260,000.

The Highway 14 and Community College area is being leveraged with the Los Alamos gross receipts from the City of Santa Fe's allocation that is creating a contiguous regional effort from within the city.

CHAIRMAN SULLIVAN: So the \$260,000 doesn't include the funds you're going to be using on the Route 14 route.

MR. VALENCIA: That is correct, Mr. Chair and members of the Commission.

CHAIRMAN SULLIVAN: Okay. Are there other questions? I see someone with a bus stop sign here. I read a newspaper article yesterday which was critical of the lack of information on the bus routes on the Eldorado line. Have we taken a look into that?

MR. VALENCIA: Yes, Mr. Chair, members of the Commission. We've gone back and we've evaluated it. There's been numerous marking efforts. If I can provide the Clerk to provide the Commission of the numerous marking efforts that we've made along with press releases and other sources of outreach. And we welcome any and all input from the residents of the county along with - I met your PIO before the meeting today and I'm hoping to utilize him, Mr. Chair, members of the Commission, in order to create greater outreach, in order to have people understand how far reaching we are in the county.

And then one additional comment, Mr. Chair, members of the Commission. We just isolated the comments today with regard to the county and the Eldorado and the south 14 area, but we are providing bus service in the northern portion of the county also as it comes in from the Española area. We take people out into the outlying areas of northern Santa Fe County.

CHAIRMAN SULLIVAN: I guess the question that was raised in the newspaper article was, and my question is are there informational signs at each of the stops right now that indicate the schedule and where you board and so forth.

MR. VALENCIA: Mr. Chair, members of the Commission, we put the signage out before the service started in the south Santa Fe area. With that we didn't want - we have in locations and on your brochure that I handed to you demonstrate where the signage is located, where we're picking up the individuals today.

CHAIRMAN SULLIVAN: So you're saying the signs are there.

MR. VALENCIA: The signs are there.

CHAIRMAN SULLIVAN: The newspaper article reporter went around and said the signs weren't there. So I guess there's only one way -

MR. VALENCIA: Prior to the beginning of the service and the extended

service, Mr. Chair, there were signs located in Moriarty, Edgewood, Galisteo, Stanley and the connecting points.

CHAIRMAN SULLIVAN: I'm talking about the signs from Eldorado to downtown.

MR. VALENCIA: There is a sign, Mr. Chair. There is a sign in Eldorado and there is - I believe there is signage at the other locations. There should be, in conjunction with our partners.

CHAIRMAN SULLIVAN: Okay. Is there anyone else, any items that we should know about from the City?

MR. VALENCIA: Mr. Chair, I'd like to offer just 15 seconds or more with our two partners, All Aboard American and also the City of Santa Fe. I think when you talk about regional transportation, and I've made numerous presentations before this body. As we talked about coordination or trying to coordinate seamlessness in that and I want to demonstrate between our discussions with your staff, Jack Kolkmeier and the Planning Department along with our other partners, that we are working in a collective way to bring regional public transportation to your constituents.

CHAIRMAN SULLIVAN: We certainly want to continue that cooperation and I'm glad you're here today. Again, I'll just reiterate my concern was that I thought we clearly expressed the Santa Fe County priority in terms of routes, to be the Community College/Route 14 area and yet someone has - the district apparently has decided that some other route should take precedence. We're not the district; we're only one member of the district, so I guess that's what the district is for is to make those decisions but I would object to that decision.

MR. VALENCIA: Mr. Chair, members of the Commission, I have forwarded your comments expressly, not only to our board of directors but also to the Transportation Advisory Board of the City of Santa Fe, and we are moving your interests and your desires and your priorities with the highest level of enthusiasm with the City of Santa Fe. And that's why I have the City of Santa Fe here today in order to corroborate what we are doing in order to move that forward.

CHAIRMAN SULLIVAN: Jon, thanks for coming.

JON BULTHUIS: I'm Jon Bulthuis, the City of Santa Fe Transit Director. Mr. Chair, members of the Commission, we are indeed working with Jack to take the City's allocation of Los Alamos County gross receipts tax funding that's coming through the district to design service options that will extend into Santa Fe County. Now, on the City side we have the Transit Advisory Board, which is a community based board that's appointed by the Mayor that evaluates certain proposals and we have two on the table right now that the district has asked us to consider, one being an extension into the Rancho Viejo area that will tie into our district system and also an extension from the Santa Fe Place Mall down south 14. So those two, as Jack mentioned, will be considered by the policy board, the advisory board on February 6th. Their recommendation will then go through the City's committee and Council process before we can set an implementation date.

So we are looking at utilizing the City's allocation of \$100,000 to extend service into the county along one of those two corridors. The level of service that we're going to be able to provide is limited only by that dollar amount. So we'll put as much service out as that \$100,000 will afford.

CHAIRMAN SULLIVAN: Okay. Thank you, Jon.

MR. VALENCIA: Mr. Chair, members of the Commission, I'll address any additional concerns that you have.

CHAIRMAN SULLIVAN: Did you want to have some comments from All Aboard America?

FRED ALLEN: Mr. Chair, members of the Commission, what I wanted to bring up was as far as the connectivity of other services, as far as programs and Santa Fe Trails and the RTD working in conjunction with their call centers. We are working together. We have a dedicated line for the greater Eldorado express that's directed into our call center and fielded between 5:00 am and 7:30 pm and that answers all the ridership's questions and concerns and also the connectivity of other various programs of public transportation.

CHAIRMAN SULLIVAN: And is that this number you have on your brochure - 424-0887?

MR. ALLEN: Yes.

CHAIRMAN SULLIVAN: Okay. Thank you.

MR. VALENCIA: Mr. Chair, since this meeting is also being taped I'd also encourage the residents of Santa Fe County to access our website, which is ncrtd.org. They can access schedules, routes and other ridership information within the four-county area where we provide service.

CHAIRMAN SULLIVAN: Any other questions on this item? Okay. Thank you. Thank you all for being here today and providing us with that update.

X. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Not any at this time.

CHAIRMAN SULLIVAN: Nothing from Commissioner Vigil.
Commissioner Campos.

COMMISSIONER CAMPOS: Nothing at this time, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you. Commissioner Montoya.

COMMISSIONER MONTOYA: Nothing at this time either.

CHAIRMAN SULLIVAN: Okay. The only thing I have, gentlemen and lady is some scheduling that we need to organize. We have a couple of things. Number one, we had a weather delay on our oil and gas draft ordinance hearing, which was to be yesterday, the 7th of January. That ordinance, by the way, is out, the second draft, for

people to take a look at and comment on, and comments are being accepted now. That's on the County's website, Santa Fe County.org. And because of that my thinking is we might want to consider hearing the second draft of that ordinance on February 12th at our regular land use meeting and the County Manager has indicated that we can reschedule some of the items, that we don't have a really full agenda, and limit it to the oil and gas ordinance.

The other part of that scheduling issue is we need to reschedule the hearing that was postponed yesterday. In talking with Commissioner Anaya, he's involved with the New Mexico Association of County's business. He's in Washington all of this week and they have a meeting, their annual meeting in Santa Fe next week which consumes Monday, Tuesday, and Wednesday. So one possible suggestion is Thursday the 17th of January to hold that hearing and I wanted to throw that out and see how that fits your schedule.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Roman, I received an email where your office was polling for the best times and I actually thought that the Association of Counties does not start until Wednesday. And I have follow-ups on email from Jennifer that Commissioner Anaya would be available on Monday, next Monday. Do you have a summary of that at all?

MR. ABEYTA: I don't. What I recall is like Commissioner Sullivan, that he would be available on Thursday, the 17th. But I can check Naomi in my office and get back to you.

CHAIRMAN SULLIVAN: I think I can answer that, Commissioner.

COMMISSIONER VIGIL: Well, the 17th has the Buckman Direct Diversion Board scheduled and it also is a date for the Association of Counties. Unless Commissioner Montoya has something different. I think the Association actually begins on Monday. Is that correct, Commissioner Montoya?

CHAIRMAN SULLIVAN: Yes. The actual opening is Tuesday at 10:00.

COMMISSIONER VIGIL: I mean Tuesday.

CHAIRMAN SULLIVAN: Then the president has a board meeting and another 6:00 meeting, I believe, on Monday, which limited the participation for our Monday meeting. And then there's regular meetings on Wednesday. But my understanding is, and correct me if I'm wrong, Commissioner Montoya, is that Thursday it's free.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER VIGIL: The 15th and 16th.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: So Thursday would be – and as you say, if there's a conflict with Buckman, that's a problem. We always run into these conflicts and if we can try and select another day that would be fine too.

COMMISSIONER VIGIL: It would seem to me – I don't know. Maybe we should bring Jennifer in here because I really have a different understanding. I thought

Commissioner Anaya was available on the 14th. He is the president of the Association but I think he's conducting his meetings on Tuesday. But I'm not sure about that. Commissioner Sullivan, so Jennifer will be here shortly.

CHAIRMAN SULLIVAN: Well, I can tell you, Commissioner, that I have an email from Jennifer indicating he's got a meeting at 4:00 and he has a meeting at 6:00 on Monday. We can confirm that. I'd be perfectly willing to have the hearing on Monday. I have no problem with that.

COMMISSIONER VIGIL: I'd like to get it confirmed.

CHAIRMAN SULLIVAN: If we can do that, but I've already checked on that and unless things have changed the 17th is the first day he's available.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER CAMPOS: I must have missed part of the conversation but you're trying to reschedule the first public hearing?

CHAIRMAN SULLIVAN: Correct.

COMMISSIONER CAMPOS: For the week of the 14th?

CHAIRMAN SULLIVAN: That's what I was trying to, yes.

COMMISSIONER CAMPOS: To me that's a bad week. I would stay with the following week. I just have a lot going on that week, almost every day.

CHAIRMAN SULLIVAN: Okay. How about Monday the 21st? That's Martin Luther King Day. Does that work for you, Commissioner Vigil?

COMMISSIONER VIGIL: I'm looking it up right now. Yes.

MR. ABEYTA: Mr. Chair, if we want to have it at the Community College we would need to make sure it's going to be available.

CHAIRMAN SULLIVAN: So it's subject to availability. Right.

COMMISSIONER CAMPOS: You also mentioned the February 8th, Mr. Chair.

CHAIRMAN SULLIVAN: February 12th.

COMMISSIONER CAMPOS: And that's for the second hearing?

CHAIRMAN SULLIVAN: Correct. Just because we're having to push things back here. That's, by the way, Lincoln's Birthday. So we have Martin Luther King Day and we have Lincoln's Birthday to remind us, for those Republicans in the audience. There was a question about Commissioner Anaya's availability on the 14th. Would you want to provide some information for Commissioner Vigil on that?

JENNIFER JARAMILLO (Constituent Liaison): Mr. Chair, Commissioners, he's actually not available on the 14th, due to the conference. Now that he's the president of NMAC he has two board meetings that he's conducting, plus he has a president's reception in the afternoon that he's hosting. And then on that following Tuesday and Wednesday is the actual conference dates. So Thursday was the first available date.

CHAIRMAN SULLIVAN: Okay. How does he look for Monday the 21st? I

know he wants to attend the meeting since the centroid of this is in his district.

MS. JARAMILLO: Monday the 21st he is available. But is the County closed that day?

MR. ABEYTA: We are, but we're going to see if the Community College is available.

CHAIRMAN SULLIVAN: The County's closed on Monday.

MS. JARAMILLO: It's Martin Luther King Day.

CHAIRMAN SULLIVAN: Oh, boy. But we could still – the Commission works, right? And the Manager's office works day and night. They have no hours. But I would propose at the same time – it looks like we have a consensus then for the 21st, as being the – that will take care of the Buckman Diversion issue.

COMMISSIONER CAMPOS: Three o'clock?

CHAIRMAN SULLIVAN: Starting at 3:00 and going on into the evening. Three to essentially however long it takes to get everyone heard and targeting probably 8:00. But we want to be sure everyone understands that we want to start early so we can take of people that have problems driving at night, but who are available earlier in the day to testify. And then those who return from work and are available only in the evening and we'll be there in the evening also. So we will hear everyone that wants to speak on the 21st.

MS. JARAMILLO: And this meeting will also be available on the website so if anybody wants to watch it before they can actually attend they can see what they're missing at 3:00. Or they could play it back at a later date to see what they missed at 3:00 if they can't come until after 5:00.

CHAIRMAN SULLIVAN: Right. And it will include a summary from Mr. Ross of the changes that are now in the second draft of the ordinance. All right. That takes care of that scheduling item.

COMMISSIONER CAMPOS: Just for clarity. The 21st, 3:00 to 8:00 for the first, going to 2/12 for the second. You'd also talked about a study session.

CHAIRMAN SULLIVAN: Right. And then we've got another proposal and possibility that I've talked with Commissioner Campos about and I think is a good idea, and that is to set aside Tuesday afternoon after our administrative meeting, perhaps after 1:00, to organize a study session, a work session, not a public hearing, where we could learn from the issues that are still remaining after the January 21st meeting, what some of the key topics are, and then organize individuals who have thoughts and expertise on those topics and enable the Commissioners to interact with them in a work session environment to discuss those topics. Again, not a public hearing but a work session prior to having our next public hearing and the third draft of the ordinance.

If that appears to be a good idea that the Commission would like to go ahead and begin to organize that as well.

COMMISSIONER VIGIL: The date?

CHAIRMAN SULLIVAN: That would be the Commission meeting day, the 29th. We would do that in the afternoon and the County Manager has indicated that we've

got – he did say the agenda can be compressed down to about three hours.

COMMISSIONER VIGIL: That would be January 29th.

CHAIRMAN SULLIVAN: Did I say February? January 29th. That's correct. The three operative days, January 21st, starting at 3:00 pm, on until 8:00 or 9:00, whenever the need is; Tuesday afternoon, place and time to be determined on the 29th of January for a work session, not a public hearing; and then this hearing, by the way on the 21st will be subject to the Community College gymnasium availability.

MR. ABEYTA: Mr. Chair, we just confirmed with the Community College that they won't open. They're closed on the 21st and they won't open it for us.

CHAIRMAN SULLIVAN: Well, that was taken care of quickly. Okay, how about Tuesday, the 22nd?

COMMISSIONER MONTOYA: Can we do it here, Mr. Chair?

COMMISSIONER VIGIL: I don't think this forum is large enough.

CHAIRMAN SULLIVAN: We can only accommodate about 150 here and we'll probably have at least 600 who want to testify. Now, they won't all be there at the same time. They'll come in and out.

COMMISSIONER MONTOYA: I was thinking maybe they'll – other than us, probably nobody's going to be here for the whole hearing.

CHAIRMAN SULLIVAN: That may well be. We can try it. I'm just concerned that we have a lot of people standing in the hall and not being able to at least listen to the comments even if they're not testifying themselves, they may want to listen to the comments. Well, what do you think about the 22nd, folks?

COMMISSIONER CAMPOS: Works for me.

CHAIRMAN SULLIVAN: Works for you. Okay.

COMMISSIONER VIGIL: Yes.

CHAIRMAN SULLIVAN: Commissioner Vigil, okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Okay. Back to the Community College. We'll check that out. Change one.

COMMISSIONER MONTOYA: Mr. Chair, was it going to be in the Jemez Room?

CHAIRMAN SULLIVAN: No, that's been changed to the gymnasium, the exercise complex, the fitness complex, I believe they call it. That's a gymnasium type seating but the chairs have backs, so they're a little more comfortable than sitting on the wood slats. Okay, we'll confirm that. If the 22nd works we'll do it then. The other days remain the same. The second hearing on February 12th at our regular land use meeting.

