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**SANTA FE  
BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**January 30, 2001**

**Paul Duran, Chairman  
Paul Campos  
Javier Gonzales  
Jack Sullivan  
Marcos Trujillo**

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**January 30, 2001**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:45 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll Call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Paul Duran, Chairman  
Commissioner Marcos Trujillo  
Commissioner Javier Gonzales  
Commissioner Paul Campos  
Commissioner Jack Sullivan

**Members Absent:**

None

**I. APPROVAL OF THE AGENDA**

- A. Amendments**
- B. Tabled or withdrawn items**

**CHAIRMAN DURAN:** Sam, do you have any amendments?

**SAMUEL MONTOYA (County Manager):** Mr. Chairman, members of the Board, good afternoon. Yes, we do have some amendments and some tablings for today, Mr. Chairman. The first amendment, Mr. Chairman, is a new item that I would like to place under X. F. 1, under Matters from the County Manager, and it would be an emergency declaration, Mr. Chairman. We have experienced some very serious snow issues in the southern part of the county relative to the recent snowstorms and the heavy wind blowing that has created major problems for access to the constituents. We're hoping to ask the state of New Mexico for some emergency assistance to clear the roads and to help with the general public safety issues in that respect. So, Mr. Chairman, I would like to add item X. F. 1 under the County Manager's

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section and renumber the balance of the section.

Mr. Chairman, also under amendments, there is one new amendment, Mr. Chairman, other than the one I just spoke about, which is under item X. I. 1. c, which is discussion of possible purchase, acquisition or disposal of real property or water rights, under Matters from the County Attorney. That is the second amendment.

Mr. Chairman, that completes the amendments for the agenda. We are also asking you to consider tabling the following items: item X. H. 2, which is a resolution creating the Santa Fe County Corrections Advisory Committee. Commissioner Gonzales has asked that this item be tabled to a later discussion. The second tabling, Mr. Chairman, is item X. I. 2, which is request for authorization to enter into a purchase agreement with Rancho Viejo de Santa Fe for the purchase of 50 acres which adjoins the current Santa Fe County Detention Facility property.

Mr. Chairman, we were unable to finish the negotiation on the actual language in the instrument and are asking that that particular item be tabled to a later meeting. I stand for any questions on those amendments, tablings.

CHAIRMAN DURAN: Any questions of Sam? Are there any amendments that the Commissioners would like to make to the agenda?

**Commissioner Trujillo moved to approve the agenda as amended. Commissioner Campos seconded and the motion passed by unanimous voice vote.**

## V. APPROVAL OF MINUTES

**December 28, 2000**

CHAIRMAN DURAN: Any changes?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Page 57. There are two sets of minutes in here. These are the minutes of January 9.

COMMISSIONER SULLIVAN: I withdraw my question.

**Commissioner Gonzales moved to approve the minutes of the December 28, 2000 meeting as submitted, and Commissioner Trujillo seconded. The motion passed by unanimous voice vote, with Commissioners Campos and Sullivan abstaining from the vote.**

**January 9, 2001**

CHAIRMAN DURAN: Any changes or corrections?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

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COMMISSIONER CAMPOS: Page 81, top of the page. It states the motion passed by majority [4-1] voice vote with Commissioner Sullivan voting nay. That's inaccurate. I voted nay. It should be corrected.

CHAIRMAN DURAN: Okay. Any other changes?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: On page 57 there's a figure in there talking about the number of square feet of space available for development in Eldorado, which was 300,000. It's listed in the minutes as 3, 300,000.

CHAIRMAN DURAN: That's a lot of square footage.

COMMISSIONER SULLIVAN: There's a lot of square footage. So the correct number is 300,000.

CHAIRMAN DURAN: Okay. We'll make that change. Any other changes?

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: On page 57, it says, "COMMISSIONER TRUJILLO," Mr. Chairman, then it starts with Chairman Duran explaining the clarification there. So it should be Commissioner Duran, and then Chairman Duran continuing with the insight into the situation regarding the Eldorado Subdivision.

CHAIRMAN DURAN: Okay. Any other changes? What's the pleasure of the Board?

**Commissioner Campos moved to approve the January 9, 2001 minutes as amended. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.**

## V. CONSENT CALENDAR

MR. MONTOYA: Mr. Chairman, members of the Board, I would respectfully ask that the Board of County Commissioners approve items A through I under the Consent Calendar. Mr. Chairman, I would ask the Board if they have any special concerns or questions on any of those particular items that they pull those out and we would discuss those further if there are those questions or comments.

CHAIRMAN DURAN: So why doesn't the Commission take a few minutes to look at the Consent Calendar and if there are some items they want to pull of the Consent Calendar for discussion, we'll do so. If not, I'll ask for blanket approval of the Consent Calendar.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question about Consent Calendar item VI. I, and all the subparts. These are the land use cases.

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STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Campos, that's correct. These are the cases that came before the Commission and were decided at the last meeting and in accordance with State statute we're bringing the written decision to you for confirmation and approval.

COMMISSIONER CAMPOS: If we voted against the decision at the prior meeting, do we vote nay again, I assume?

MR. KOPELMAN: Mr. Chairman, Commissioner, this is just saying this is what the Commission did.

COMMISSIONER CAMPOS: Okay, so we don't have to—

MR. KOPELMAN: Right. You don't have to reopen the matter again. It's really just reflecting at the last meeting.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Okay, are there any items that the Commissioners want to pull off the Consent Calendar?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Very brief questions on items C., E., and H.

CHAIRMAN DURAN: Go ahead.

COMMISSIONER SULLIVAN: Do you want me to do that now, or do you want to approve the rest of the Consent Calendar and then address those later?

CHAIRMAN DURAN: Okay, we'll pull those off. We'll pull those off the Consent Calendar then. S., D., and H.

COMMISSIONER SULLIVAN: Excuse me, it's E. as in echo and H.

CHAIRMAN DURAN: Okay. So I'll entertain a motion to approve the Consent Calendar as amended by Commissioner Sullivan.

## VI. CONSENT CALENDAR

- A. Resolution No. 2001-03. A resolution requesting an increase to the general fund (101)/Fire Administration Department to budget proceeds from the sale of vehicles for expenditure in fiscal year 2001
- B. Resolution No. 2001-04. A resolution requesting an increase to the Fire Protection Fund (209)/Hondo Fire District to budget insurance recovery revenue for expenditure in fiscal year 2001
- D. Resolution No. 2001-06. A resolution requesting an increase to the general fund (101)/DWI Program to budget the enforcing underage drinking laws grant received from the New Mexico Children, Youth and Families Department for expenditure in fiscal year 2001
- F. Resolution No. 2001-08. A resolution requesting an increase to the Jail Operations Fund (518) to budget an operating transfer from the general fund (101) for expenditure in fiscal year 2001

- G. Request authorization to enter into a construction agreement, IFB #21-32 RB-1, with Big Sky Builders for the construction of the Eldorado and La Cienega transfer station projects**
- I. Request adoption of findings of fact and conclusions of law for the following land use cases:**
  - 1. CDRC Case #Z 00-5800, Christ Unity Church**
  - 2. CDRC Case #V 00-5830, Leroy Montoya**
  - 3. CDRC Case #V 00-5850, Olivia Leal**
  - 4. CDRC Case #V 00-5880, Arnoldo Carrillo**
  - 5. CDRC Case #V 00-5790, Edwina Tafoya**
  - 6. CDRC Case #Z 00-5550, Therapeutic Riding**

Commissioner Campos moved to approve the remaining items on the Consent Calendar and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.

- VI. C. Resolution No. 2001-05. A resolution requesting an increase to the Fire Protection Fund (209) Eldorado Fire District to budget fire impact fees for expenditure in fiscal year 2001**

COMMISSIONER SULLIVAN: My question on C. has to deal with fire department impact funds that have come into the fire department in the amount of \$46,900 and are now being recommended for allocation to purchase self-contained breathing apparatus for the department. And my only question was, as these fire impact funds come in, are they not budgeted in an annual budget cycle and these items decided upon in the budget cycle, or is this an unusual item that you hadn't counted on and so you're planning now to purchase these items?

STAN HOLDEN (Fire Chief): Mr. Chairman, Commissioner Sullivan, that's an excellent question. The answer is no, impact fees are not budgeted until we actually spend the money on specific items. And the intention is to specifically bring each impact fee item before the Commission for approval before we expend the money. It's not budgeted prior.

COMMISSIONER SULLIVAN: That answers that question, Mr. Chairman.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: It just seemed like it would be appropriate. We know about what impact fees are each year to think ahead of time what these items would be for and what the equipment needs are but if this is a more efficient way or way we're more comfortable with, I guess we proceed that way.

CHAIRMAN DURAN: Well, do we know what the impact fees are at the time we prepare our budget?

MR. HOLDEN: Mr. Chairman, we do not know what the impact fees are because they change on a monthly basis.

CHAIRMAN DURAN: So we can't plan for that in the budget process.

MR. HOLDEN: We cannot plan for that. We could do a projected budget and we do project a budget on what we believe they're going to be, but at the time, we do not have the projects set up to take before the Commission for approval at the budget hearing. We do that through the course of the year. And the entire intent is to make sure the Commission is aware and approves of the way we're expending money, impact fees to begin with.

CHAIRMAN DURAN: Does that make sense?

**Commissioner Sullivan moved to approve item VI. C. and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.**

**VI. E. Resolution No. 2001-07. A resolution requesting an increase to the Indigent Fund (220) to budget prior year cash balance for expenditure in fiscal year 2001**

COMMISSIONER SULLIVAN: Mr. Chairman, item E, my question had to do with monies, these are monies budgeted or reallocated through the Indigent Fund and it mentions that it's a request to transfer from the Indigent Fund's prior year budget to its current year budget. And I was just unclear as to why we were doing that here in January, seven months into the new fiscal year.

STEVE SHEPHERD (Indigent Fund Director): Mr. Chairman, Commissioner Sullivan, the Indigent Fund moved in October and did not have a budget of rent, rent of a copier, furniture and it seemed like an appropriate time to do that after we found out what our costs were going to actually be.

COMMISSIONER SULLIVAN: I understand, Mr. Chairman and Steve that the Indigent Fund, the staff has physically moved over to St. Vincent Hospital. Is that correct?

MR. SHEPHERD: That's correct.

COMMISSIONER SULLIVAN: And this money is to provide rent and equipment and computers and the things you need to run that office.

MR. SHEPHERD: That's correct, Commissioner. Plus it also includes money for hospital payments and it includes some other administrative items that are fairly small.

COMMISSIONER SULLIVAN: So then my question is, why is this coming from the prior year budget? Was there reserves in the prior year budget that have been unused that you're now planning to use for this?

MR. SHEPHERD: Mr. Chairman, Commissioner, that is correct.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN DURAN: I'll entertain a motion to approve item E on the Consent Calendar.

**Commissioner Trujillo moved to approve item VI. E. and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.**

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**VI. H. Request authorization to enter into amendment number one to the severance tax agreement with the New Mexico State Highway and Transportation Department (NMSHTD) for road improvements to Agua Fria**

COMMISSIONER SULLIVAN: Mr. Chairman, my question, I was unclear here, this is a request for an amendment to the contract to extend the time and an additional \$150,000 for work on the Agua Fria sanitary sewer, drainage and road improvements project. And I was unclear in the documents whether this was just a request for an extension of time, or whether this was a change order for \$150,000, and if so, I didn't see in the documents what was the need for the change order. What does the \$150,000 cover?

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner Sullivan, it is just an extension of time. It's not a change order. It's to extend the time of the contract that did not get built in the last year, so we're extending it for one more year.

COMMISSIONER SULLIVAN: Okay, and the total cost of the work is \$150,000? What is the \$150,000 in this?

MR. LUJAN: That's just the severance tax that we got for this project. The project total is—I don't have it, the estimate. They're redoing the plans and they should be done this week and we'll know the total engineer estimate. But we have other funds for this project. This is Phase 2 of Agua Fria. This is just a portion of the funding.

COMMISSIONER SULLIVAN: So this is not out to bid yet?

MR. LUJAN: No sir.

COMMISSIONER SULLIVAN: So it's obviously not a change order. It's a request to extend the time of the project? Of the engineer?

MR. LUJAN: No, of the severance tax agreement expired in December of 2000, so we extended it for one year because the project did not get built last year.

COMMISSIONER SULLIVAN: I see. And we have the authority to extend severance tax?

MR. LUJAN: The State Highway Department, we went through them and we have the contract to extend the time.

COMMISSIONER SULLIVAN: I see.

**Commissioner Sullivan moved to approve VI. H. and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.**

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**VII. PRESENTATIONS AND AWARDS**

**A. Presentation of an award to Florian Martinez for the Employee of the Quarter**

CHAIRMAN DURAN: I'd like to ask the County Clerk to come forward and make the presentation.

REBECCA BUSTAMANTE (County Clerk): Mr. Chairman and members of the Commission, thank you very much and thank you, Chairman Duran for allowing me to make the award. To our two new Commissioners, every three months a County employee is selected as the Employee of the Quarter, and I'm deeply honored that this quarter it is one of my employees, Florian Martinez. I've known Florian Martinez now for some 25 years, 11 years as a public servant in the legislative council service. He was really a dedicated worker there. He was the one responsible for the bill locator when before we had the computers.

When I came, when I was elected to my first term as County Clerk I was just really happy when I came to the office to know that Florian Martinez was an employee of the County Clerk's office. His work ethic is just outstanding. He's the head voting machine technician for Santa Fe County. He is responsible for programming of all of our voting machines for all elections. He ensures that the election laws on ballot faces are followed and the ballot faces contain the correct information for any election. He is also responsible for properly training technicians in programming and troubleshooting. Any kind of problems that might occur. He's very diligent in making sure that we keep records and one of the things that have been really great about Florian is that we deliver all our own machines and those are like his babies and in the four years that I have been County Clerk, we've only had one problem when a machine has completely gone down and he's made sure that we've gotten insurance on it, etc. So it's really gratifying to know that you have an employee, and I have an employee such as Florian Martinez.

He takes his job seriously and can always be counted upon to do his work and other tasks as assigned. He's very dedicated and has given Santa Fe County twelve years of service. His total years of service as a public servant is now 23 years. With that, I am pleased to present Florian Martinez with a certificate of appreciation for being Employee of the Quarter and he will receive a day of administrative leave and thank you very much for doing that also. Florian, I'd like you to come up so you can be recognized.

Congratulations, Florian and thank you for a job well done.

FLORIAN MARTINEZ: Thank you, Becky.

COMMISSIONER TRUJILLO: Good job, Florian.

MR. MARTINEZ: I'd like to thank the Commissioners and also Becky Bustamante for everything she's done.

CHAIRMAN DURAN: Good job, Florian. I know you've worked real hard all the time you've been here at the County and we appreciate it. Does he get an award?

MS. BUSTAMANTE: Yes, the Employee of the Quarter Award, which is

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right here.

COMMISSIONER GONZALES: Thank you, Florian

**VII. B. Presentation by Rick Pruetz on preliminary options for the implementation of a transfer of development rights program for the Santa Fe Metro Area Highway Corridor and the La Cienega Community**

JACK KOLKMEYER (Planning Director): Mr. Chairman, Commissioners, good afternoon. We have about a ten-minute presentation for you this afternoon, the second of our public presentations to you that we agreed upon when we engaged Mr. Pruetz back in August of last year to begin to develop a transfer of development rights program for us. The presentation today will take off from the last presentation that he did for you in November of last year when we decided what would be the receiving and the sending sites for the transfer of development rights program. Since that time Mr. Pruetz has taken these sites and done additional work that he'll explain to you this afternoon. This work is a lot more detailed. There are a lot more numbers. We've gone from theory to some hard numbers that start to push us into the directions that we need to go in to finalize the transfer of development right options to be able to determine how this program might work for Santa Fe County and what steps you as a Commission will need to take to make this program work.

There are a number of difficult policy decisions that need to be made yet. There is a relationship with the City of Santa Fe that we need to forge. There are community planning issues that we need to consider, but we are extremely excited by being at a point that we can look and say, yes, this program does have the opportunity to work. When we started, we weren't even sure of that. But we're at that point now, and there's a lot of hard work that we have to do to be able to get to the next step. We had a workshop last night that was attended by 30, 40 people and was really a good session. We appreciated the turn-out from the public, the number of people that came to become educated on this project along with us. Of course we have our presentation to you today, and we have scheduled to do a presentation tomorrow at City Council to inform the City Councilors of the program that we're working on which at some point we'll need assistance from the City as well.

So that's what we're going to do today. Mr. Pruetz has about a ten-minute presentation to make to you and then we'll be able to entertain any questions that you have today. After he is finished today and tomorrow, I will come back to you with a schedule for what our work items will be for the next three months. We would like to be able to be in a position where we have at least a draft ordinance of what we would like to accomplish during the next three months. So with that, I'd like to turn it over to Rick—don't call me Pruetz. They call you everything but Pruetz. It is Pruetz. It's one of those odd names, but it's Rick Pruetz and he's done a terrific job with us and we're really happy to have him back this afternoon. Thank you.

RICK PRUETZ: Thank you, Jack. Mr. Chairman, members of the Board thank you for having me back here to show you some of the components that I propose to put

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into a draft ordinance and some draft General Plan amendments that I'll bring back in another one to two months for another public workshop and maybe another presentation to the Board. The opportunity here, the hope on my part is that the Board members will take a look at what it is, the direction that we're going in here, and then even more specifically to see if you're still in concurrence with the prioritization of particularly the receiving sites. So this is a truncated slide show from what we did last night and I'm going to jump right into it rather than—jump right into the two areas.

You'll recall we have sending and receiving areas in a TDR program. The sending areas are the areas that you want to save. The receiving areas are the areas that you want to grow. And the sending areas, as you recall, are areas where property owners are given a choice. They can chose to continue to use their properties and build on their properties using the underlying zoning, or they can chose to sell a commodity called a TDR, which is allocated to these sending sites based on an ordinance. And so what I'm going to go through now is the six potential sending sites or areas and just give you a sense of what some of the components are and what some of the issues are at this point.

You recall that the goal of the Highway Corridor Plan, which one of the two plans that we're going to be talking about today, is to concentrate commercial development in two nodes, and to leave the remainder of the corridor as residential development for a lot of reasons but primarily to preserve some of the scenic resources that are within the corridor. And we're talking about two different setbacks in that area. The light green setback on either side of these highway corridors is called the desired setback, and as you recall, on the desired setback, development is allowed but it's discouraged and the goal of a TDR program would be to encourage property owners to voluntarily sell their TDRs and as a result, permanently deed-restrict those properties in return for the compensation from the sale of those TDRs.

Based on some work done by a land value advisor to this project, I am projecting that in this particular program TDRs will sell for about \$4,000 per TDR. So that then gets compared to the value of the land in these corridors and as you can see, I'm proposing that in the north and east corridors, meaning north of Airport Road and east of the Gateway District, that TDRs be allocated at the rate of five per acre and four per acre south of Airport Road and west of the interchange of 599 and I-25.

The dark green area of course is the required setback and this is an area that actually the Highway Corridor Plan does not address. It's shown here as an option open for consideration.

And what I'm proposing at this point is that property owners in the required setback be allowed to sell their development rights but only if development is precluded entirely on their parcels. Not making it available, if for example a parcel extends both within the required setback and within the desired setback, meaning that there is development potential available. This is strictly a practical suggestion on my part given the fact that if TDRs were allowed to be sold in the entire required setback there would be quite a supply of TDRs.

And then finally, you have the area that's shown here in yellow, which is still within the corridor but it's beyond that desired setback. I call it the corridor fringe. This is again another area that the Highway Corridor Plan does not address but what I propose, subject to comments

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from the Board and from staff is that if some property owners who have property in this corridor fringe can justify that their property is significant in terms of environmental or scenic resources, that they too be allowed to sell TDRs, but not on a common basis.

And then the fourth category within the Highway Corridor District are areas like the one there shown in red which have commercial zoning that's either approved or is pending, but the property is not yet developed. And here, the commercial value of property means you have to allocate more TDRs, if what you're trying to do is encourage those property owners to relinquish that commercial zoning based on a site-specific evaluation of one property where we know the property owner is interested in selling the property, I've suggested that those be sold at the rate of 17 TDRs per acre. That's if someone wants to completely convert the site to open space, or deed it over to the County.

There may be other property owners out there who wouldn't mind relinquishing commercial zoning but are still interested in developing residential, and there you see the difference between the 17 and the 12 TDRs per acre is meant to suggest the difference between commercial zoning and residential zoning.

The other two sending areas, proposed sending areas are within La Cienega. I looked at areas that might be appropriate for designating as sending areas, and based on the work done by the university, came to the conclusion that most of the areas that the citizens of La Cienega are interested in saving are associated with water and trees, and that most of those resources are within the traditional community zone. So what I'm suggesting at this point is that the sending area be the 870 acres within the traditional community zone. The land values here are highly sensitive to whether or not they are adjacent to streams or acequias, or whether they are so called dry properties. And also very sensitive to the size of the property, so what I'm suggesting here is a sliding scale of how many TDRs get allocated to these properties.

There's also the issue of water rights and what I'm proposing at this point is that water rights not be required to be attached to a property where they exist, just in conjunction with the sale of a TDR, but rather that the owners of land, if they are in fact deed-restricting their property for open space and have water rights, that they be allowed to sell TDRs equal to the value of half their water rights. This is in recognition of the fact that the desired here, in this district as I understand it is to maintain agricultural use where it's still viable, and also recognizing the fact that people who retain their water rights will have the benefit of those water rights.

Now there's another area, basically the Santa Fe Canyon, which is a seven-mile stretch which the Bureau of Land Management has designated as an area of critical environmental concern. There are about 1400 acres of privately owned land that BLM is trying to acquire from willing sellers. What I'm suggesting here is that if the County enters into a TDR program, that there be partnership with BLM and that for those property owners who are interested not in selling their land outright, but simply selling their development rights and continuing to use the property, own the property for agricultural use or any use, that they be allowed to sell their TDRs under the County' TDR program.

Switching to the receiving areas. I'd like to go through these. There are six areas here.

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You'll recognize those first five were the ones that were prioritized the last time I was here. The sixth site is what I call a site-specific receiving area. It's an area that's been proposed by a developer. And as we come to that one I can get into that one in more detail. You have urban growth area number one, basically north of I-25 and east of Cerrillos Road. This is an area that's been extensively planned, but of course not yet rezoned by the City. And there, what I'm suggesting is that there be a TDR threshold. In other words, developers be able to develop up to a maximum of four units per acre without buying TDRs. However, above that threshold, one TDR would be required to be purchased for every additional unit of density.

I'm proposing that the same thing be done for urban growth area number 2, which is basically between 599 and Cerrillos Road on the north side of I-25. Again, once you're above that threshold, one TDR required for every additional unit.

This is the Redevelopment District. This is looking from 599 west, an area that in the Highway Corridor Plan is planned for business and light industrial uses including some preservation of the significant open space, particularly the Santa Fe River. And in this area, this is not a residential area. It's a completely commercial area and here, what I'm proposing is that TDRs be used, basically to allow the rezoning to commercial uses and that that be done at the rate of nine TDRs for every acre rezoned to commercial.

The area right next door, which is the Airport Development District, a very large area, hard to see on this particular slide however, allows both residential and commercial uses, and there I'm suggesting that the TDR threshold for residential be one unit for 2.5 acres and that every residence in excess of that threshold be required to buy a TDR. And also, in those commercial areas that nine TDRs be required when commercial zoning is being proposed.

CHAIRMAN DURAN: In that particular area, isn't the minimum size lot already 2.5 acres?

MR. PRUETZ: Yes it is.

CHAIRMAN DURAN: And you're suggesting that it remain the same?

MR. PRUETZ: That that be the threshold. Yes. Now that's something that's open to discussion but the threshold would essentially be the zoning that's allowed currently by County zoning.

CHAIRMAN DURAN: So that area, any development that occurs in that area would have to meet—the minimum size lot would be 2.5 acres?

MR. PRUETZ: No, it's that anything above that density would require one TDR for each additional unit of density. So if you were going from one unit for 2.5 acres to one unit per acre, 2.5 TDRs would be required.

CHAIRMAN DURAN: How would this apply to someone who maybe created a 10,000 square foot lot in that area, or who had an acre that wanted to create four roughly 10,000 square foot lots?

MR. PRUETZ: It wouldn't affect them. You can go down to the minimum lot size of 2.5 acres without buying any TDRs. It's above that threshold that you'd be required to buy TDRs.

CHAIRMAN DURAN: Okay.

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MR. PRUETZ: This is the Community College District, south of I-25. In this area, I'm proposing that those lavender colored areas, which are the employment centers, be the receiving areas. These are areas that allow both residential and commercial uses. Essentially, again, the threshold we set at four units to the acre. Every residence above that be required to buy a TDR and for rezoning to employment centers require eight TDRs per acre and rezoning to retail require 20 TDRs per acre.

Now I mentioned before that a property came in proposed by a developer. This is a 96-acre property, which maybe I'll point out here by hand, that straddles both the required, the desired and the fringe area of the Highway Corridor Plan. And one of the ways that this could work in this area is as follows: that the threshold be set—first of all, the developer is only asking for a residential in this particular scenario. That the threshold be set at 2.5—that one unit per 2.5 acres, that every unit in excess of that require a TDR. However, because some of this property is in the desired setback, this particular property owner would be able to satisfy some of that on-site TDR demand on site. In other words, by transferring units or TDRs from the desired setback to behind the desired setback.

So, I've gone through a lot of material here very rapidly. I appreciate the fact that you put up with this. You notice we have a pretty good balance. Demand means simply that when you allocate, when you look at all of the TDRs that these receiving areas might be able to absorb, it ranges anywhere from 21 to 42,000. The supply is about 17,000. So on the one hand, that's a good balance, on the other, that's a lot of TDRs to be transferred. So this is a very ambitious program and I guess the watchword would be that if adopted, it would not be fully implemented for decades, maybe 25 to 50 years.

There are ways to shorten that timeline but some of them include reducing the number of sending areas, reducing the TDR allocations on the sending areas, or continuing to look for some of these additional receiving areas, which I think is the most feasible option. There are other areas out there as we know, since some developers came in with another proposal for a potential other receiving area, which would be the one I just mentioned, which is south of the intersection of 599 and I-25. If so, there could be a planning process that went on in that area to allow that to become a receiving area as well.