Okay, another scheduling item that staff has asked me to ask you about is we need a mid-year budget review. We also need our normal presentation meeting, which we could perhaps combine with the mid-year budget review to do the presentations and then do the budget review after that. And then the Land Use staff has asked us to schedule about four

hours for the next installment of our growth management plan discussion, and that should probably be a separate meeting than the other two. So when would you all like to do that? This year.

I'm thinking we need a combination meeting for the presentation meeting, and my suggestion is we're kind of booked up until the 12th here, but we could perhaps sneak one in there prior to the 12th if you wanted to, the week of the 4th of February. And then we need the next scheduled growth management work session, about four hours.

COMMISSIONER CAMPOS: Mr. Chair, do you want to have these on the same date, different segments? Say, starting from 10 to 12, we can do budget review and then 1 to 5 or 1 to 4 we could do the land use. That way we could just focus our attention on one day.

CHAIRMAN SULLIVAN: That's another alternative. I'm open to anything. We want to get the presentations meeting in there somewhere too. We have those every other month.

COMMISSIONER CAMPOS: Every quarter.

CHAIRMAN SULLIVAN: We have those every three months, rather, and February is the next time for that.

COMMISSIONER CAMPOS: I have February the 5th, Tuesday, open.

CHAIRMAN SULLIVAN: I have a commitment at 4:00 but other than that I'm okay.

COMMISSIONER CAMPOS: Commissioner Montoya says it doesn't work for him.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER MONTOYA: That's the primary caucus.

CHAIRMAN SULLIVAN: Commissioner Vigil, what have you got?

COMMISSIONER VIGIL: I have February 6th.

CHAIRMAN SULLIVAN: How about February 6th? That okay? Well, what do you want to do on February 6th? Take your pick. Do you want to do all three?

COMMISSIONER VIGIL: I'm in agreement with Commissioner Campos' recommendation that we do as much as can in one day. I don't know - we have so many public hearings coming up. I don't know if we should have the presentations in January unless there's something really compelling to have, because those are ceremonial in nature. I think we need to create a focus of our time on this oil and gas drilling ordinance and if next in priority in my mind would be the budget hearings, and also strategic planning. And I put those on the same level of priority.

CHAIRMAN SULLIVAN: Okay, we can do the presentations later in February. It's not scheduled for January. It's February anyway. But how about Wednesday morning for the budget and then break for lunch, and then afternoon for the growth management session?

COMMISSIONER CAMPOS: What day?

CHAIRMAN SULLIVAN: Wednesday, the 6th of February. Ash

Wednesday.

COMMISSIONER CAMPOS: Does that work with staff?

COMMISSIONER VIGIL: I can't do the afternoon. Can we look at the 7th, just as a possibility?

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER CAMPOS: We have a utility group meeting on the 7th at 2:30.

CHAIRMAN SULLIVAN: I can do it Monday or Tuesday. Tuesday I can do but I have to leave by 3:00. That's all. You couldn't do it until Tuesday.

COMMISSIONER VIGIL: What about Monday the 4th?

COMMISSIONER MONTOYA: I can't do it.

CHAIRMAN SULLIVAN: You said you couldn't do it.

COMMISSIONER MONTOYA: Not Wednesday then?

COMMISSIONER VIGIL: I can't do it Wednesday. Half of my day is cut in. I can do it Thursday.

CHAIRMAN SULLIVAN: We could also do it Friday.

COMMISSIONER VIGIL: I can do it Friday.

CHAIRMAN SULLIVAN: How about Friday the 8th? Budget hearing and afternoon work session for growth management. As long as I get us out of there by 4:00.

COMMISSIONER VIGIL: Going once.

COMMISSIONER MONTOYA: Friday at what time?

CHAIRMAN SULLIVAN: Like 10:00. How long would the budget session take, Roman?

MR. ABEYTA: At the most, Mr. Chair, two hours. At the most.

CHAIRMAN SULLIVAN: Two hours at the most. Ten to twelve, budget session, 1:00 to 4:00, growth management. Does that work?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: For Friday? We're running out of days here.

COMMISSIONER MONTOYA: It doesn't work for you?

COMMISSIONER VIGIL: The 8th from 10:00 to 4:00.

CHAIRMAN SULLIVAN: Okay, we'll go with the 8th for that. We're going to defer the presentations right now until a little later in February and I'll work on that with Jennifer separately. All right. That's all I have under Matters from the Commission.

XI. Appointments/Reappointments/Resignations

- A. Appointments to the Extraterritorial Zoning Authority**
- B. Appointments to the Regional Planning Authority**
- C. Appointments to the Solid Waste Management Agency**
- D. Appointments to the Buckman Direct Diversion Board**

- E. Appointments to the Regional Transit District Board**
- F. Appointments to the Metropolitan Planning Organization**
- G. Appointments to the Multi-line Pool Board**
- H. Appointments to the North Central New Mexico Economic Development Board**
- I. Appointments to the Senior Services Advisory Board**

CHAIRMAN SULLIVAN: In your packet is a chart I put together of some of the appointments that we have to make. There's a few others. Volunteers for the Extraterritorial Zoning Authority, the Regional Planning Authority, the Metropolitan Planning Authority, SWMA, Solid Waste Authority, the Regional Transit District and the Buckman Direct Diversion Board, and you can take a look at that, and we're missing - we need one more volunteer for the MPO and one more volunteer for SWMA, to serve on those two.

XI. A. Appointments to the Extraterritorial Zoning Authority

COMMISSIONER CAMPOS: The EZA, who's going to be on it?

COMMISSIONER MONTOYA: Sullivan, Campos and Montoya. I'd move for that appointment with Commissioner Anaya as the alternate, for the EZA.

CHAIRMAN SULLIVAN: Commissioner Anaya as alternate on the EZA. Is there a second to that?

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Vigil. Discussion?

The motion to appoint Commissioners Sullivan, Campos and Montoya to the EZA, with Commissioner Anaya serving as alternate passed by unanimous [4-0] voice vote.

XI. B. Appointments to the Regional Planning Authority

CHAIRMAN SULLIVAN: The Regional Planning Authority, we have four there.

COMMISSIONER VIGIL: Move for approval.

COMMISSIONER MONTOYA: Second.

Ck: We need an alternate. There's only one left. That one's a no-brainer. Who made the motion?

COMMISSIONER MONTOYA: Commissioner Vigil. I seconded.

CHAIRMAN SULLIVAN: Commissioner Vigil, and Commissioner Montoya seconded it for the RPA.

The motion to appoint Commissioners Sullivan, Campos, Montoya and Vigil to the RPA, with Commissioner Anaya as alternate, passed by unanimous [4-0] voice vote.

XI. D. Appointments to the Buckman Direct Diversion Board

COMMISSIONER CAMPOS: Before we go further, I'm looking at the BDD and I understand Commissioner Sullivan, that you want to get off. I think you're a critical member. I think you should stay on. I would encourage you to stay on the BDD.

CHAIRMAN SULLIVAN: Well, I appreciate that, Commissioner Campos, and it's been a good experience. I only have one year left on my term and that's a long-term project, so I think we probably need to bring in some new blood.

COMMISSIONER CAMPOS: You're handing off the baton on that one.

CHAIRMAN SULLIVAN: Yes, something like that. But I would certainly recommend you as the alternate. You've been active with that right from the beginning.

COMMISSIONER CAMPOS: I'm also a short-timer.

CHAIRMAN SULLIVAN: As an alternate. So that would be my suggestion. So while we're on that, can we have a motion on the BDD? I'll move for approval of the Buckman Diversion members with Commissioners Montoya and Vigil, and Commissioner Campos as the alternate.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Motion and second. Discussion?

The motion to appoint Commissioners Montoya and Vigil to the BDD, with Commissioner Campos as alternate, passed by unanimous [4-0] voice vote.

XI. F. Appointments to the Metropolitan Planning Organization

CHAIRMAN SULLIVAN: We need a third person on the MPO committee. Don't all trip over each other.

COMMISSIONER CAMPOS: Not me.

COMMISSIONER VIGIL: I move we appoint Sullivan, Anaya and Montoya.

COMMISSIONER CAMPOS: How about Sullivan, Anaya and Vigil?

COMMISSIONER MONTOYA: Yes, I like that better.

COMMISSIONER CAMPOS: You wanted the MPO to create a subcommittee, to create more subcommittees so we all have more committees, more meetings.

COMMISSIONER VIGIL: How do you know? You've never served when I was there. You've never been on the MPO when I have.

CHAIRMAN SULLIVAN: Commissioner Vigil, can we enlist your services

for the MPO?

COMMISSIONER VIGIL: No.

CHAIRMAN SULLIVAN: You have served on the MPO last year and we appreciate that.

COMMISSIONER VIGIL: No. I don't want to serve on the MPO.

CHAIRMAN SULLIVAN: Okay. Well, I'm already on it. Anaya's on it.

COMMISSIONER CAMPOS: I have a time conflict.

CHAIRMAN SULLIVAN: You have a time conflict.

COMMISSIONER MONTOYA: What time is it?

COMMISSIONER CAMPOS: It's at 4:00 usually.

CHAIRMAN SULLIVAN: It's usually at 4:00. No, I think that that's usually at 3:00.

COMMISSIONER MONTOYA: At 3:00?

CHAIRMAN SULLIVAN: Yes, it's usually at 3:00.

COMMISSIONER CAMPOS: Do we need three members? Three regular members?

CHAIRMAN SULLIVAN: I'll tell you what, if you don't you're going to lose some voting. We have three regular appointments.

COMMISSIONER CAMPOS: That leaves Commissioner Montoya.

CHAIRMAN SULLIVAN: How about Commissioner Montoya with Commissioner Vigil as the alternate? Will that work?

COMMISSIONER CAMPOS: That works for me. So moved.

CHAIRMAN SULLIVAN: Okay, a motion. I'll second. Commissioner Vigil, would you go for that?

COMMISSIONER VIGIL: Yes. And Commissioner Montoya, perhaps we could make a pact that we can have full coverage when there's times you can't make it I'll be there.

COMMISSIONER MONTOYA: That would be good.

CHAIRMAN SULLIVAN: Yes, because there have been situations like that. I know with Commissioner Anaya last year too. So okay. So then we have a motion and a second for the Metropolitan Planning Organization members to be Commissioners Sullivan, Anaya, Montoya, with the alternate being Commissioner Vigil.

The motion to appoint Commissioners Sullivan, Montoya and Anaya to the MPO, with Commissioner Vigil as alternate, passed by unanimous [4-0] voice vote.

XI. C. Appointments to the Solid Waste Management Agency

CHAIRMAN SULLIVAN: We need one additional person for that.

COMMISSIONER CAMPOS: I'd be willing to do that but I have a time conflict. I've been on that for almost seven years.

CHAIRMAN SULLIVAN: I know. You've been really a charter member of that and I really think you need to stay on that, Commissioner Campos.

COMMISSIONER CAMPOS: I'd love to if we could change the time, but we did poll the members and they weren't willing to change the time. It's an important group, doing a lot of important things.

CHAIRMAN SULLIVAN: Well, is there any way we could - you've been the chair of that, Commissioner Vigil. Is there any way we can deal with that time issue?

COMMISSIONER VIGIL: Commissioner Campos is correct. We actually did poll and based on the schedules of the three City Councils that participate in that it was difficult to move the time. I had hoped we could move it to a noon hour, but that creates a conflict for one of the Councilors. They do meet at 4:00. That is one of the few commissions and boards that's working really, really smoothly. All the rough work has been done really upfront. Right now we're looking at just issues of approval of change orders and updates and the development of it. So it is not a difficult Commission to serve in but we do need three people there.

COMMISSIONER CAMPOS: I would like to add to that, Commissioner Vigil, if I may, Mr. Chair, that we're going into another phase of where do we go. Do we go to a regional solid waste, combining the County and the City into one solid waste organization. That's a discussion that's going to be held this year.

CHAIRMAN SULLIVAN: No way to twist some arms over there on schedules?

COMMISSIONER CAMPOS: I'll go back on it. I'll try to make it. I may have to bring David with me.

CHAIRMAN SULLIVAN: Take him with you.

COMMISSIONER CAMPOS: Okay. I'll be the third.

CHAIRMAN SULLIVAN: All right. Now we're making progress.

COMMISSIONER VIGIL: You have built in babysitters.

CHAIRMAN SULLIVAN: And I guess we need an alternate there and I'll put my name down as the alternate.

COMMISSIONER CAMPOS: On SWMA?

CHAIRMAN SULLIVAN: Yes.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN SULLIVAN: Just in case.

COMMISSIONER CAMPOS: I think that's a good idea.

CHAIRMAN SULLIVAN: Okay. So could we have a motion on that please?

COMMISSIONER CAMPOS: Move to approve as Vigil, Anaya, Campos the members. Jack Sullivan, alternate for the SWMA Board.

CHAIRMAN SULLIVAN: Do we have a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Vigil.

The motion to appoint Commissioners Anaya, Campos and Vigil to SWMA, with Commissioner Sullivan as alternate, passed by unanimous [4-0] voice vote.

XI. E. Appointments to the Regional Transit District Board

CHAIRMAN SULLIVAN: This one might be a little easier. Commissioner Anaya has agreed to continue serving on that. Only one member is needed on that committee, so all we need is an alternate. Who would like to be the alternate for that?

COMMISSIONER VIGIL: I'll be happy to.

CHAIRMAN SULLIVAN: Okay. Commissioner Vigil will be the alternate. Do I hear a motion?

COMMISSIONER CAMPOS: Move to approve, Anaya, member, Vigil alternate.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Anaya.

The motion to appoint Commissioner Anaya to the RTD, with Commissioner Vigil as alternate passed by unanimous [4-0] voice vote.

XI. G. Appointments to the Multi-line Pool Board

CHAIRMAN SULLIVAN: Multi-line Pool needs to be appointed a member, and also someone for the North Central New Mexico Economic Development Board. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, for the Multi-line Pool Board we've had excellent representation from Victor Montoya, and I believe there are actually Board members continuing in this service. So with that, I'd like to move to appoint Victor Montoya.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Does that sound all right to everyone? We have a motion and a second.

The motion to appoint Victor Montoya to the Multi-line Pool passed by unanimous [4-0] voice vote.

XI. H. Appointments to the North Central New Mexico Economic Development Board

CHAIRMAN SULLIVAN: With the words North Central in there –
COMMISSIONER MONTOYA: I've been on there and I think was Jack
also –

CHAIRMAN SULLIVAN: Jack Kolkmeier.
COMMISSIONER MONTOYA: Jack Kolkmeier, he was the appointed
designee.

CHAIRMAN SULLIVAN: Was he our designated person for that? Okay.
And he's left, so he'll get appointed.

COMMISSIONER MONTOYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion by Commissioner Montoya. Second by
Commissioner Campos for Jack Kolkmeier as the continuing representative on the North
Central New Mexico Economic Development Board.

**The motion to appoint Jack Kolkmeier to the NCNMED passed by unanimous
[4-0] voice vote.**

XI. I. Appointments to the Senior Services Advisory Board

COMMISSIONER MONTOYA: Mr. Chair, we got a letter from Patricia
Rodriguez from the City of Santa Fe recommending former Commissioner Ray Chavez to
this position.

CHAIRMAN SULLIVAN: This is for the northern section?

COMMISSIONER MONTOYA: Yes. For the Senior Services Advisory
Board. I'd move for approval.

CHAIRMAN SULLIVAN: For Raymond Chavez?

COMMISSIONER CAMPOS: Second. But will he serve or not? He's here.
We can ask him.