So that concludes my presentation and I will entertain any questions or comments that you might have.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Does TDR supply and demand represent the whole county, or is that segregated to a given area?

MR. PRUETZ: This is strictly within the larger, the greater Santa Fe area. This is not the whole county yet.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Rick, thank you for being here. In a review of the sending area, last night it was brought to my attention that there could be another sending

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area that might make sense for this program and that's the Mountain Review District. I guess I'd ask Jack, I had never thought about that, but does it make sense to take a look at the Mountain District and see if we could start working with some of the property owners up there to create sending areas into some of the areas that we may designate as receiving areas to preserve the east side mountains?

MR. KOLKMEYER: Mr. Chairman, Commissioner Gonzales, I guess the answer to that would be we could. We could ultimately look at an sending area that we would want to and I think that that may get to what you were asking there too, Commissioner Trujillo, because we know that there are other places in the county, other traditional communities and other sensitive areas. We still have to make it work for the portions that we started off with, that is the highway corridor and La Cienega. So I would suggest, I think, that we continue to work in the manner that we are right now to make sure that we can make it work for those areas and then I would assume that, and Mr. Pruetz can address this too, that we could add that, particularly as we see what the balance sheet is. How many TDRs that we end up with and how many we can absorb. And as we understand that better, it would probably be at that time that we could start thinking about some additions at that point.

COMMISSIONER GONZALES: One brief question to Mr. Pruetz, and I know he brought this up last night and I know he brought this up last night but for the Commissioners that weren't there, the issue of the number of communities that are participating in this program, the fact that it has been successful. I know that the program has been endorsed by groups like the Sierra Club and other environmental groups as being a good growth management tool. Is that correct?

MR. PRUETZ: It is, Mr. Chairman, Board members. The TDR concept has been around for 32 years now. I know of approximately 140 communities that use it. Some of the programs that use it have been tremendously successful. Montgomery County out east, Boulder County, Colorado uses it, so there are lots of programs and models to look at when we're putting this program together.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: Any other questions of Rick?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have two questions. One is that in the highway corridor zone, the concept as I understand it was to eliminate commercial as far as possible within that highway corridor zone, that residential within that area is still permissible. Correct me if I'm wrong, Commissioner Gonzales. But what you're proposing here is the ability to transfer development rights that are not only potential commercial rights if the property had been zoned commercial, but also residential development rights. Is that what you're recommending?

MR. PRUETZ: That's right. In addition to only allowing residential in the scenic corridor portions of the Highway Corridor Plan, there's those provisions for both the required and the desired setback, and the plan says that the County should investigate the use of

TDR to try to encourage those property owners not to develop in the desired setback, basically for the scenic value. Those were areas that the Highway Corridor Planning Committee identified as being particularly critical for scenic resources.

COMMISSIONER SULLIVAN: So residential property, a property that's not zoned or in the pipeline for commercial, outside either the desired or the required setbacks, it wouldn't be eligible for TDRs?

MR. PRUETZ: Well, that is an idea that I put on the table, and that is that area that I called the corridor fringe, that if there are areas in there where the property owner wants to sell TDRs and can demonstrate that they're significant from an environmental or a scenic standpoint, that they would be allowed to sell those TDRs under those circumstances as well. That would be a case by case discretionary decision on the part of I assume the Board. But not to simply grant TDRs sales in the corridor fringe to anyone who wants to sell because again, from a practical standpoint, it's a huge area and were you to try to accommodate all those TDRs. That would be a huge volume to try to deal with.

COMMISSIONER SULLIVAN: Thank you. My second question was regarding, we've talked about the sending areas but I have some concerns about the receiving areas. Two of the receiving characters, one is the Community College District south of I-25, which is 17,000 acres in size, and the other one is immediately north of the Community College District, again on Richards Avenue north of I-25. So two of the major areas allocated are right in the vicinity of Richards Avenue which has already got transportation problems and capacity problems and other planning problems right now.

The question that I have is, and I see the advantage from the sending area, whether it be the Highway Corridor District or La Cienega, it's a win-win situation. You can retain the commercial value, the potential commercial value of your property by selling the rights to it and yet maintain the open space that that then creates. So you have the best of both worlds. You retain your open space and your amenities and your water and so forth, yet you've received a value for that that's commensurate with a commercial value.

On the other side of the coin of course is the receiving area. What do they get out of the deal? And I'm a little unclear that there's any benefit to the receiving areas. One thing, and I did of course attend the meeting last night and I appreciate that very thorough presentation, the one thing that was unclear to me, for example, in the Community College District where they've just completed a very comprehensive plan that's very densely configured in many areas, including the so-called employment centers, which are just commercial centers, in those areas we now have a zoning limit and it's generally defined by floor-to-area ratios, FARs. Is your—and that creates some very dense development within these employment centers and within these community centers. Is your suggestion that these transfer of development rights be on top of that already approved level of density as defined by the floor-to-area ratios? Or that it be some component that the developer and the property owner has to purchase to get up to that point?

MR. PRUETZ: Yes, Commissioner Sullivan, members of the Board, no, I'm not suggesting any increases in density or intensity as shown in the Community College District



Plan. What I'm suggesting is that you set a threshold within that plan that says anything over four dwelling units to the acre now requires the purchase of TDRs. So it doesn't affect the density; it affects where you start paying for preservation in your sending areas.

COMMISSIONER SULLIVAN: But you do say, I think the number was 20, if you had 20 TDRs, you could become an employment center. I think that number was 20.

MR. PRUETZ: For the retail, yes.

COMMISSIONER SULLIVAN: Retail. We call it employment centers, Retail, commercial. Would that be within an existing employment center as defined in the plan, or a new employment center?

MR. PRUETZ: No. Commissioner Sullivan, members of the Board, that would be within the existing employment centers. So we're not changing the configuration of the plan or the densities. Simply saying, subject obviously to Board agreement and approval, that at a certain threshold, above that threshold the developers would have to start paying for the additional density above four dwelling units to the acre.

So they're not new areas. They're the same areas that are shown in the plan, the same density as shown in the plan, the only new component is a TDR threshold and the requirement that above that threshold TDRs must be purchased.

COMMISSIONER SULLIVAN: So if a developer or a landowner has a commercial, or an employment center commercial piece of property that's designated employment center, which could include residential, in order for them to develop that as an employment center, they need to purchase 20 TDRs. Is that your suggestion?

MR. PRUETZ: Under one of the scenarios, yes. You may recall the slide. There was a slightly higher ratio for retail versus the employment center use, but for the highest one, yes. The retail uses within the employment centers, they would have to buy 20 TDRs per acre to get that retail zoning.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Rick, I have a question, and maybe Jack. I thought that we were working on this TDR program on the basis that the receiving centers would be properties that had not already been zoned, so that we could take advantage of the enhancement of the property. Isn't that what we had originally talked about? That kind of goes with Commissioner Sullivan's concern that—

MR. KOLKMEYER: Yes, again, Commissioner Duran, you prioritized these receiving sites for us. The first two, the ones that we want to focus on are the growth area number one and growth area number two.

CHAIRMAN DURAN: Which don't have zoning.

MR. KOLKMEYER: Which do not have zoning, that's correct. So the Community College District is like fourth on the list. So we have to look at these. It's a potential and it's a possibility and we hadn't even thought about it in terms of the employment center strategy until Mr. Pruetz brought that forward. But the ones that we're going to focus on are going to be growth area one and two, south of Tierra Contenta and south of Villa Linda Mall, the redevelopment district and the Airport Development District. None of those are

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zoned.

CHAIRMAN DURAN: Right.

MR. KOLKMEYER: Well, they're zoned according to the County Code which is agriculture/residential. So the answer to your question is that's correct.

CHAIRMAN DURAN: But the projected enhancement of the zoning has not taken place and we hope to be able to take advantage of the increased densities which will occur when we zone these properties through our TDR program.

MR. KOLKMEYER: That's correct. And don't forget though, in urban growth area one and two, those appear on the City's future land use map with specific zoning recommendations, but they're in the EZ. They are not yet in the city, so that provides us with the opportunity to get at this threshold level concept and to arrive at some densities that we feel are appropriate to make this program work. I think also in response to the question that Commissioner Sullivan asked, what does the receiving area get? Well, when you look at the four areas that we've designated, that's where we, the City and the County have all said that's where we want growth. That's where we want it to occur.

So we're in fact enhancing that by allowing a certain threshold of development to occur under existing zoning and then to provide additional to get up to the points that like the City is saying, eight DU's per acre through TDRs. So we're really enhancing the receiving situation in that regard. So they win too by getting the ability to do more development or at least up to those levels that have been indicated as we go through the planning of those areas.

CHAIRMAN DURAN: So relative to the Community College District, the commercial centers, the employment centers that have already been approved, are not going—you're not suggesting they will be further enhanced, or their zoning will be further enhanced by this program. They are what they are as they've been approved and we're not going to increase or intensify the commercial use through this TDR program.

MR. KOLKMEYER: No, sir. That's correct. The plan stays as it is. As Mr. Pruetz is pointing out, there's a threshold level below the top that you can get to. You can make up that difference through the use of TDRs but we are not recommending more dense development in those areas through the TDR program. That's correct.

CHAIRMAN DURAN: Okay. Any other questions?

COMMISSIONER GONZALES: Just a final one before you close up. I know that there were a lot of real estate and tax questions. Just some direction as we proceed forward with this. It may be beneficial that we contract with a real estate attorney or Steve, you handle in your office, that we address all the legal side of things because I know as we go forward through the public hearings, as we saw last night, there's a lot of questions concerning the actual logistics of tax effects and capital gains and everything else like that. So it may be helpful that we have that prepared to start putting out as well.

MR. PRUETZ: Commissioner Gonzales, members of the Board, yes. I will be working closely with County staff on that.

COMMISSIONER GONZALES: Great. Thank you.

CHAIRMAN DURAN: This seems to be taking on a four-year college degree

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program here.

**VII. C. Presentation of water supply options by TAP Water of Santa Fe**

AMELIA ROMERO HOLLIS: Buenas tardes and good afternoon. Mr. Chairman, Paul Duran, Commissioner, and Santa Fe County Commissioners. I am Amelia Romero Hollis and I am representing Voices of Santa Fe, a community action group that has organized to assess City and County policy and issues. And the issue today is the water issue. TAP Water of Santa Fe and the Water Coalition and Voices of Santa Fe have been collaborating on this issue. This afternoon, Tom Mills of TAP Water for Santa Fe and Karen Schmidt will present our presentation. Thank you so much for listening.

KAREN SCHMIDT: Mr. Chairman, members of the Commission, my name is Karen Schmidt and I'm here to represent the Santa Fe Water Coalition. I'd like to thank you for this time to present to you. I'm going to be brief. As many of you know, the Santa Fe Water Coalition is a group of individuals, most of whom are associated with the green industry, and we have gathered together to try and put our efforts towards reducing the water demand in Santa Fe.

I'd like to refer you to the handout and I apologize for the quality of that. If there's anything you can't read, please let me know. The handout outlines our basic plan at the moment, as it stands for water demand reduction in Santa Fe. Due to the time constraints I'm just going to briefly mention some of the highlights. Our plan includes a plumbing retrofit program that we would like to be fairly aggressive. I think that would be the most effective. Landscape efficiency, which we have a lot of information and resources to implement. Infrastructure repairs within the city. Water collection and reuse. Replacing the current water ordinance. Education and a consumer water budget.

This is the plan as it stands now. We have commissioned a new plan, a more extensive plan with CTSI, which is a nationally respected conservation consultancy firm. We hope to have the results of that plan within the next couple of weeks, at which point we'll disseminate it through the community. The other evening at the RPA meeting, Commissioner Gonzales requested that the Water Coalition not only focus our efforts on the city of Santa Fe but also on the county. And while we have had some discussion and focus on the county, we have done most of our research within the city. So we would like to assure the Commission that we will continue to look at the county as well as the city because we understand that there are a lot of things that could work both in the city and the county but there are differences.

I would like to let the Commission know that on February 5 there will be a forum. This will be presented by Voices of Santa Fe, TAP Water and the Santa Fe Water Coalition. I believe the State Engineer is also going to speak there. The forum will be at St. Michael's High School at 5:30 pm at the Tipton Gym. A large amount of information on the water issue will be presented and discussed at that time, and we encourage anyone who's concerned with water in Santa Fe, and I don't know who wouldn't be, to attend that forum.

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CHAIRMAN DURAN: What date is that?

MS. SCHMIDT: February 5, Monday, at 5:30. Thank you very much. If you have any questions, please let me know.

CHAIRMAN DURAN: Thank you. Tom.

TOM MILLS: Mr. Chairman, members of the Commission, my name is Tom Mills, I'm the executive director of TAP Water Santa Fe. Thank you for the opportunity to make a very brief presentation here this afternoon. TAP Water Santa Fe is a coalition of individuals in Santa Fe, members of neighborhood associations and representatives of many of the major business sectors that comprise this community.

As I go around the community asking people what they think about the water issue, a lot of people think that we're out of water. A lot of people also think that if we have a wet winter as we appear to be having now that that will solve our problems in water supply. The fact of the matter is we're not out of water, we're out of time to deal with the problem, and a wet winter will not solve this problem.

We are advocating that the City government because it owns the water system act now to immediately increase the supply of water available to our community from the existing water system. Why is this important? Well the stakes are enormous. Our economy depends on a certain level of vitality to grow, and if the word gets out that we have a drought here and there's no water to support basic residents who live here now and basic economic activities, that economy, I believe, will shut down.

What will that do to our quality of life? Well, if you believe in affordable housing, affordable housing needs to be subsidized through development and through the tax base. Affordable housing will be seriously affected if our economy slows down because of the drought. The tourism economy, the same thing. I've even heard Senator Roman Maes speculate that if the water situation gets too bad here there will be pressures that our delegation will face from others to relocate state office facilities to places that don't have the water issues that we might run into if we don't deal with our supply needs.

And of course we all want to have opportunities for our families to stay here and have career path jobs and good jobs here. That depends directly on providing a sustainable supply of water to our community. What we've done is we've put together a report. It has four solutions for the short range problems. It's affordable. Those solutions are: negotiate a deal with Las Campanas. Take drinking water they're using on the golf course and apply it to the use of the community. Get a permanent permit for the northwest well that is a big producer under the current system. The State Engineer's Office needs to approve that permit. The City's going ahead to do it. We applaud that. Build two new wells away from the Buckman well system so that you don't impair the production there. Put in along the existing pipeline so you don't need to build a whole lot of new pipeline and you can increase the supply of water significantly. And finally, go to the Rio Grande at Buckman and construct an infiltration gallery. Couple that with a package treatment plant and use the existing San Juan Chama water rights so you don't risk losing them and you can fill the Buckman pipeline and use it to capacity.

If all of these things were done, they would cost about \$11,300,000 minus the \$2

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million the City has already spent on the northwest well. So you'd have about \$9.2 million for options that would give us a 15-year supply of water in this community that we would add 6,735 acre-feet per year to the existing capacity if these options are implemented. That's a 15-year supply given projected growth demands.

In 1997 the Boyle report, which was commissioned by the City and County projected that we would be in a short-fall situation in 2001. Knowing what we know about historical growth rates. Well, the fact of the matter is we had a short fall last year because of a mild drought. It's just going to get worse unless we increase the supply. We're all in this together and the stakes are too important not to do anything. We believe strongly that Santa Fe County has to be part of the solution. It has to be at the table with the City. It has vital interests at stake and needs to be a major player. It is a major player and the City and the County need to work together. I'm sure I'm not telling you anything you don't already fully appreciate.

I'd like to close by noting that according to the City's own data, we're not entering a period of wet winters, we're entering a period of drier weather, looking at historical tree ring analysis. It underscores the urgency of acting now to increase the water supply for this community. What I read in the paper that one solution is to continue to go to our reservoirs because the water's cheap there, it reminds me of the phrase, if you keep doing something over and over and over again and expect different results, that's the definition of insanity. We need to increase the supply by doing things that are not just business as usual. What we hope to do is to educate the community about these water issues and to build support for our elected officials to take the actions and make these difficult decisions that need to be made at this time.

Again, I want to thank you for the opportunity to make this presentation. Please come to the forum on the 5<sup>th</sup> if you can. We will go into more detail about our recommendations. Tom Turney is the featured key-note speaker. The topic is leadership in water issues in Santa Fe. It's an issue that affects us all. We can all learn more about it. I'll be happy to answer any questions that the Commission has.

**CHAIRMAN DURAN:** Thank you, Tom. I just have a couple comments. Based on the presentation that was made to the Regional Planning Authority by Voices of Santa Fe and the Santa Fe Water Coalition and TAP Water, I asked our legal department to prepare a resolution that basically supports your organization's efforts and I'll be bringing it up at the next County Commission meeting for the Board to review and hopefully adopt in support of your efforts. I think it is a community based effort here that the City and the County need to get together on and work together on finding a new sustainable water source.

**MR. MILLS:** Thank you very much, Mr. Chairman.

**COMMISSIONER GONZALES:** I agree and concur with Commissioner Chairman Duran. Thank you for your efforts in really trying to energize the City into going forward and showing some leadership and creating some long-term sustainability for our water supply. I guess I'm curious though as to what response the City has given you in supporting the long-range vision that your organization has presented to them. For me, I haven't heard from Councilors yet whether they're committed to renegotiating the deal with Las Campanas.

I know that they're looking to the State Engineer to provide some help in trying to map

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a way to the river, but unfortunately there hasn't been the dialogue that we've wanted to have with the City yet to know really is there a path that they've chosen. Do you see them coming around to supporting what your organization is calling for, or is there still more work that needs to be done to convince the City that a pro-active plan needs to be put into place sooner rather than later.

MR. MILLS: Mr. Chairman, Commissioner Gonzales, you certainly know how to ask the tough questions. I want to be entirely fair to the City. We have not presented to the full City Council but we have presented to committees of the City Council. We have met with City staff. I don't think there is any argument that what we're proposing, which is based on 20 years of reports and studies is technically feasible and that the concepts in it are accurate.

I think there is a growing sense at the City that they need to address the supply issues on other than the long-range basis. And what we will be doing next as part of our advocacy effort is to ask the Mayor to schedule a study session or a presentation before the full City Council at the earliest opportunity. We will also be making sure that every Councilor has access to us so that they can understand and have any questions that they have about our recommendations fully answered. So I think we're at the beginning of an opportunity here to get an action agenda committed to. And I appreciate the support that the County may be able to offer in that area.

COMMISSIONER GONZALES: And thank you for again, for reaching out to the Council. I guess my question again is from what you know of the City efforts to begin this planning effort, where does it stand? Because again, we've not, I've not had that dialogue. I'm not sure if the chairman's had that dialogue with the City but I know that you've been watching the City very closely. You've had lots of discussions. Where is the City in terms of right now at this point, we've seen some of the reports in the paper, but where are they at this point in terms of being committed to addressing the long-term situation for water?

MR. MILLS: The City has taken actions and passed resolutions committing itself to renegotiate a San Juan Chama water rights and to accelerate the studies of the long-terms solutions. To my knowledge, the City has not made any commitments financially to increase the supply in the short run, which we believe is necessary, but we will be giving them every opportunity to understand the issues as we see them and to do the right thing. And part of that, I think is letting them know as elected officials that there is support in the community for dealing with this issue.

COMMISSIONER GONZALES: Has your organization done any studies or is there any concern that with the recent news that the City may be in default of their water bonds that they may have a difficult time going back out to the bond markets to borrow money to pay for some of the infrastructure that's going to be needed to get to the river?

MR. MILLS: We have spoken with attorneys who are bond counsel and my understanding is that there is not a formal default at this point. The underwriters have expressed concern to the City that as a technical matter, the enterprise fund is not paying the bonds off as was contemplated when the bonds were issued. So therefore there's a technical

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default. You're right in that the risk is that the cost of money to the City and therefore to the taxpayers may be higher in the future if the bond rate is downgraded.

I think that's fully appreciated by the City Finance Director and by members of the City Council. I think it's part of the larger problem of how you put the water system in a solvent, well managed position and in that connection, Mr. Chairman, Commissioner Gonzales, we are recommending that the City seriously consider design-build-operate permit approaches to these infrastructure issues and we'll also be recommending that the City consider entering into a management agreement with a third party qualified to put the water company back on its feet over time.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: I think that's a good idea, and I think that the County would be interested in working with this individual in this effort. And kind of have it separate, because they now have lost their two key water individuals at the City and this might be a good time for us to work together with them to hire one person to work on the water, the direct diversion issue and then they would hire someone else to deal with the internal problems they have with the water company. But I think this is a good time to approach them and try to unify our effort.

MR. MILLS: I agree. Thank you very much.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Tom, thank you too. Just let me add my thanks for the efforts of your committee and the expense I know is involved in putting in the time and putting this together. I attended the presentation a week ago Sunday at the Santuario de Guadalupe and I thought it was a very thorough presentation and I want to commend to everyone the interesting ideas brought forward in terms of water conservation at that meeting as well.

There wasn't time obviously today to go through those ideas. I'd like to see the County water company, Doug and others in the water company work with you all to see how some of those ideas can be incorporated into new subdivision approvals. Some of them have to do specifically with the billing mechanisms of the City water company and are perhaps a little too complex at this point in time for the County, but others have to do with good common sense water conservation issues. I'm focussing on that just because it hasn't been mentioned. We immediately get into the diversion issues, which are of course important, but I think there's a lot of effort there and a lot to be gained from giving some consideration to these conservation measures that were very well thought out and presented at that meeting. So I'd just like to pass that along again and offer my thanks, our thanks for your efforts in contributing to the dialogue.

MR. MILLS: Mr. Chairman, Commissioner Sullivan, thank you very much for those remarks. It is important to understand that our groups are in fact working collaboratively. Conservation and increase in supply have to go hand in hand. We need a conservation ethos here. The plan is a unified plan. We hope that both will be adopted and we're calling both

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presentations the Santa Fe Conservation and Water Needs Initiative and that's what we would like support for. Thank you very much.

CHAIRMAN DURAN: Sam, maybe you could set something up with the City Manager and express our desire to work with them on this issue.

### VIII. ADMINISTRATIVE ITEMS

- A. Committee expirations/resignations/vacancies
- B. Committee appointments:
  - 1. County Development Review Committee

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Before any nominations, I know Commissioner Trujillo would like to make a nomination, I believe we have kind of a CDRC that does not regionally, is not well or diversely representing the entire county. We have for example, District Number 5 has three commissioners. District 4, which is mine, has no one on it. District 3 has one and your district has two. The northern district of Marcos Trujillo has none. It seems that we only have one position but the ordinance does require the diversity of representation from different parts of the county and I think that's something that we should look at, and I certainly would like to listen to some suggestions from the Commission as to a way of maybe having at least one Commissioner from every district and perhaps two at large. Certainly we have to have one from the city.

And I assume that the residents of the County of Santa Fe, they include people within the city also, or outside of the city? Mr. Kopelman?

MR. KOPELMAN: Mr. Chairman, Commissioner, the residents of the city are included although of course the jurisdiction of the city property is not with Santa Fe County of course. But it is part of a district.

COMMISSIONER CAMPOS: So if any Commissioners have any ideas because certainly I'd like to appoint someone. I know Commissioner Trujillo has someone in mind, and some of the other districts have three, two commissioners on the CDRC and I think we need a little more balance there.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I agree with Commissioner Campos and maybe we can go and direct the staff, Commissioner Campos, to come up with some new rules of appointment to the CDRC that would at least require representation from each Commission district and possibly to your suggestion, a couple of at large appointments. It seems that as these appointments come up we'll have to work through them as opposed to—we can do a couple of things. We can work through them as the appointments come up, or we could just, I'm assuming, end the terms of all the individuals there and bring them back for consideration.

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I'd prefer to go the first route as opposed to try and end some of these individuals.

But I don't know, Commissioner Campos, that might accomplish some of the things where you want to go and I think you're absolutely right. We need to have not only a diverse representation but assure that there's geographic representation on the CDRC so that we've got all views of county residents represented on that committee.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan. Steve.

MR. KOPELMAN: Mr. Chairman, members of the Commission, my served me well. The ordinance provides a minimum of seven, so you actually could have more than seven members on the CDRC. And certainly if it's the Commission's desire, we can go back and we can amend that ordinance or we can come up with a resolution as to how the ordinance should actually be implemented.

CHAIRMAN DURAN: We could have ten and each Commissioner could have two appointments.

MR. KOPELMAN: Mr. Chairman, I believe that's correct.

CHAIRMAN DURAN: How about that?

COMMISSIONER CAMPOS: Well, I'm interested in pursuing that because I don't want to have no representation from District 4 for the next two years. I'd like to see if we could get someone, or a couple of persons from District 4 and another person from the northern district so that we can have good representation.

CHAIRMAN DURAN: Why don't we pursue that, Steve? Why don't you check into that and get with the Land Use Department and then let us know if having ten on the committee works and then we can deal with how we want to restructure it, how we want to deal with having each Commissioner having the right to appoint two people from their district. Does that sound fair?

COMMISSIONER TRUJILLO: Sounds fine.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: I would just add that if talk about new rules of appointment that it would be good to give some public notification in there as well. I think we have benefited for example on some of the items that we're to deal with here to today. The DWI Council, we have some resumes from people that have come in that are very interesting and informative. And some notification when an appointment comes up or all of them, as the case might be, would be useful. I'm not sure what the mechanism would be. We can leave that to your judgement but I think many times, individuals who are qualified and interested in community service may not know that these appointments are coming up, so if we are reworking the mechanism, I'd like to offer that as a recommendation as well.

CHAIRMAN DURAN: I think the only concern I have with that, that I have with that is that I would like for my two appointments to pretty much mirror my philosophical approach and I would like to maintain my right to appoint whoever I want to out of my district.

COMMISSIONER SULLIVAN: My intent there wouldn't be to take away

from any decision about how the appointments were distributed, but rather just simply to say that the public be notified that these appointments are coming up, that we have all the resumes and all the letters of interest in front of us and then make the decisions in whatever mechanism you decide. It's just that notification that I think would be useful.

CHAIRMAN DURAN: The other thing is that I believe that the committees that we appoint should be representative of the vision and philosophy that we as a whole represent, and whatever we end up doing I'd like to make sure that we continue that.