CHAIRMAN SULLIVAN: Would he like to speak on this issue? No? All
right. Acceptance by silence. We have a motion and a second, seconded by Commissioner
Campos. Discussion?

**The motion to appoint Ray Chavez to the Senior Services Advisory Board
passed by unanimous [4-0] voice vote.**

XII. CONSENT CALENDAR

A. Findings of Fact

- 1. CCDRC Case No. Z 07-5031 Los Cabos Reconsideration of
Imposed BCC Condition Requiring a Single Point Access – Los
Cabos LLC (Ron Adams), Applicant, Tigges Planning Consultants**

(Linda Tigges), Agent, Request Re-Consideration of a Condition Imposed by the BCC Requiring a Single Point of Access off Fireplace Drive with a Knox Lock Gated Emergency Access Only on NM State Road 14. The Property is Located within the Community College District, off of NM State Road 14, East of the Santa Fe Brewery, within Sections 24 and 25, Township 16 North, Range 8 East, (5-Mile EZ, District 5) (Approved 5-0)

B. Miscellaneous

- 1. Consideration and Approval to Submit to the NM Legislature of “A Joint Resolution Proposing the Purchase or Long-Term Lease of the Penitentiary of New Mexico’s Waste Water Treatment System and Associated Land to Santa Fe County” (Growth Management Department)**

CHAIRMAN SULLIVAN: Consent Calendar item A has already been approved, and we have two items, B. 1 and B.2, and these should not take too long.

XI. B. Miscellaneous

- 1. Consideration and Approval to Submit to the NM Legislature of “A Joint Resolution Proposing the Purchase or Long-Term Lease of the Penitentiary of New Mexico’s Waste Water Treatment System and Associated Land to Santa Fe County” (Growth Management Department)**

CHAIRMAN SULLIVAN: Mr. Sayre has been working on that. Doug, I asked for this item to be discussed, mainly for one part of it, and that is we have a memorandum, a joint resolution that’s in our packet there, under item XII. And, correct me if I’m wrong, the concept is that we would own it or the property would still be owned by the general services and then we would continue to operate the wastewater plant as we do now and charge them a fee.

DOUG SAYRE (Utilities Department): Chairman Sullivan, presently, we have a lease of that property and we operate the wastewater treatment plant there. That was, I think that would make it 1998. The problem is that we provide free treatment to all of the Corrections Department wastewater up to 125,000 gallons a day, which they currently only probably discharge only 100,000 a day. So we haven’t charged them any money for that treatment. And that puts us to where we can’t afford to do that anymore. There’s too much – it’s about 2/3 of the waste that’s going through there and it’s just not working out. Plus the fact that we want to go ahead and make this – the reason to go forward with this is we would either get a long-term lease or we would be able to purchase, or we would get the land donated to the County to provide a regional wastewater

treatment for the area, which probably goes all the way from the I-25 area east to the Rancho Viejo area, and then incorporate all the way up to I-25 and 599 down south to basically our facility in state pen.

And the projections are that place could go in the next 20 years to be 1.5 million gallons a day if all these developments come into fruition in that period of time. So we need to have a site that can be expanded and handle the projected waste from all that area. Also within that if we could generate reuse of water and facilities to transport it back to the [inaudible] or to any other entity in the area and get revenue off of that.

CHAIRMAN SULLIVAN: So the proposal is that we would charge them for them service just like everyone else except we would provide a seven percent reduction in the commodity charge for the period of ten years.

MR. SAYRE: Yes.

CHAIRMAN SULLIVAN: Where did that come from?

MR. SAYRE: Mr. Chair and Commissioners, the reason for that is that when we sat down with Secretary Jaramillo of General Services, he said what you propose might be a way to compensate the state for making this a regional facility. We did sit down with property control, Bill Taylor and Michael Northrup and also Larry Miller and discussed this with them. It was sort of because we had proposed not to charge them in the past, it's just why don't we look at we charge you what the going rate is but we give you a slight reduction, which presently would amount to about \$11,000 a year and it would sort of be like a lease payment clause to compensate them for the use of this land.

CHAIRMAN SULLIVAN: So seven percent was something that they were agreeable to.

MR. SAYRE: Well, I'm just throwing that figure out and I'm trying to be reasonable. I said we would look into it. I think State Land is charging us for the Public Works site and I think that's about \$8800. It was sort of one way to look at it, let's see what they would buy.

CHAIRMAN SULLIVAN: Okay.

MR. SAYRE: And that's the reason for that.

CHAIRMAN SULLIVAN: But aside from whether it's seven percent or whatever the reduction might be, is General Services Department generally in agreement with this joint resolution?

MR. SAYRE: Chairman Sullivan and Commissioners, they're going in favor. They understand the concept it should be considered as a regional site for wastewater treatment. And they say that they should be a part of it in the best way that they can, so they're basically saying we're in agreement with this but in order to get a sense, we need to get some direction from the legislature in the method of how we accomplish it.

CHAIRMAN SULLIVAN: Okay. Good. That answers my questions. Any other questions? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Sayre, what is the best solution for the

County? It is an outright purchase of this site? A long-term lease? As I remember the discussion that we've had over the years, this site requires a good amount of investment and that's just an impression.

MR. SAYRE: Chairman Sullivan, Commissioner Campos, yes it does, but the main reason that we would look at some additional investment is one, it has capacity now to be increased to almost double its size, just the existing facility. It presently handles 170,000 gallons a day and its capacity is 374,000 gallons a day. So there's capacity to deal with. We have to do something at Valle Vista where we have approximately 60,000 gallons going through there, which is approximately one half mile north of here. That facility needs to be upgraded and we figured that was going to cost, if we did the same thing, \$10 to \$12 million.

Now that's not to say that just on the County's back but that's what it would cost to build a new facility. The problem with the Valle Vista site is that it's only ten acres; we would have to acquire a lot of land to accommodate what we're talking about in the next 20 years. I guess in answer to your question, what I would like to pursue is if there's a way for the state to donate to the County.

COMMISSIONER CAMPOS: The land outright.

MR. SAYRE: Outright. Yes. That would be the priority. The second way would be a long-term lease, 25-year renewal for 100 years. I think maybe it's just for 99 years. There's some requirement you can only go so long. But that's - I think that's a second way. And so we were trying to think what would Property Control and General Services agree to, and primarily it would be if they would donate the land, and we would kind of pursue that first to see if that's acceptable. That's why we tried to leave this resolution kind of open-ended as far as exactly what was going to be done, as far as acquisition.

COMMISSIONER CAMPOS: It seems like a pretty idea. That's in our growth area. It's where we really need it. And as you put it in context Valle Vista, we either go there or with the state pen.

MR. SAYRE: I agree.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN SULLIVAN: Other questions? Commissioner Vigil.

COMMISSIONER VIGIL: Doug, this isn't a really new idea. We've actually worked on this since about eight years ago, I think and we're ready to move forward, then the administration changes and we actually have to experience new barriers with that. It seems to me from your memo that you've already contacted General Services Department, that in fact they are onboard with this. So our challenge right here would be to get it through both the House and the Senate. Is that correct?

MR. SAYRE: Chairman Sullivan and Commissioner Vigil, absolutely. That's my thinking where we're going with this. The challenge here is to make sure that the legislature uses direction to the GSD and the Property Control Division to move this forward.

COMMISSIONER VIGIL: I actually worked on the joint resolution that provided the opportunity for us to negotiate with the state pen on this potential, and also for the potential for the use of some of their water. It was not an easy task to get through the legislature and I'm wondering, are we geared up to be able to have somebody particularly lobby for this resolution and get it through? Roman, is that something we need to revisit?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, we are working with Rudy Garcia and we're going to expect Doug to be there with us also. And we did identify it the other even with our local delegation as a priority of ours. So we're going to try to handle it with staff.

COMMISSIONER VIGIL: Okay.

MR. SAYRE: One other item, Commissioner Vigil. We have contacted Senator Phil Griego and talked to him. He's pretty much in favor of this. We think he will be a good backer. But we also - I talked to Rhonda King the other night and said, Would you support us in this? And she seemed very supportive in that too. I think there's probably other legislators we could probably bring in too. But we've been trying, I think, get the feel for it and see if there was any problem. We have not seen that so far and even the Corrections Department, where we had a problem before, seems to be onboard with this now.

COMMISSIONER VIGIL: Okay. And that would be the critical component is getting GSD and Corrections onboard because they would be testifying, either at open hearings or not. With that Mr. Chair, is there a motion? If not, I'd like to move we approve this.

CHAIRMAN SULLIVAN: Motion for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Campos. Further discussion?

The motion passed by unanimous [4-0] voice vote.

XII. B. 2. Request Approval of Community Benefit Fund awards as Recommended the Santa Fe County Health Policy and Planning Commission (Community Services Department)

CHAIRMAN SULLIVAN: I asked for this to be brought forward. We want to move these things forward but I would like for us to for the time being table the first item on this item, the Catholic Charity Teen Parent Support program. I think there are a couple of questions on the scope of work on this contract that we need to explore and having done that we can bring it back at the next meeting and clarify it. That's the reason for my bringing it forward. So my recommendation to the Board would be further approval

of the remainder of these recommendations and then for the consideration of this first item in the amount of \$10,000 as soon as we get this addition scope of work information. And I would so move.

COMMISSIONER VIGIL: I'll second that.

COMMISSIONER CAMPOS: Could we have input on that? Mr. Martinez, do you have input?

MR. MARTINEZ: Mr. Chair, members of the Commission, we did do some research in the interim following the discussion with respect to your concerns, Mr. Chair, and we do have some additional information. I'd like to introduce Dr. Arturo Gonzales who you certainly know as a member of the Health Policy and Planning Commission, and Beverly Russell who served as the co-chair of the Community Benefits Fund Committee. So with your indulgence I'd respectfully request that Beverly Russell be able to provide you with some additional information that we secured regarding the Catholic Charities application.

CHAIRMAN SULLIVAN: It's up to you. To you want to hear it?

COMMISSIONER VIGIL: Yes. I would.

COMMISSIONER CAMPOS: I'd like to hear it, Mr. Chair.

CHAIRMAN SULLIVAN: Okay.

BEVERLY RUSSELL: Mr. Chair, members of the Commission, it was my understanding there was a question concerning Catholic Charities and some of the program that was going to be funded with the \$10,000 that was recommended to support that. I made a telephone call to get clarity information as to the type of education that was provided to the teenagers as part of their mentoring to supporting parenting, education, etc.

As per the education they are there to try to help individuals gain a greater strength, to improve their self-esteem, parenting, etc. And part of that education is to help delay second pregnancy. As the Catholic Charity Organization, they do not provide birth control methods within their own organization. Based on the information I obtained on the applicant, they do provide for a strong referral mechanism to other organizations within the community. Not only do they make referrals to the teens themselves, they also make direct referrals to the organization and then follow up with the organizations so there is a full scope of continuous care for the teens' parenting.

I'm not sure if that will answer the question that was brought up earlier.

CHAIRMAN SULLIVAN: Well, for the Board's information, one of the questions that I had here is whether the County can fund a program which promotes a particular religious doctrine, and the answer to that is no. We cannot. So then the second question is whether this program in its scope of work on delay of second pregnancies promotes a particular religious doctrine. And I'm a little concerned that when the talk to these parents about delaying second pregnancies and we omit contraception that we're leaving out certainly a method that's practiced by many people in delaying pregnancy.

So I have a concern that having them go talk to somebody else is not providing the service that perhaps somebody else could equally provide for the same amount of money if

they weren't a religious-based organization that had that particular doctrine. I'm not quite comfortable with having a County-sponsored program that doesn't give the parent all of the options. Do you have some thoughts on that?

MS. RUSSELL: I understand your concerns [inaudible] public funds for various programs. However, going through the process and reviewing the applications I do know that the committee supported all of the proposals that we're submitting forward for recommended funding levels. And as I said, as I indicated, based upon what I understood the concern was, I did make that call this afternoon to provide clarifying information to you, to perhaps answer your questions. I'm not sure that I have. Arturo, do you have a comment?

ARTURO GONZALES: Yes. Mr. Chair, I understand your concerns with respect to Catholic Charities. However, I must say it's been my experience in the work that we've done with Catholic Charities and also as their proposal was presented to the committee that there was no reference of any type of indoctrination or any type of religious preference that was being proposed or being supported to their efforts. And the \$10,000 is really only a minor part of their budget that they do get. And other Catholic organizations, for example the Villa Teresa Clinic receive some public funds for their operations, and the concern that you raised - I'm not trying to make light of it, has not proven itself with, for example, Villa Teresa, public dollars that are being used and I don't think they would prove themselves with the Catholic Charities, public dollars that we recommend for allocation.

And really the emphasis of their program is on the parenting education and the health awareness and their referrals or their notations of second pregnancy really have to do with, as I understand it, trying to get the individual to understand the risks and the difficulties that that brings in addition to an already difficult situation in parenting.

CHAIRMAN SULLIVAN: From what I understand, Arturo, and I appreciate your understanding of this. I did look at the scope of work and of course one of the items in the scope of work agreement is providing education on delaying second pregnancies. So either delete that from the scope of work or we - it seems if we're going to do something we provide all of the options to the person that we're providing these services to. And so it's not so much a question of the content of their program but the lack of content of the program.

DR. GONZALES: I understand. I think certainly, Commissioner Sullivan and Commissioners, you can make that a - if you so desire, a condition of the funding. In other words, if the decision is left up to the organization, if this is what you truly feel that you want to make the funding available but you have this concern - how are they going to address it? And if not to your satisfaction then it's not to your satisfaction.

CHAIRMAN SULLIVAN: Well, that was my reason for tabling, to try to work it out and discuss it off line, but if the desire was to discuss it online, I'm certainly glad to do that as well.

DR. GONZALES: I'm sorry I can't be of more help.

CHAIRMAN SULLIVAN: I maintain my position that I think it's a valuable service, the Teen Parent Support program, and I think that it should be a comprehensive service, not a particularly doctrine limited one. And that's the personal concern that I have with this particular program, as it's shown in the scope of work.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Point of clarification. The motion was to table that particular item? Or the whole item?

CHAIRMAN SULLIVAN: No, just that particular one. For further clarification so the others can move forward.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER VIGIL: There was a motion and a second on that?

CHAIRMAN SULLIVAN: Yes.

COMMISSIONER VIGIL: Would the maker of the motion consider amending that motion to include that this \$20,000 or \$10,000 funding be allocated to them if the delay in second pregnancies component of the scope of work is removed?

CHAIRMAN SULLIVAN: Well, I made the motion, Commissioner Vigil, and I think that's an important component. I wouldn't feel comfortable removing it. I think that's obviously an important component of the Teen Parent Support program. And as I said before, I think it need to be comprehensive. I certainly would amend the motion to say if we could work out the scope of work of that agreement so that the delay of second pregnancy counseling is comprehensive then the funding can be allocated. I just felt it might be easiest just to table it and hammer out the agreement and work that out next time.

COMMISSIONER VIGIL: Okay.

CHAIRMAN SULLIVAN: I could do it either way.

COMMISSIONER VIGIL: It seemed to me that because that's a particular political hot topic that the dollars could be used just to focus on health awareness and reducing risk for child abuse and neglect and perhaps that should be the only focus. But since we have been approached with the scope of work including that I'm willing to support this motion to table this request for further clarification.

CHAIRMAN SULLIVAN: Okay we have a motion to table just the first item of the list of \$500,000 of HPPC benefits, CBF benefit recommendations.

The motion to table passed by unanimous [4-0] voice vote.

COMMISSIONER VIGIL: I have a question, Mr. Chair. My question, Arturo, while you're there. There are four programs in particular that didn't get funding. The Clubhouse, the Community College Project Access, and Women's Health. Can you just briefly tell me why they didn't receive any funding? Or is there a particular reason for each one of these?

DR. GONZALES: No, I think we can in general, Commissioner Vigil.

Myself being the vice chair I would defer to the chair in seniority and then I can give my comments.

MS. RUSSELL: Commissioner Vigil, in response to your question, we put all of the applications through a ranking system in going through all of requests, looking at cost estimates, etc. as to the proposals that were submitted. One of the programs that did not receive funding, you'll notice Project Access, there is a note that indicates St. Vincent Hospital was looking at an alternative funding rather than coming for funds through the Community Benefits Fund.

The Santa Fe Clubhouse and Women's Health, basically, they were appropriate proposals; it just came to a point where there was funding limitations and what amount of funds could potentially be used to support all of the activities that were included.

COMMISSIONER VIGIL: What about the College? That's for emergency healthcare for -

MS. RUSSELL: There were 17 applications for \$500,000. It's just going through the point system, the ranking system, the amounts of the requests, the cost per encounter, cost per visit, the services as they met the Call to Action priorities within the - that the Health Policy and Planning Commission had approved in the process.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN SULLIVAN: Any questions? Commissioner Montoya

COMMISSIONER MONTOYA: I just noticed that - what was the amount of funding last year? Was it the same? \$500,000?

DR. GONZALES: It was \$315,000 last year, and it went up to \$500,000 this year. The only think I would add, Mr. Chair, Commissioner Vigil and Commissioners is that in addition to the point system the committee was well represented by your appointees to the Health Policy and Planning Commission that have had some experience in terms of the legislature and other funding sources, and some of the funds, for example Women's Health or the Community College were also not funded because we knew that they had access to other funding resources that some of the other entities did not have. So that, for example, Women's Health received considerable dollars in the last legislative session and the Community College as an institution has more resources than some of these other entities. So in addition to the points we also considered the overall community picture as to their availability to funding, funding other than the Community Benefit Fund.

CHAIRMAN SULLIVAN: Other questions? All right. Thank you all for giving us the background on that item that's been approved with the one item tabled and we'll reconsider that at our next regular meeting.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Community Services Department

1. Approval of Sole Community Provider Match for Española Hospital, Holy Cross Hospital (Taos), Los Alamos, and St. Vincent Hospital

STEVE SHEPHERD (Health & Human Services Director): Mr. Chair, this year we received requests for \$34,851,489.04. This is an increase of approximately \$2.5 million. In our recommendation we used a five percent increase which is probably higher than Human Services will give this year. We've also estimated our state and county match at 28.9 percent which may be a little high but protects us budget-wise. Staff recommendations are for \$33,937,888. We've written down Española Hospital's request for five percent. Holy Cross, we left in there even though we don't have a request but we figure we may get one in a few days. Los Alamos we recommended for five percent. And St. Vincent's we wrote down five percent. I stand for questions, and I believe Mr. Chavez would like to address the Commission as well.

CHAIRMAN SULLIVAN: Okay, questions for Mr. Shepherd? Mr. Chavez, did you have a comment you'd like to make to the Commission?

RAYMOND CHAVEZ: Thank you, Mr. Chair and members of the Commission. My name is Raymond Chavez. I serve as chairman of the Española Hospital board, and we're before you here because of the fact that our administrator requested or submitted a request of \$1.2 million. And the reason he had done this, he is new and so we actually went with orders from the board instructed him to actually look very closely at what recommendations - because of the fact that last year we took a \$3 million write-off. So we asked him to look at all avenues and where we could actually make up some of those differences.

I see that staff has recommended a five percent increase, and I don't know what formula they used in basing that. The area that I represented when I was in the County Commission, the position that Commissioner Montoya now serves, back in '89 when we redistricted to a five-member Commission, I recall that the numbers were approximately 25,000 per district in population. And when you actually look at the numbers and the population that District 1 serves, and I'm just thinking from Cuyamungue, Pojoaque, San Ildefonso, Nambe, half of the City of Española which is [inaudible] to the east, I believe, is all Santa Fe County. Then you go up to Chimayo, which I would say approximately 15,000 to 20,000 in population are within the service area of Española Hospital.

When you take that population number versus the total population of approximately 34,000 for the whole county of Rio Arriba County, it's a service area that I think is entitled to the needs and the people we represent to actually consider the \$1.2 million because of the losses that we've been taking in the past. So that's one of the reasons that we're here before you, so I think that you could actually consider the request of our administrator. It's too bad that he couldn't be here because of the emergency situation that

he had. But we do have with us Lupe Lucero who is our finance director at the hospital that's here. And that's one of the concerns and one of the issues that we wanted to bring before you as the members of the Board of County Commissioners. Thank you. If you have any questions.

CHAIRMAN SULLIVAN: Thank you. Appreciate that. Mr. Shepherd, do you want to comment on that?

MR. SHEPHERD: Mr. Chair, Commissioners, generally the Human Services Department will allow an increase between three and five percent every year. The only way to increase that more is through participation in the supplemental which we do not participate in Española because of our assignment at St. Vincent Hospital.

CHAIRMAN SULLIVAN: Any questions?

COMMISSIONER MONTOYA: So we were at least able to provide what's allowable?

MR. SHEPHERD: It will honestly probably be less than this, than the \$457,000.

CHAIRMAN SULLIVAN: Because of that -

MR. SHEPHERD: Because of the five percent cap. Yes.

COMMISSIONER MONTOYA: And who makes that determination?

MR. SHEPHERD: Human Services.

COMMISSIONER MONTOYA: Oh, Human Services. So we're asking for the max, but they may not allow us the max.

MR. SHEPHERD: [inaudible]

COMMISSIONER MONTOYA: And how have we been doing over the years in terms of the increase?

MR. SHEPHERD: It's probably been between three and four percent generally every year.

COMMISSIONER MONTOYA: With Española Hospital?

MR. SHEPHERD: Yes. Except, well, in the last four to five years we haven't participated in their supplemental because of the state changed assigning one hospital to one county. Their county is Rio Arriba.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you, Commissioner. Thank you, Mr. Shepherd. Do we have any other questions? I have one question, Mr. Shepherd, which is the one that always comes up and that is do we have enough money to provide this requested \$33,937,888? Perhaps we can get some input from the Finance Department on that.

TERESA MARTINEZ (Finance Director): Chairman Sullivan, members of the Commission, we do have enough money for the staff recommendation. I think the GRT, we're estimating that the GRT will come in just about what we're recommending. So that will be fine. And if you recall, we enacted the 1/16 GRT for the state supported Medicaid, so that will further this funding.

CHAIRMAN SULLIVAN: Are you making any prognosis on the supplemental that will come up later?

MS. MARTINEZ: Commissioner, I'm saying no, right now.

CHAIRMAN SULLIVAN: No, right now. This is the amount of money that we have, period.

MS. MARTINEZ: Period.

CHAIRMAN SULLIVAN: With all of the revenue sources.

MS. MARTINEZ: And that's estimating the growth on the GRT, so I think the \$9.8 will be more than satisfied by GRT, but beyond that, I don't know that we can [inaudible]

CHAIRMAN SULLIVAN: All right. Thank you. Okay, the item is requesting approval of the sole community provider matches that have been recommended here on page 2 by the staff. If there's no other discussion - Mr. Chavez.

MR. CHAVEZ: I would just like to clarify one thing that Mr. Shepherd indicated, the county of which the hospital is, the one that gets part of the funding. In this respect I believe that Rio Arriba also provides something in the vicinity of \$300,000 for St. Vincent Hospital, and that's in Rio Arriba County, so I guess, I don't know where the difference is.

CHAIRMAN SULLIVAN: I think what he's saying, Mr. Chavez, is we as a county, in essence are allowed one sole community provider hospital, one prime hospital and that's my understanding, and in our case that's St. Vincent. But you're right. St. Vincent does get funds and is eligible for funds from other counties when it treats residents of other counties. That's absolutely right.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN SULLIVAN: Okay, we have a motion for approval of staff recommendations.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: And a second by Commissioner Campos.
Further discussion?

The motion passed by unanimous [4-0] voice vote.

CHAIRMAN SULLIVAN: Thank you for being here. We appreciate your comments.

COMMISSIONER CAMPOS: Could we have a break Mr. Chair?

CHAIRMAN SULLIVAN: Let's see. What we've got left here. Actually, we're just about done here. We've got an update from the County Manager and then we have two quick resolutions on our notices and rules of orders.

XIII. B. Matters from the County Manager

1. Update on Various Issues

CHAIRMAN SULLIVAN: Roman, have you got anything?

MR. ABEYTA: No, Mr. Chair, You actually took care of what we needed to talk about.

CHAIRMAN SULLIVAN: I knew you were going to hit us on the schedule thing so I beat you to the punch there.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Valdez had a comment.

CHAIRMAN SULLIVAN: Okay. Mr. Valdez.

ALEX VALDEZ: If I may, Mr. Chair and members of the County Commission, I want to do a few things if I may. First of all, thank you for approving the sole community provider funding. And secondly, next Wednesday we will be having a public forum regarding the pending relationship with Christos and we'll be invitations out to all of you and of course invite you to attend that forum. Then we are scheduled to meet with all of you on the 29th I believe, and hopefully we'll be positioned to be able to answer any questions that any of you may have. And of course if you would care to have any conversations between now and any other time I'm always happy to have a conversation with you.

CHAIRMAN SULLIVAN: Thank you. And your forum will be where and at what time?

MR. VALDEZ: I don't have the location as I'm standing here. The time will be at 5:30. We'll inform the public publicly of the location probably within the next several days and I will get an invitation to your County Manger, Mr. Abeyta so we can make sure all of you know about that.

CHAIRMAN SULLIVAN: All right. Thank you, Mr. Valdez.

COMMISSIONER CAMPOS: Quick question for Mr. Valdez.

CHAIRMAN SULLIVAN: Commissioner Campos.

CHAIRMAN SULLIVAN: This meeting is for purposes of informing the public or having a discussion as to whether or not the hospital should proceed with the Christos relationship?

MR. VALDEZ: It's for purposes of I guess informing the public and soliciting public input, educating the public in terms of what the relationship is looking like and informing the public as to where we're at in terms of the points where we are and where we're at in the discussion and soliciting any input that the public may have. It's very broad in nature in terms of the opportunity I believe it presents for public conversation.

COMMISSIONER CAMPOS: Thank you, Mr. Chair. Thank you, Mr. Valdez.

CHAIRMAN SULLIVAN: Thank you, Mr. Valdez.

XII. C. Matters from the County Attorney

1. Resolution No. 2008-2. A Resolution Determining Reasonable Notice of Public Meetings of the Board of County Commissioners of Santa Fe County and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners

CHAIRMAN SULLIVAN: Mr. Ross, anything you want to add to that?

MR. ROSS: Mr. Chair, there are no changes from last year's Open Meetings Resolution.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion by Commissioner Montoya, seconded by Commissioner Campos. Any discussion?

The motion to approve Resolution 2008-2 passed by unanimous [4-0] voice vote.

XII. C. 2. Resolution No. 2008-3. A Resolution Establishing Rules of Order for Public Meetings of the Board of County Commissioners and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners

CHAIRMAN SULLIVAN: This is the draft of the proposed rules of order for 2008. Those do have some minor changes to them, Mr. Ross.

MR. ROSS: Mr. Chair, we don't typically adopt new rules of order each year but the Legal Department has been over time working with these rules to try to clean them up and we've done the same thing this year. I would characterize all the changes as form over substance, just trying to improve the form of the document to the extent we can. Probably the most significant change in that category you'll see on the top of page 1, under 2. Quorum, paragraph C, Disqualification. That paragraph has never made sense to us. Essentially what it says is that when a board, this Board or one of the committees we have appointed, loses a quorum they can take no action. We've never figured out what the original drafters of these rules were trying to endeavor in this paragraph to do and we think there's a concern because of the ambiguity of the paragraph that it could be misinterpreted. So we're proposing just to take it out.

Section 2.B immediately above that paragraph specifies that a majority of the members of any board or committee are required to create a quorum and that no action in new C, down below the deleted paragraph, it prescribes that no action may be taken except for actions necessary to obtain a quorum or adjournment and/or recess. So we don't think C is necessary at all.

The rest of the paragraphs are just moving things around into the appropriate place, clarifying the language as necessary. And I certainly stand for questions on that point. I would add that on page 2 under the Section 2 that we were discussing just a second ago, Quorum, the last paragraph there that currently says that it's Section E, Loss of quorum – that's actually D and the reference in that paragraph is to Article II. C not to Article II. D in the renumbered section. So that's the major change and I'd certainly stand for questions about any of the other changes.

CHAIRMAN SULLIVAN: Commissioner Vigil, you have a question?

COMMISSIONER VIGIL: I do. Steve, on page 10 under Motions to reconsider, that last statement that a motion to reconsider shall not be made and shall not be in order if made to any committee. And then that's it. I guess – I'm assuming you also mean the Board here.

MR. ROSS: Mr. Chair, Commissioner Vigil, this last section is really the only sentence that pertains to a body other than this Board. What we were trying to do there, perhaps inartfully, was to clarify that a committee cannot make or entertain a motion to reconsider; only this body.

COMMISSIONER VIGIL: I see.

COMMISSIONER MONTOYA: Mr. Chair, move for approval as amended.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion by Commissioner Montoya and second by Commissioner Campos. One question, Mr. Ross, getting back to the quorum. So if the Board of County Commissioners has three members at a meeting and one voluntarily disqualifies himself for voting on a matter, is there still a quorum?

MR. ROSS: No.

CHAIRMAN SULLIVAN: There's not a quorum.

MR. ROSS: There's not a quorum.

CHAIRMAN SULLIVAN: For that issue.

MR. ROSS: For that issue. Correct.

CHAIRMAN SULLIVAN: So a quorum means a quorum. You have to have a quorum that can vote on an issue.

MR. ROSS: That's correct.

CHAIRMAN SULLIVAN: That clears that up. Any other questions?

The motion to approve Resolution 2008-3 passed by unanimous [4-0] voice vote.

XII. C. Matters from the County Attorney

1. Executive session

- a. Discussion of pending or threatened litigation**
- c. Discussion of possible purchase, acquisition or disposal of real property or water rights**
 - i. Consideration and Approval of the Stipulation and Amendment to the Well Sharing and Use Agreement Dated April 24, 2001 Between Santa Fe County and the Santa Fe Horse Park LLC**

Commissioner Montoya moved to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 8) to discuss the matters delineated above. Commissioner Vigil seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, and Vigil all voting in the affirmative.

CHAIRMAN SULLIVAN: Mr. Ross, do you have an estimate on time?

MR. ROSS: Mr. Chair, I would estimate one hour.

CHAIRMAN SULLIVAN: One hour. Okay. We have people here for the public hearings. We're sorry we're running a little late this evening but we will reconvene at 7:00 for those public hearings, so go get a burger.

[The Commission met in executive session from 5:55 to 7:23.]

Commissioner Montoya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Vigil seconded. The motion passed by unanimous [3-0] voice vote.

CHAIRMAN SULLIVAN: Commissioner Campos was feeling ill and will not be able to join us. Commissioner Anaya is in Washington, DC this week.