COMMISSIONER TRUJILLO: Mr. Chairman, can I make a recommendation to the CDRC? I've got a name and I'd like to make a recommendation that John Paul Romero, from Cuyamungue be appointed to the CDRC. At this point the northern district does not have any representation. There's a void. I lost two members, so it's imperative that somebody from the north be appointed immediately so that that portion of the county has a voice on the committee. So with that, I recommend John Paul Romero.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I would just like for Commissioner Trujillo to tell us a little bit about Mr. Romero so we have a little bit of information about who he is and what he does.

COMMISSIONER TRUJILLO: Mr. Romero is in private practice. He's educated and has a civil engineering degree. He's very involved in the community. He is from Cuyamungue. He's energetic and is willing to contribute to the future of the community in the area of land use and water and traffic. He's very involved with the design of roads, understands infrastructure and land use and so he would be quite a positive addition to the CDRC.

CHAIRMAN DURAN: Any further discussion? There's a motion and a second. All those in favor signify by saying "aye." [Unanimous.] Opposed? Motion carries.

COMMISSIONER GONZALES: Mr. Chairman, then there's direction that's been sent? I'm sorry, I might have missed it.

CHAIRMAN DURAN: Right. To check on how we can restructure this, the appointments to the CDRC, and I guess the EZC.

COMMISSIONER GONZALES: EZC, there's only three appointments by the Commission.

CHAIRMAN DURAN: Okay. Well, let's concentrate on the CDRC for now. I would just like for staff to be cognizant of the fact that we have two hours to complete this meeting and there's a lot of work that we need to get through, so let's get to the point and take care of business please. Mr. Anaya?

**VIII. B. 2. Santa Fe County DWI Planning Council**

ROBERT ANAYA (CHEDD Director): Mr. Chairman, before you there are recommendations from staff for reappointment of two individuals, Mr. Glenn Wieringa is

currently the acting chairman of the council and represents public health, the New Mexico Department of Public Health, and has been the effective member on the DWI Planning Council and also has helped in keeping continuity in the interim prior to the election of a new chair. The other individual that we're recommending for reappointment is Lieutenant Frank Rute from the City of Santa Fe Police Department so that we maintain representation from the City Police Department.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Anaya, in some of the documents that you present, you indicate that there is no teen representative on this council. Was there an intent to have a teen rep?

MR. ANAYA: Mr. Chairman, Commissioner Campos, there is a possibility for you to appoint a teen if, or recommend for appointment of a teen on the next recommendation or on this one for that matter, Mr. Chairman, Commissioner Campos.

COMMISSIONER CAMPOS: Was that the idea originally, to have a teenager on this council?

MR. ANAYA: Mr. Chairman, Commissioner Campos, Commissioner Trujillo expressed an interest a couple months back that we consider having a teen represented on the DWI Council at some point, and there is, within your packet after the Glenn Wieringa and Frank Rute documentation one individual that has expressed an interest, Katrina Kain, I believe is her name. She is a teen and has requested to be appointed on the council.

COMMISSIONER CAMPOS: Question. Has Ms. Kain been interviewed? Anybody talk to her? Anybody know much about her?

MR. ANAYA: Mr. Chairman, Commissioner Campos, I believe our DWI Coordinator, Mr. David Sims has had a conversation with her and she is in fact interested in participating on the council.

COMMISSIONER CAMPOS: Okay. Last question. In your committee background, you have two people law enforcement, four in the judiciary. Is that the way it was set out? Do you have to be in a particular business? I mean, do you need four people from the judiciary? Two people from law enforcement?

MR. ANAYA: Mr. Chairman, Commissioner Campos, within the requirements of the community DWI program, under the Traffic Safety Bureau which is under the New Mexico Highway and Transportation Department, they request that you cover various aspects within the community. It is not required to have more than one. The County Commission in the past has provided other appointments from multiple law enforcement jurisdictions so that we make sure that we have all of the representative concerns at the table or as many as possible, Mr. Chairman, Commissioner Campos.

COMMISSIONER CAMPOS: One last comment, Mr. Chairman. I think we have some really good applicants here. We have a teen applicant. I think we have an opportunity now maybe to change up a little bit if that's the wishes of the Commission.

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CHAIRMAN DURAN: I have a question. Robert, so if we appoint Glenn Wieringa and Lt. Frank Rute, does that pretty much fill up the committee and prevent us from appointing a teen? Or can we still appoint a teen, if we appoint these two?

MR. ANAYA: Mr. Chairman, subsequent to that approval if it's made for Lt. Rute and Mr. Wieringa, you will have one position open and I believe there are eight people that are in your packet that have expressed an interest and confirmed that interest. A teen is one of those in this case.

CHAIRMAN DURAN: So we could this evening appoint the two recommendations and a teen?

MR. ANAYA: Mr. Chairman, that's correct.

CHAIRMAN DURAN: Or we could wait on the teen. Or even the appointments. Was there some new information?

MR. ANAYA: Mr. Chairman, I'd just add that there is no established limit per se on the number of people that can serve on the DWI Planning Council. However, there is a substantial number at this point and we feel that adding too many to the council could hinder our ability to make some decisions. I believe we have, is it 13? We currently have 13 members. But it is possible to add even more members to the council if that is what the Commission wishes to do.

CHAIRMAN DURAN: Do you want to make a motion?

COMMISSIONER GONZALES: Mr. Chairman, just for a brief moment, I think that it's important, not only for the issue of continuity but for the individuals that have been recommended by the DWI Council that LT. Rute and Mr. Wieringa be reappointed. I agree with Commissioner Campos and Commissioner Trujillo called on it earlier to have a student on it. I'll tell you, these are people who have said they want to participate. They want to be involved. I think we should increase it, possibly by one other individual to try, or two other individuals or whatever. Let's take advantage of the fact that people have taken time out of their day. They've filled out the application. They've gone through some type of interview process. They're excited about helping us address issues related to DWI issues here in our community and certainly let's not just let a number prevent us from seeking out some of these individuals who are ready to step up and help us solve some of these issues. So Mr. Chairman, if you're looking for some direction, I would ask the Commission to reappoint members that have been recommended by the DWI Council, Lt. Rute and Glenn Wieringa, and then if that is successful, move on to appointing Katrina Kain, the student, and then adding either another individual or two other individuals to take advantage of these people that are willing to step up and help.

COMMISSIONER CAMPOS: I'd second that motion.

**The motion to reappoint Lt. Rute and Mr. Wieringa, and to appoint Katrina Kain to the DWI Planning Council passed unanimously.**

CHAIRMAN DURAN: Again, I would remind the Commission that we have a

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very limited amount of time to deal with all the issues here and let's try and move through this stuff as quickly as we can.

COMMISSIONER TRUJILLO: Can I make a recommendation if we're going to increase the council? I'd like to see, recommend that Marie Pacheco, she has a pretty impressive resume, has participated in DWI issues in the community before and I'd like to make a recommendation that she be a member of the DWI Council.

Katrina Kain.  
COMMISSIONER GONZALES: Second. That would be in addition to

COMMISSIONER TRUJILLO: To the three. Right.

**The motion to appoint Marie Pacheco to the DWI Planning Council passed by unanimous voice vote.**

Katrina Kain? MR. ANAYA: If I could just clarify, Steve, was the motion made to also adopt

CHAIRMAN DURAN: There was two motions.

MR. ANAYA: Thank you, Mr. Chairman.

### VIII. B. 3. El Rancho Community Center

MR. ANAYA: Mr. Chairman, Commission, the El Rancho Community Center has a very active community and the committee that oversees that community center does an outstanding job in scheduling the use and maintaining the character of that building. With that, the Resource Development Department requests that the Board of County Commissioners consider reappointing Mr. Marvin Baca for a two-year term.

**Commissioner Gonzales moved to reappoint Marvin Baca to the El Rancho Community Center Board and Commissioner Trujillo seconded.**

Marvin Baca? COMMISSIONER CAMPOS: Could you tell us a little bit more about Mr.

MR. ANAYA: I don't have his background. I apologize for that?

COMMISSIONER CAMPOS: What are his duties?

MR. ANAYA: Their duties essentially are to, they schedule the activities that happen at those community centers and they are responsible for the operations and any claims that are resulting from the use of the center as well as making sure that the centers are kept clean and in order.

COMMISSIONER CAMPOS: Was he nominated by the committee itself?

MR. ANAYA: He's nominated by the Commissioner from that district.

COMMISSIONER CAMPOS: Commissioner Trujillo. Commissioner

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Trujillo, do you know more about Mr. Baca that you could share with us?

COMMISSIONER TRUJILLO: Mr. Baca has been a member of this board for approximately five, six years, since I became County Commissioner. He is a resident of the community of El Rancho, very active in the community. He is employed by the Public Service Commission or Public Utilities Commission and again is very active in the community. Him, along with the other members of the committee are doing a great job in scheduling the community center, making sure that rules and regulations are complied with. They're accessible. He's accessible to the community for usage of the community center. I have heard of no problems regarding Marvin Baca's service to the community.

COMMISSIONER CAMPOS: Sounds good.

**The motion to reappoint Marvin Baca to the El Rancho Community Center Board passed by unanimous voice vote.**

**VIII. B. 4. NMAC Multiline Pool Board**

CHAIRMAN DURAN: I'll take the lead on that if you don't mind, Sam. I had asked at the last meeting if there was any Commissioner that wanted to take my place on the Multiline Pool Board and nobody wanted to do it. I still have a conflicting schedule and luckily for all of us, Steve Kopelman has agreed to sit on that board. He has checked the regulations and we have the ability to appoint him to represent us and I would like to make that nomination.

COMMISSIONER CAMPOS: Second.

**The motion to appoint Steve Kopelman to the NMAC Multiline Pool Board passed by unanimous voice vote.**

**IX. STAFF REPORT**

**A. Report by Community, Health & Economic Development Department**

MR. MONTROYA: Mr. Chairman, members of the Board, I want to point out this is a new feature on the administrative agenda for the County Commission. Our intention here, Mr. Chairman, is to bring forward a department at every administrative meeting of the month and to allow the Commission to ask any questions of the department director and of the division directors relative to the programs in operation under each respective department. The first, Mr. Chairman, is the Community and Economic Development Department under Mr. Robert Anaya.

CHAIRMAN DURAN: You know Sam, I'm not going to let much discussion take place at this meeting today. If we want to do it at another meeting where there's not such a

big agenda we can do so. So I'm going to leave it up to you, Robert, to make the presentation for all of your division heads for your departments.

COMMISSIONER SULLIVAN: Mr. Chairman, just let me add that I think this is a good idea for a couple of reasons. I think the public very often doesn't realize the services that the County provides and during the campaign, I recall that was a frequent comment and question of me at least as to what services does the County provide, particularly to people who live within the city of Santa Fe, and also for us as new Commissioners, I think it's a useful function to learn something about. And I realize the time constraints and I appreciate your consideration to allow us a presentation.

CHAIRMAN DURAN: It's going to be real short, Commissioner Sullivan. If you have any other ideas on how to shorten this meeting so we can conduct the business at hand, I'd be more than happy to hear them. Again, I think that if any of the Commissioners have some information that they need that they should meet with Robert and he can get with them. I just don't think that this meeting is the appropriate meeting to spend half an hour discussing the services that your department offers to the community. Perhaps the next one. Again, we have a big agenda and there's a lot of things to discuss. And I'm sorry I need to bring that up but if I don't say it it's going to get out of hand and my job here is to make sure that we conduct this meeting in a timely manner.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: I'd like to afford the department a full opportunity to outline their functions and whatever they need to represent. So I would suggest that maybe if it's not too inconvenient that they come forth during the next meeting so we can get the full flavor of what the department does, not only the public but the Commission is well educated in that regard.

CHAIRMAN DURAN: I think that that's fine. Perhaps maybe what we need to do, Sam, is when we have these afternoon meetings with the EZA following, we're going to have to rely on you to be able to allow certain things to come on the agenda that we can fit within the time that we have allocated for it. And then we wouldn't have this continuing discussion about not giving people enough time.

MR. MONTOYA: Mr. Chairman, if it pleases the Board we can defer this presentation to the next meeting and move on to business at hand.

CHAIRMAN DURAN: Do you want to do that? That would be great. We really have a lot of things here that really deserve a lot of discussion and that would be wonderful. So we'll table this until the next meeting. Do we need a motion to do that?

**Commissioner Gonzales moved and Commissioner Trujillo seconded a motion to table the presentation by CHEDD Director Robert Anaya. The motion passed by unanimous voice vote.**

CHAIRMAN DURAN: Thank you, Robert. Thank you, everybody.

**X. STAFF AND ELECTED OFFICIALS' ITEMS**

**A. Community, Health & Economic Development Department**

- 1. Resolution No. 2001-09. A resolution authorizing the Santa Fe County DWI Program to apply for the LDWI grant funds**

CHAIRMAN DURAN: What is LDWI?

MR. ANAYA: Mr. Chairman, Commissioners, LDWI is Local Driving While Intoxicated Program that's funded through the Department of Finance Administration. Mr. Chairman, Commissioners, the resolution before you is the formal resolution that is required by the Department of Finance Administration for submittal of the LDWI grant application for the upcoming fiscal year. I'll stand for any questions.

COMMISSIONER TRUJILLO: Any questions of Robert?

Commissioner Gonzales moved approval of Resolution 2001-09 and Commissioner Campos seconded. The motion passed by unanimous voice vote.

- X. A. 2. Request approval of the LDWI grant application which includes the fiscal year 2002 budget**

MR. ANAYA: Mr. Chairman, Commissioners, the following item is the detailed break-out of the budgetary items that are going to be included in the application for LDWI funding. The following document has been provided to and approved by the DWI Planning Council. I stand for questions, Mr. Chairman.

COMMISSIONER TRUJILLO: Any questions of Robert? If not, what is the desire of the Commission?

Commissioner Gonzales moved to approve the request as presented. Commissioner Sullivan seconded and the motion passed by unanimous voice vote.

- X. A. 3. Discussion of an annual audit with quarterly updates for the indigent fund**

MR. SHEPHERD: Mr. Chairman, Commissioners, last week a discussion was held between Commissioner Sullivan's staff and St. Vincent Hospital. The subject of an independent review or audit of the current MOA was brought up and we were asked to put it on the agenda for discussion. Currently, there are assessment-evaluations being performed by a progress review committee consisting of equal representation from the County and the hospital.

The committee meets quarterly and provides semi-annual reports. At this point the staff and the hospital are currently working on an amendment to the MOA to provide quarterly reports,



the first of which will be presented before the next early Commission meeting in February and I would defer to the chairman and the Commission for discussion.

COMMISSIONER TRUJILLO: Is there any discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, just briefly, as Steve has indicated, I was concerned that particularly now that we have a three-fold increase in the level of the indigent fund monies that we're dealing with, that we have adequate procedures in place to account for the funds and to keep a running tab. We heard a presentation a couple of weeks ago from the chairman of St. Vincent's claims had increased from \$6 million to \$10 million and that was a fairly unexpected increase. And it came to us all at once.

It seemed to me that if we had quarterly updates we would be able to keep a little better track of the claims and the budget and where we were and I think both St. Vincent's and Steve agreed with that. I originally had proposed that we have someone independent, an auditor follow along on this process. Steve feels that with this review committee, made up of both St. Vincent's and the staff that they can provide those reports on a quarterly basis and in a manner that the public and ourselves can see and that it provides an early warning system as it were for any problems so we don't have issues to deal with at the end of the year as we have. And I'm certainly willing to try that out for two quarters and see if the Commission is comfortable with the level of reporting that they've put forward.

COMMISSIONER TRUJILLO: Very good. Steve, what are we doing now as far as audits are concerned? How is the documentation being compiled?

MR. SHEPHERD: Basically, the MOA with the hospital, the documentation is being put together by the team, which consists of myself, Virginia Vigil on the County side, Dr. Arturo Gonzales and I believe Marjorie Goldstein from the hospital. And that team will prepare the report and present it to the Commission at that point. So to be honest with you, Commissioner Sullivan does have a point. Essentially everybody that's part of that team is a member of one side or another in the MOA and there isn't an independent team member.

COMMISSIONER TRUJILLO: So if an audit function in Santa Fe County it would give Santa Fe County more control and oversight of the activities of the numbers and everything like that.

MR. SHEPHERD: Mr. Chairman, I do believe the results may be the same but it may give you a higher comfort level of those results.

COMMISSIONER TRUJILLO: Okay. Any thing else? Any other discussion?  
Thank you, Steve.

**X. B. Clerk's Office**

- 1. Request approval to procure land use insurance coverage from the New Mexico Association of Counties**

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, I'm your representative. I'm the elected official that represents the elected officials for Santa Fe County

on the New Mexico Association of Counties Board. And one of the things that Santa Fe County asked me to try to pursue was some kind of land use coverage through the association. Many of the counties were opposed to it because they were not affected. They don't have land use problems such as some of the big counties do.

But this year, at the January 23, 2001 mid-winter conference and the meeting, they did approve a limited coverage. So I'm here to ask you to approve obtaining limited land use coverage which will enable our Legal staff to continue to defend cases on behalf of Santa Fe County and to receive monetary reimbursement from the association. It's only to get reimbursement for legal fees. We think it's a start and we hope you would support it. Our recommendation is for option 3. I will now yield to our County Attorney to see if he has anything to add.

MR. KOPELMAN: Mr. Chairman, members of the Commission, thanks, Becky. Becky and I both attended the Multiline Board meeting and the coverage is as Rebecca says, more limited than we like. It's for defense costs for inverse condemnation claims, but the premium would be \$6,000 a year. It would provide up to \$20,000 per claim, with an aggregate of \$60,000 and we think it's a good starting point. One of the big advantages is as it is now we provide defense in-house. We'll continue to be able to do that, but we will be able to get some reimbursement from the association. So I really think it's something that our office strongly recommends.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Kopelman, you recommend option 3?

MR. KOPELMAN: Mr. Chairman, Commissioner, that I think is probably the best way to go because the premium is \$6,000. It would be \$4,000 for \$40,000 aggregate, \$2,000 for \$20,000 aggregate. It's hard to project exactly how much we'll end up spending, but I think for the small added amount, it gives us that much more protection.

CHAIRMAN DURAN: Any other questions?

**Commissioner Gonzales moved to approve NMAC land use insurance coverage, option 3, and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.**

MR. MONTOYA: Mr. Chairman, I would just like to thank the Clerk for hanging in there for us. As she stated, we didn't have a lot of interest around the state, but she stuck to the point and we appreciate her getting that approved through the Board. Thank you.

CHAIRMAN DURAN: Thank you, Becky.

**X. C. Finance Department**

- 1. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #21-35, process evaluation for the CRAFT project**

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, the Finance Department would like authorization to enter into a contract with Community and Family Services, Incorporated, for \$22,500 as a process evaluator for the CRAFT project. Just as a reminder, we received in the Community Health and Economic Development Department a \$465,000 grant that Linda Dutcher was very instrumental in getting the County, and this is the first of three contracts to spend the money on that grant. And we're requesting authorization to enter into that contract.

**Commissioner Gonzales moved to approve the contract with Community Health and Family Services. Commissioner Trujillo seconded.**

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I read through all this documentation and for the life of me, I cannot find out what CRAFT means. Could you please tell me?

MS. MILLER: It's the Community Reinforcement and Family Training grant, and it is for family members, counseling services for family members of people who have substance abuse problems.

**The motion passed by unanimous voice vote.**

- X. C. 2. Report on an annual statement of receipts and expenditures required by NMSA 4-38-27**

MS. MILLER: Mr. Chairman, Commissioners, the New Mexico State Statute as pointed out by Commissioner Sullivan when he noticed that the statute required a report be given to the Commissioners and that is on receipts and expenditures. In researching what this report was, I checked with DFA and they said they do not require a report like this. Also the statute was written in 1876 and last looked at in 1953. The statute says that it be reported in January for the prior year. We report on fiscal year, which runs from July 1 through June 30. So we do not keep statistics on the calendar year.

What I've done is to try and give you the intent of this statute the best information that we have, because we also do not collect expenditures by item, we do them by what we call line item or account type. And that is all recorded. In the packet I gave you a recap and reconciliation report that lists all of our revenues year-to-date for fiscal year 2001, so it's from

July 1 through December 31, and all expenditures. And very nearby, in summary form—to do this in detail form would probably be several thousands of pages of our general ledger. It is accessible through our system but with a budget our size it would be several thousand pages to actually print it out.

So I've provided you with a first quarter and the second quarter of this fiscal year, and those are the recaps of all revenues and expenditures by type and by category and by expenditure type. And I'd like to note that this report was turned into the auditors by November 15 to the State auditors and we received our letter in December that this is a public document. I would also like to state that we received a clean audit from our auditors and I'm very proud of the Finance Department and the rest of the County that contributed to the County receiving a clean audit report. Many of the findings are listed in the back of the report and I'd also like to point out that we resolved and actually cleaned up several of the findings from the previous year and only had some minor repeats that we're continuing to work on. One of those is in fixed assets, which the auditor says almost every governmental entity has one in fixed assets.

Also this report, on page 5 will give you the summary of revenues and expenditures County-wide in a consolidated form and then there's also the enterprise. I'm hoping that you would give me authorization for this to be a report that would meet the intent of the statute, and if so, this is what I'll bring forward to the Commission in January. Also the quarterly reports to you every quarter.

CHAIRMAN DURAN: Is that satisfactory to you, Commissioner Sullivan?

COMMISSIONER SULLIVAN: Yes. Mr. Chairman, do you want discussion for this just a minute.

CHAIRMAN DURAN: Well, as long as you're not going to go pick through the document and ask for an explanation of some line item.

COMMISSIONER SULLIVAN: I realize the statute actually came from the documents that the staff gave the new Commissioners to look over and this was one of the statutes that came to my attention. I think it's useful to have some figures in January to let us know where we are mid-year. And I just wanted to point a couple of things out, and if you wanted to discuss them perhaps at the next meeting, Katherine, you could, when we have some more time, perhaps but in the recap for the fiscal year ending 12-31, 2000, what I'm hoping that we can achieve, or certainly I'm sure everyone wants to achieve is that we don't come to the end of the year and have a lot of surprises, need a tax increase, need to take some administrative or financial measures that we hadn't anticipated earlier on.

I see under the general fund, I see \$14 million in total receipts that have been received, representing about 39 or 40 percent of the budget. So we went half way through the year, but we only received 40 percent of the receipts that we had anticipated. So that kind of raises a red flag to me. When I go down a little further under disbursements, though I see that we had budgeted and we spent 46 percent in disbursement of our budgeted amount. So we've taken in 40 percent of the revenue we've anticipated, but we've dispersed 46 percent of the disbursements. And that's in the general fund.

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Going two pages or three, four pages further, in the special fund—

MS. MILLER: Commissioner Sullivan, can I address that real quickly?

CHAIRMAN DURAN: Katherine, I think the best thing to do is why don't you get with Commissioner Sullivan, answer his questions, and then if there are discrepancies that you feel still exist, bring them to the Board of County Commissioners for discussion.

COMMISSIONER SULLIVAN: I'm not feeling that they're discrepancies, I'm saying that it appears from these reports in both the special and the general funds, our revenue is coming in—our disbursements are going out faster than our revenue is coming in.

MS. MILLER: There's a very quick answer for that and that is property tax collections are done in December and in April, and then distributed in January and May. And that is our primary source of revenue for the general fund. You will see that we make up more than 50 percent in January.

COMMISSIONER SULLIVAN: In January. So if we could see a report in January, then we should be in much better shape is what you're saying. Good. That was painless.

CHAIRMAN DURAN: Okay, good. Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Miller, a quick question. Does law require that no more than 50 percent of a budget be spent in the first six months, the first half of the fiscal year?

MS. MILLER: There is a statute to that, that does address that and it's that you cannot, I think it's more that you can't expend it and we don't. We do a mid-year budget review and we are not beyond 50 percent. We just completed that with all of the departments. Some are, but some of them have expenditures that are a little bit more. But in total we are not.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions of Katherine? Okay. Thank you.

MS. MILLER: Thank you.

**X. D. Land Use Department**

**1. Discussion regarding EPA notice of a proposed sole source aquifer designation filed by La Cienega Valley Citizens for Environmental Safeguards**

KATHERINE YUHAS (County Hydrologist): Mr. Chairman, Commissioners, a petition requesting sole source aquifer designation has been submitted to EPA Region 6 by the La Cienega Valley Citizens for Environmental Safeguards. The EPA has published legal notice for a public meeting on the afternoon of February 15 and a public hearing that evening. Comments on the petition are being accepted until March 5.

The sole source aquifer program was implemented by the EPA, which could prevent federal funding of projects which have the potential to pollute groundwater in areas where no

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alternative source of drinking water is available. There are 65 designated sole source aquifers in the United States and none of them are in New Mexico. There are two primary requirements for designating a sole source aquifer. The first is that the aquifer must supply at least half of the drinking water consumed in the proposed area, for which there is no economically feasible alternative supply, and the second requirement is that the proposed boundaries should define a distinct aquifer or part of an aquifer which is hydrogeologically separated from other portions of the same aquifer.

I have distributed a map that shows the area proposed for sole source aquifer designation. If you have any questions about that I can answer them. The sole source aquifer program addresses projects which may impact groundwater quality in the area of the protected aquifer. Once an aquifer has been designated, EPA negotiates agreements with other federal agencies which may fund projects that could impact the aquifer. The agreements specify which type of projects are to be referred to EPA for review and which are not. Typical projects evaluated under this program are wastewater treatment plants, construction projects that involve disposal of stormwater, and public water supply wells and transmission lines. The sole source aquifer program does not address groundwater quantity or water rights; it is strictly a water quality program.

According to the Environmental Protection Agency, under this program modifications to projects have occurred but funding has never been formally denied. It is possible, however, that such extensive modifications could be required that some projects would be abandoned. While Santa Fe County is certainly in favor of protecting groundwater quality, staff is concerned that this program may not be the best way to achieve this purpose. Some of the information in the petition does not appear to be correct. Santa Fe County staff and other interested parties would not like to see the petition accepted while it contains inaccurate information. The New Mexico Environment Department has an existing groundwater protection program which is consistent with EPA standards. It is likely that any project in New Mexico would meet EPA standards through their state Environment Department permit. The sole source aquifer designation could potentially create redundant work, expense and delays with federally funded projects, which may serve to increase project costs without bringing additional benefits in groundwater protection.