XII. C. 4. Consideration and Approval of the Stipulation and Amendment to the Well Sharing and Use Agreement Dated April 24, 2001 Between Santa Fe County and the Santa Fe Horse Park LLC

MR. ROSS: Mr. Chair, we've discussed this several times. The three agreements that the County and horse park have between themselves and with Public Service Company of New Mexico have been working for some time but one area in which we have had a little friction is concerning the provisions in a couple of the agreements that pertain to the cost or repairs and replacement, chiefly to the Hagerman well itself. That is, the Hagerman well is the source of the water rights that the purchase agreement pertains to.

This stipulation and amendment amends two of the three agreements to, number one, resolve the question of expenses that have been made since 2001 to the Hagerman well, and to establish a process in the future by which those types of issues can be addressed formally by and between the County.

We have also settled in advance some questions that we expected to arise after the water rights were approved by the State Engineer. Predominant among those is the imputed cost of the water rights that are not mentioned in the agreement, that were left for a later date. So we've negotiated that issue in advance. This agreement pertains to those subjects predominantly and also addresses as a side matter some inconsistencies that existed between the two agreements and we hope resolves everything so that the next transaction, which will be the major one, goes smoothly. I'll stand for questions.

CHAIRMAN SULLIVAN: Any questions for Mr. Ross? Seeing none, what's the pleasure of the Commission?

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Motion by Commissioner Vigil, second by Commissioner Montoya. Any questions?

The motion passed by unanimous [3-0] voice vote. [Commissioner Campos was not present for this action.]

XIV. PUBLIC HEARINGS

A. Growth Management Department

- 1. CDRC Case #V 07-5090 Diamante Lumber and Beam Mill Variance- Julie Garcia And Aaron Rosas, Applicants are Requesting a Variance of Article III, Section 3 (Home Occupations) to Allow a Small Scale Lumber Mill as a Home Occupation, The Property is Located at 108 Canada Village Road (SFC Road 67 AQ), within Section 26, Township 16 North, Range 10 East, Santa Fe County (Commission District 4) (FOR VOTE ONLY)**

CHAIRMAN SULLIVAN: Item XIV. A. 1, we have notified the applicants that that cannot be heard this evening because we require five Commissioners present for that and as I mentioned earlier, Commissioner Anaya is in Washington this week.

- XIV. A. 2. **LCDR Case # V 07-5300 Jack and Patricia Scott Variance – Jack and Patricia Scott, Applicants, Are Requesting a Variance of Article XIV, Section 6.4 (Zoning Density) of the Land Development Code to Divide 5.0 Acres into Two (2) Tracts for the Purpose of a Family Transfer. The Property is Located at 31 La Lomita which is Off of Paseo C De Baca, within the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 7, Township 15 North, Range 8 East, (Commission District 3) Vicente Archuleta, Case Planner [Exhibit 1: Withdrawal Request from Applicant]**

CHAIRMAN SULLIVAN: Item 2, Case #V 07-5300, Jack and Patricia Scott Variance, members of the Commission, I have a request from the applicants which states, "After discussion our request with individuals, we have decided not to ask for the variance in regard to our land in La Cienega. We ask to withdraw from the agenda." So I'll entertain a motion for withdrawal of item XIV. A. 2.

COMMISSIONER VIGIL: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Moved and seconded. Any discussion?

COMMISSIONER MONTOYA: Mr. Chair, that means it's gone, right?

CHAIRMAN SULLIVAN: Withdrawal means that they can reapply again.

COMMISSIONER MONTOYA: They have to start the whole process over again.

CHAIRMAN SULLIVAN: But they start a new process. Shelley, is that correct?

SHELLEY COBAU (Review Division Director): Mr. Chair, members of the Commission, that's correct.

CHAIRMAN SULLIVAN: Okay. And does the applicant understand that? Okay. She's shaking her head. Thank you, ma'am. You're Patricia Scott, in the audience? Okay. Thank you, Ms. Scott.

The motion passed by unanimous [3-0] voice vote. [Commissioner Campos was not present for this action.]

- XIV. A. 3. **CDRC Case #MP/DP 07-5380 Calply Master Plan Zoning and Preliminary Development Plan- Approval to Allow a Wholesale Warehouse Distribution Facility on Approximately 3.4 Acres. The Property is Located at 7608 Baca Lane, Santa Fe, NM, within Section 11, Township 16 North, Range 8 East (Commission District 3)**

JAN DANIELS (Case Planner): Thank you, Mr. Chair, Commissioners.

Calply, applicant, Liaison Planning Services, Dolores Vigil, agent, request master plan zoning with preliminary development plan approval to allow a 26,478 square foot wholesale warehouse distribution facility and a 7,224 square foot detached covered storage area on approximately 3.4 acres. The property is located at 7608 Baca Lane, Santa Fe, New Mexico, within Section 11, Township 16 North, Range 8 East, Commission District 3.

On December 20, 2007 the County Development Review Committee met and approved master plan zoning and preliminary development plan for a 26,478 square foot wholesale warehouse distribution facility and a 7,224 square foot detached covered storage area on approximately 3.4 acres.

The applicant is proposing a 26,478 square foot wholesale distribution warehouse including a detached covered storage area containing approximately 7,224 square feet. The building supply distribution warehouse will have offices, showrooms, warehouse space and handicapped accessible toilets and designated loading areas. The loading spaces will be located on the south side of the building with parking for employees and clients on the east, north and south.

This application has been reviewed for existing conditions, access and traffic impact, parking, terrain management and water harvesting, water and sewer, solid waste, fire protection, landscaping, signage, lighting and archaeology.

On December 20, 2007 the County Development Review Committee met and approved master plan zoning and preliminary development plan for a 26,478 square foot wholesale warehouse distribution facility and a 7,224 square foot detached covered storage area on approximately 3.4 acres. Staff recommends approval for master plan and preliminary development plan with final development plan to be approved administratively to allow a 26,478 square foot wholesale warehouse distribution facility and a 7,224 square foot detached covered storage area on approximately 3.4 acres subject to the following conditions.

[The conditions are as follows:]

1. Compliance with applicable review comments from:
 - a. State Environment Department
 - b. State Department of Transportation
 - c. Water Resource Specialist
 - d. Development Review Director
 - e. County Public Works
 - f. County Technical Review Division
 - g. County Fire Marshal
 - h. City of Santa Fe on the intersection of Oliver Road and Airport
2. The final development plan will be recorded with the County Clerk's office.
3. All staff redlines will be addressed, original redlines will be returned with final plans.
4. The applicant shall comply with all Fire Marshal requirements. The applicants

- will request a final fire inspection prior to occupancy of the building.
5. The applicant shall provide a fire protection plan prior to final development plan review and approval.
 6. Baca Lane must be paved to County standards from Oliver Road to the end of the property. Design plans must be submitted for review and approval by County Staff.

MS. DANIELS: Thank you, Mr. Chair. Jeff McFall is going to present tonight.

CHAIRMAN SULLIVAN: Are there any questions of the staff from the Commission? Seeing none, go ahead, Mr. McFall.

[Duly sworn, Jeff McFall testified as follows:]

JEFFREY MCFALL: My name is Jeffrey McFall. I live at 1200 Arroyo Piedra in Santa Fe. As Jan said, we're proposing a wholesale warehouse. My client will be bringing in building materials to this location and redistributing them throughout the city and local areas on his own trucks. I don't know if you have any questions regarding the project.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. McFall, are you in agreement with the conditions that have been -

MR. MCFALL: We have read the conditions and agree to those.

COMMISSIONER MONTOYA: You agree to those? Okay. Thank you.

MR. MCFALL: One of the major ones was an island on Oliver Road that will prohibit left turns onto Airport, and paving Baca Lane.

COMMISSIONER MONTOYA: Commissioner Vigil, do you have any questions of the applicant? I have one question, Mr. McFall. On the traffic analysis, is there any impact on this site projected on the future interchange of 599 and Airport Road. As you may or may not know, 599 and Airport Road - land acquisition has been completed for an ultimate interchange, a grade-separated interchange there. I don't know how far back those holding lanes go or that acquisition goes but - and I doubt that it would go as far as your site here but I wanted to confirm that.

MR. MCFALL: Well, some seven years ago the Airport right-of-way was widened substantially and took a large part of this parcel right at Airport on the frontage there. I'm not sure exactly what those improvements are going to be to that intersection but we had reviewed this just recently with the City traffic engineer and also with Shahih Rizvi.

CHAIRMAN SULLIVAN: Maybe Mr. Walker could - go ahead.

[Duly sworn, Morey Walker testified as follows:]

MOREY WALKER: Morey Walker with Walker Engineering, 905 Camino Sierra Vista. Basically, I was just going to tell him that there is a parcel between us and

that interchange. And so I doubt very seriously if they would actually affect this piece of property. That would be one big interchange if they did that. So my gut reaction is that it probably would have no effect on this property.

CHAIRMAN SULLIVAN: Okay. Did we get DOT comments on this?

MR. WALKER: DOT? We had City staff and we had County staff.

CHAIRMAN SULLIVAN: I didn't see any DOT comments.

MR. WALKER: No DOT comments. The City is controlling that part of Airport Road.

CHAIRMAN SULLIVAN: The City controls Airport. I know that. So you're not aware of any impact from the interchange proposed at 599 and Airport.

MR. WALKER: No, I'm not.

CHAIRMAN SULLIVAN: Okay. Thank you. Anything else, Mr. McFall?

MR. MCFALL: I was going to say, this parcel was originally - there's a lot line that you may be able to see that we're abandoning. This lot was half again as big and the storage units ended up picking up half of one of the lots. This is a consolidation. So I can't remember the exact distance from Airport but we're a substantial distance from Airport Road. I mean from 599.

CHAIRMAN SULLIVAN: Okay. Thank you. This is a public hearing. Is there anyone present who would like to speak for or against the project? Seeing none, we'll close the public hearing. What's the pleasure of the Commission?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I move that we go with staff recommendation for approval of master plan and preliminary development plan with final development plan to be approved administratively, and with the conditions.

COMMISSIONER VIGIL: I'll second that.

CHAIRMAN SULLIVAN: We have a motion and a second. Is there further discussion?

The motion passed by unanimous [3-0] voice vote.

- XIV. A. 4. AFDRC Case # Z/S 06-5271 Tavelli Mixed-Use Subdivision - Michael Tavelli, Applicant, Jim Siebert, Agent, Request Master Plan Approval for a 17-Lot Mixed -Use Subdivision on 5.65 Acres. The Subdivision will Include Fifteen (15) Residential Lots, Two Commercial Lots and an Area Dedicated to Santa Fe County for a Park Trailhead. The Property is Located on Agua Fria, Within Sections 6,7, & 31, Township 16 North, Range 9 East (Commission District 2)**

JOHN M. SALAZAR (Case Planner): Thank you, Mr. Chair. Michael

Tavelli, applicant, Jim Siebert, agent, request master plan approval for a 17-lot mixed – use subdivision on 5.65 acres. The subdivision will include fifteen residential lots, two commercial lots and an area dedicated to the County for a park trailhead. The property is located on Agua Fria, in Sections 6,7, and 31, Township 16 North, Range 9 East, Commission District 2.

On August 1, 2007 the Agua Fria Development Review Committee met and acted on this case. The decision of the AFDRC was to recommend approval with staff conditions. The applicant requests master plan approval for a 17-lot mixed-use subdivision consisting of 15 residential lots with an average lot size of 11,667 square feet and two commercial lots with a lot size of 20,057 square feet for Lot C-1 and 25,227 square feet for Lot C-2.

The project is located in the Traditional Historic Community of Agua Fria where the minimum lot size is 0.33 acres with community water and community sewer services. Mixed use is permitted in this area pursuant to the Agua Fria Traditional Community Plan. The project includes the dedication of one lot for a public trailhead including eight parking spaces and several benches, providing public access to the San Ysidro River Park.

This application was reviewed for the following: affordable housing – the applicant is proposing five affordable units, access and parking – the proposed development will utilize a single paved access off Agua Fria Road, water – the applicant is proposing that the development will be served by the City of Santa Fe water system. The applicant received a letter of commitment from the City of Santa Fe and has identified the water source for this development as the City of Santa Fe. The applicant’s agent has indicated that no water rights will be transferred to the City of Santa Fe and that water use can be satisfied based no retrofits.

It was also reviewed for phasing, existing development, terrain management, water harvesting, fire protection, liquid and solid waste, landscaping, which the applicant proposed a 10-foot landscape buffer between the project and Agua Fria Road, archeology, signage, lighting, trails and open space, and as mentioned before, the development includes a trailhead for access to the San Ysidro River Park.

Staff recommendation: as previously stated here on August 1, 2007 the AFDRC recommended master plan approval with a unanimous vote. Staff believes that the project meets the criteria for development in the Agua Fria Traditional Historic Community as outlined in Ordinance 2006-2 and recognizes the applicant has worked closely with County staff to resolve the majority of development issues and is providing a trailhead access to the San Ysidro River Park.

Development Review staff has received correspondence from both the City of Santa Fe and the County’s affordable housing administrator which indicates that the project can comply with both City and County affordable housing ordinances. It is clear that under normal circumstances the City and County affordable housing ordinances cannot coexist. In this case the City’s affordable housing administrator believes both can apply.

Identification of a valid water source is required for master plan approval and the

applicant has a letter of service from the City of Santa Fe's Sangre de Cristo Water Department indicating that the City of Santa Fe is willing to provide water for this development. So therefore staff concurs with the recommendation by the AFDRC for approval of the applicant's request for master plan for a 17-lot mixed-use subdivision on 5.65 acres based upon the following conditions:

1. Compliance with applicable review comments from
 - (a) State Engineer's Office
 - (b) County Technical Review
 - (c) State Historic Preservation Division
 - (d) County Public Works Department
 - (e) County Hydrologist
 - (f) State Environmental Department
 - (g) County Fire Department
 - (h) City Water and Wastewater
 - (i) County Affordable Housing Administrator
 - (j) County Open Space and Trails
2. All staff redlines must be addressed; original redlines will be returned prior to master plan recordation.
3. This application is subject to final inspection by the County Fire Marshal. The applicant shall comply with all Fire Marshal requirements.
4. A dumpster, with a 6' masonry screen wall shall be provided for the studio units.
5. Right-of-way shall be provided along Agua Fria Road for the existing roadway improvements. The total width required shall be coordinated with the Public Works Department.
6. Affordable units shall be provided per the County Affordable Housing Ordinance. Residual fees (if any) and context of the Affordable Housing Agreement will be determined by and paid to the Santa Fe County Housing Authority prior to recordation of the final plat.
7. Proposed structures shall comply with rainwater harvesting criteria as established by Ordinance #2003-6. A water-harvesting plan shall be submitted with the final development plan application.
8. The height of non-residential structures shall not exceed 24 feet.
9. The master plan with appropriate signatures will be recorded with the County Clerk's office.
10. A detailed lighting and signage plan must be submitted for review and approval prior to final development plan approval.
11. The applicant is directed to routinely meet with community and business entities as they proceed with final development plan approval in accordance with Section 10.9 of Santa Fe Ordinance No. 2007-2.
12. Once AFCWS has the capacity to serve the development the applicant shall

disconnect from the City utility and connect to AFCWS.

CHAIRMAN SULLIVAN: Questions for staff?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: John Michael, you said that the City affordable housing administrator said that both City and County affordable housing ordinances can coexist? Can you explain that?

MR. SALAZAR: Mr. Chair, Commissioner Montoya, it's my impression that their housing administrator, along with our affordable housing administrator have worked together to administer this project.

COMMISSIONER MONTOYA: So, under the City's ordinance, how many affordable units would there be?

MR. SALAZAR: I believe it was 2.6, and I think it was either at the City Council meeting or at the Public Utilities Committee meeting where one of the City Councilors asked the applicant to up that to an even three and the applicant agreed.

COMMISSIONER MONTOYA: And what about under our ordinance?

MR. SALAZAR: Our ordinance is 2.4.

COMMISSIONER MONTOYA: So if they added them up both they could do six? I'm just kidding.

CHAIRMAN SULLIVAN: Mr. Sill is here. Do you want to speak to that?

COMMISSIONER MONTOYA: Oh, Duncan, is that -

CHAIRMAN SULLIVAN: Mr. Sill, would you come forward please? I thought the City's requirement was five units, but correct me if I'm wrong, Mr. Sill.

DUNCAN SILL (Affordable Housing Administrator): Mr. Chair, Commissioners, the City's affordable housing requirements that the City is mandating is a 30 percent requirement for a project this size, so in fact the applicant would actually have to provide five affordable units for this particular development. Under our jurisdiction, under County requirements, our requirement is calculated - this is considered a minor project so they're subject to a 15 percent affordable housing requirement, which results in a 2.4 affordable unit requirement. And since the City's requirement is more stringent at five units the applicant is actually already meeting the County's requirement as a result.

The point that we discussed with City staff, with their affordable housing office, is actually how if there's a way for us to allow the requirements to be met and have the administration of these requirements to be reasonable we deliver - to be monitored and managed. We have been able, to the best of our ability, with the applicant's participation and agreement to work something out and it's delineated in your packet how that may occur. There's also a letter from the City affordable housing office, Cathy McConnick, their director, stating that arrangement -

COMMISSIONER MONTOYA: So the final number hasn't been determined yet, if it's going to be three or five?

MR. SILL: The final – the overall project requirement would be five. The applicant has agreed to provide five.

COMMISSIONER MONTOYA: Oh, okay.

MR. SILL: Total units, of which three units would actually be administered by the City and two units would be administered by us and that would satisfy both our requirements.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN SULLIVAN: And Mr. Sill, there was some comment in there about the applicant requesting that we waive a portion of the fee, the partial fee. Could you explain that?

MR. SILL: Yes. Under normal circumstances there were two affordable housing requirements under different jurisdictions that the applicant would have had to have met. For simplicity, if it were a regular County project that only had our requirements for affordable housing, the applicant would have had to provide 2.4 units of affordable housing, and the .4 is usually considered a fraction for a residual fee. That's calculated based on a formula pursuant to our regulations resulting in a dollar amount that the applicant would have to submit to the County. Under this particular situation, the applicant, since they're already providing three additional units for a total of five affordable units within this project, they are seeking a waiver of that residual fee because of their commitment to provide additional units for affordable housing within this project, a point of view – it's my opinion that this is a reasonable request and certainly the ultimate decision is up to the policy makers, to you guys, to determine whether or not that waive can be granted and certainly that could be discussed with the applicant. But I believe that this is something that's reasonable.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Why is the City requiring that the applicant comply with their affordable housing ordinance?

MR. SILL: Pursuant to the – my understanding and anybody here can correct me – my understanding is that their water and wastewater extension outside of the city limits there's a provision in a paragraph in there that they must meet the requirements of the Santa Fe HOMES program. I believe that's Section 14.8.1.1 in their particular ordinance. I believe it's – I don't have that in front of me but I could certainly go and get it to you and read it to you guys. But I believe paragraph i in there states that any request for water and wastewater extension you have to meet the requirements of the Santa Fe HOMES program.

COMMISSIONER VIGIL: Okay. My next question, I guess to Steve Ross. Steve, this seems like a joint jurisdiction, really, application that's coming before us. I guess my concern would be, even though there's a proposed joint administration where the County administers a certain amount of units and the City administers a certain amount of units, it tends to complicate it to the extent that their requirements when it comes to resale and those kinds of things are different than ours.

What are we doing here? Creating a joint jurisdiction or what?

MR. ROSS: Mr. Chair, Commissioner Vigil, under normal circumstances I would have thought that it would be almost impossible to comply with both the City and the County affordable housing ordinances in the same development, but really the only way it can be done where the applicant is willing to comply with both. The trickiest part of it all is the administration as Mr. Sill says. The County requirements are much different from the City requirements, particularly with respect to the affordability liens and things like that.

Those run in favor of the County. The City has different instruments that run in favor of the City. So the only way a multi-jurisdictional problem like this can be solved is if, as Mr. Sill has described, some of the houses are administered completely under the City program and others are administered under the County program. I'm going to alert Mr. Katz of these issues after this case is resolved and see if there's a way for us to get together and agree how these kinds of cases are to be resolved in the future. It's not really a situation where the City is exercising jurisdiction in the county. It's really a situation of an agreement, or in the City's case, an ordinance that governs the extension of water and wastewater services in an area that's in the county.

So it's not really a multi-jurisdictional question because they're not exercising jurisdiction per se in the county, but a permissive activity, that is providing water and wastewater service, is subject to those unusual conditions. So it's a tough problem.

COMMISSIONER VIGIL: It is, and it seems to me that the enforcement component is difficult also to comprehend with regard to how does a city enforce an ordinance that's not within their municipal boundaries. So that's questionable to me. But I appreciate the work you put on it and I have other questions with regard to this.

CHAIRMAN SULLIVAN: Any other questions of the Board on the affordable housing issue right now? Okay. What are your other questions, Commissioner?

COMMISSIONER VIGIL: They probably have more to do with the water and perhaps - I don't know, John, if you want to address those. I know their agent is here.

CHAIRMAN SULLIVAN: You want to have Mr. Siebert discuss those?

COMMISSIONER VIGIL: We still have part of the public hearing to go on. Yes, let's continue the public hearing.

CHAIRMAN SULLIVAN: Well, we still have the applicant to make a presentation.

COMMISSIONER VIGIL: I want to hear that. John, I'll hold off.

CHAIRMAN SULLIVAN: We'll wait on those questions, and I had a water question as well. So would the applicant like to step forward.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Mr. Chair and Commissioners, my name is Jim Siebert. My address is 915 Mercer, Santa Fe. Let me begin with an aerial photograph of this property, which is upside down. This is Agua Fria Street here. The Santa Fe River is on the north

side here and this particular tract sits within the black line here. As you can see, what you have is on the side to the east are legal non-conforming commercial uses. There's a mobile home park here. The Montano excavating and sand and gravel and concrete is here. There's a vacant residential strip that's right adjacent to it that's owned by another party, and then it's residential from that point to the west.

We actually began this project about two years ago and we've had several meetings with the community association, the Agua Fria Association and with immediate neighbors. And during that process what happened is the Agua Fria plan was adopted and the Agua Fria zoning was adopted. So what we did is we kind of backtracked a little, took a look at the project and reconfigured it to fit with the Agua Fria plan and the Agua Fria ordinance, which this does.

Once again, we have Agua Fria Road down here, Santa Fe River here, John Michael talked about the trailhead, what's being proposed is that the owner of this property would dedicate a tract to Santa Fe County for a trailhead that would go on to the - there's a bicycle and walking path that's proposed along the Santa Fe River. So you'd have a connection and a place where you could get on to the path at that particular point.

There are 15 lots with residential lots within the project. There's two commercial lots and the idea of these commercial lots that would have small units on the order of like 900 square feet, would be for small-scale commercial that would be consistent with Agua Fria and consistent with the Agua Fria plan.

As mentioned earlier, the project is served by City water and City sewer. We originally approached the Agua Fria Water Association to provide service. It proved out that that wasn't really a viable option at this time. There was a concern about the proximity to some existing commercial development or legal non-conforming commercial development on the east side. If you'll notice, what we've done is we've attempted to buffer that by putting both the road and the park adjacent to those particular uses.

With regard to affordable housing, I'm not sure that we still all have the same understanding but the County's requirement is 2.4 affordable housing units. The .4 is something that would normally be paid for in cash in lieu of. In this particular case because we're providing five units, we're asking that that requirement be waived because we're considerably exceeding the affordable housing requirements for the County.

This project did receive approval from the Agua Fria Development Review Committee and we're in agreement with all conditions as stated by staff.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I still want to hear more from the public.

CHAIRMAN SULLIVAN: Oh, okay. Let me ask a question then, Jim. It says on the water, one of the conditions is that once Agua Fria Community Water System has the capacity to serve, the applicant will disconnect from the City utility and connect to the Agua Fria Water System. Why would they want to do that?

MR. SIEBERT: It was simply a condition that was imposed by staff, and that was something that occurred relatively recently.

CHAIRMAN SULLIVAN: Let me ask Shelley or anybody, it seems that once you're hooked up to the City, why would you go to all the problems of hooking up to Agua Fria?

MS. COBAU: Mr. Chair, members of the Commission, after a great deal of discussion with both the Agua Fria Community Water System, the applicant, members of the staff, we felt that this was a viable solution. The Agua Fria Community Water System is going to be doing a considerable improvement to their system in the near future. This is a master plan approval only. We don't know when this project may come forward for preliminary and final development plan, and we wanted to underline the point that there is another water system there that is likely to be able to serve this site at some point, perhaps before they're ready to go to construction. So we felt that would be an important condition to add.

CHAIRMAN SULLIVAN: So is your thought in writing this condition that if this occurs prior to construction that the applicant would be required to connect to Agua Fria?

MS. COBAU: Commissioner Sullivan, no. We would like the project to connect to the Agua Fria Community Water System when the community water system is able to provide service. There was some concern about City water in the village. When this went to the Agua Fria Committee, they were very concerned about this project being connected up to City water and this was done after a great deal of discussion amongst staff. We felt that this was a viable means of showing support for the Agua Fria Community Water System and disconnecting from the City's system where the City would no longer have any jurisdiction over this property in the Traditional Historic Community of Agua Fria.

CHAIRMAN SULLIVAN: So they thought this was a foot in the door or something and they were concerned that doing this would somehow subject Agua Fria to the City.

MS. COBAU: Mr. Chair, I believe that's correct.

CHAIRMAN SULLIVAN: Okay. And the other question I had, I still have a concern for that because when you switch from one water system to another, that's a cost. Someone has got to bear that cost and I assume it's going to be the homeowners, or how do you enforce it. Let's say that happens five years from now. Do you go door to door and collect money or how do you do that?

MS. COBAU: The Agua Fria Community Water System has a line in very close proximity to this project. The cost to connect to their system once they're able to upgrade their distribution and their delivery system would be marginal, I would think. The water - their line is there in Agua Fria, very close proximity to this project.

CHAIRMAN SULLIVAN: But someone would have to build the line and someone would have to make the connections and the way our condition says the applicant - well, the applicant once he's sold the lots is going to be gone. And I'm just concerned, how do you have an enforcement for that condition?

MS. COBAU: That's something that we would require that the applicant include in their subdivision disclosure statement and that would be a cost that would be borne by the homeowners association at some point in the future.

CHAIRMAN SULLIVAN: Oh, okay. Commissioner Vigil, your comment?

COMMISSIONER VIGIL: Shelley, I need some clarification, because my understanding is that the Agua Fria Water Association was not not in a position to provide water delivery, but that the County required a shut-down of the system in order for them to do a geo-hydro for a certain amount of time, and the system, being a small but solid water system really could not accommodate that request because it would mean that all of their customers would be without water for a certain amount of time. And that is the barrier that really created the opportunity for this water association to be the water delivery provider for this project. Is that not correct?

MS. COBAU: There's a long story that goes along with that, Mr. Chair, Commissioner Vigil. The applicant originally approached the Agua Fria Community Water System for water for this site, because all they have to provide at master plan is they have to name their source and prove water for the first sustainable phase of this development. They had a ready, willing and able to serve letter from the Agua Fria Community Water System which was later retracted, based on our Code criteria which would require the Agua Fria Community Water System to provide a 96-hour pump test, which in order to do that it would have to shut down their system.

We've had four or five meetings with the Agua Fria Community Water System, people who run that water system, and in the staff report it outlines on page 3, there's some bullet points regarding water and they have conveyed to us that they're not able to provide fire protection for this site. They can't maintain the delivery to provide fire protection so even if the site - this development at this time were to connect for potable water they would still have to connect to the City for fire protection.

The Agua Fria Community Water System has recently done a study and that study identifies needs for upgrades to their system for which they have \$2.6 million in funding needs and they have \$2.3 million that was allocated by the state legislature. They can't cease water deliveries to customers for the 96-hour pump test so they can't establish the 100-year water supply at this time for the development. In our staff report we cite that as new wells are drilled pump tests will be performed on the new and existing wells which may then be able to address our Code criteria to prove 100-year water supply. So this may all happen before this goes to final development plan. So we're hoping that they're actually able to connect to Agua Fria water once Agua Fria is able to drill a new well. I think they're very close to being able to do that.

COMMISSIONER VIGIL: It seems to me that is a viable alternative. I think there are representatives from the Agua Fria Water Association here that I'd like to hear from. One of the issues that we're dealing with the City now is that there are current residents there that are hooked up to the wastewater for this sewage delivery system, and what happens when they aren't in the jurisdiction of the city limits is rate fees get increased

without notices, rate fees get increased across the board. There are some people who pay for a monthly hookup but aren't actually utilizing the lines. So it does create jurisdictional problems. It would make sense to me that there should be a real clear indication of delivery there.

And I also am conflicted by the fact that the City was willing to hook up to a development when they rejected a community center. It shows mixed priorities in my mind. Anyway, Mr. Chair, I'm ready to listen.

CHAIRMAN SULLIVAN: Okay. I'll get back to -

KARL SOMMER: Mr. Chair, may I add some information to the water that's relevant to the criteria that was just mentioned?

CHAIRMAN SULLIVAN: Okay. Do you want to give your name and address and be sworn in please.

[Duly sworn, Karl Sommer testified as follows:]

MR. SOMMER: My name is Karl Sommer. My mailing address is Post Office Box 2046, Santa Fe, New Mexico. Mr. Chair, members of the Commission, Commissioner Vigil, one of the crucial items that is in the staff report, and I believe it is central to the issue of water supply. If the Commission would look at the fourth bullet point on page 3, right now, the Agua Fria water system has a contract with the City of Santa Fe. That means that the water is coming from the City's system, up to 50 percent of its total system needs. At this point, hydrologically, this system has not proved to be a 100-year supply for this development or other developments, and as I understand, and Ms. Torres is here, she can explain, this system has not proven a 100-year supply based on its existing water rights, so significant improvements, both legally and information hydrologically has to be produced. So the term about their ability to do it as a viable option is it simply is not viable under the County's requirements for a water supply.

If somebody was coming in for a two-lot subdivision or a three-lot subdivision they'd have to show a 100-year water supply. They'd have to have a system that showed a 100-year water supply. This Commission is dealing with this issue in Sunlit Hills. I have several clients out there who want to do lot splits and they're on the Sunlit Hills water system but they cannot come in and do a lot split because that system cannot show a 100-year water supply. It has limited wells and it has limited water rights. And until they can demonstrate that to the County, the division of land has been halted out there. And I'm not complaining, I'm saying that's just what the law is. It applies equally here because that's what the County requires.

So its viability at this point has not been demonstrated to the County. We would love for them to provide water for us. They simply can't. They simply are not in a position to do that for us.

COMMISSIONER VIGIL: Leg me just say, and Mr. Sommer, because I'm still stuck with the fact that the reason why they haven't been able to prove the 100-year water supply is not because of anything else other than they could not shut the pumps down to conduct the test.

MR. SOMMER: I don't believe that's the case. I think that they have significant other problems.

COMMISSIONER VIGIL: Karen, could you respond to that?