One of the requirements of the sole source aquifer program is that the petitioner work with state and local governments in preparing their petition. The State, County and City were not consulted on this petition. Designation of this aquifer as a sole source aquifer would state that no other alternative source of drinking water exists for this area, which could physically, legally, and economically supply those who depend upon the aquifer for drinking water. The City and County are both currently investigating alternative water supplies. We are concerned that a federal document which states that those alternative supplies are not physically, legally and economically viable as a water supply for our area could be an impediment to our development of these supplies.

And finally, County staff is evaluating the sole source aquifer petition in coordination with all the other interested parties and preparing comments on the petition for submission to

EPA.

CHAIRMAN DURAN: So Katherine, there is public hearing, a town meeting scheduled for February 15?

MS. YUHAS: Mr. Chairman, that's correct. There are two meetings on the 15<sup>th</sup>.

CHAIRMAN DURAN: Okay. And one's at the LaFarge Library. You'll be attending those?

MS. YUHAS: Mr. Chairman, I'll be attending the evening meeting. The afternoon meeting conflicts with the water summit that's already been scheduled.

CHAIRMAN DURAN: Okay. And after that meeting, you will then come before the Board of County Commissioners and advise us as to what happened, what your thoughts are?

MS. YUHAS: Mr. Chairman, that's correct. I'll prepare another report.

CHAIRMAN DURAN: So there's really nothing we can do about this right now?

MS. YUHAS: No. I think that that's the case.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Katherine, what aquifer are we talking about? Is this the Tesuque or the Ancha? That's a big aquifer and we're talking about quality of water in this aquifer. So if you're talking about contaminants into the aquifer, they'll get permeated throughout the aquifer, might be introduced somewhere else that affect La Cienega so I'm a little perplexed on what this means.

MS. YUHAS: Mr. Chairman, Commissioner Trujillo, it would encompass the Ancha and Tesuque aquifers, those two. That's what the map has delineated. And, as you on the map in front of you, it's a very large area.

COMMISSIONER TRUJILLO: Right.

MS. YUHAS: And it attempts to also look at the watershed for the Santa Fe River.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would just add that what's of interest to me and of concern to me in this also is that in addition to the various federally funded projects that you mentioned that might typically subject to this additional determination that they would require, also federally guaranteed home loans would come under that according to loan guarantees according to the legal notice, and that raised a flag.

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, what I have read on EPA's web site and what I understand from talking to EPA and the people who administer this program is that individual home loans are not subject to this program and it would not affect those. That's one of the things that's excluded from their review actually.

COMMISSIONER SULLIVAN: In the legal notice they say loan guarantees.

MS. YUHAS: I think they actually mean for larger projects, not small things like that.

CHAIRMAN DURAN: Thank you, Katherine.

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Yuhas, a quick question. Have you talked to the applicants in this case?

MS. YUHAS: Mr. Chairman, Commissioner Campos, they have talked with some County staff. I have not spoken with them directly.

COMMISSIONER CAMPOS: Did they every approach you before filing this application, or anyone in the County about what they were doing?

MS. YUHAS: Mr. Chairman, Commissioner Campos, they received some of the population data from the planning staff at the County, but they did not talk with me about any of the hydrogeology data.

COMMISSIONER CAMPOS: Is there any plan by County staff to talk to them to see if perhaps they would reconsider on their application?

MS. YUHAS: Mr. Chairman, Commissioner Campos, I think the way we were going to approach it was to go to the public meeting and work at it that way. But if you'd like us to try and talk with them before that, we could do that also.

COMMISSIONER CAMPOS: That's just an idea. Thank you.

CHAIRMAN DURAN: Thanks, Katherine.

**X. D. 2. Update on the construction of Paseo C de Baca waterline**

DOUG SAYRE (Water Utility Director): Thank you, Chairman Duran and Commissioners. I come before you because my understanding was you'd like an update of where we are with this project. Basically, La Cienega received about \$90,400 in state legislature funding about a year and a half ago and that was to fund a waterline down to the end of Paseo C de Baca. What we've been doing is trying to work out doing the overall project because right now, the County waterline ends at 50F, approximately I'd say 1,000 feet west of the La Cienega turn-off or the interstate turn-off.

What we want to do is extend the mainline down to Paseo C de Baca and then probably over to the County fire station, I guess the La Cienega Fire Station, and then take an 8" line all the way down to the end of Paseo C de Baca. Because there's a water rights issue here about how we would handle that, we've been meeting with the State Engineer's Office regarding how we could do this and transfer the necessary water rights for the County water system to serve them, and I think it's indicated that a per-household basis that we could transfer approximately .25 acre-feet of a permitted well right in the area. We have met with them regarding how it could be done. But just so people understand what we're trying to do is get the domestic use, I guess, allocation of what we call a 72-12 well permit, transferred to the County system.



The other part of this was we really didn't have a point and place to put this until recently and when we acquire the Valle Vista water system. And although that's pending, we expect that to go through shortly and therefore we have a point and place to put these rights. We wanted to make sure that we could transfer them to the point so that they could actually be produced and used in the area. So that was the other reason we've somewhat been held up.

In your packet it shows a schedule for completion and basically we're hoping to get everything squared around so that we can under construction the early part of this summer and then complete this project before the end of the year. One of the things that we've presented to you also is that we were directed previously to look at some alternatives for some of the projects that need to be funded or are being incurred by the people in the area. So if you look at the third page, we gave you a couple scenarios and then two ways to look at what those people could be indebted for. If you look at this funding, one alternative was to look at the total cost of running the project down there, which is \$249,000 down in the area, or just funding the residential cost, which would be that portion of line that goes to serve the residential people down in the area.

What we looked at also was how many users we would have and then if we looked at six percent, 20 percent loan factor, then what it would cost on a per-building basis to each individual that comes on the system for incurring some of that cost. And what staff recommends is that we consider, I guess alternative 2 and item b, which would be 50 percent of the cost to run the line down Paseo C de Baca, would be incurred by the people that would use that system. Some of the things to consider here is that that way, the overall, some of the project is funded by the funds, the GO bonds and yet the rest of it is funded by people in the area. So it basically helps the available money from the County to go a little bit further to serve all the needs of various areas as best we can based on our current funding capability. Maybe at this point I could answer some questions.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I ask the staff to bring this forward. What we see here as members of the Commission is actually individuals in a traditional community that have understood the problems that they have in terms of the water issues in La Cienega and have indicated that they're ready to step up and begin to use imported water for addressing residential uses. And I think that that should be commended. Charlie C de Baca from the La Cienega area and lots of members along Paseo C de Baca have been working with the County for the past several years, waiting anxiously for the County to be at a point where we could actually use our water rights to take into the community of La Cienega and take residential users off wells and on to some of this imported water.

It looks like alternative 2 shows that the County is providing more and more assistance in this area than alternative 1. Is that correct?

MR. SAYRE: Right.

COMMISSIONER GONZALES: Because residential cost is \$118,000 as opposed to \$250,000, and I would just urge the Commissioners, if that being the case, I think

we should take the approach where the County assists the most that we possibly can. Again, this is in an area where we know we have some water issues. We have residents that are ready to do their share to hook up to imported water and I think we should embrace that concept, Mr. Chairman. So I'd stand for any questions also from the Commission in terms of questions concerning that area. I know that we have Charlie C de Baca here who's been working for a long time and I'm sure he's stand as available for questions as an individual from that area as well.

MR. SAYRE: I might add that staff has met with the people in the area and presented some of these options to them so they're acquainted with what's going to be required when we serve that area. We're trying to make sure now that we know exactly who will be served and who would connect to the system and how many water rights we could transfer based on this method. By the way, this method has been used before by several communities such as Bosque Farms, Hernandez area. A number of communities up north as a way to community-ize an area and get the water rights transferred to some central location. And then they're basically kept in an area for those people regarding the 72-12 wells.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: How many acre-feet of water do you expect to transfer?

MR. SAYRE: Commissioner Campos, basically, on that we anticipate that what we're doing is looking at each well that serves people. We're looking at how many household members there are and justifying that. Normally, if you have a household with four, and that's the domestic use, probably in the neighborhood of .25 acre-feet per household. That's where we're enlisting the help of the people in the area to advise us and we'll record all that and turn that in to the State Engineer's Office so that we allocate that. But I'd say we hope to get at least that out each transfer.

COMMISSIONER CAMPOS: The question then would be how many users do you expect to sign up?

MR. SAYRE: I think basically there were 75 users that signed the petition. We're not sure that all of those are still wanting service, so that's why we're trying to get an update. We fell like there's at least 50 and up to 60 members that would sign on right away. That's what we anticipate. We could have Charlie give us some kind of an update on that.

COMMISSIONER CAMPOS: If you have 75 users who sign up, how many acre-feet are you going to transfer? Not a lot.

MR. SAYRE: Well, if it was 100 homes, it would be 25 acre-feet. If it's 50 it would 12.5. So it would be approximately 18.75.

COMMISSIONER CAMPOS: You're recommending option 2b, 50 percent at six percent for 20 years. Right?

MR. SAYRE: Yes.

COMMISSIONER CAMPOS: Now, this is basically a monthly connection

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fee?

MR. SAYRE: It would be a monthly service charge, yes.

COMMISSIONER CAMPOS: Plus the water charge, right?

MR. SAYRE: Plus the water charge of what they use on a monthly basis.

COMMISSIONER CAMPOS: Tell me your rationale for that option choice.

MR. SAYRE: I think, one of the things I guess in the past in most cases where I guess state and local funds come in, they've brought some condition that it's all not I guess allocated, that there's some responsibility to the area, financial responsibility. And so this is what's been the norm for a lot of projects throughout New Mexico that there's some percentage of the money that's spent there that has to be incurred and repaid by the users. And it gives you a way to, I think get more interest and the concern that that financial responsibility goes to the area to a certain aspect.

COMMISSIONER CAMPOS: I agree that the users should pay something, but why this 50 percent at 6 percent for 20 years?

MR. SAYRE: I think in discussion we thought that was a reasonable charge. If you look at approximately, if we have 75 users it would come to be \$5.64 a month over 20 years to incur to each user. And we thought that was probably a reasonable charge.

CHAIRMAN DURAN: What's wrong with 25 percent?

MR. SAYRE: Well, I think we just, we looked at that. I looked at it and I think I discussed it with the department head and figured 50 percent was a somewhat reasonable charge, about five dollars. That's why I guess we're asking for guidance, if you think it should be 25 percent, we'll drop it to 25 percent.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Option one, residential cost, you didn't feel those were a good way of handling the monthly hook-up connection?

MR. SAYRE: Alternative one?

COMMISSIONER CAMPOS: Yes, the residential cost using option B, 50 percent of 6 percent, using the \$249,000.

MR. SAYRE: What we were trying to do is look at the cost of running a line down to Paseo C de Baca, should be incurred by the County, because that's part of the main line or transmission system. And then, what we were saying is the rest of the cost, because they got the legislative grant and they were influential in that, we took that off of the cost it would be to run it down there, and that's why we recommended alternative B because that grant fund, we felt should be used for the actual users of this system.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER GONZALES: So option C as Commissioner Duran threw out would actually be less of a burden on the community out there and I think what's important that the Commissioners understand is that this is an option, it's a three-option, the free will of this community that is saying we're willing to give up a portion of our water rights to go on to

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imported water. When we see those kinds of signs I think that the County needs to do everything within our power to create enough incentives to get as many users to go on to the County water system. They're agreeing to vacate some of their water rights and become paying members of that water system and I would like to make a motion, Mr. Chairman, and give direction that we send the direction to use alternative 2, option c, which would be a monthly charge of about \$2.82 for 75 users, \$2.11 for 100 users. I think that's better for that community out there. It provides more incentive and certainly gets us on the right track to preserving those aquifers and I think that's all of our goals. So I'd like to make that in the form of a motion.

COMMISSIONER TRUJILLO: Second for discussion. They're giving up 100 percent, 50 percent and 25 percent of what?

MR. SAYRE: Excuse me, Chairman Duran, Commissioner Trujillo. What we're saying is that if we just fund the proportional construction cost to get the system in there. If you look at 100 percent it would cost them \$11.28 if we funded that. If they had to incur that cost. If we look at just 25 percent of the cost to run the system into them, the construction cost, it would be then \$2.82. And that's what I was trying to give you some presentation from staff about this is what we figure would be the cost. That would be the service charge.

COMMISSIONER TRUJILLO: You said something about a .25 that they would give up as a water right. That's .25 of 3.25 acre-feet in their domestic well?

MR. SAYRE: Almost correct. We would be asking for each resident that has a permitted well to give up .25 acre-feet, of the three acre-feet allocated by state statute.

COMMISSIONER TRUJILLO: Okay. What would happen to the rest of the allocation? They would retain, the private owner would retain it?

MR. SAYRE: Mr. Chairman, Commissioner Trujillo, they could keep that retained for their use as far as irrigation and for whatever else use they're doing at the present time. But that, by state law they are allocated up to three acre-feet annually on a 72-12 well. But we would only be taking that small domestic use portion of what we would be serving inside the house unit.

COMMISSIONER TRUJILLO: Would that be defeating the purpose, if you would retain usage of your domestic well and give up .25 for domestic use to the water system, you'd still be mining the aquifer, the water table.

MR. SAYRE: Well, I guess this gets to be an issue of what's your right when you file for this kind of situation way back and you were permitted this by the state statutes. I think most of the people are not using that much water presently and I don't know if it defeats the purpose. I think it's one of those things that I think overall, the state of New Mexico is looking at as far as what's fair and reasonable for residential and also for ranching and farming use. But that gets into a kind of states' rights issue and we're just trying to say we would like this amount of that for the domestic use requirement.

I understand where you're coming from. I think that will be probably considered by the legislature, perhaps this year or next because that total amount can create problems in some regions such as this.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Trujillo, on this particular area what we're trying to accomplish is taking residential uses, moving that towards some form of imported water, and allowing these individuals who have the right to three acre-feet, whatever's left over, to use the water for traditional uses like agricultural uses, uses that have been used in that community for a long period of time. Mr. C de Baca can give more of an example of the types of uses on C de Baca land but I think Charlie and a few others are actually doing some agricultural uses right now but what this will do is it will free up the water in that area to be used for what it's traditionally been used for and that's agricultural as opposed to residential. And we'd be taking all the residential uses and putting them into imported water.

So maybe the net effect may be the same, but you know, you're going, you're taking the residential use on Paseo C de Baca and servicing it with imported water. They're allocating a percentage of their water rights to be used for that, whatever equals the amount of their consumption and they're agreeing to be paying customers for the water, and they're agreeing for whatever's left over after they've given that water up, they'll use for traditional uses.

COMMISSIONER TRUJILLO: But aren't traditional and domestic water rights two different and distinct commodities? You've got the agricultural water rights for the acequias, and you've got the 3.0 for the well.

MR. SAYRE: You have a point that, Commissioner Trujillo and also Commissioner Gonzales, there is adjudicated water rights which were basically, that applied to normal agricultural uses. We're not trying to get into that aspect of this. We're just trying to look at the three acre-feet that is around. But within that three acre-feet it still allows one acre of irrigation of allocation by the state statute. Some people use it, some people don't. But I think we're just going to look at that. The other thing I think that, like I say, basically, we will try to use imported water to offset this in most cases but by transferring these rights, it gives us a kind of a storage area that in case of need, like when we have a drought, that we could pull out of a well and furnish it to the overall system use so that we have a bank, I guess a banked water right that we can utilize.

CHAIRMAN DURAN: Any more questions of Doug?

COMMISSIONER CAMPOS: Question. Discussion.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: If we chose the option C which is the lowest rate possible, it seems that we might be defeating the purpose long term because it seems that other communities are going to need water and if we get people to pay a fairer share, we'll be in a better position to serve other communities. I think it would be preferable to go to option A or B. It's just I think more equitable. The lower amount certainly is popular, would be very popular but I think we have to look at the County as a whole and to make it so we can service other communities, because there are going to be demands from many communities and we can't just put it all in one place.

CHAIRMAN DURAN: Okay, there's a motion and there's a second.

COMMISSIONER GONZALES: Mr. Chairman, I'm willing to compromise

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with Commissioner Campos. I agree. I think the thing that we need to do is just make sure that we have the success stories, that we're out there showing that the County is ready to step up to be of assistance when they ask for it. And for the Commissioners who don't know this, we have actually 50 water systems throughout this county. So Commissioner Campos, you're right in that there is a water need out there for us to step up to the plate and seek out partnerships with communities to help them address the long term water situation. So I'd modify my submission of item C, which is the least and go to item B, which is what the staff recommended. It's middle of the road. Again, we're looking for success here so that we can take it out to other communities and show them the County has the ability of stepping up to the plate and helping them solve their water issues.

So in an effort of compromise and trying to reach some consensus I'd be willing to modify my motion to item B.

COMMISSIONER TRUJILLO: The second agrees.

CHAIRMAN DURAN: Well, I have a question. Where did we get the funds to develop this project?

MR. SAYRE: Chairman Duran, basically, the \$90,400 came from a legislative grant.

CHAIRMAN DURAN: Right.

MR. SAYRE: And then the rest of it comes from GO bonds that we had that could be obligated to fund the water system improvements within the county. But what we're looking at is can we make those GO bonds go a little further by incurring, having some of the costs for the necessary system being incurred by those people that are going to get the benefit.

CHAIRMAN DURAN: And does this \$249,000 represent the entire amount of the fund?

MR. SAYRE: No.

CHAIRMAN DURAN: Of the GO bond money?

MR. SAYRE: Absolutely not.

CHAIRMAN DURAN: How much more is left in the GO bond money?

MR. SAYRE: About \$1.3 million left in that fund. I can give you a report on that. I didn't bring that information but this was one of the projects that we had brought forward in the past that we wanted to fund, so it's been in the allocation for GO bonds that has been presented. But we're trying, I think we're getting pretty close to allocating the total amount of money but some of this has been sort of in reserve, some of these GO bonds, like say for acquisition of wells, acquisition of the TOW, Top of the World water rights. So some of that's been set aside and is basically obligated to some of these items.

CHAIRMAN DURAN: I can appreciate your desire to bring it down to, or take it up another level but for me, I think that we've raised taxes, this is an opportunity now to offer something to the community and I think another \$30 a month from these individuals isn't going to make that big of a difference and I think that the benefits that the community is going to realize from this water system are far greater than the \$30 a month we're going to get from these people. We're getting them dependent on a water system, not on their wells. I thought

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that was the whole goal. Just a comment. I would prefer to stay with the motion that you made originally.

So the motion is that—what did you say, Commissioner?

COMMISSIONER SULLIVAN: I was going to support the amended motion.

CHAIRMAN DURAN: So did you want to, there's a motion to do item B? So there's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

COMMISSIONER GONZALES: Thank you, Commissioners.

MR. SAYRE: I'm not sure I understand it.

COMMISSIONER GONZALES: It's the staff recommendation.

MR. SAYRE: It's the staff recommendation? Thank you very much. We'll try to get this done this year.

**X. D. 3. Update on the community planning process for Eldorado area**

CHAIRMAN DURAN: And make it quick, Jack.

MR. KOLKMEYER: I'm a speed reader, sir. Mr. Chairman, as a result of our presentation to the BCC on January 9, the Planning Division was asked to present an update of preliminary planning activities in the Eldorado area. We held a meeting Friday morning, January 19 with a number of concerned residents of the area, especially residents outside of the Eldorado Subdivision to discuss possible next steps. Notes from the meeting prepared by John Reeder, the person who arranged that meeting are attached in your packet and essentially address the issues that we discussed, which were expansion of boundaries, increasing representation and participation, determining the level of need and interest for the planning process, leadership roles for the planning process, and defining what problems needed to be solved.

Essentially the outcome was that group would meet with the committee proposing the contemporary community status and decide how to approach recommending a larger boundary for the planning area. County staff offered to host a meeting on Wednesday, February 14 to resolve any issues and help them proceed forward. We have continued to recommend that the various planning groups and interested parties in this area conduct a community-wide meeting so that more residents are aware of what is being considered for them. It has also been suggested that a presentation be made to the County Development Review Committee in March.

In the interim, the Planning Division continues to work on the US 285 Corridor Plan in that area, and to accomplish as much as we can in the next couple of months we have two meetings scheduled there in February and we are still concerned that a major planning effort for the Eldorado area is a full time undertaking and presents some staffing problems for us. I'd be happy to answer any questions.

CHAIRMAN DURAN: Any questions of Jack? Great. Thank you, Jack.

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MR. KOLKMEYER: Thank you.

- X. D. 4. Request authorization to enter into the second amended and restated Regional Planning Authority joint powers agreement with the City of Santa Fe to establish the Regional Planning Authority to designate Santa Fe County as the fiscal agent**

CHAIRMAN DURAN: And quickly, this was basically so that we could get benefits packages and just get our Regional Planning Authority Director paid. Isn't that pretty much it?

STEPHEN BURSTEIN (RPA Director): Mr. Chairman, it also involves just procurements as well to go through the State Procurement Code.

**Commissioner Gonzales moved to designate Santa Fe County as the fiscal agent for the RPA and Commissioner Trujillo seconded.**

COMMISSIONER SULLIVAN: Mr. Chairman, just for clarification, this agreement has been retyped and I just want to be clear that there's no changes to the joint powers agreement other than this fiscal agent.

MR. BURSTEIN: Mr. Chairman, that's correct, Commissioner Sullivan.

**The motion passed by unanimous voice vote.**

MS. MILLER: Excuse me, Mr. Chairman. Can I add one thing to the minutes on that as far as the fiscal agent?

CHAIRMAN DURAN: Sure.

MS. MILLER: That is that the County would be the fiscal agent except for the portion of the policy coordinator that is a City employee, but part of the budget for the RPA is about \$20,000. The County would not take that portion on as the fiscal agent, since the policy coordinator is a City employee and they've already got the budget set up over there. But it would be counted in our total amount of \$100,000 from the City and \$100,000 from the County. I just wanted that to be noted for the record.

CHAIRMAN DURAN: Okay. We'll note that for the record. Thank you.

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- X. D. 5. **Request authorization to publish the title and general summary of an ordinance amending Santa Fe County Ordinance No. 2000-14, "Declaring a moratorium on new subdivisions, land divisions and master plans for projects served by Eldorado Utilities, Inc., and encouraging conservation measures within the Eldorado Utilities Inc. service area" by prohibiting transfer of water from residential lots to commercial lots**

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: This was discussed at length at the January 9 meeting so I would move for approval.

CHAIRMAN DURAN: There's a motion to approve. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion?

MS. YUHAS: Mr. Chairman, Commissioners, staff would also request direction at this time on whether the proposed amendment will be given one or two public hearings. In the past, the moratorium and amendments to the moratorium have been given two public hearings. I don't know if you need to do that with this or not.

COMMISSIONER SULLIVAN: Mr. Chairman, could we pass on this and then discuss that? Or do you want to include this under the discussion?

CHAIRMAN DURAN: Well, typically, ordinances require two public hearings. I don't think we're going to enter into a discussion as to whether or not we should change that right now.

COMMISSIONER SULLIVAN: Mr. Chairman, could we have legal counsel—

MR. KOPELMAN: Mr. Chairman, members of the Commission, the resolution that the Commission passed, I think in 1997 provides that land use ordinances would have two public hearings and it's—this is not clearly a land use ordinance. Again, as Katherine indicated, in the past, we've had two public hearings on it, but it really is within your discretion. If you wanted two public hearings, obviously, that's appropriate. If you wanted to cut it to one, I think you have the legal right to do that.

CHAIRMAN DURAN: When we approved it the first time we had two public hearings. Is that correct?

MR. KOPELMAN: Mr. Chairman, that is correct.

CHAIRMAN DURAN: I think in all fairness to the public that it should have two hearings.

COMMISSIONER TRUJILLO: Agreed.

CHAIRMAN DURAN: So let's move on the motion, whether to publish title and general summary. Is there any further discussion relative to that aspect of this item?

**The motion to publish title and general summary of an ordinance to amend Ordinance 2000-14 passed by majority voice vote, with Commissioners Sullivan, Campos and Trujillo voting aye and Commissioners Gonzales and Duran voting nay.**

CHAIRMAN DURAN: Do you want to have some further discussion on whether or not it should be two meetings or one meeting?

COMMISSIONER SULLIVAN: The only thing I wanted to add, Mr. Chairman, and there has of course been two public hearings on this issue. This would constitute the third. As Mr. Kopelman pointed out, it was a resolution that specifies land use items. This ordinance didn't go to the CDRC. So it's basically not a land use item. It's a water item. It's an item having to do with mechanisms of water transfer and is not really a land use item per se. So as I think Mr. Kopelman said, I think we have the discretion to go either way. I'd like to move it forward so that everyone knows where they stand on this issue and it works into the current planning processes out in Eldorado. If the Board feels that two are necessary then that's the way it will be.

CHAIRMAN DURAN: I have heard from some folks that don't want this ordinance adopted. They've indicated to me that they are working on gathering new information and would like some time to do that. And I think in all fairness to those people, and again in keeping with our policy and how we've adopted the ordinance, how we adopted the ordinance that you're trying to overturn at this point was that we had two meetings. I'd like to make the motion that we have two meetings on this.

COMMISSIONER GONZALES: I second.

CHAIRMAN DURAN: So there's a motion and a second. Any further discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I would prefer the one hearing. I think it's the better route to go in this case. We're not dealing with a land use item. It's redundant. The issue's pretty plain. We're not enacting a new ordinance, we're simply repealing an ordinance that perhaps applies perhaps just to one party. It's fairly straight forward.

CHAIRMAN DURAN: Any further discussion? Those in favor, signify by saying "aye." [Commissioners Trujillo, Gonzales and Duran voted in favor.] Opposed? [Commissioners Campos and Sullivan voted nay.] Motion carries.

- X. D. 6. Resolution No. 2001-10. A resolution supporting a grant application to New Mexico State Parks Division for recreational trails and ensuring a local funds match for the Los Cerrillos Hills Historic Park**

**Commissioner Gonzales moved to approve Resolution 2001-10. Chairman Duran**

seconded and the motion passed by unanimous voice vote. [Commissioner Trujillo was not present for this action.]

**X. D. 7. Resolution No. 2001-11. A resolution supporting a grant application to New Mexico State Parks Division for recreational trails and ensuring a local funds match for the Santa Fe River**

**Commissioner Gonzales moved to approve Resolution 2001-11 and Chairman Duran seconded.**

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The only discussion I'd like to add is that these include—I want to be sure that the local match from these is coming from the open space bond issue. Is that correct?