KAREN TORRES (County Hydrologist): Good evening, Commissioners. I'm very familiar with the Agua Fria water system. When I worked for the State I permitted their new well and I'm familiar with their water rights portfolio that they do have. When I spoke to Gil Tercero – gosh, a year and a half ago now, if I can recall the conversation we had, it was mostly regarding their water rights that I had a concern about. They have one of these permits – it's a declining permit, where they can utilize so much water and then at a certain amount of time the water right gets reduced dramatically.

So currently they have sufficient water rights to cover their current needs, which is great. In perpetuity. It's this other permit that they have which goes away I believe in 2017, though I might be wrong.

COMMISSIONER MONTOYA: 2027.

MS. TORRES: Is it 27? Okay. 2027. I knew there was a seven in there. Which was of a little concern only because the County Code has such stringent water requirements for water rights, as well as actual wet water supply, and requiring it for 100 years. And so we discussed strategies of what they can do to acquire water rights. And I think that concerned them and that's why there was that issue. And then of course there's other issues of demonstrating availability, and we also discussed with them – there might be an alternative to doing a 96-hour pump test. We might be able to find another well in the area that can demonstrate that.

COMMISSIONER VIGIL: Okay.

MS. TORRES: I hope that explains a little bit.

COMMISSIONER VIGIL: It seems to me that they have 42.5 acre-feet in adjudicated water rights. We have allocated them some of the Buckman Direct Diversion and the only questionable amount of water rights are 22.5 acre-feet which will expire in 2027, and those are the ones that come from the City, I believe. Or no.

MS. TORRES: They have – I believe it's the 22, and I'm so sorry. I don't have their file in front of me. That part goes away in 2027. They do have a contract with the City that does expire right around the same time, and also they have the ability to obtain water from the County once Buckman Direct Diversion is on line, but that's a few years down the road as well. This is all just information that sort of trickled in. It hasn't all been assembled for staff to review as a plan to go forward, demonstrating their water.

COMMISSIONER VIGIL: Okay, and they are also are going through some adjudications I believe right now.

MS. TORRES: The Frenchy's and they have some other things going on too.

COMMISSIONER VIGIL: Okay. Thank you, Karen. Appreciate it.

CHAIRMAN SULLIVAN: Mr. Sommer, were you finished regarding the water issue?

MR. SOMMER: I was, Mr. Chair, I just wanted to point that out.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: So Karen, based on what you just said, it sounds like the applicant is going to a more secure source of obtaining water for the development. Is that correct?

MS. TORRES: My understanding was they did have an agreement from Agua Fria and that was withdrawn. And so then the applicant sought service from the City.

COMMISSIONER MONTOYA: Oh, okay. So the Agua Fria Water Association -

MS. TORRES: If I'm wrong, please correct me, but that's my understanding.

COMMISSIONER MONTOYA: Okay. Thank you

CHAIRMAN SULLIVAN: Thank you, Karen. Stick around. Mr. Siebert, one other question before we go to the public hearing. I'm a little confused about the so-called studio units and also the parking down there. There's 15 parking spaces in the studio units. Are the studio units live-work or are the studio units just commercial offices?

MR. SIEBERT: They're pure commercial; they are not live-work.

CHAIRMAN SULLIVAN: There's no live-work component to those?

MR. SIEBERT: No, there's not.

CHAIRMAN SULLIVAN: Okay. That wasn't clear to me. Because it said there's 15 spaces and those will be available for the studio units and two parking spaces. So that's about two spaces per studio unit. Is that what you have?

MR. SIEBERT: I know we meet the County parking - actually, we have 27 spaces. I think maybe you're looking - we have 15 on one lot and a certain number on the other. The total is 27.

CHAIRMAN SULLIVAN: Oh, okay. Because it says in the staff report the commercial lot includes a parking area serving the studio units. The parking area includes 15 regular parking spaces and two handicap spaces.

MR. SIEBERT: Actually, it's 27.

CHAIRMAN SULLIVAN: It's 27 instead of 17.

MR. SIEBERT: Right.

CHAIRMAN SULLIVAN: Okay. Where are your - which lots are designated for the affordable housing?

MR. SIEBERT: Actually, they're designated on this plan by A's. It's lot #8, lot #15, lot #14, and lot #12. There's one other that we added later and it's lot #13 as I recall.

CHAIRMAN SULLIVAN: And what is that blue thing in the middle of the plaza?

MR. SIEBERT: These are ponds.

CHAIRMAN SULLIVAN: Retention ponds?

MR. SIEBERT: Correct. Here, here, here and here.

CHAIRMAN SULLIVAN: Okay. All right. Thank you. Any other questions for the applicant? All right, this is a public hearing.

MR. SOMMER: I just had one brief thing to add as part of our presentation, if I may.

CHAIRMAN SULLIVAN: Go ahead.

MR. SOMMER: Thank you very much. Members of the Commission, we're here tonight because this Board and this community has undertaken various steps which guide this kind of application to this point. Let me be specific. As you all are aware, the Agua Fria Village became a traditional village under the statute so they could avoid annexation by the City, so that the City couldn't just swallow them up from a zoning standpoint and they would have no control or very little representation in how their future would look. The Traditional Village Statute protected that. They took advantage of that; it was adopted, and it was adopted by the Commission.

The effect of that was to make the County Code effective in this area. That wasn't the end of the story for this Commission. This Commission did the very next step which is to say this community should plan itself and thereby come up with a development master plan for this community, and then provide an ordinance that this Commission would consider and talk about and eventually adopt. That's what's happened here. This community took control of its destiny with the help of this Commission. It protected itself from annexation by the City. It planned and zoned its property so that it would control how it works.

The Agua Fria Development Review Committee looked at this plan for compliance and said unanimously it complies with what we've said we want. This staff has looked at it and said for a long time now it has complied and it does comply. The other components of this plan, which are affordable housing, have been complied with and met to the letter of the law. We do not see this as a problem for administration. This Board approved the Turquoise Trail Subdivision. It has two affordable housing components which are complied with - one of the City's and one of the County's. And in that subdivision the County provides neither water nor sewer but it does the zoning. The water and sewer are provided by the City. So it's now something out of the ordinary. It hasn't produced a nightmare of administration. And it's viable in this circumstance because you'll have two separate agreements which are administered pretty clearly under the regulations.

I'd just like to say this because much has been said out in the hallways, discussion around this, that the community needed to be heard on this. Well, this applicant has gone to the community. This community has spoken and it's spoken loudly, one in controlling the village, the second in adopting an ordinance and bringing an ordinance after much work to this Commission, which was adopted. This property, Mr. Tavelli and his brother, whose family has been in this community, a part of this community for five generations, are complying with what the community has said.

Now, did they go to the Agua Fria Water Association? They did. It simply is not a viable option for water. The only other opportunity is to provide City water and City

sewer, which environmentally makes sense. You want City water and City sewer if it can't be otherwise provided. You do not want groundwater. You do not want septic tanks. You do not want the perpetuation of what I think this Commission has recognized as environmentally unsound development.

The other thing that is important about this plan is it reflects much of this Commission's policies, which are mixed-use developments. That residential development shouldn't be this homogenous type of development where people have to leave to work. There have to be employment opportunities in order for a community to be viable. This plan reflects, the zoning reflects, and this application reflects that opportunity. With that, I'd like to urge this Commission to approve this master plan. It has a long way to go in terms of development plans and subdivision and the like before we're there. This is really a first step. Thank you.

CHAIRMAN SULLIVAN: Okay. Now we'll go to the public hearing. Are there any persons in the audience who would like to come forward and speak, either in favor or in opposition? Come forward, sir.

[Duly sworn, Lee Romero testified as follows:]

LEE ROMERO: My name is Lee Romero, also known as Elisardo M. Romero. Just two points of clarification so that we are all on the same board here. When Mr. Siebert announced his non-conforming businesses, I felt a little hurt; he left me out. He mentioned the trailer court across the street. He mentioned Mr. Montano, and then he said a non-conforming business to the east of me. That's me. L & L Portable Toilets. I want that on the record. Also L & L Waste Services. That's just a clarification.

Secondly, in 1978 or '79, I was the president of the Agua Fria Water Association. When PNM was planning the trunk line to be able to loop their system, we held a meeting with the Agua Fria Water Association and I believe some of the County staff was there at the time and representatives from PNM. There again PNM tried to convince us that they were real good to us, that they were going to give us five free fire protection hydrants, when all the time in the construction industry, and they were going to put their line, it's by law that they have to put fire protection every so-many feet. So they weren't really giving us anything.

Secondly, we signed a pact saying that PNM would not connect nobody in the village, because that was just a trunk line that they were doing for revamping their [inaudible] I don't know if the Agua Fria Community Water System has been approached for those minutes, because PNM sold to the City. I don't know if the contract stands, if it holds any water right now, but I thought I'd get up here and clarify those things because we've lived there all my life and I'm very proud of my business and we don't have to go around denying who's next to me. It's L & L Portable Toilets. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Romero. Next speaker please.

[Duly sworn, Justin Young testified as follows:]

JUSTIN YOUNG: My name is Justin Young and I live and operate my business at 3957 Agua Fria. I live right next to the property in question and my property is

the other non-conforming commercial use that's next to this property. I've been in support of the applicant to subdivide his property and to develop it in residential uses and I think that he should work within the Agua Fria Community Water System for getting his water needs. I understand that they had given him 15 residential hookups and they were unable to give him commercial hookups, and that's why he went to the City and obtained those commercial hookups.

But I oppose him going to the City for the water and I oppose commercial development that's for speculation that doesn't have actual users that we can talk to and see what kind of businesses that they're going to run. That's it.

CHAIRMAN SULLIVAN: All right. Thank you, Mr. Young. With regard to Mr. Young's question. Shelley, there is a list of uses that are permitted under this master plan zoning, is that correct?

MS. COBAU: Mr. Chair, members of the Commission, this type of mixed-use development is specifically permitted under the Agua Fria ordinance. The applicant has stated that these would be gallery type uses in these studios and - I don't know. Maybe John Michael, you can answer this. Is there a specific use list on their master plan?

CHAIRMAN SULLIVAN: I think there probably is. John Michael, can you give us just a few examples of what can be located in those commercial units?

COMMISSIONER VIGIL: I think the planner, Robert Griego is here. He might even be able to articulate them without even referencing them because I know he had the opportunity to discuss this with the community quite a bit.

CHAIRMAN SULLIVAN: Mr. Griego.

ROBERT GRIEGO (Planner): Mr. Chair, Commissioners, in regard to the Agua Fria Zoning District Ordinance, there's a use table there that identifies uses. They're either allowed, permitted, conditional or special uses for non-residential and residential uses. So each use should have to come either to the Agua Fria Development Review Committee or to the Board for approval.

CHAIRMAN SULLIVAN: What are some examples of the permitted uses?

MR. GRIEGO: A permitted use would be a - a conditional use, meaning it would need to get approval by the Agua Fria Development Review Committee would be an art gallery. An appliance repairs place would need a special use. That would mean the Board would need to approve them. Convenience store is a special use. Exercise or dance studio is a conditional use that the use table identified.

CHAIRMAN SULLIVAN: Conditional means that just the committee approves it. Special means the Board of County Commissioners approves it.

MR. GRIEGO: That's correct.

CHAIRMAN SULLIVAN: What about any examples of ones that wouldn't require either approval, that run with the land?

MR. GRIEGO: Permitted uses would be - administrative approvals would be agricultural uses, agriculture, grazing, residential uses. That's it.

CHAIRMAN SULLIVAN: Okay, so what you're saying is that anything

other than a residential or agricultural use would have to go before the community, through the Agua Fria Development Review Committee, and if it's a special use it would then come to the Board of County Commissioners.

MR. GRIEGO: That's correct, Mr. Chair.

CHAIRMAN SULLIVAN: All right. That helps clarify that for me. John Michael, did you have anything to add?

MR. SALAZAR: Mr. Chair, I have the list of uses that they're proposing. One is practitioners of healing arts, massage and physical therapy, artists, limited to those uses compatible with a residential setting, professional offices such as attorneys, consultants insurance agents and other small-scale commercial uses that do not create substantial volumes of traffic and are consistent with the residential environment of the project.

CHAIRMAN SULLIVAN: Okay, but we're not – this approval if the Board approves this master plan doesn't limit it to those uses, right?

MR. SALAZAR: Right.

CHAIRMAN SULLIVAN: So they can – I want to make that clear. That's what they're kind of dreaming might happen, but in point of fact, it could be an Allsup, and if so, it would have to go both to the Agua Fria Review Committee and also to the Board of County Commissioners.

MR. SALAZAR: Right, Mr. Chair.

CHAIRMAN SULLIVAN: So everything that they ultimately do propose, other than residential, if they were to make that residential, which would require a change in the master plan, would have to be reviewed by the community.

MR. SALAZAR: That's correct.

CHAIRMAN SULLIVAN: Okay. I just wanted to make sure I understand that. Thanks.

[Duly sworn, Frank Romero testified as follows:]

FRANK ROMERO: My name is Frank Romero and my address is 14 Calle Enrique, Santa Fe, New Mexico. First of all, I think I'd like to clarify a little bit of what Mr. Romero said about that pact that they made. I think the County got involved and got money from the feds. I think the agreement was made that the City could bring their trunk line in and they could provide Agua Fria with emergency water if our well went down or whatever, but what I believe, and I could be wrong, but they specified that the City could not hook up and service anybody in the Agua Fria Village due to the fact that they were using the funds from those hookups to pay back the federal government. That I do remember and I would like to ask you guys if possible to do a further investigation on this because that would break the camel's back right there, to be honest with you.

They would not be able to service any water unless you come up with some kind of loophole when the City bought it, that they won't honor that from PNM, but I would like to ask the feds their opinion on that contract.

Second of all, ever since this project started these guys have been having backdoor

meetings. It's not a community thing. We've asked them to notify the community. We even gave them suggestions on how to do it, but nothing's been done. They've also said we're opposing it because we're L & L. We also asked them how are we going to prevent all these people from suing us for the odor or nuisance or whatever. We really didn't get any straight answers. They sell, well, have your attorney write something up. Well, nobody's actually contacted our attorney at all, for anything like that. They've never come forward to even try to work with the people, to be honest with you. They may be complying with the County [inaudible] but affordable housing, I've asked them, where's your house going to be? Come live with us. They're going to come, clutter this little piece of land then they're going to let us deal with it for the rest of our lives. We've been there a long time and never needed anybody other than the County to come protect us. That's the reason they gave us a historical variance. That's why they gave us all these little committees.

Now if we go above and beyond, these people are just going around and round. We've asked them to lower the density. Agua Fria Village Water Association gave them 15 hookups. No, they want the whole enchilada. And I think you guys need to consider that one little pause, and I think that I'd like to ask you to table it until we can further - call the feds and ask them if we can get a copy of that and bring it to the attention, see if it's going to be honored or not. Since the City bought the system, I don't know if there's any kind of clauses in there that [inaudible] or something like that. But that's all I've got to say.

CHAIRMAN SULLIVAN: Thank you, Mr. Romero.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Steve, can you clarify, and I had that question earlier, based on Lee Romero's comment. In terms of the sale from PNM to Sangre de Cristo or however that transaction occurred, what if any restrictions, based on previous agreements would there be through the acquisition of another party of the system?

MR. ROSS: Mr. Chair, Commissioner Montoya, I'm sorry. I never looked at those agreements so I don't know what conditions the City may have assumed or what sort of liabilities they might have assumed. I've not looked at those.