ROBERT GRIEGO (Planner): Mr. Chairman, Commissioner, the local match for the Cerrillos Hills—

COMMISSIONER SULLIVAN: The one we just approved. Is coming from the open space bond issue.

MR. GRIEGO: That is correct.

COMMISSIONER SULLIVAN: The COLTPAC funds.

MR. GRIEGO: That is correct.

COMMISSIONER SULLIVAN: And this one that we're discussing now, does it have a local match?

MR. GRIEGO: Mr. Chairman, Commissioner, it does have a local match.

COMMISSIONER SULLIVAN: That's also from the COLTPAC funds?

MR. GRIEGO: Yes it is.

COMMISSIONER SULLIVAN: Okay. Thank you.

**The motion passed by unanimous voice vote. [Commissioner Trujillo was not present for this action.]**

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**X. E. Public Works Department**

- 1. Resolution No. 2001-12. A resolution requesting the New Mexico State Highway and Transportation Department, Litter Control and Beautification Center to consider and approve an application for the New Mexico Beautiful Grant for fiscal year 2001/2002**

**Commissioner Gonzales moved approval of Resolution 2001-12 and Commissioner Sullivan seconded. The motion passed by unanimous voice vote.**

**X. F. Matters from the County Manager**

- 1. Resolution No. 2001-13. A resolution declaring a state of emergency for the southern section of Santa Fe County**

**MR. MONTOYA:** Mr. Chairman, the resolution in a nutshell spells out the fact that we are having difficulties cleaning snow because of heavy snowfall and also heavy winds that have created many problems for the Public Works Department. We have a lot of people who are stranded in their homes. People that do not have butane gas and several other issues.

Mr. Chairman, the resolution would then be sent off to the State Emergency Section, the Public Safety Department and would engage some emergency management assistance from the State of New Mexico should the governor authorize that expenditure. I want to point out, Mr. Chairman, that Mora County, Torrance County, San Miguel County and the town of Lon have asked for the same kind of assistance. Mr. Chairman, it's difficult to put a fiduciary number to this request because we do not know the type of assistance that we would encounter.

But at this point, with your support, would send off this request to the state asking for their assistance. I'd stand for any questions, Mr. Chairman.

**CHAIRMAN DURAN:** I think it's pretty self-explanatory. What's the pleasure of the Board?

**Commissioner Trujillo moved to approve Resolution 2001-13 and Commissioner Gonzales seconded.**

**COMMISSIONER SULLIVAN:** Mr. Chairman.

**CHAIRMAN DURAN:** Commissioner Sullivan.

**COMMISSIONER SULLIVAN:** Since this is District 5, let me just say that the staff and I personally, the Public Works Department and the County Manager's office have received numerous calls. They come in as we hold our meeting today with those problems. I just want to clarify, and if this resolution is approved, and I certainly support it, are we able

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then to give some assistance to these individuals who are snow-bound and who can't get into their private homes? In terms of County equipment out on the site?

MR. KOPELMAN: Mr. Chairman, Commissioner, short of having emergency funds that are designated for specific purposes, the only way we would be able to use County property on private property is if there was an emergency, a health and safety emergency. Short of that, it would not be permitted.

COMMISSIONER SULLIVAN: Declared by this Commission or declared by the governor?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I would say that it would be, it could be determined on a case by case basis. For example if there's a phone call that the Sheriff's Department gets that there's an elderly person who needs to be transported to the hospital and that person cannot get out of their property, there's absolutely no problem with us going on to that property to get that person out. But if it's a question of somebody not being able to clear the road to get to work, I don't think we have any legal authority to go and clear that driveway. Having said that, depending upon what the state does, there may be funds set aside for assisting people on private property but we'd have to wait to see what happens from here.

COMMISSIONER SULLIVAN: Excuse me. If those funds are set aside, then can the County equipment go on private property to get these people out? Any of them?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I think it would depend on how that emergency grant is drafted up and what it says. I think we have to wait and see what the language is and what the limits are.

COMMISSIONER SULLIVAN: Is there any time table, Sam, on this?

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, the only thing I can tell you is that I did speak directly to the manager of the Emergency Management Section and the way they deal with these things is on a case by case basis and the importance of the issue has been relayed to them and we would act as soon as we get clearance from the governor's office. So we would be on it as soon as they give us a green light.

COMMISSIONER SULLIVAN: It's hard for us to imagine here in Santa Fe, we didn't get a great deal of snow but all around us, including in the southern part of the county, Edgewood and Stanley and Cedar Grove, they got quite a bit of snow and then they got 60 mile an hour winds which have constantly been drifting and causing these problems. I just encourage every effort that you can make and I know you will, to enable this on a one-time emergency basis. We have a list, the Public Works Director has a list several pages long on people who have called with individual problems and issues that in so far as we can, we put our efforts to try and help.

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, I was reminded also that back in '97 and '98, there was a heavy snowfall in southern Santa Fe County and the state did authorize the County to go into private homes and help people that had medical problems and other issues, seniors, etc. So Mr. Chairman, Commissioner Sullivan, I would think that they would give us the same latitude, based on a case by case review as Mr.

Kopelman has stated. But we will do our best to get to all of those people that need help, Mr. Chairman.

COMMISSIONER TRUJILLO: Mr. Chairman, I'd just like to extend some words of appreciation to James Lujan and his staff, Robert Martinez and all the road people out there that have been diligent in addressing the problems that we've had in the last couple of weeks. Maintenance, getting up at 4:00 in the morning, spreading sand and I really appreciate it. They've done a good job for us.

COMMISSIONER GONZALES: Thanks. Very good.

CHAIRMAN DURAN: There's a motion to approve Resolution 2001-13 and hopefully they'll get it done before spring.

The motion passed by unanimous voice vote.

MR. MONTOYA: Mr. Chairman, as an additional note to that one situation, we did speak to Representative King, Senator Griego and Senator Wilson and they will all support the resolution to the governor's office as soon as we get it to them tomorrow morning. So I just want that for the record.

CHAIRMAN DURAN: Okay, Sam.

**X. F. 2. Resolution No. 2001-14. A resolution establishing Board of County Commission policies for inclusion of agenda material in Commissioner packets and for tabling or postponing agenda items for Board meetings**

MR. MONTOYA: Mr. Chairman, Resolution 2001-14 would provide some guidance to staff and to the general public, indicating that we strongly support open government and the dissemination of information that comes before this Board. Mr. Chairman, in order to maximize this public participation, there are two sections of the resolution that are very important. The first indicates that all agenda materials shall be provided to the Commissioners no later than two full business days prior to the meetings. Such materials shall also be made available for inspection by the public. Any additional documentation that was not provided to the Commissioners in the packet by such deadlines shall be disseminated at the meeting. This requirement shall not apply to documentation relative to executive session.

Under Section 2, Mr. Chairman, all agenda items that are to be postponed or tabled by the applicant or staff shall be designated no later than two full business days prior to the meeting if possible. If there are any agenda items that an applicant or staff wishes to postpone or table, after such deadline the applicant or staff shall be required to attend the meeting and demonstrate to the Commission that good cause exists for that postponement or tabling. At the meeting, the Commission shall have the discretion to hear the matter or to table or postpone it.

Mr. Chairman, that is the general gist of the resolution. It goes towards organizational structure and provision of material and time to review the material that is provided. I stand for

any questions. And Mr. Chairman, I'd like to thank Commissioner Sullivan for his assistance in drafting the language.

CHAIRMAN DURAN: I'd just like to add something to this. I'd like to add that the County Manager, at his sole discretion, would have the right or the ability to limit matters that get placed on the agenda when we have time constraints. For instance, the afternoon sessions, when we have an EZA meeting afterward. The other thing is I'm getting a little tired of reading in the paper that we make people wait eight hours before we hear their cases and that our evening sessions, if you could put the land use cases first so we could get the people in and out of here and then we can deal with the other County business after that. That might alleviate the problem so they don't have to wait forever. We have to wait forever. So I would just like to add that if that would be okay with you, Commissioner Sullivan.

COMMISSIONER SULLIVAN: That's be fine if we don't have any particular language. I think administratively certainly we could give that guidance to the County Manager. I think that's sound advice.

CHAIRMAN DURAN: Basically what that means though is that we as Commissioners have an item we want to bring up and it's booked, we're going to have to wait the next meeting.

COMMISSIONER SULLIVAN: And if we need a resolution to refine it then certainly we could do that.

CHAIRMAN DURAN: So I'll entertain a motion to adopt Resolution No. 2001-14.

**Commissioner Gonzales moved to approve Resolution 2001-14 and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.**

COMMISSIONER GONZALES: I just also want to thank Commissioner Sullivan for bringing this forward. Very good change in rules and I appreciate what he did on that.

MS. BUSTAMANTE: Mr. Chairman, I just need a clarification. The amendments were included, or they were just going to be done administratively and the resolution as presented is okay?

CHAIRMAN DURAN: As it's presented is okay.

MS. BUSTAMANTE: Thank you.

**X. F. 3. Discussion of Edgewood Community Center transfer to the town of Edgewood**

MR. MONTOYA: Mr. Chairman, there was a field trip out to Edgewood. Commissioner Sullivan and several of the senior staff members traveled to Edgewood to talk to

the mayor and some of the staff down there about the transition between the County being in charge of maintenance of roads and other issues now that Edgewood has been incorporated. We've been working on this for approximately a year and a half now, Mr. Chairman, and the particular interest at this juncture is the fact that the village of Edgewood would like to have Santa Fe County turn over one of the assets that the County owns down there which is a community center, and they've been asking the Commission if we would be interested in possibly turning over that facility to the village for their operation.

Mr. Chairman, we have done some due diligence on the actual structure and our understanding is the value of that property is between \$35,000 and \$55,000, depending on the two separate appraisals that have been done on the facility. Currently, we feel from a staff perspective that it would probably be a good idea to transfer this facility over to Edgewood. Now, the issue is before the Board and we're looking for this type of guidance. Should the County simply turn the facility over for the value of a dollar, as has been done with other entities in the past, or should we ask for a fair market value on the actual facility and its value?

Mr. Chairman, there are some issues relative to that. The primary one being that the fire house and the community center are serviced by one septic system and we have to keep that in the agreement should we decided to turn over this facility to the village of Edgewood. But that could be placed into the actual document. Mr. Chairman, what we're looking for here, and there is a specific methodology in the statutes that requires County government to go through several steps to get rid of fixed assets to another entity. We would have to basically go before the, I believe the Board of Finance and also the Department of Finance Administration and seek their approval. But of course that would have to have an initial approval by the Board of County Commissioners from a first perspective.

So, Mr. Chairman, at this point, we're seeking for some guidance from the Board as to your desire on how to dispose of this facility should you wish to do so. The staff's recommendation is that we should work with the village of Edgewood now that it is in its infancy, and I'm sure they can use this facility for lots of public purposes as is the basic intent from the beginning. So Mr. Chairman, I would stand for any questions and if we have any particular detailed questions I'd call on GSD or resource development, for more detail.

COMMISSIONER GONZALES: I'd just like to hear from Commissioner Sullivan. Maybe get some advice from him as to how he feels about this proposal.

COMMISSIONER SULLIVAN: Mr. Chairman, Commissioner Gonzales, this is a facility as Sam says right next to the fire house, which is somewhat—I won't say dilapidated but not up to the best standards in terms of maintenance facility. It is the only facility that the town of Edgewood has for meeting. It's where they conduct their town meetings. And they don't have any other facilities large enough that can hold an occupancy of 116 persons. It's quite a drain on the County staff because the staff has to maintain it. They have to, we have pay the utilities, we have to maintain the facility, we have a great deal of liability associated with that facility and it makes a lot more sense to I think transfer it to the town of Edgewood.

There's a very small play area, park play area behind it which would be part of the



transfer to the town. And again, it's just a matter of where we want to put our resources. If we want to continue to maintain this facility as a County function, which serves no other actual function than a town meeting place for Edgewood. And for that reason, they're willing to handle the survey, the issue of the survey costs, to deal with the survey. As Sam indicated, we've spent legal funds of staff time to look into it. There is a process, a procedure. It was done up in Aztec similarly, a community center for a dollar and it's just up to the Board if we think it's appropriate.

COMMISSIONER GONZALES: With that, Mr. Chairman, it sounds like Commissioner Sullivan is endorsing this so I'd move for approval of the transfer as presented.

CHAIRMAN DURAN: I would like to add just one thing if you don't mind, in that Edgewood would maintain the septic system.

MR. MONTOYA: Very good, Mr. Chairman.

CHAIRMAN DURAN: For the fire department for fire protection for the community.

MR. MONTOYA: Mr. Chairman, we will move with that guidance and draft a document that we will bring before you at the next meeting and move forward with that from that point.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Does this involve one dollar or fair market value? That's some guidance that was asked.

MR. MONTOYA: One dollar? Thank you.

MR. KOPELMAN: Mr. Chairman, it's not an action item. So I think we got direction and we'll bring back an agreement for you to approve when we finish negotiating.

MR. MONTOYA: Thank you, Mr. Chairman.

**X. F. 4. Report on the Inmate Welfare Fund**

MR. MONTOYA: Yes, Mr. Chairman, I wanted to bring forward to the Board a memorandum of understanding regarding the Inmate Welfare Fund that I would like to share with the Board. The actual memorandum of understanding goes retroactive back to July 1, 2000, Mr. Chairman, and clarifies how the Inmate Welfare Fund may be spent. And just for informational purposes, Mr. Chairman, the Inmate Welfare Fund, the revenues that generate this fund come from use of public phones at the institution and also from sales from commissary for cigarettes and other things.

Mr. Chairman, the funds that have accumulated from these uses needed to have some clarity as to how they were going to be expended. That was the general intent of the memorandum of understanding and I'd like to point out in your packet under item 2 that the actual uses for these funds are the following: educational services, which include salaries, supplies, special contracts and educational functions; clergy, which would go to chaplain's

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salary, supplies and functions; recreation, also covering supplies, salaries, equipment and capital outlay; hobbycraft, which would be for acquisition of supplies, contract salaries, to bring in people to help with crafts; library services to hire a librarian and to buy equipment and any services that would be needed for the librarian; employment services, which include inmate salaries between five cents and a dollar per hour, depending on the job, training, also in the employment area; then we would go to substance abuse education, paying for salaries, contracts, supplies and materials in this area; employment skills training, which would pay for salaries, contracts, equipment, supplies and materials, hoping to be able to bring skills to the inmates; technology, which would allow for the acquisition of computers, video arraignment equipment, which is something we've also been working on in the facility; and distance learning equipment, to allow for more opportunities to bring technology to the institution.

Mr. Chairman, these are the actual areas that Cornell Companies and Santa Fe County have agreed to utilize the revenues for these specific purposes. Mr. Chairman, I simply wanted to bring the Board up to date that these were the functions that we hope would be good for stimulating inmate education and bringing technology to the institution. Mr. Chairman, I would stand for any questions.

CHAIRMAN DURAN: Any questions of Sam?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: How much is in the fund now, Sam?

MR. MONTOYA: Mr. Chairman, there is approximately half a million dollars in the fund. I'm sorry, Mr. Chairman, a quarter million dollars, \$240,000.

COMMISSIONER SULLIVAN: The memorandum says the Inmate Welfare Fund shall be reconciled monthly by Cornell. Are we getting reports on that?

MR. MONTOYA: Yes, Mr. Chairman. They are submitting requests to us on how they would how to expend monthly. They submit either charges for the librarian or charges for education and the County signs off on those expenditures.

COMMISSIONER SULLIVAN: So to date, we haven't expended any of those funds?

MR. MONTOYA: Mr. Chairman, we do have some requests that have come in just recently. We've not processed those yet.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Any other questions of Sam?

**X. F. 5. Discussion of a memorandum of understanding with surrounding counties regarding regional jail issues**

COMMISSIONER GONZALES: Mr. Chairman, Sam, real quick, I had asked that this discussion be brought forward. I think I can tell in a nutshell because I've spent a lot of time with some of our peers in San Miguel, Rio Arriba and Taos Counties. As we all know,

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northern Santa Fe County is dealing with a lot of jail issues as counties begin to prepare to build new facilities and deal with existing facilities. I convened a meeting here last week of representatives of San Miguel, Taos and Rio Arriba to begin a discussion or a dialogue as to whether there's a need to address regionalization of justice facilities in northern New Mexico and there was a consensus by all the parties there that they wanted to begin the dialogue to talk about how we could all work collectively to take care of everything, from substance abuse to incarceration.

So what we're asking, Mr. Chairman, is that this memorandum of understanding be passed by the counties of Rio Arriba, San Miguel, Taos and Santa Fe County, so that we could go to the legislature and ask them to fund some kind of regional study on how we can as counties work together as a region to address some of these justice issues. And this is the first step in that effort. I've talked to my peers from around northern New Mexico. They're taking it forward to their own commissions, and Mr. Chairman, I would just ask that the Commission—I don't think this is up for a vote at this point, or is it up for a vote. If it is up for a vote at this point, I'd ask that you pass it.

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, I think a draft has been put together but what we would ask is authority to put together a very simple MOU and if you would authorize perhaps the County Manager to sign it, just so that we can proceed to the state legislature, because I think the concern would be if we wait to the next meeting, we've lost some very valuable time. And we can certainly provide copies but the idea is very simple, asking for some seed money to work on cooperative regional jail facility issues.

COMMISSIONER GONZALES: Mr. Chairman, I'd stand for questions, but I'd like to move to pass that direction on or to allow the manager to enter into this MOA on our behalf.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: And you would bring that back to us before you send it out, right? Is that basically it?

COMMISSIONER GONZALES: Well, what we would authorize, Mr. Chairman, is that at the point that there's a memorandum of understanding that's agreed on by all the counties, that if we don't meet in that time period, the Manager could sign it so we could go to the legislature and seek legislative funding to come in and begin the regional studies of jail issues in northern New Mexico and how we can work as a region. Again, it's not just about incarceration, it's about collectively working together to address substance abuse, all the issues surrounding alcohol and drugs, the mentally ill, all that will come into play as we look as a region how we can solve some of these issues.

MR. MONTOYA: Mr. Chairman, on the draft MOU, I think you'll find that the provisions under the "Now, therefore" section of the resolution will stay consist, and that is I think the intent of the initiative, is to find seed money to do the following issues that I think Commissioner Gonzales has covered specifically.

CHAIRMAN DURAN: The "Now, therefore" of what?

MR. MONTOYA: Mr. Chairman, we have a draft of that MOU that we have

put together and it goes directly to the issues that Commissioner Gonzales just mentioned. Exactly.

CHAIRMAN DURAN: So is that—does everyone agree with that direction? Okay good. Thank you, Sam.

**X. G. Matters of Public Concern – NON-ACTION ITEMS**

CHAIRMAN DURAN: Is there anyone out in the audience that would like to address the Commission? Please come forward.

ROBERT ROMERO: Mr. Chairman, Commissioners, I'll be very brief. I came before you last Commission meeting with a request for extending the County water utility that I spoke to Commissioner Gonzales about this after that meeting. He asked me to put that request in writing. I'd like to go ahead and submit it to you.

COMMISSIONER GONZALES: Mr. Chairman, with this, without Robbie having to go into the discussion all over again, I'd like to, with the concurrence of the Commission ask the staff to take the letter and begin to develop some kind of analysis on what the cost would be to actually pull the water system, again, across I-25 where the village is asking us to do it, and maybe come back and bring a report to the County on this effort, which I think is what Robert's asking us to do.

CHAIRMAN DURAN: That sounds great.

COMMISSIONER TRUJILLO: Is this parallel with what Doug Sayre talked about?

COMMISSIONER GONZALES: Well it's parallel in terms of trying to address the overall issues of the community of La Cienega, but it's a separate water issue. There's issues, as you know, of Lower La Cienega and Upper La Cienega. What Robert is asking us to focus our attentions on as well is where the new growth has occurred and that's in Upper La Cienega, where people, correct me if I'm wrong, Roman, have been required to sign affidavits saying that at the point that County water becomes available, they will cap their wells and agree to hooking up to County water and so what I think the community of La Cienega is asking us through Robert is to basically begin that process of taking imported water into Upper La Cienega so that some of this new growth can begin to be serviced by imported water.

At that point, Commissioner Trujillo, it's very different from what Mr. C de Baca was proposing earlier in that they would actually have to cap their wells. That's the agreement, right, Roman?

ROMAN ABEYTA (Deputy Land Use Administrator): Mr. Chairman, Commissioner Gonzales, that's correct. When water, there's a condition that these applicants must accept that when water becomes available within 200 feet they need to cap their well and connect to the utility.

COMMISSIONER GONZALES: So what Robert's asking us to do is begin the process of seeing how we, how the County begins to develop a process to begin to take water

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into Upper La Cienega so we can get those wells capped.

MR. ROMERO: I'd like to also add that, at this time, this point in time, there are also funds available other than County funds to make this happen. Several commercial developments in the area expressed interest and also to contributing to extending that waterline down. The acequia also may be able to contribute some funding for that as well at this time. It's all a matter of timing at this point and I think it's about time we consider it.

COMMISSIONER GONZALES: And I think, Mr. Chairman, members of the Commission, that's what the community is asking is that we've had these conditions in place for the last six years. There really hasn't been any movement on the County to take imported water into Upper La Cienega, and so I think we need to develop some kind of plan so at least the community knows what our commitment's going to be over the near to term to take imported water into that area.

MR. ROMERO: I'd be happy if once the Commission reviews this request that we have submitted, to answer any questions in regards to this, and I will be meeting with Doug Sayre on it as well. I talked with him and asked Estevan Lopez as well about this matter. That's about the gist of it.

COMMISSIONER TRUJILLO: And the issue, here, Mr. Chairman, is that there is an existing waterline within close proximity of Upper La Cienega, right?

MR. ROMERO: There's actually three points that exist. The furthest one away is probably Mutt Nelson Road. There's a utility line extension there. The second one is at the New Mexico National Guard. That's the second furthest away. The most closest would be the extension out by Valle Vista, has been extended out to the Parker property, which is also, probably be coming forward with a master plan in the near future. The acequia of La Cienega has a site there on that particularly property for a supplemental well. They may have funds available. I know they do have some funding but it may be supplemented as well this year to extend through that cross-over for the supplemental well and this can be done simultaneously with the County water extension. It would actually reduce the cost considerably on the County's part. That's something to consider.

CHAIRMAN DURAN: Thank you, Robert.

MR. ROMERO: I have one more matter that I'd like to address the Commission. I'll be very brief on this one. It's in regard to the sole source aquifer designation. The La Cienega Valley Association has no association with this petition as it was brought forth by the La Cienega Citizens for Environmental Safeguards. We have serious concerns about this petition. It was brought forward and the fact that it had little or no community involvement. The Valley Association had nothing to do with it.

COMMISSIONER CAMPOS: I have a question for Mr. Sayre. Could you comment on Mr. Romero's request?

MR. SAYRE: Chairman Duran, Commissioner Campos, I'd be glad to. This past year we extended the line over along the frontage line from basically Allsups over to the Parker property, and that was done by a joint venture with a lot of different partners over there. And now we did leave a place that we could go across the interstate at that point that would go

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across and go into the road that goes on I guess on the north side of the race track. So we're anticipating that and I think what we can do is now start to look at how we can try to get across the interstate and start moving down that road. I forget what it's designated. I can't remember which County road that is, but it's the one that proceeds west off the frontage road going towards La Cienega.

I can say that we've also contacted a couple of the large developments that were going in there to look at would they consider funding part of this improvement and also come on to the County system in lieu of using their own system. So we are approaching that discussion as Robert has indicated.

COMMISSIONER CAMPOS: Does the water company have a comprehensive plan as to where it's going to grow, where it wants to serve?

MR. SAYRE: I don't believe it has a comprehensive plan. We've been basically looking at what areas come in. We have a service area that we've looked at and we're trying to serve those particular areas as the development has occurred. We've extended our service area into certain places like La Cienega and now we're trying to proceed into that area. And then we've looked at I guess conditions to allow us to come in the area and they would connect on, so we don't just extend systems and don't have any users basically because they don't want to come on the system.

COMMISSIONER GONZALES: Commissioner Campos, we have a service area also that the Commission has adopted a couple years back which doesn't go the full length of doing a comprehensive, detailed plan, but the Commission has adopted service areas where we want to focus our efforts in delivering imported water. So it's not piecemeal in terms of, someone comes in and applies and then we take the service area. The only area where we have agreed in the past to take water is in that area, the service area that we had approved about two years ago, which includes this area of La Cienega and loops around to the west side.

COMMISSIONER CAMPOS: Well, that's what I'm concerned about, the piecemeal approach. I was just hoping that we did have a comprehensive plan because we don't have a lot of imported water, do we?

COMMISSIONER GONZALES: No, we don't.

COMMISSIONER CAMPOS: Do we have any?

COMMISSIONER GONZALES: No. Actually, well, I shouldn't say we don't have, but we're capped on our 500 acre-feet. So we're very limited in what we can use in terms of imported water in these areas. We can talk all we want about taking imported water into La Cienega but until we acquire more water rights and develop a long-term sustainable water approach, that's not going to happen. So it's all part of lots of planning that we need to undertake.

MR. SAYRE: Two items. Certainly we're trying to develop a four-year water plan which will probably come forward before we want to look at going primarily into. The other item we're talking with is water summit, so that we basically inform you and then we get direction as to how we proceed on some of these matters that you're talking about. Because that's one of the priority things that we feel is necessary so that we start on this comprehensive

plan. But in a lot of cases, I think we have to look at—we've really capped out. We've been struggling with trying to get additional water rights so that we can go into areas that we have in mind and we have somewhat of a plan to do this, but because we didn't have the water rights or the system supply available in the area, we've been sort of stymied in the last couple years about going forward with additional expansion of the system.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Thank you, Doug. Next speaker please.

MARK GONZALES: Mr. Chairman, members of the Board. My name is Mark Gonzales. I'm an attorney with the Modrall Sperling law firm and I represent Auerbach Palace. As you know, Auerbach Palace, LLC, was recently awarded the bid on the state's sale of the Villa Rivera Building, otherwise known as the old hospital here in Santa Fe. We're here to petition you today with our intent to begin preliminary discussions in exploring the County's interest of the possibility of a private sector-government joint venture in the purchase of the Villa Rivera Building.

We are very well aware that the County has some very high priority space needs and we would hope that any such joint venture would adequately and in a cooperative fashion meet those needs. The way we would intend to proceed would be to at some point here in the near future present you with a draft memorandum of understanding which would be the focus of our discussions and would allow us to proceed with any further analysis that needs to be done.

CHAIRMAN DURAN: I have a question. Is your interest in working with the County basically dealing with the Marian Hall space?

MR. GONZALES: Certainly the Marian Hall space is one of the areas that we'd be very interested in working with the County with, and also in discussing any further space requirements that the County would have in trying to meet those. We'd be very open to discussing not only Marian Hall but there would certainly be an area that would meet some of the County needs but if the County had additional needs, we'd also like to discuss those.

CHAIRMAN DURAN: So is your interest in discussing the possible purchase of the building collectively with us, or would you be talking to us about acquiring a commitment to purchasing a percentage of it? I think Marian Hall represented that percentage.

MR. GONZALES: There would be several options that we could consider and each of those would be one that we could discuss further. Certainly one way that we could go is by doing some type of bond financing package for the entire property, or depending on the County's needs, discussing whether or not we could work on a smaller portion. Right now, what we would like to do is enter into preliminary discussions, get a better feel for what exactly the County's needs are and try to meet those through some type of joint venture.

CHAIRMAN DURAN: And how do you propose doing that? Meeting with the County Manager?

MR. GONZALES: According to the pleasure of the Board. We could meet with any staff that you designate to so proceed.

CHAIRMAN DURAN: Well, I've been contacted by a lot of people out in the community that would still like to see that building be public—not all but some of it be used for

public use. And I don't know what the Commission would like to do but I'd like to send direction to staff to set some time aside to meet with representatives of Auerbach properties and see if, just explore the ideas, the possibilities. And if any of the Commissioners want to be involved in those discussions, I think they should be. I'd like to be involved with them. We have to be careful about a quorum. So maybe you could have several meetings after you've defined the possibilities.

MR. GONZALES: We'd be happy to meet with the Commissioners collectively or individually according to their needs and concerns.

COMMISSIONER GONZALES: Mr. Chairman, I'd recommend that the chair and, I don't know if Commissioner Trujillo would be interested, but the chair and either Commissioner Campos or Sullivan be the designated team to kind of bird-dog this with the staff and see if it's at least—at least to have a Commission presence in these upfront negotiations would be to send out some signal as to whether the County's going to seriously entertain this or not. We would hate to go through a process of negotiating with the staff and then coming back and the Commission deciding that it's just not something we don't want to do. So I'd encourage at least to take you up on what you indicated and assign a team from the County, from the Commission to participate in these negotiations.

I agree with you, Commissioner Duran, if this property or at least a portion of it can be in public hands, it should be and we should take a look at this offer seriously and pursue it to its fullest extent and see what comes out as a result of it.

COMMISSIONER CAMPOS: I have a question. Is there a time line as far as your deal with the state?

MR. GONZALES: Mr. Chairman, Commissioner Campos, the state of New Mexico through its Property Control Division Director has said that they have placed a 60-day time limit on the award of our bid. However, we have in each public forum, the Capitol Building Planning Commission which controls the state's property around Santa Fe, in their meetings have told them that we have disagreed with them in what our bid says. So he is under the impression that the bids must close within 60 days and we are saying that yes, we will close within 60 days of negotiating the purchase agreement and the lease agreement.

As many of you are aware, there is a certain amount of that property that's taken up by some of our elderly citizens that need to be addressed and that's going to take some time to do. So we will close in 60 days but our version of closing in 60 days is that we need to be able to have a purchase agreement in place along with a lease agreement. I do hope that wisdom is going to be the better part of valor and that we're going to be able to reach some sort of agreement with him at some point during the 60 days, that he is not on a hypertechnicality going to allow this new bid process, which is the third bid process, to fall apart again. If many Commissioners might not be familiar, we have been the highest bidder on all three occasions that this property has gone out to bid over the last three years, and we do stand prepared to work seriously with the Commission and with others to try and work a project that is the best interest of the state and hopefully, in the best interest of the County, and that's why we're here to petition you today.



COMMISSIONER CAMPOS: Does your time limit affect the time limit the County would have to consider what you're proposing? You're saying that the County would have to make a decision within 60 days?

MR. GONZALES: Mr. Chairman, Commissioner Campos, we are not at this point going to tell the Commission that we are trying to rush anything through it. This is certainly a serious issue that needs serious discussion and analysis by the Commission and by us as a whole. And that is the message that we have sent to the Property Control Division and to the Capitol Building Planning Commission, which is actually the entity in charge of the sale of this property under Senate Joint Resolution 13, which was introduced by Senator Roman Maes.

CHAIRMAN DURAN: So I guess the biggest question is, do Commissioner Sullivan and Commissioner Campos even believe that we have a space problem here.

COMMISSIONER CAMPOS: I think there is an issue with space. No question.

CHAIRMAN DURAN: So would you like to serve, Paul?

COMMISSIONER CAMPOS: I'll sit with you. But I don't think that the County should make any move right now that sounds like a commitment. Just looking into it. That's all we want to do.

MR. GONZALES: And that's why I phrased it as just preliminary discussions. That's our intent, that we're trying to petition you here today to get a sense of what your needs are and very preliminary discussions to see whether it make sense for us.

CHAIRMAN DURAN: Sounds like fun.

COMMISSIONER SULLIVAN: Mr. Chairman, I don't want to indicate my lack of interest in it. It's just that until the snow melts in southern Santa Fe County I can't even make an outgoing phone call.

CHAIRMAN DURAN: Well, we're fortunate to have you here tonight.

MR. GONZALES: If you need any questions answered, we'd be happy to four-wheel it out to where you are.

CHAIRMAN DURAN: Thank you. Anyone, anyone else from the audience that would like to address the Commission?

**X. H. Matters from the Commission**

**1. Discussion of Sybil Adams-Lyons bookmobile project**

COMMISSIONER GONZALES: Mr. Chairman, members of the Commission, I'd just like to speak for a moment about a project that I've been interested in. As you may know, I will become president of the National Association of Counties in July of this year, and one of my presidential initiatives I will propose is to create a national county program to attack illiteracy in our nation. The statistics on illiteracy are stunning. More than 20 percent of adults in this country read at or below the fifth grade level. The National Adult Literacy Survey found that more than 40 million Americans age 16 and older have significant

literacy needs.

I was delighted several months ago when individuals representing a literacy project here in Santa Fe approached me. Representatives from Turquoise Trail Elementary told me that they plan to purchase a bookmobile in remembrance of a beloved librarian, Sybil Adams-Lyons. The bookmobile supports intergenerational reading activities by delivering books in the community of Turquoise Trail. This encourages parents and children to read together at home and consequently increases the literacy rate amongst our counties children and adults.

The bookmobile is a mobile lending library that will make four scheduled stops in the community during its day along a 25-mile stretch of the Turquoise Trail and could potentially serve more than 300 families along New Mexico 14. They've created a program around the bookmobile that involves a teacher advisory committee, methods of evaluation and what I think is a plan for success.

Now the Santa Fe Rotary Club learned about the bookmobile program and asked to participate by acquiring books in Spanish and promoting a Santa Fe-Chihuahua teacher exchange. This international partnership is encouraging and will not only foster literacy in the English language, but the Spanish language as well. Mr. Chairman, the supporters of the bookmobile approached me to ask you and members of this Commission to help in purchasing the bookmobile, and I agreed. And today, I would like to announce that I will be asking the County Commission for \$50,000 in funding from our capital fund to assist with the bookmobile.

I know Commissioner Trujillo and Commissioner Duran recall that at last year's budget session we set aside monies for projects just like this. I am encouraged by the project and by the support it has generated from many people around our community, especially along Turquoise Trail, and our Rotary Club, and I'd like to introduce, I believe the husband of Sybil Adams Lyons is here and just to make a brief comment, because I know that the chairman is anxious for us to get moving. But I think it's important if we hear from anybody we hear from you sir as to Ms. Lyons' vision for this bookmobile. and what you hope to achieve with it.

MR. LYONS: Thank you very much. Mr. Chairman, Commissioner Gonzales, thank you so much for your work. You've done a much better job than I of really describing what we're trying to do. It is the feeling that the community served by the Turquoise Trail School can really profit from this particular endeavor. It is a literacy project as Commissioner Gonzales said. It involves the bookmobile traveling about and making reading material and tutoring available to members of the community, members who otherwise are not, really don't have access to even the public libraries in many cases, just because of transportation issues.

You may be aware that the Turquoise Trail area represents some of the less financially franchised of our community. So this is what we're after.

COMMISSIONER GONZALES: Mr. Chairman, also here and I know that we need to move but I just want to introduce him is Robert Garcia from the Rotary Club and I'm sorry, from Turquoise Trail Elementary—I'm sorry ma'am, you're going to have to say your name. I apologize. I've drawn a blank.

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LEIA ZENDERMAN: Leia Zenderman, I'm the Turquoise Trail business manager and grant writer.

COMMISSIONER GONZALES: Right. And she's been instrumental in really pushing us very heavily in this area and Robert, thank you. Mr. Chairman, I know that this is not an action item but I did want to have these individuals come forward and answer any questions that you might have. This is an opportunity for this County to show that providing public service is not just about roads and public safety, but also reaching out to communities like the Turquoise Trail community that are willing to step up and help our children and agreeing to fund this important bookmobile project and so I'll be asking at the next Commission that a budget item come forward requesting the \$50,000 appropriation to be made to Turquoise Trail Elementary and ask the Commissioners to support it. And these individuals are here right now to answer any questions. If you don't answer any questions, I'm assuming you're all in support of it and will vote a resounding yes.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: The idea's a very good one. The information I pick up is that you're going to use this bookmobile one day a week?

MS. ZENDERMAN: Initially.

COMMISSIONER CAMPOS: Okay. And it's only going to be used by the Turquoise Trail School?

MS. ZENDERMAN: We're sponsoring the project, but the bookmobile will be available to all families and children who live in that zone where it's traveling. So it's not restricted to just children and families that attend Turquoise Trail, but if they're home-schoolers or kids who go to high school, they're certainly welcome to use the bookmobile.

COMMISSIONER CAMPOS: What about Sweeney, Agua Fria, Salazar Elementary, Ortiz Middle School? What I'm saying is if we're going to spend a lot of money on something, it should be shared as widely as possible. It's a good cause, but there are a lot of kids that need this. And having something sit there six days a week doesn't—

MS. ZENDERMAN: Well, initially, it was a project in memory of Sybil who passed away last June 7. And we were sitting around thinking about what we could do with a Barbara Bush Family Literacy Foundation Grant for \$50,000. And out of that discussion came the Sybil Adams-Lyons Memorial Bookmobile project. And we didn't think of it in huge terms. Right now it seems to be getting quite large. The *Albuquerque Journal* published an article on the bookmobile and the project and that's how the Rotary Club and Commissioner Gonzales found out about it and came to us and we had a meeting.

So initially for us, we were thinking of our zone and serving the needs of the people in our zone to see if it would work as a project. Certainly if it works as a project, if we can get more funding—and I've applied for four other grants to fund this project as well and we're going to do a fundraising letter—certainly Commissioner Gonzales and I when we were talking about it, we would like to use it as a model to expand beyond our zone if it works in our zone and we get coordinated, we would be more than happy to send it out to the other elementary

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schools.

COMMISSIONER CAMPOS: I have a question for legal staff. Do we have authority to spend this kind of money for this project, being a government of limited jurisdiction, we usually have to look for statutory authority. Any problems that you see?

MR. KOPELMAN: Mr. Chairman, Commissioner, I would have to look into it a little more, but at first blush I don't think there's an issue. The money would be going for a public project. It would benefit residents and citizens of the county. The issue you brought up about the limit in scope is probably something that the Commission can deal with down the road also. But as a pilot project, I think literacy certainly is a public purpose and I think that the statutory grant to the Commission is broad enough to allow it. Of course the devil's in the details; we'd have to look at the documentation but I think broad scope, globally, I think it is a public purpose that would come within the scope of what you can do as a body.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER GONZALES: For purposes of education of the new Commissioners, we fund programs like the Boys and Girls Club. We fund programs like the youth center up in Pojoaque and so we have a history of reaching out to organizations that are doing public good and funding them. But Steve's right. Absolutely. If the Commission approves this budget, it will have to go through all the legal review and we'll have to make sure that it's spent properly and accordingly and all that has to come back before this Commission for concurrence. But I appreciate the Commission indulging these individuals to be here because this is an important need in our community, and certainly along Turquoise Trail and all over, we've got a lot of kids that are anxious for knowledge and if this bookmobile can help address that, I think that we're taking the first step in many to help close this literacy gap that exists in our communities.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think it's certainly a worthwhile cause. In looking at the budget, the only thing that caught my eye was a \$50,000, you have \$5,000 is allocated for the bookmobile, and can you buy a bookmobile for \$5,000?

MS. ZENDERMAN: No, that budget is based on the requirements of the Barbara Bush Foundation Family grant. The \$50,000 limit of the grant. Since I've submitted that budget, I've written to the Educational Foundation of America for \$100,000 and other local foundations for other funding. We're going to be doing a fundraising campaign in February to raise additional funds and I'm going to continue looking for additional funding. I'm in contact with a national consultant who deals with bookmobiles. That's what he's been doing for the last 40 years and through him I got information about bookmobiles and literature about some bookmobiles, and they cost about \$150,000.

And you can outfit the bookmobile how you select. There's a shell and then you designate how you want the interior designed. So we're in the process of looking at a number of manufacturers and one of those manufacturers provided a bookmobile to a library in Las Cruces and our state library just recently awarded an RFP to this same company. I think

they're out of Ohio, for a bookmobile for the state library. So we are investigating the costs. But that budget is only limited by virtue of that.

COMMISSIONER SULLIVAN: Former City Councilor Ouida McGregor briefed me on this and I think it's a great effort. It's a great volunteer effort and we certainly are supportive of it.

COMMISSIONER GONZALES: Thank you, Commissioners. I appreciate it. Thank you for being here.

**X. H. 3. Resolution No. 2001-15. A resolution supporting the New Mexico National Guard in their efforts to improve training capabilities at the Santa Fe Municipal Airport**

COMMISSIONER GONZALES: Mr. Chairman, I asked that this resolution be brought forward for consideration by the County Commission. As the Guard prepares to enter into discussions with the City for a long-term lease. We know from the City that the City is going through a master plan process. Myself and Commissioner Trujillo held a community meeting in Agua Fria where we were able to listen to community residents voice their concern over the airport expansion. I will be bringing a resolution before this Commission that I've been working on with members of La Cienega to try and begin the studies required to address noise abatement. In my discussions with the National Guard they've agreed to participate in that and the goal would be to do a study of noise issues on communities throughout the Santa Fe area that suffer as a result of the airport having a presence here and hopefully use those studies to establish better flight corridors.

Briefly, as we know, the National Guard here in Santa Fe, I don't know if a lot of people know, their primary mission, Mr. Chairman, is to serve as a search and rescue mission for citizens of northern New Mexico. As we see in our packet, if the Guard were to lose its lease—they still have 25 years, I understand, based on—they still have 25 years left on their City lease that if they lose it that they could use the 20 jobs or the \$2.4 million payroll. It's stated that the Guard would expand the facility and through the expansion would generate an additional 20 jobs for local Santa Fens.

I've asked the Guard to make a very brief, brief, brief presentation. This is not it. They're just providing this I believe for Commission consideration, but just to answer any questions. And Mr. Chairman, again, this still has to go through the City of Santa Fe. It's under their jurisdiction. The City of Santa Fe has to go through the process of doing a master plan. What I'm asking the Commission to do here today is either affirm our support for the National Guard to have a continued presence in this community, or to not affirm that and I'm hopeful that we do.

Now there is an amendment that I would like to make to the, if the Commission considers this item and that amendment would be an amendment, basically, in addition to the resolution that the Board of County Commissioners is opposed to flight patterns that disturb the

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communities of La Cienega and La Cieneguilla and should the New Mexico Army National Guard choose to allow its aircraft to disturb those traditional communities that the resolution would be deemed null and void. And basically, what that's saying to the Guard is that we're wanting you to respect the traditional communities of La Cienega and La Cieneguilla. There have been reports that sometimes the helicopters fly over those communities at a very low elevation and disturb a lot of the individuals out there.

So I think it's important that if you're asking the County to support the Guard in these efforts that somehow we get some level of assurance for the Guard that you will not be using the helicopters to fly over these communities. And I know in our discussions with you and the mayor and the general that you've indicated that the Caja del Rio Forest is the area where you actually do some of your training flights. So many just real briefly for the chair, you can just do a brief synopsis and then answer any questions that the chair may ask.

COMMISSIONER TRUJILLO: Just a comment, Mr. Chairman. I think that the amendment includes La Cienega and La Cieneguilla. There is Agua Fria that is another traditional community in the area and there's other communities like Piñon Hills that are also affected by the noise of the helicopters. So the air corridor should take that into consideration. The impact that it has, on not only La Cienega, La Cieneguilla, but also Agua Fria, Piñon Hills, and other surrounding communities.

CHAIRMAN DURAN: So your options are to just go straight up and straight down, right?

COMMISSIONER TRUJILLO: Two thousand feet.

LT. COL. GREGG CLIFF: Mr. Chairman, Commissioners, my name is Lt. Col. Gregg Cliff. I'm the state aviation officer for the New Mexico National Guard. Just by way of background, the aviation support facility and aviation have been resident at the airport for the past 25 years and even longer. The construction of the facility was 25 years ago but they have been resident on the airport longer than that. We have a history in Santa Fe and we want to continue that history if at all possible. We're dedicated and support any noise abatement procedures enacted or in place by the airport authority. By regulation we have to comply with those.

We have autonomously established certain procedures for getting our helicopters in and out of the Santa Fe airport traffic area without—let me restate that, mitigating the impact we have from the noise of our helicopters. As Commissioner Gonzales stated, our primary training area is right now on the Caja and out on the Rojo Mesa area. Principle to our discussion this evening is the need for improved facilities. Three years ago we did a unit transition from what we call traditional helicopter, a UH-1, which saw service in Viet Nam, to the modern Blackhawk helicopter. The original facility was built and maintained for the UH-1 and not the Blackhawk helicopter. At present we can only put two helicopters in our hangar facility. These aircraft cost approximately \$12 million and that's our taxpayers' money and we see that as a stewardship issue to provide and maintain a place in which to adequately perform maintenance and care of those aircraft and care for the property we've been entrusted with.

The issue before you and the City Council is to allow us to extend our lease another 30

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years which is a regulatory requirement as well as extend the size of the operation which we occupy out there on the airport itself. This would allow us to build a new maintenance facility and allow us to properly maintain the aircraft and execute our stewardship of the property we've been entrusted with.

The packet you've been provided provides a little background detail on that as well as a sketch. The sketch, we have those available if you so desire.

Commissioner Gonzales: Mr. Chairman, can I ask you a couple questions of what I've seen in the paper through communication. It's been reported that the National Guard's going to have up to 25 Blackhawk helicopters. Is that correct?

LT. COL. CLIFF: Mr. Chairman, Commissioner Gonzales, the number 25 actually comes from a master plan that was adopted by the City in 1980. In that master plan, it anticipated growth over a 20-year period of up to 25 helicopters operating from the airport. The plan for the New Mexico National Guard is to grow to no more than 15, but through the allocations and funding constraints, realization will probably be 13 aircraft. And that growth will probably not occur for the next five, six years.

COMMISSIONER GONZALES: I've also heard that the National Guard is intending to use this as a full-fledged training base, meaning outside of the training for search and rescue. Are you going to stay with your primary mission of search and rescue, or are there plans to expand that?

LT. COL. CLIFF: At this time, the unit is an air ambulance unit. Their primary mission is medical evacuation and that is what we train for. Aside from that is their service in the search and rescue community. They'll continue to provide that service until such time as—and we have no knowledge that this will ever occur if they change the mission of the unit and redesignate them, they will continue to be an air ambulance organization.

COMMISSIONER GONZALES: In closing, Mr. Chairman, on a different issue, I just want to thank the guard for delivering—I saw the 500 gallons of water out to Cañoncito over the weekend, again, showing your presence in our community being very important. So thank you for that.

LT. COL. CLIFF: I stand for any questions, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just after the new year I went out to the Guard facility and toured it under the guidance of Major Michael Montoya, the facility officer out there. And I was quite impressed with the facility. Two Blackhawks took off while I was there standing inside and I couldn't hear them take off. I understand the Blackhawks are considerably quieter than the Hueys were, with their two engines and four-bladed propellers. But I think it says here in the documentation that there's 20 employees. I think they actually have more like 40 out there throughout the week. And it's certainly, in terms of search and rescue and air ambulance is a wonderful facility to have there at our disposal as a community.

I appreciated the courtesy that they extended to me in showing me the facility. I initiated the trip. They weren't lobbying me. And I think it's quite a benefit that we have to

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the community there. And I understand the number of helicopters they have is seven. Is that correct now?

LT. COL. CLIFF: Mr. Chairman, Commissioner Sullivan, that is correct. There's seven out there at this time.

COMMISSIONER SULLIVAN: And you're anticipating like six more.

LT. COL. CLIFF: That's correct.

COMMISSIONER GONZALES: Can you address real briefly the issue to the communities, I think hearing the noise as much as flying directly over, I think all the communities in that area are going to hear that noise but it's the actual disturbance that happens when a Blackhawk flies over someone's house. Can we have some assurances that that's not going to happen?

LT. COL. CLIFF: Mr. Chairman, Commissioner Gonzales, that's a difficult question to answer because there's actually two sides to that. The control of helicopters stationed at the Santa Fe airport is under my jurisdiction and the flight patterns that we operate in, that we've directed or I've directed, and the altitude restrictions are just that, my direction to them. However, Santa Fe airport is a popular transient stopover for other military aircraft, and I have no control over their flight patterns, their arrivals and departures from the Santa Fe airport.

COMMISSIONER GONZALES: But in terms of what you're controlling, you can assure us you'll keep—

LT. COL. CLIFF: Of what I control, I can assure. There are no [inaudible] flights over residential homes.

COMMISSIONER GONZALES: Okay. Anywhere in that area, including what Commissioner Trujillo has indicated along the west side, the communities of Agua Fria, Piñon Hills.

LT. COL. CLIFF: In the traffic pattern, they don't leave their traffic pattern at less than 1700 feet AGL, which is 1700 feet above the surface of the ground. That is regulatory and as far as I'm concerned low level flights, they're authorized outside of controlled airspace and that's an area that's presently five statute miles around the airport to descend down to 500 feet AGL, condition necessitating that low of a flight. However, I do not recommend that to them, except in matters of safety.

COMMISSIONER GONZALES: Okay. So I guess the only thing I want to hear from you basically, under your control of the helicopters, that you'll keep them out of all the residential roofs unless you're going in to rescue somebody.

LT. COL. CLIFF: Yes sir.

COMMISSIONER GONZALES: Okay. Thank you. Mr. Chairman, I'd like to move for approval of Resolution—

LT. COL. CLIFF: Commissioner Gonzales, if there's no other questions of me, I also have some representatives from the community that decided to come out and support us in this and I'd like to give them an opportunity to make a statement as well.

CHAIRMAN DURAN: Why don't you wait and see—were you going to move



for—

COMMISSIONER GONZALES: I was going to move for approval but maybe we can recognize the people who showed up real briefly since they've been sitting here all afternoon, I think that it would be a courtesy.

LT. COL. CLIFF: Robert Romero is here. He's president of the La Cienega La Cienega Homeowners Association, as well as Mr. Mark Gonzales and some other citizens as well have come out to support us. Mr. Gonzales is a representative of the Agua Fria Development Review Committee and he has a petition that he has been soliciting that has approximately 150+ names on it also in support of this resolution.

COMMISSIONER GONZALES: A hundred and fifty signatures supporting the resolution?

LT. COL. CLIFF: Yes sir.

COMMISSIONER GONZALES: They're community people, I'm assuming.

MARK GONZALES: Commissioner Gonzales, the people are mainly from Agua Fria, the southwest sector in general. We wanted to get a variety of people, a good mix, and it's not only Agua Fria people [inaudible] brought before the Agua Fria Development Review Committee on short notice [inaudible] We did manage to get 178 signatures and we're still working on more to show this community does support this.

COMMISSIONER GONZALES: That's a three-mile area around the airport?

MR. GONZALES: Yes sir.

COMMISSIONER GONZALES: Can you bring that up so we can enter that into the record in support of the resolution. Mr. Chairman, would that be appropriate?

MR. GONZALES: I'd like to make just one more comment, sir. [inaudible] at AFDRC meeting they couldn't give us something in writing, they did let us know that they had no opposition to what we wished to implement. [inaudible] I talked with Mr. Romero and he still supports that. [inaudible] One concern that we had is other people speaking for the community and we all know what happened five years ago. So I'd just like to point that out and we want to make that clear. [inaudible]

COMMISSIONER GONZALES: Thank you. Thank you, Mr. Chairman.

CHAIRMAN DURAN: I just have one question. The City Council tabled this issue. What do you think the problems are?

LT. COL. CLIFF: Mr. Chairman, I don't think they tabled the issue so much as they postponed the issue for consideration, based on three criteria that they wanted to see met. One of those was our response to the FAA. That response is ongoing and is almost complete. There's a list of several questions that the Federal Aviation Administration requires us to answer and we're meeting that. The other was, they wanted to send it back to the Airport Advisory Committee to get a response from them. The Airport Advisory Committee has not issued or submitted a response to the Council as yet.

This is the airport manager himself. He might have more information on it.

CHAIRMAN DURAN: I guess my question is, do you feel confident that you'll be able to work through the issues that the City has?

LT. COL. CLIFF: Mr. Chairman, yes I do.

MR. ROMERO: The position of the La Cienega Valley Association, as president of the Valley Association, we do have some of the same concerns as Agua Fria, as certain individuals representing the community without actually getting the community directly involved. This matter came before our board which is about approximately nine members. When it came before the board, the board chose not to move on the issue. Since then, I've gotten several calls and complaints from some residents about this particular project some of them being members of the association. Therefore I made it a point to coordinate a meeting with Mr. Jim Romero with the Public Works Department at the City of Santa Fe and representatives of the New Mexico National Guard who will be meeting with the La Cienega Valley Association this Tuesday, February 6 during our regular board meeting to discuss the issue. At that point in time we have not formally taken a position on this but at that time I am hopeful that our concerns will be addressed and possibly there will be some resolve to this issue and we may very well come out in support of it. Thank you.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER TRUJILLO: I just wanted to get a feeling from the audience if there's anybody against this expansion. Anybody here that's against it?