COMMISSIONER MONTOYA: Okay. If you can answer that question -

MR. SOMMER: That agreement that they're talking about with the San Juan/Chama diversion and the extension of water to the City through PNM's acquisition of those rights under the San Juan/Chama contract, you all have been dealing with that for many, many years. But let me tell you what is in place today with the Agua Fria water system, the one that Mr. Romero was talking about, that's a contract with the City to provide 50 percent of its water needs, right now through a master meter. Gerry Peters' project, part of this traditional village, is served by City water and City sewer, right now, and that's the rental housing for senior citizens on the corner of Henry Lynch, in that area. City water, City sewer in this village, in this district.

The contract that you're talking about with the City serves up to 50 percent of their needs today. That's not emergency needs; that's their needs today. So provisions of a contract from 1978 to 1991, I remember having to deal with this because when we sued the City for refusing to provide water to Rancho Viejo, which was the inception of the County water company, that contract came into play. So I have read that agreement and it does not control. It doesn't have any force and effect today. It's been superceded by many, many agreements between the City and the County thus far. So I think it's a red herring for us. And what it is is, like I said, we're not averse to taking water from the system if that's what they'd like us to do. The unfortunate thing is this system isn't available to provide water - not to us, not to anybody who needs a 100-year supply. It's just that simple and I wish it were otherwise and the controversy might go away. Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I'm done.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I'm not sure who to pose this to because this is part of the problem we have when we're trying to work with resources and cross-jurisdictions. The trunk line for that area, I guess that's what's been referenced when we just heard the testimony, when PNM originally had that, and I'm hearing testimony that that trunk line may have been originally paid for by the feds, yet I know that there is water extension lines there that have been provided for to that community by the state. And I think that that infrastructure actually was built, some by the City and of course now the County has taken on a lot of those line and sewer extensions. But those dollars for some of those trunk lines actually came from the state.

So I guess what I would need to know is what is the closest hookup for this development? Is it a trunk line that belongs to the City that came from dollars from the state or from dollars from the federal government? Do you have that answer, Robert?

MR. GRIEGO: Commissioner Vigil, I don't have the whole part of the answer but the part of the answer that I can do is as part of the planning process, what we did is we looked at where the lines were for both the City and for the Agua Fria Community Water System and they both go in front of this property along the Agua Fria.

COMMISSIONER VIGIL: So there's two lines?

MR. GRIEGO: Yes.

COMMISSIONER VIGIL: Okay. Thank you, Robert.

CHAIRMAN SULLIVAN: Okay. Additional comments from the public.

[Duly sworn, William Mee testified as follows:]

WILLIAM MEE: My name's William Mee. I'm from 2073 Camino Samuel Montoya in the Agua Fria Village. And I'm wearing a couple of hats today. One is as an AFDRC member. I know that in your packet it says that the AFDRC, at its August 1st meeting had a unanimous vote to approve the project, and I think it sounds much more favorable than the conditions that we had placed upon the applicant at the time. I'd like you to refer to Exhibit F, page 8, of the AFDRC meeting minutes of June 6, 2007. This is

the meeting that the project was actually tabled.

If you look at the third to the last paragraph, the second sentence, it says Member Mee seconded and encouraged the applicant to address neighborhood opposition by holding a meeting during the interim with the Agua Fria Village Association. And so that became a condition on that tabling. But the applicant did not meet with the Agua Fria Village Association in that interim period.

Then also in Exhibit H, which is page 5 of the Agua Fria Development Review Committee meeting minutes of August 1, 2007, second to the last paragraph, Member Mee said that he was disappointed the developer did not conduct any community meetings since last month's tabling of this case.

Then going to page 7, second paragraph, also in Exhibit H. Member Mee proposed the following condition, #11. The applicant is directed to routinely meet with the community and business entities as they proceed to final development plan approval in accordance with Section 10.9 of the Agua Fria land use code, meaning that the Agua Fria Village Association, Agua Fria Community Water System, and any businesses in the area should be approached. And the applicant has failed to do that.

There was quite a bit of opposition to the project at the June 6th meeting and the other thing that has happened is the applicant has tabled the case a couple of times and when that opposition comes out to the project, and then tonight, when there's not that much opposition to it, they proceed with the case. So I'm not sure exactly what the applicant is afraid of in dealing with the community, but I think it really calls into question the whole project.

We've asked to see a draft of the homeowners association bylaws or the restrictions that would be placed on the property that would enforce the live-work/home occupation situation, because the subdivision's intent of being a good neighbor is only as good as its written word. Unless we have seen some of these restrictions or homeowner association bylaws we can't know what kind of tenants or homeowners they're going to have in this area. There's quite a bit of opposition in the Village Association, that's my second hat, is president of the Agua Fria Village Association. There's quite a bit of opposition to the project because of those commercial projects. They're not sure exactly what kinds of uses might go in.

Another thing that came up is with the sudden drop in house prices and the evaporation of a lot of mortgage funds, what is the financial viability of the project right now? Will they be able to finish this whole project, given the housing market that we have in this country. I know that their affordable housing levels were at \$97,000 to \$194,000, and is that realistic, given the collapse in the housing market? Wouldn't they have to be a lot lower? It's not that you go to a lender and you sign up and you don't have to have any credit. The federal government is cracking down on mortgage loans. Will people of low income be able to afford these houses at those prices?

I really am sorry that there's not a representative from the Agua Fria Community Water System. I think it's as Justin Young stated. They did give the 15 hookups but they

couldn't serve the two commercial lots because of some issues that they have with commercial properties, mainly like that Montano's cement plant. They can't serve a commercial lot because if they did then an industrial use like that would be able to procure water from them. So they've never come up with a commercial policy for users. And they've just actually served them as a residential unit.

So the Agua Fria Community Water System is concerned that this is a precedent, that this would really be the first water service in the Traditional Historic Community area. I know that attorney Karl Sommer says that the senior project is and to some extent that's true, because there are no lines of the water association that run that far east to be able to serve that project. I think that the best recommendation for this Commission is to probably table this particular thing until we can have more input from the Agua Fria Community Water System, and from the community itself. It's pretty hard to get people out time after time when the applicant tables a case just because he knows that he can't win that night. But when there's not many people that come out - sure he can go forward with it in the dead of night. It's almost nine o'clock. But I think the community will really raise hell if this project goes through. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Mee.

COMMISSIONER VIGIL: Question.

CHAIRMAN SULLIVAN: Question, Mr. Mee, by Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Mee, was there anyone who was a part of the hearing process when this request for usage of water went before the City, that was there from the Village or from the water association?

MR. MEE: Not to my knowledge.

COMMISSIONER VIGIL: Okay. And it seems to me that part of what I'm reading into some of the minutes, at some level or at some point in time they required the County to reallocate some of its Buckman Direct Diversion allocation to the City for projects that they're approving for water usage outside the City limits, and I'm reading into that, just based on the fact that this project went before the Public Utilities Committee without a recommendation and then I guess, what we have proposed for us tonight is that the water delivery was approved based on the retrofit program, that no acre-feet of water were required to be transferred over to the City, which - I don't know. Maybe someone from the City needs to answer this. Isn't their standard policy a requirement to transfer water rights?

MR. MEE: Mr. Chair, Commissioner Vigil, I believe so, and I think that's part of the issue is the County maybe needs to look more into this provision for the water.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Mee.

CHAIRMAN SULLIVAN: Okay. Are there any other - you'll get a chance to rebut. Are you raising your hand to speak?

[Duly sworn, Tom Tavelli testified as follows:]

TOM TAVELLI: My name is Tom Tavelli. I would just like for the record, this property goes back five generations. It came from my mother, from her mother, from

her great-grandmother, from my great-grandmother and my great-great-grandmother. I have met – I have been a member of the Agua Fria Village Association. There's not a single person here that hasn't met with me. I sat on the committee. Commissioner Vigil was at the meeting and it's in your notes. We went before not only the community but the Agua Fria Village Association. We have jumped through every hoop. We have met every time we've been told to do something. Every time they said to show up. We need a notice. We want you to meet. We have been there.

I have been a member of the Agua Fria Community Water System, our family has, and the Agua Fria Village Association for over 15 years. So the idea that we aren't part of the community, that we've never met with them – we are always available. Virginia recognizes me. They all recognize me. To say that we have not visited, that they haven't been aware of this project – we went to everyone that's here, long, long before – two and a half years ago. So we've tried everything we possibly could to be good neighbors, and what we've gotten is a continual please come again, we don't have enough information.

We want a fair process. That's all we're asking for. And we've complied. You can ask County staff. You can ask anybody. We've jumped through every hoop and we come back, but nobody just seems to want this because – I don't know why. We're giving five affordable houses. We're donating a park. It's mixed use. It's part of all this stuff. I don't understand what we haven't done. We've addressed every issue.

The idea that we haven't met with the Agua Fria Community Water System – we've met with them for years. That's all I have.

CHAIRMAN SULLIVAN: All right. Thank you, Mr. Tavelli. Just a minute, Mr. Sommer. Have you already spoken, sir? You get one shot around here. It's getting late. Is there anyone else who hasn't spoken who would like to speak at the public hearing? Sir, if your comment is very short, come on up. Make it short.

FRANK ROMERO: One thing I forgot to mention is they're asking for commercial status. That's a real big requisition because let's say that the project would go through and they grant them commercial status. Does that mean that the other hundred percent of the businesses in Agua Fria that are non-conforming can come real quick and apply for permanent commercial status. I think that would open a whole new avenue because then it's just going to blow it out of proportion. Right now it's non-conforming commercial and you guys have control. Open it to commercial, before you know it, across the street there'll be a strip mall. Quick. Won't take but a second. There's investors that are already talking about it. They're just waiting for this to go through so then we have to tackle that other one. This is what I heard through the village. I just want to let you guys know that they're applying for commercial status. That would open it up to the rest of us for permanent commercial status. And that will open it up.

CHAIRMAN SULLIVAN: Okay. Thank you, Mr. Romero. Okay, that will close the public hearing. We've got to have some limit here. Did you already speak? All right. One more comment. This is it. This is the last one. You get one minutes.

LEE ROMERO: I just want to make a comment on Mr. Sommer a while

ago said that Agua Fria depended on the City 50-50, but that's not true. The only reason that Agua Fria is getting water from the City - it's not getting water from the City; we're getting water from the Chama Diversion project. We're paying the City for the distribution of that water. We are not buying the City water. Thank you.

CHAIRMAN SULLIVAN: All right. Thank you, sir. Okay. That will close the public hearing and the applicant is entitled to a summary.

MR. SOMMER: I will take one minute, and it goes to the retro-fit program and the water policy on this. The City's program for retrofits that triggers water right when you are over ten acre-feet. This project is way below that, and that's why there is a retro-fit requirement, not a water rights requirement. The second thing is is that the City does not have a policy and cannot unilaterally impose on the County a policy of allocating San Juan/Chama water by deliveries that it chooses to make in the county. I've heard talk by Councilor Chavez and others about trying to implement that kind of policy, but the County doesn't have under its wheeling agreement or under its agreements with the federal government the ability to allocate San Juan/Chama water from the County's allocation because it chooses to make extensions in the county.

CHAIRMAN SULLIVAN: Okay. Mr. Siebert.

MR. SIEBERT: To clarify one particular issue that was raised was public notice. Between the point that the case was tabled by the Agua Fria Development Review Committee and its final action, we actually went back and held a public meeting where we noticed everybody within 200 feet by mail and posted it in the newspaper. Only one person showed up to that meeting and that was Lee Romero. It was regarded as a tabling. The tabling was a result of us trying to work out the differences of affordable housing over the last two to three months. It's nothing that we ever engendered ourselves.

CHAIRMAN SULLIVAN: Okay. That closes the hearing and the applicant presentation. We're back to the Commission for discussion. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I represent this district and it's always a difficult thing to do because I recognize Mr. Tavelli, I recognize residents in the neighborhood and I've been a part of the planning process for this. But I also, being a resident of Santa Fe know how much this area has had a disempowerment when it came to development. How difficult it's been for this area to re-empower themselves when it comes to development and how hard this community has tried to be a part of that empowerment process by building their water association, by being a part of their long and arduous planning process.

What is missing for me tonight is the Agua Fria Water Association. I've heard from the County and the experience that they've heard. I've heard from our hydrologist. But I now that this water association has just completed an engineering study, a very comprehensive engineering study that will be able to give them more predictability in terms of what they are capable of supporting in their own community in a traditional, historic, village. I do not believe it's good policy to borrow resources from other jurisdictions. I think the policy creates more conflict than it does resolution. But I recognize also the

problem that that creates for people who are wanting to move forward with development of property such as Mr. Tavelli's that have been with his family for many, many generations.

I do think there's more communications that can occur on this. I think Mr. Tavelli needs to assure the community that the commercial component is going to be within certain limitations, and I think that that's where he might be headed. It sounds like that's what he is, based on the suggestions that are there. I think that assurance is an integral component of the success of this development in this community, because this community, frankly, has been dumped on too much by commercial development.

And I think with that in mind, and the fact that we need to support water associations. That's part of our County policy. We need to be able to create a support system for those water associations who are viable and are able to move forward in their own strength. That is part of the comprehensive, countywide policy that has been discussed through our strategic planning process and I think continues to need to be.

With that, and with the lack of knowledge I have from the water association, Mr. Chair, I'm going to recommend that we table this for one more hearing, and request that the Agua Fria Water Association be a part of this hearing process, that they give us their input with regard to what they're capability is of supporting this project. And not having that, Mr. Chair, I think we're doing an injustice to this community without getting all of those points clarified. I move to table to the next use land use committee meeting.

CHAIRMAN SULLIVAN: Motion to table. Is there a second? Hearing no second, motion dies. What's the pleasure of the Commission?

COMMISSIONER MONTOYA: Mr. Chair, this is master plan approval and I think there's the concerns that have been stated by the individuals who are concerned about this certainly can be met throughout the evolution of this process. I think it's clearly stated under condition 12 that once the Agua Fria community water system has the capacity to serve the development, the applicant shall, not may or possibly - that they shall disconnect from the City utility and connect to the Agua Fria community water system.

The AFDRC did recommend approval, so that means from June to August there had been some progress in terms of the discussions that had been made to that point and again, this is master plan and it still has to come back for further approval from this body. So I would recommend approval of staff's recommendation for master plan along with the conditions, 1 through 12.

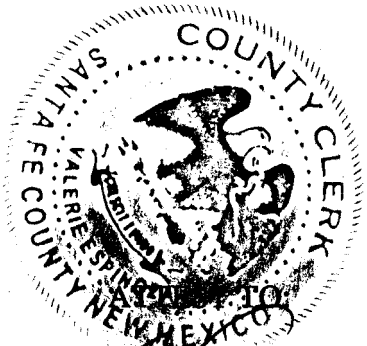
CHAIRMAN SULLIVAN: Is that a motion?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Second. Discussion? Those in favor say "aye".
Motion carries two and one not voting.

XV. ADJOURNMENT

Chairman Sullivan declared this meeting adjourned at 8:55 pm.



Approved by:

A handwritten signature in cursive script, appearing to read "Jack Sullivan".

Board of County Commissioners
Jack Sullivan, Chairman

A handwritten signature in cursive script, appearing to read "Valerie Espinoza".

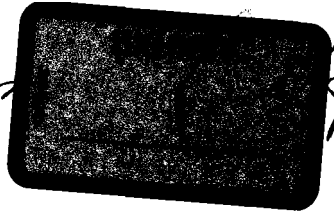
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Karen Farrell".

Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501

To whom it may concern



After discussing our request with individuals, we have decided to not ask for the variance in regard to our land in La Cienega.

We asked to withdraw from the agenda.

Pat Scott

SFC CLERK RECORDED 03/04/2008