CHAIRMAN DURAN: This isn't a public hearing.

COMMISSIONER TRUJILLO: But we gave the opportunity to the proponents of the expansion. I think we should afford the same opportunity to those that are against it. It's not a public hearing but it's a matter of fairness. I think it should be afforded to those people that are against it.

CHAIRMAN DURAN: And I don't disagree that it's a matter of fairness but in running this meeting we are running out of time. So I'm going to ask the Commission what their pleasure is.

COMMISSIONER GONZALES: Mr. Chairman, I'd like to move for approval of Resolution 2001-15 with the amendment that states that the County Commission is opposed to flight patterns that disturb any communities along—and I have La Cienega and La Cieneguilla, but we ought to include the west side communities and Agua Fria in there. And for the record, putting on the resolution the fact that the Guard has indicated under their purview here that they'll keep helicopters from flying over those communities.

LT. COL. CLIFF: One thing, Commissioner. That is if it doesn't impose any restrictions on safe flight or conflict with any of the instrument procedures there at the airport.

COMMISSIONER GONZALES: I'd include that in, and also just send the direction to the Guard to continue to work with the communities of La Cienega and Agua Fria as they go forward with the master plan to address some of the concerns that they have and at any point, the communities can come back forward and ask the Commission, if they pass this resolution, to oppose the Guard because of lack of participation on your part. So I'd like to move for approval of the resolution as presented with those amendments.

CHAIRMAN DURAN: There's a motion. Is there a second. Motion dies. I would like for the record to state there is one person out there that was opposed to it.

COMMISSIONER GONZALES: So it died? Is there direction that we could give? Do you want the Guard to go back and get more information or is this is a signal of opposition?

CHAIRMAN DURAN: What I would like to do is see the Guard get approval from the City. I think that giving you approval—this resolution doesn't do you any good. If the City doesn't give you approval, this resolution is for nothing. I would rather that you go through the process—we don't have the authority to grant—

COMMISSIONER GONZALES: We don't, Mr. Chairman, but we also—I mean this resides in the county. It is a matter of economic development in the service of our county residents that work for the Guard. I would just remind the Commissioners that people have taken the time, the effort to collect 178 signatures within a three-mile area of this in support of the Guard's expansion. But I think we need to send out some direction of either support or opposition to this, regards to the fact whether we have the ability to grant the extension of the lease and if, I think that as a county it's okay to say yes or no in support of the New Mexico National Guard. We can oppose them by saying we don't support the Guard's staying in this community or what their plans are, or we can support it. But just as we've gotten involved with other issues that are not under the purview of the County but are in the best interests of the community, I'm asking that the County do this as well.

So what I guess I'm asking is just direction from the Commission.

CHAIRMAN DURAN: I will second your motion.

COMMISSIONER GONZALES: Thank you. I at least want a vote. If there's a vote no, then the Guard and the community knows where the County stands on this issue, despite signatures and public hearings that have taken place concerning the Guard.

CHAIRMAN DURAN: I'm in favor of their effort. I just felt that it was a little premature. But I can see your point of view and I would second your motion.

COMMISSIONER GONZALES: Mr. Chairman, members of the Commission, they still have to go through the whole City process. They have to go through the master plan process. They have to go through the public hearings. This resolution is very simple in stating, do we want the Guard to continue to have a presence in our community or not. And that's all I'm asking the Commission, to either affirm or deny.

COMMISSIONER TRUJILLO: And Mr. Chairman, I don't think this is sending a message to the Guard that they're not wanted in the community. What I want is that there be a fair process, that the other side, my constituents, be listened to. There's opposition regarding the expansion in the community. I want to listen to that opposition. I want to make an objective decision regarding the expansion of the airport. It doesn't mean that we're sending a message that they're not wanted in the community, but there's a subsection out there that is against it and I want to listen to them.

CHAIRMAN DURAN: The decision doesn't lie with us either way you look at it. It's the City's decision.

COMMISSIONER SULLIVAN: Mr. Chairman, I would add, and I've already indicated that, how I feel about this facility and the service that they perform. I think, I would

like to see the resolution worded more carefully. I think there have been issues here about overflying and situations of emergency, situations of the instrument flight zone and additional communities brought into the thing. This is an important issue. This is not a rah-rah issue. This is I think a substantive issue, and I agree with Commissioner Trujillo that if the chairman feels we should have hearings on it, we should do that. I certainly will indicate my support as a former officer in the Army for the work the National Guard does and for the facility that's out there. Could we work on this resolution and draft it a little more carefully?

COMMISSIONER GONZALES: Yes. Absolutely. And I'd be in favor of tabling it if Commissioner Sullivan would like to work in that effort and work with the community and work with the Guard to address Commissioner Trujillo's concerns. Commissioner Trujillo, do you want us to hold a special hearing with the National Guard?

COMMISSIONER TRUJILLO: I'd like to do that, yes.

COMMISSIONER GONZALES: Then we can ask the staff to ask for another public hearing if the Guard would want it. They've been to several public hearings already. I'm not sure how many more we'll ask but you can't ever have enough public hearings and so I think it's important that we continue to educate the community as to—because there's a lot of misinformation that's going on about the Guard's participation in this community. And I think that people who are opposing this, it seems to me, believe that we're going to have 25 Blackhawk helicopters zooming around this community. That we're going to have a full-blown training base that's coming in with troops and turning this town into a militant town and that's just not the case. So if it means us having to go out to educate the community, I think that that's important and it's a vital role that we could play. I agree with Commissioner Sullivan to table it if you'd like to and continue to work the process through.

CHAIRMAN DURAN: There's a motion to table.

COMMISSIONER CAMPOS: Second.

**The motion to table passed by unanimous voice vote.**

CHAIRMAN DURAN: Well, we have ten minutes and we made a promise to the EZA several years ago that we would not allow our meetings to run into their meetings. We're going to have to postpone this meeting. So Sam, I'm wondering, is there something, is there anything on our agenda that is time-sensitive that we need to deal with?

COMMISSIONER GONZALES: There's one that's time-sensitive that deals with health and safety under Matters from the Commission. And that's the area of Silverado. Mr. Chairman, I just need to under Matters from the Commission, I'd like to send direction to bring back the Silverado roads for acceptance, to present that before the County Commission. These are roads that we took care of at one point that we're not taking care of any longer. There's a health and safety issue out there as the snows begin to melt and we need to go out there and take, I'm asking that we go out there in this process and get ready to take these roads back under because I think that's real important and also Eliza Road. That's all I have from Matters from the Commission.

CHAIRMAN DURAN: We have ten more minutes. I was trying to find out if there's one more thing we could deal with and then adjourn to another date next week.

MR. MONTOYA: If we could do one more item, Mr. Chairman, I would ask that you do item XI. This item is time-sensitive, Mr. Chairman.

CHAIRMAN DURAN: Does it deal with the legislative session?

MR. MONTOYA: No, Mr. Chairman. It's got a statutory time line and if it's not heard today and a decision made today, then it cannot be heard for another two years, is my understanding.

CHAIRMAN DURAN: Okay. Well, I guess we better hear that. If we have time after that we can hear another one.

MR. MONTOYA: Mr. Chairman, I'd like to call on the County Assessor, and I believe the County Treasurer's here as well on this point.

#### **XI. PUBLIC HEARING**

- A. Consideration of whether the property tax rebate provided in NMSA 1978, Section 7-2-14.3 "Tax rebate part of property tax due from low-income taxpayer" should be made available through the adoption of a County ordinance**

BENITO MARTINEZ (County Assessor): Mr. Chairman, distinguished members of the Commission, it is not an option. We shall have a public hearing, and so there is no opportunity whether or not we should not have this public input so I'm glad we're having it. In 1997—I'll be brief—the legislature of the state of New Mexico amended this act relating to taxation, expanding the eligibility for the local option, low-income tax rebate. This, Commissioners, rebate is pursuant to the income tax act in that it adopted the income tax tables. Previously, the low-income tax rebate table did not exceed \$16,000. It was included in the federal income tax to include \$24,000, so this was amended in '97 to be increased to \$24,000.

Basically speaking, any taxpayer that occupies the primary residence in the county and makes less than \$24,000 would be able to obtain a property tax rebate in which this County Commission may opt to pass a resolution to authorize an election, the next general election and/or special election, in order to impose up to one mill to fund this rebate. This revenue would be forwarded to the state in that each applicant would file the credit rebate schedule for the PIT form for each successive year thereafter and receive no more than \$350 for a couple filing jointly, or \$175 for a single person that owns their home. So once again, \$24,000 is the maximum a person can make. They must occupy their residence and they would qualify for a rebate that would be handled through the state income tax credit rebate schedule.

Also this Commission has the authority to handle this through their general fund, and knowing the budget and its current status I don't think we would want to do that. So I at this point, without further ado, if our treasurer has anything to say I would turn the mike over to him but I recommend that this Commission approve the resolution authorizing the electorate to

go to the polls and vote whether or not they would impose one mill not to exceed—to fund this rebate. The treasurer will speak, if not, I stand for questions.

CHAIRMAN DURAN: Mr. Trujillo.

PHILLIP TRUJILLO (County Treasurer): Chairman Duran and Commissioners, as a point of historical information, two years ago when this was proposed, it did not pass and I believe that it's important that we realize perhaps why it was not passed the last time it was proposed. Let me cite from the law here where it says that the department, meaning state property tax, shall certify to the County the amount of the loss of income tax revenue to the state for the previous taxable year attributable to the allowance of property tax rebates. The County shall promptly pay the amount certify to the department. So whatever taxes we would not collect, because of the rebate, would then have to be paid by the County.

On the tails of that is 7-2-14.4, which then authorizes the County Commission to propose that this item go to the voters. The Board of County Commissioners of any county may adopt a resolution to submit to the qualified electors of the county the question of whether a property tax at a rate not to exceed one dollar per thousand of taxable value property should be imposed for the purpose of providing the necessary funding for the property tax. So what we are doing here is we are giving a rebate, or an opportunity for some, who qualify for it, and yet we have to turn around, because the indebtedness exists. The indebtedness doesn't go away. The tax still has to be collected somewhere.

So what we do now, if that is passed, is then we go to the voters to propose to them up to one dollar per thousand taxable value, and then they use that to collect, to pay for the rebates. Also there was a question if I recall, that the same people that are also asking for the rebate, are also going to be paying the one dollar per thousand. So we must collect the money somewhere. It's not as if the rebate will be given to these people and that will be subtracted from the taxes that need to be collected. That's not the case. Keep in mind that we still need to collect the entire amount of taxes that we need to collect.

So there has been questions in the past about the wisdom of this piece of legislation. I think the legislation originally started with good intentions and as happens in the legislature on many occasions, a bill is changed and moved and concessions and compromises are made so that when the bill finally emerges in the legislature, it has been changed significantly.

I also what to point out to you that I don't believe—I wish I knew the number of counties that are using this, but I don't believe that many counties. I can certainly get that information. I don't have it. I'm sorry. But not many counties are using this particular bill, this piece of legislature.

CHAIRMAN DURAN: I have a question.

MR. TRUJILLO: Yes.

CHAIRMAN DURAN:: If we don't approve the increase in the mill, then the rebate just doesn't exist, right?

MR. TRUJILLO: No. And Benito and I talked about this earlier, Chairman Duran, Commissioners, and that's the fact that, and maybe our legal counsel can direct me here but it is possible to enforce or to pass the option for the rebate, but not necessarily go to the

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voters. Obviously, we wouldn't want to do that, at least I don't believe the County would want to do that because then the County, out of their general fund or out of their own monies, would have to dish out for the rebate.

CHAIRMAN DURAN: My question is, is this rebate a requirement?

MR. TRUJILLO: No.

CHAIRMAN DURAN: So if we don't do it, the rebate just doesn't exist.

MR. TRUJILLO: That's right. That is correct.

CHAIRMAN DURAN: So people don't get a rebate.

MR. TRUJILLO: That's right.

CHAIRMAN DURAN: We don't increase taxes and everybody just pays the taxes the way they are.

MR. TRUJILLO: That is correct.

MR. MONTOYA: Mr. Chairman, if I might add a couple of comments. Mr. Chairman, I understand completely and totally what the Assessor is recommending to the Board and I understand that there are people in our community that need tax relief that are on fixed incomes and cannot keep up with the cost of living, etc. However, Mr. Chairman, I want to point out to you that the analysis on this particular statute that allows for the County to give a rebate has some complexities that I think need to be brought forth.

First of all, it brings property tax and income tax kind of together in a strange way. It allows for a total rebate of up to about \$350 per household. My understanding is that there are 11,000 households in this county that might be eligible. However, we do not have good statistical data to support that. And I think the possibility of opening the door to millions of dollars flooding out of the County general fund exists. Now, the only possibility that does exist to recoup that money is that you take this in a referendum format to the electorate and say would you be willing to tax yourself to give the poor folks of the community a rebate.

Now if that referendum fails and that question fails, then this whole issue is over with, but Mr. Chairman, should it pass, then there are some other administrative issues that I think are going to come home to roost at some level, at the County level either at the Assessor's office, the Treasurer's office. We're going to have to have some procedures and some processes for determining who qualifies, how do you verify that this individual makes below \$24,000, whatever the benchmark is? Do we have them bring their income tax returns in or how do you validate that?

There's also a possibility that if you file jointly you can split the amount in \$175 per person. That's another complexity of determining who gets what portion of it. Mr. Chairman, my whole point is there are many, many complexities to this statute. I understand the basis for it. I think it's a good concept to try to help those people that need assistance in our community and that might be possible if we were to narrow this only to people on fixed incomes, or people that have disabilities or something of that nature. But to allow it to be holistic for anyone that makes less than x-number of dollars is a major issue that I think needs more study and more consideration.

The downfall, I believe, in this particular statute and correct me if I'm wrong, if we

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don't act on it by the 31<sup>st</sup> of January, then you cannot act on it for two additional years. Mr. Chairman, I think we might have not done the appropriate due diligence that this needs to bring you some firm numbers and some firm information that you need to make these decisions and Mr. Chairman, for the administrative part of that, I apologize for not having done that. I don't know if the Assessor or the Treasurer have this due diligence, but I've seen two different memorandums that have two totally different bases of analysis and that concerns me completely because right off the bat, and this is a '97 memo versus the memo that we have before us now, it concerns me that they do not track, and it should if the numbers were consistent. It should have actually grown more because we might have more people in that poverty zone.

Mr. Chairman, I just thought I would add that to this discussion.

CHAIRMAN DURAN: What kind of financial exposure is there if we don't act on this? What kind of exposure do we have if we don't act on this and we don't discuss it and make a decision?

MR. MONTOYA: Mr. Chairman, if you do not act on it, there is no financial impact on the County because there is no instrument to give a rebate. If we allow the electorate to have a referendum on this issue and it passes, then we have to carry through with the rebate and all of its procedures and processes, which we don't know how far that will take us.

CHAIRMAN DURAN: And that referendum could be at the next general election?

MR. MONTOYA: I believe you could call probably a special election for this. I'm not sure of that.

CHAIRMAN DURAN: If it can't come back for two years, when could it be on the referendum?

MR. MONTOYA: I believe you'd probably have the referendum in June as an example, and then give the rebates if it passes sometime between June and December.

CHAIRMAN DURAN: --in two years. If we don't act on it today--

MR. MONTOYA: Well, we would have to collect, we would have to impose up to one mill, which equates to about \$1,600,000 in this county. Collect that first and then disseminate that in a form of a rebate to the qualifying individuals. So I guess my point to you, Mr. Chairman is that this is a very, very complex program although it goes to the right people, the people that need help. However, I'm concerned about the mechanics, the mechanism, how many people it would take to actually do this. How we would collect the money, if the electorate would even support it. I don't know that they would.

CHAIRMAN DURAN: I'm going to go the public hearing here, but go ahead.

MR. MARTINEZ: Mr. Chairman, with all due respect to our County Manager, I think he is wrong on three points that he has discussed. Number one, and which I do take a little bit of offense to, in that you have a memo directed at 11,000 which I didn't even receive. I'm presenting this before you today. I presented my memo. I understand there's a second memo from a member of staff, that I don't know, that I've never seen, in terms of generating the number of potential qualifiers.

I will tell you that in 1997, we did conduct a survey of which, at that time,



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approximately 33,000 homes existed in the county. We had an approximate 10 percent response ratio of those qualifiers. So we used 3,150 potential homeowners of that time for our analysis. Now we have 35,000 homes in the county. Knowing this county well, having been here 17 years, I know that one-third of that 35,000 occupants are not low-income, because we have 9,000 head of family exemptions. If that was the case, we would have more head of family exemptions. Plus the rentals and the apartments and so on.

So I think the 11,000 number is way out of the ballpark, of which I didn't even receive the memo. I'd like to have a copy. Secondly, it does not take into account any general fund monies of Santa Fe County. Now there is an opportunity for this County Commission to impose upon itself to procure those funds out of general fund. It also gives the opportunity to impose up to one mill. That's what I proposed on the cover letter, which shows 3,150, multiplied by—the 3,150 potential qualifiers multiplied by the maximum \$350, is \$1,102,000. Using that figure, we would be imposing one-third of one mill.

Okay? Now that doesn't even come through and filter through the County general fund. So this is a mill that is simply put forth to fund this rebate program. Thirdly, the state intake is going to happen at the credit and rebate schedule. The County will not have to do any type of analysis in terms of checking who is or who isn't reporting correctly, because they would be doing that on the state level on the credit and rebate schedule. All the County would be doing is the County Treasurer would cut a check to state in the amount that has been sent forth by the state. So those three points—

MR. MONTOYA: Mr. Chairman, could I recommend something. I have the utmost respect for our County Assessor, Mr. Martinez and I don't want to offend him in any way. Mr. Chairman, I think we're on the same team here. But my recommendation would be to the Board, and I know that the Assessor put out this survey and I believe it was '97, Benito?

MR. MARTINEZ: That is correct. I'm sorry, it was 1990. Actually, it was 1999, because in '97 the amendment took place in the law. The odd-numbered year was '99 in which we had the next public hearing so the memo was '99.

MR. MONTOYA: Okay. Mr. Chairman, my recommendation to the Board would be that the Commission instruct the administration and the Assessor, the Treasurer, to work together to create a new survey that has more specific questions. You look at the survey, Mr. Chairman, it was a great first effort but I think there are some more questions that need to be asked to go to the specificity to try to find out what size of group we'd be working with and we would work out all of the other details that we just talked about and possibly bring this to you in a year, a year and a half in preparatory for the next round where we could actually consider this tax rebate.

Mr. Chairman, that's my best recommendation and I know that the information that Mr. Martinez is referring to was read to me orally this morning. I don't have a copy of the memo myself but I think we can get our hands on it, but it did mention 11,000 possibles.

CHAIRMAN DURAN: Okay, Sam, so the options are that we vote to impose the one mill?

MR. MARTINEZ: Mr. Chairman, members of the Commission, I can go

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ahead and let legal handle that. My opinion is, after interpreting the law, you can pass a resolution supporting a referendum and/or vote to take to the taxpayers to allow them to impose up to one mill, or opportunity number two is for you to impose in the general fund, which I don't think we have the capacity to do so, to just go ahead and fund this next year and rebate it through the County levy. So my recommendation at this point, based on the attribute information I have forwarded is to pass a resolution supporting an election and taking it to the voters, allowing them to make the decision whether or not to impose up to one mill to fund this rebate.

Furthermore, I would just like to say that we did conduct a survey. We received 3,150 responses on question number four, what is your modified gross income per year? We understood that at the time there was not credible information, census, state tax or otherwise showing us this, so we received a good percentage, I feel that is indicative of the low-income homeownership in Santa Fe County. Thank you.

CHAIRMAN DURAN: Thank you. This is a public hearing. Is there anyone out there in the audience that would like to address the Commission concerning this issue? What's the pleasure of the Board?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I had the opportunity to be here two years ago when we had this discussion and the same thing came up. But I don't know if we had the option to go to the voters then. I thought that at that point it was going to be a self-imposed rebate. I like the fact that we have the opportunity to go to the voters and ask them to consider this question, and I also agree with the concerns of the Manager when, from an administrative standpoint, we really don't know what it's going to cost us or take us or where it's going to take us to actually implement this option.

But I've got to tell you, when it comes to opportunities to vote on low-income property tax rebates, we don't have very many opportunities to do that. And I think it's a function of County government if that is enacted by the citizens that we would have to administer it properly, and that means that everyone's going to have to pitch in and see how we do that. So Mr. Chairman, I'd actually—rarely do I do this, Sam, actually go against what the Manager is recommending on this particular case and move that we pass this resolution and send it out for a referendum to the voters for consideration and do a good job of educating everybody as to what exactly those impacts are going to be. Is there a resolution here before us on this?

CHAIRMAN DURAN: I will second that for discussion.

CHRIS GRAESER (Deputy County Attorney): Mr. Chairman, Commissioner Gonzales, as a matter of clarification, what Commissioner Gonzales is proposing is workable but from a technical standpoint we would have to pass an ordinance imposing the levy of up to one mill, anywhere up to one mill, and you could start off at a low level just to get an idea of the people that would—

COMMISSIONER GONZALES: That's not what I'm asking for.

MR. GRAESER: And then, after that, you can then do the resolution to send it

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to the voters. What you can do is when you pass the ordinance is put a sunset clause so if the voters don't approve the levy, the rebate goes away.

COMMISSIONER GONZALES: But I don't want to send out the message though through that ordinance that we're going to self-impose this rebate when we don't have the money to do that. I mean there's just absolutely no way that this County can come up with general fund money to offer a low-income rebate. Now, the voters could decide if they would like to generate that, but I don't like the route that you're proposing that we have to pass an ordinance saying that we're going to increase this levy and have this sunset clause on it.

MR. GRAESER: Mr. Chairman, Commissioner Gonzales, the only reason I'm proposing it is because that's exactly what the statute requires us to do. We have to—

COMMISSIONER GONZALES: Then I don't like that statute.

MR. GRAESER: But we can impose, we can write the ordinance in such a way as if the resolution, sending it to the voters doesn't pass and the voters don't agree to the levy, that then the ordinance sunsets and doesn't apply.

COMMISSIONER GONZALES: Okay, as long as it's very locked up and tied up, because I don't want to send the wrong message that the County Commission, that certainly I as a part of the County Commission want to impose self-funded rebates because we just don't have that luxury at this point, Benito. As much as a couple of years ago it would have been great to have done it but it's got to be imposed by the voters if this is going to go forward.

CHAIRMAN DURAN: So there's a motion. There's a second. And the direction is that we would adopt a resolution after the ordinance has been created.

MR. GRAESER: The ordinance has to be created first. Then you can do the resolution sending it to the voters. The idea being that the ordinance could sunset if the voters don't approve it. I should advise you that that's not a sure thing it could work. No one's really tried it that way, so there is a risk that it could come out of general funds.

COMMISSIONER GONZALES: I don't understand. What was presented to us was that we had two options. That we could either go forward and approve a resolution that would call for a referendum for the voters to vote on this, or we could go the route of imposing it, self-imposing it, or we vote against it. And I'm hearing some very mixed signals here and we're up against the wall and I'm a little discouraged.

CHAIRMAN DURAN: Why can't we—this is very confusing. If we just didn't act on it at all, it would give you time to fine-tune this process with the County Manager to ensure that the County isn't at risk. That we're not going to have to come up with \$1.2 million to finance this rebate.

COMMISSIONER TRUJILLO: That's what happened two years ago. We're procrastinating on this and we need to send a message to the community that we want to help them out regarding taxes.

MR. MARTINEZ: Mr. Chairman, members of the Commission, also, there is another amendment to this law right now in the hopper, which is going to increase the rebates amount to \$900. So if we don't get it in this time—and by the way, we would be the first in the state if we were to do so—no county has done it in the history. So right now it is in the

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hopper to increase the rebate amount.

CHAIRMAN DURAN: So no county in the state has approved this?

MR. MARTINEZ: From my recollection, there's not a county, Mr. Chairman, members of the Commission, that has imposed—

MR. MONTOYA: Mr. Chairman, that's correct.

COMMISSIONER GONZALES: Mr. Chairman, there's also not a lot of counties who are faced with the same pressures that we have here at Santa Fe County. There's not a real need throughout the state to provide property tax relief like we have it here. We need to get off this, I know, Mr. Chairman, because we've got to move on to the next meeting. Do we have the option of passing something tonight that would call for a resolution that would create a referendum or not? Yes or no?

MR. KOPELMAN: Mr. Chairman, Commission, I think in all fairness to everybody who's addressed this issue, this statute is very, very unclear. It's never been used; it's never been interpreted. The intention originally was to give the tax rebate but you run into so many issues as the County Manager indicated. And I really can't tell you with any definite assurance that we can do what you're proposing, Commissioner Gonzales. I can't tell you that because the statute is so unclear.

And there's two other points that haven't been brought up. One is there's no way to really figure out what the liability is going to be, because we can't get that data from State Tax and Rev. The second issue, you have to realize as it was pointed out is that you can have the same person, who may have low income and will be getting a tax rebate on the income tax side, but they own property that has a high value. A lot of people in Santa Fe have property, they don't have a lot of money, and they may end up having to pay more in taxes ultimately than they're going—because the mill levy will increase their property taxes more than what their income tax rebate would be.

I guess what I'm trying to say is it's put together in such a way that it's so obtuse, it's so hard to figure it out, and from a legal standpoint, I have to concur with what the County Manager said in that I think it's risky if you go forward with this. It's unfortunate, but that's really my reading of the statute is I throw my hands up and I say, I can't figure it out.

CHAIRMAN DURAN: I think the risk is too great and I think that we need to make a decision. I withdraw my second.

COMMISSIONER GONZALES: Mr. Chairman, I've just got to say, and I think it's important for the record is that I just cannot in good conscience risk that general fund. If I'm hearing from our legal advisors and everyone else that that general fund is at risk by passage of this resolution, I don't think it's a prudent thing to do. I want to know that we can pass this resolution, go forward with the referendum, and not expose that general fund, and I'm not hearing that, that we have that option. Minus that option, I can't support this. But we can't go down another two years and bypass another opportunity to offer a low-income rebate. And I think that we're doing an injustice to the people in this community when there's a tool out there that we can take forward to offer them some low-income relief or some rebate relief and we're not taking advantage of it. So I withdraw it also but would give the direction then if the

Commission concurs with what the Manager has offered and let's not make this mistake the third time around. May I close?

CHAIRMAN DURAN: One moment. There is no motion. If there is not another motion then this thing just dies. Is that correct? I just want to get that clarification.

MR. MONTOYA: Mr. Chairman, there is a follow-up that we could do. We could go back to the session and clear up some of the language in the statute that would allow us to do a resolution.

CHAIRMAN DURAN: And then take it from there.

MR. MONTOYA: Yes. I think we could do that work and actually enhance this statute from a practicality and a mechanics standpoint, we could fix it if you give us that direction.

CHAIRMAN DURAN: Benito, the last word.

MR. MARTINEZ: May I? May I make a recommendation for you, that in your ordinance that you pass that it would not be procured out of the general fund, otherwise it folds. If you place that in the ordinance, the resolution falling afterwards, if it did pass, it would have to be funded through the one-mill increase. I would like to say in closing that this is the first opportunity and only opportunity we have as policy makers at this level to handle this on the income side. We've seen so many entourage of bills that have come in the legislature that are handling the valuation side. We have an income and affordability problem here in Santa Fe. Our median incomes as can be testified as to my members of staff are extremely low. Our median priced homes are extremely high. It's an income and affordability problem and I will close by saying that I believe this is an opportunity for this governing body to make a decision that would affect the lives of these individuals at that level, this class of people.

CHAIRMAN DURAN: If there's no other motion—

COMMISSIONER TRUJILLO: I'll make a motion. I'll make a motion to develop an ordinance that will send a referendum on a property tax rebate provided the New Mexico State 1978 Section 7-2-14.3

CHAIRMAN DURAN: That's what Commissioner Gonzales just did.

COMMISSIONER GONZALES: But we withdrew it. I'm going to second that for discussion so we go to the issue of the vote. I want to hear it on record from you guys that what Benito has offered as an option, either you concur with or you don't concur with, because that's going to make a difference in my vote.

MR. KOPELMAN: Mr. Chairman, Commissioners, again, I cannot give you assurance that if you go forward with the ordinance, and that the referendum doesn't pass, I cannot tell you and guarantee you that the law would not be construed notwithstanding language in the ordinance, that we will still be, will have run a risk of having that liability come back to us from the general fund. The statute is done backwards. The resolution, referendum needs to come first and the ordinance second. That's the only way to guarantee that we can get what we want out of it. Otherwise I can't say with any legal certainty that we're going to get what you want.

COMMISSIONER GONZALES: Thank you.

1866008

COMMISSIONER SULLIVAN: Mr. Chairman, in the discussion—oh, I thought someone had seconded.

COMMISSIONER GONZALES: Yes, I did second it for discussion.

COMMISSIONER SULLIVAN: I just wanted to ask if there was any option to clarify this statute in the legislature and including changing it from an odd-number year. As I read it, it's only an odd-numbered years. If the statute could be "cleaned up" and clarified and that could be changed to allow counties to review this every year, then we would have the option to work on this and have it in place in less than a year.

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, we could certainly make those recommendations to the bill sponsor and seek support for that but from a practical standpoint, that is the only way that it will work from a functional practicality.

CHAIRMAN DURAN: Okay, let's take a vote. There's a motion. There's a second.

The motion fails by majority [1-4] voice vote as follows: Voting "aye" was Commissioner Trujillo voted "nay" were Commissioners Campos, Duran, Gonzales and Sullivan.

MR. MARTINEZ: Thank you, Mr. Chairman.

CHAIRMAN DURAN: I think this meeting is going to be recessed to a date to be determined later after you have polled the Commissioners when it might work some time next week.

MR. KOPELMAN: Excuse me, Mr. Chairman. I'm sorry to interrupt, but I think we need to continue it to a date certain. I think we need to do that. If we're going to recess this meeting, I think we need to pick a time now. I'm sorry, but I think that's—

COMMISSIONER TRUJILLO: How about next Tuesday?

CHAIRMAN DURAN: Let's do it at the next meeting.

COMMISSIONER SULLIVAN: February 13, the next meeting.

COMMISSIONER GONZALES: Let's set it earlier though. Let's start at, rather than five, can we start it like at three?

MR. KOPELMAN: The only question, Mr. Chairman, members of the Commission, there are a few matters, I think some of the resolutions are for legislative funding, so as long as you understand, they won't go forward then. We have some executive session matters that we'll just have to stumble through until we have the meeting.

MR. MONTOYA: Mr. Chairman, could we reconvene Friday of this week?

CHAIRMAN DURAN: I'd say for purposes of recessing this meeting, it will be the 13<sup>th</sup>, and why don't you get with us when we have our calendars with us, if we can find another date that works next week, I'm more than willing to do that.

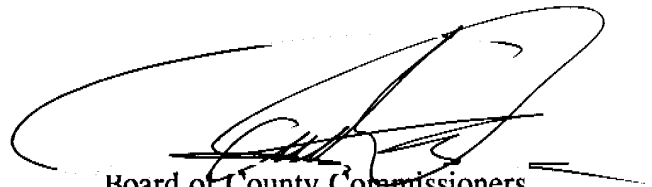
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1866009

**RECESS**

Chairman Duran declared this meeting recessed at approximately 6:25 p.m.

Approved by:



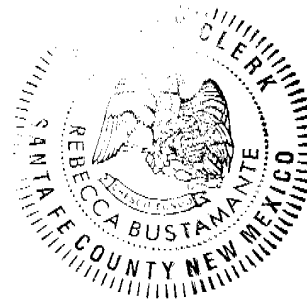
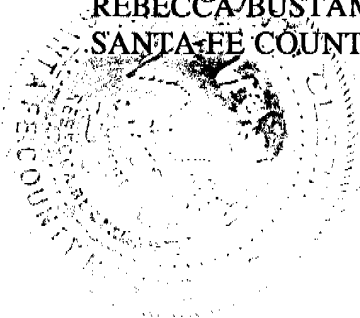
Board of County Commissioners  
Paul Duran, Chairman

Respectfully submitted:

  
Karen Farrell, Commission Reporter

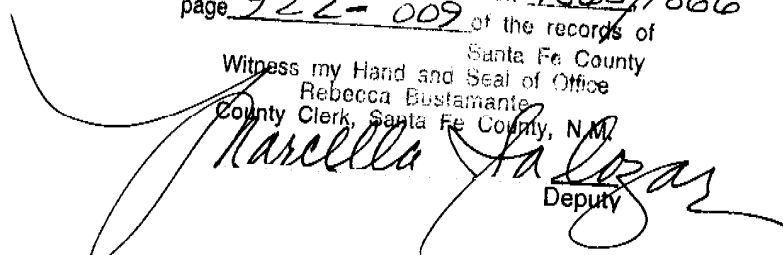
ATTEST TO:

  
REBECCA BUSTAMANTE  
SANTA-FE COUNTY CLERK



SFC CLERK RECORDED 06/23/2005

1146.915 } SS  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed  
for record on the 28 day of Feb A.D.  
20 01 at 2:35 o'clock P.m  
and was duly recorded in book 1865/1866  
page 922-009 of the records of  
Santa Fe County

Witness my Hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, N.M.  
  
Deputy

**SANTA FE COUNTY**  
**RECONVENED MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**January 30/February 13, 2001**

**1872995**

This continuation of the regular meeting of the Santa Fe Board of County Commissioners of January 30 was called to order at approximately 4:10 p.m., February 13, 2001 by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll Call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Paul Duran, Chairman  
Commissioner Marcos Trujillo  
Commissioner Javier Gonzales  
Commissioner Paul Campos  
Commissioner Jack Sullivan

**Members Absent:**

None

Commissioner Gonzales moved to come out of recess and Commissioner Campos seconded. The motion passed by unanimous voice vote.

**X. STAFF AND ELECTED OFFICIALS' ITEMS**

**H. Matters from the Commission**

**4. Resolution No. 2001-15. A joint City/County resolution requesting legislative funding to study the feasible water supply alternatives and techniques to maximize and enhance effective diversion of County and City water rights at Buckman**

SAMUEL MONTOYA (County Manager): Mr. Chairman, that's where we will begin. However, before we get to the issues before you, there is one matter that I would like to recommend to the Board that we table and that is the item under X. H. 6, which is discussion regarding the Land Use Administrator's decision that Santa Fe Metro Center zoning has expired.

Mr. Chairman, we've talked to some of the principals relative to this issue and we feel that we can work on this matter somewhat. However, we feel that it's best to postpone it this time or to table, and I'd like to defer to Mr. Kopelman on any more particulars relative to that matter.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question. Mr. Kopelman, why is this on the agenda at this point?

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner, I believe

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it was requested by one of the Commissioners.

COMMISSIONER CAMPOS: Simply for discussion?

MR. KOPELMAN: For discussion purposes, that's correct.

COMMISSIONER CAMPOS: And there's some issues that you're still working on with someone else?

MR. KOPELMAN: Yes, Mr. Chairman, Commissioner Campos, at this point we've met with the representatives of the property owner and we think there may be an opportunity to try to work out a resolution that at that point we would bring to the Commission and we would ask your indulgence for another week or two and bring it back at the next meeting.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: So any other questions of staff? Sam, tell me again, where are we starting?

MR. MONTOYA: Mr. Chairman, we are starting under item X. H. 4.

CHAIRMAN DURAN: Oh, X. H. 4. Okay.

DOUG SAYRE (Utility Director): Mr. Chairman, Commissioners, before you I would like you to consider Resolution No. 2001-15, which is a joint City/County resolution requesting legislative funding to study the feasible water supply alternatives and techniques to maximize and enhance effective diversion of County and City water rights at Buckman. Previously I think I had talked to some of you about this. We had obtained funding from HUD through an SDI grant of approximately \$81,250 to study techniques out there. We'd like to request another \$80,000 from the legislature on a joint venture with the City so that we can really look at more effective diversion techniques at Buckman because we want to look at the best way to get the water at Buckman and we want to make sure that we've totally evaluated all the techniques out there. But probably, the direct diversion technique, rather through shallow infiltration or some other technique would probably be the most feasible.

Perhaps I can answer questions on it. By the way, at the last City Council meeting, they passed this resolution. I believe it was last Wednesday.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Doug, what's the goal of the current City contract that's been issued or is in the process of being issued to study some of the diversion issues? Is it separate from what this resolution is calling for?

MR. SAYRE: Somewhat separate. That first part is to evaluate, I believe, under the City RFP. It's to evaluate different techniques, and what's been done. So what we said, let's go in there and make sure that we looked at all the feasible techniques and justify them as to what needs to be done at Buckman if we're going to go there.

COMMISSIONER GONZALES: That's what the RFP that's currently out with the City?

MR. SAYRE: Yes. And that's somewhat on hold. I'm not sure what the status of that is. They took proposals and they haven't met to consider awarding that at the present time.

COMMISSIONER GONZALES: Has the City—I know that the City has asked for the County's input up to this point, but is there a process that allows the County to participate in this study as during the duration of the study? Or is it going to be an issue where the City issues the RFP, the study comes back and then the study comes back and then the County will have a

time to comment on it?

MR. SAYRE: Basically, you're correct, Commissioner Gonzales. We're involved in the selection of the firm. And then after that, a lot of it is to look at the City alternatives and what they need to do and to justify them as far as short term and long term. And really put down I guess a summation of what they've been doing in the past so that they know exactly what they need to pursue on.

COMMISSIONER GONZALES: Is there a need, in your estimate, for the County to be a part of this process during the duration of the study? And the reason I'm asking this question is I had this discussion with Commissioner Sullivan last week and it seems from what I learned from Commissioner Sullivan and he can certainly add to this is that it would be worthwhile for the County's participation to be in with the City while the study's being done, being accomplished.

MR. SAYRE: Chairman Duran, Commissioner Gonzales, I do believe it would behoove us to be involved in that. Because of the change in administration and what's going on with the City, I don't think we tried to look at what they're considering at this point. But what we're involved in is to get the selection done and then we wanted to meet with them and discuss that. We're trying to set up a meeting with acting City Manager Romero to discuss some of these items. So I do believe we will be—perhaps Estevan could elaborate on this.

COMMISSIONER GONZALES: I don't want to take a lot of the time, Mr. Chairman, and maybe to move off this point, if the Commission concurs, I'd like to send some direction to the staff and to the Manager to ask the City Manager or Manager Romero to allow the County to have participation in this study throughout it. One of the points that Commissioner Sullivan brought up last week, which I agree with him is that if the study goes through and then they present it to the County and we're asked to provide input after the fact, it makes it difficult for us to really share in the ideas and understand what some of the options are. So it seems to me that if the Commission concurs that we would send some kind of letter on behalf of the chairman or this Commission that from here forward and every step that we take that we take it collectively as opposed to individually.

This resolution seems to be a step in that right direction. The RFP that's been sent out by the City minus County participation throughout that study seems to be contrary to what we're trying to do.

MR. SAYRE: I agree with your comments totally, Chairman Duran, Commissioner Gonzales. It's very true what you're talking about. We're trying to address that totally so that we get involved in that. And that would be one of the points that I think we'll make to you on Thursday that this is a big need as far as the County.

COMMISSIONER GONZALES: But in the short term before Thursday that's drafted up to the City on behalf of the chairman, if the Commission concurs, asking to participate in this process.

MR. SAYRE: Great.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Doug, is this a diversion point at the Rio Grande, or these are wells?

MR. SAYRE: Chairman Duran, Commissioner Trujillo, yes, it will be a diversion point at Buckman from the Rio Grande.

COMMISSIONER TRUJILLO: And we'll continue with the Raney project north of the Otawi to serve, hopefully, northern Santa Fe County, the Pojoaque Valley, the Santa Cruz Valley and places like that?

MR. SAYRE: True.

COMMISSIONER TRUJILLO: But this diversion point will serve what area of the county?

MR. SAYRE: Well, it's still to look at an alternative diversion. Basically, the City and the County have the diversion at Buckman but the problem with it is that it influences not only the Rio Grande, or takes water from the Rio Grande, but it also takes water presently from upper basin rights in the Nambe Basin and the Tesuque Basin because of the deep wells at Buckman. So we need to look at a more type of project that only influences water in the Rio Grande, not influences other basin rights.

COMMISSIONER TRUJILLO: Okay. Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: As Commissioner Gonzales said, I think number one, certainly we need to be involved in the City's study. I read that study pretty carefully and they are looking at three things, two of which are on the agenda here, and one is the Buckman potential for expanding Buckman, and the other is the Santo Domingo alternative, and another is of course the Raney well project. So all three of those are covered in the City study. Is that not correct?

MR. SAYRE: Chairman Duran, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay. So these studies add on, that we're requesting and some of which we already have money for, we're adding on to those, and significantly, because as I understood the budget for the City study, if we got all the money for these two studies it would probably just about equal if not be greater than for the City planning part of the study. Is that not correct?

MR. SAYRE: I have to advise that I'm not sure what the budget is for their RFP. They have not advised us of that, although we've talked to them at length about what their study entails and we've been in review with them about what we think they need to add to it or consider in their study, so we're involved in that process. But to me, what we're trying to do is input a lot of County data into what they're going to be looking at, because a lot of their work is evaluation of their own system, and upgrade.

COMMISSIONER SULLIVAN: I've read in the fiscal impact report that was attached to this from Bill Landin. He said that this money might be used as matching money for the Bureau of Reclamation grant. Is that the intent?

MR. SAYRE: Chairman Duran and Commissioner Sullivan, I think anything we can do to commingle funds and rework them, we will try to do. The City's joint venture on this, so I think we will try to do that. They're trying to reinfuse their budget where they've expended money in the past with some BOR money. So if we're able to do that and get BOR money, we can probably cut down our percentage to half of what we thought it was.

COMMISSIONER SULLIVAN: So just taking this study now that we're requesting \$80,000 for, is that correct, on top of the \$81,250?

MR. SAYRE: Yes.

COMMISSIONER SULLIVAN: So that's \$161,250. Will the County be the lead

entity in that study?

MR. SAYRE: Chairman Duran and Commissioner Sullivan, yes, as far as I'm concerned, we will be.

COMMISSIONER SULLIVAN: So all of that money is coming to the County? So we will put out a request for proposals. We will retain a firm to evaluate the feasible water supply alternatives and techniques to maximize and enhance effective diversion of the County and City water rights at Buckman. In the meantime, at the same time, the City will be doing its study. How are we going to coordinate those? I'm not speaking up against these studies. I'm just asking how we do that.

CHAIRMAN DURAN: Doug, could I just interject one thing here? My understanding is the reason that the County is interested in actively participating in this process is because of the rights that we have to those San Juan-Chama diversion water rights. And the reason that we're interested is that we've reached a critical point in being able to plan a development out in the county because we don't have any more water rights. And our interest in this is so that we can get more water rights to increase the amount of water rights that we received through our wheeling agreement. Is that not correct?

MR. SAYRE: Chairman Duran, yes, that is correct. But in answer to Jack's question here, I think we need to look at two things here. We're trying to maximize where we can divert, whether it's at San Ildefonso or at Buckman, or possibly down at Santo Domingo. We're going to have to look at all areas in the future, and I don't think we need to look at just one place as probably more advantageous. Certainly we need to look north Otawi Bridge as well as Buckman, because we already have a system there, as well as going south because that would look at probably mid-Rio Grande rights that we would have access to. And that's the advantage of what we're looking at here.

I think the Buckman solution is short term. I think it's infusion of the existing study that the City's doing. That first part to me was an evaluation. We will work with them and provide this information to them so that they can take that and determine what some of these things that they need to probably pursue long range is. And that would be my solution to this. Perhaps Estevan can elaborate.

ESTEVAN LOPEZ (Land Use Administrator): If I may, Mr. Chairman, Commissioners. I have had a discussion with City staff before some of the changes that happened recently. As they were developing this RFP about what exactly our involvement would be in this thing, I asked about their willingness to create an MOU that spelled out exactly what our involvement would be all the way through. And they were willing at that point and then very shortly after that, the things changed pretty dramatically there and we didn't follow through on that, nor have they proceeded with going forward on their RFP. I still intend to bring that issue up once things settle down and movement on the RFP begins to go forward. I think it's imperative that we do have the kind of direction that Commissioner Gonzales was talking about, and as to these particular funds, we would try to infuse them into the overall study of the options. Hopefully, if we can build on what the City has as far as budget, we would do so and then to answer one further question about all funds that are expended by either the City or the County on development of a regional water system would be local matching funds to the City's BOR grant money.

COMMISSIONER SULLIVAN: Mr. Chairman, then it's my understanding that if this were funded by the legislature, and even if it weren't, we'd have \$81.250, which we already

have committed. Then will we be putting that money into the pot with the City funds and saying, oh, okay, use the consultant that you've selected and enlarge the scope of the work so that we can cover these things to our satisfaction, in which case, we obviously need very close attention, very close participation, or are we going to be as I said, putting out a separate request for proposals and the same question would apply to the Santo Domingo one which comes up right after this, ourselves, studying this issue ourselves, giving our data and our facts and results to the City for them to include in their study?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, my intent would be, if we can work out an agreement on exactly how we partner on these studies to have a single study. It doesn't make sense to duplicate the effort. To combine our resources with the City, clearly define how we're going to work together on the project going forward.

COMMISSIONER SULLIVAN: Then it's even more important that we formalize the arrangement with the City because if we have \$161,250 here, and if we have \$150,000 on the table for the Santo Domingo study, which we'll talk about next, we've got over \$300,000 worth of study monies, which my understanding, as I say, either equals or exceeds the total study that the City will be doing, so at a very minimum, we need to be a one-half partner in the study process, I would think.

MR. SAYRE: One other point, Chairman Duran, Commissioner Sullivan, I wanted to make is on this particular study, what we're talking about doing in the study is actually doing some drilling and investigating the aquifer. So it's somewhat different than what the aspect of the City's RFP is, is that they were just going to kind of pull in all the data and look at it and we'll be glad to furnish them what we find there but what we're trying to get down to is can we put in a shallow infiltration gallery or some type of diversion, or do we have to go to a direct diversion at Buckman in order to accommodate getting the water. And nobody finalized that particular question as far as I'm concerned.

COMMISSIONER SULLIVAN: So that part you think perhaps that we would do as the County? That drilling part.

MR. SAYRE: That was the intent.

COMMISSIONER SULLIVAN: Okay.

MR. SAYRE: As far as this.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner, if anything, what I'm hearing from Commissioner Sullivan and from the staff, the agreement is that we've got to sit down with the City up front now. We all now what the end result is, establishing the diversion point to the Rio Grande. The question is what role the City's going to play and what role the County's going to play in making sure that we have one defined plan to get there as opposed to separate plans in some areas, other areas we're working together. It just doesn't make sense.

So I think what we need to do is send direction, Mr. Chairman, to the staff to work to develop that single plan that Estevan and Doug are talking about and seeing if you need some support from the County Commissioners to go in and do that. But it doesn't make much sense to have separate studies going on, to not understand what the City's doing, not understand what the County's doing. I think it's making a lot of people confused as to what we're trying to accomplish. So, Mr. Chairman, I'd like to send the direction to the staff to see how we create that single plan and what roles the City and the County are going to be playing in that and

establish those roles up front, so that we understand as we go through this process that we're working together and not apart and that something's not going to fall through the cracks. So I'd like to ask the chair if we can send out that direction.

**CHAIRMAN DURAN:** I think we should send that direction. The other thing I'd like to say though is that I think you can really formulate a partnership with them, the City needs to understand our reason for wanting to get involved in the process and that is the needs that the County has for the water, that we would go collectively to obtain.

**MR. SAYRE:** Your point is well taken and I agree. And we'll do so.

**CHAIRMAN DURAN:** So is that a direction to give staff?

**COMMISSIONER CAMPOS:** I think so.

**COMMISSIONER GONZALES:** I was just wondering, would it be, is it important that we pass these joint resolutions now for the issue of legislative funding, or is it better to hold off to see if there's a single resolution that could come forward that establishes all the roles that we're going to be playing and defining each of our contributions.

**MR. SAYRE:** Chairman Duran, Commissioner Gonzales, I feel like I'd like to go forward with this. It takes us so much time and wherever we can obtain money, I think it's advantageous. We've got one part of this, and I think if we can pursue the legislature for some additional funds, as far as I'm concerned, we'll be glad to collaborate with the City and infuse as much funding as we can into what they're doing. But I think it's vital that we try to get these things done and right now, I don't see any necessary guarantee of what's going on with the City on some of these things.

**COMMISSIONER GONZALES:** So it's important to pass these now so that we can get it into the legislative appropriation process.

**MR. SAYRE:** Absolutely.

**MR. MONTOYA:** Mr. Chairman.

**CHAIRMAN DURAN:** Sam.

**MR. MONTOYA:** Mr. Chairman, if I could, I would like to interject a couple of things. I think it is imperative that the Commissioners adopt these resolutions. First of all, simply to go on the record to indicate that this type of initiative is important to the Board and secondly, to get into a position that if the Board would like to have the County serve as the fiscal agent, that we are also on record indicating that we want to reserve or protect that possibility. Thirdly, when it goes to the legislative body at the state capitol, I think it has a lot more merit if both bodies have adopted a resolution with the same language. But I think Commissioner Sullivan has an excellent point that we also need to decide who manages the money and how the scope of work is going to be designed and focused. Because if the County's not a player at the table, we will not be able to inject our interests and concerns relative to how the scope of work is designed and the product, the final product delivered. I'd just like to add that. Thank you.

**Commissioner Gonzales moved to approve Resolution 2001-15 and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.**

**X. H. 5. Resolution No. 2001-16. A joint City/County resolution requesting legislative funding for developing water diversion and transmission facilities on Santo Domingo lands to supply potable water needs**

MR. SAYRE: Thank you, Chairman Duran and Commissioners. Previously, we have come to you with an MOU that was passed with Santo Domingo indicating that they would like to study water supply and transmission alternatives with the County. When we presented this for consideration for funding, the City also said, we would like to be involved in this, so it's gotten to be a joint resolution between the City and the County and now we want to go forward to try to get legislative funding for this aspect, which we basically agree, we want to look at with the City so that we're all basically on the same page looking for water for the same reason. And that's the reason for this resolution also.

CHAIRMAN DURAN: Doug, is this the resolution that the RPA approved at their last meeting?

MR. SAYRE: Yes it is, Chairman Duran.

CHAIRMAN DURAN: Okay. Any questions of Doug?

**Commissioner Trujillo moved to approve Resolution 2001-16. Commissioner Gonzales seconded.**

COMMISSIONER SULLIVAN: Just one question, Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One issue that was brought up at the RPA meeting was the difficulty dealing with the Native American land issues and particularly easements. I understand on the Santo Domingo alternative, the land is actually in private hands but the easements cross the Santo Domingo Pueblo lands. Is that correct?

MR. SAYRE: Chairman Duran, Commissioner Sullivan, somewhat correct. There's some private land in the vicinity of Peña Blanca. But Santo Domingo also has quite a bit of land, and then to get from that point back to say, the bottom of La Bajada, we're going to have to cross Santo Domingo lands. And that was the reason that we looked at trying to work out an agreement with them and when we went to them for the easement, they indicated that they had water supply needs and they would like to study some alternatives with us and they would even consider some water rights lease possibilities with us. So all of these are in the MOU, which we thought was advantageous.

COMMISSIONER SULLIVAN: Okay. So my question is will the study include not only water availability but the easement issues?

MR. SAYRE: Chairman Duran and Commissioner Sullivan, yes it will.

COMMISSIONER SULLIVAN: Okay.

**The motion to approve Resolution 2001-16 passed by unanimous voice vote.**

#### **X. I. Matters from the County Attorney**

CHAIRMAN DURAN: This is where we go into executive session?

MR. KOPELMAN: Mr. Chairman, members of the Commission, we have two very brief matters and if you want to do it at the end of the next meeting, that would be fine. It would be up to whatever you would like us to do.

CHAIRMAN DURAN: Do we have executive session at the next meeting also?

MR. KOPELMAN: We have it listed, Mr. Chairman, yes. It shouldn't take more than about ten minutes.


CHAIRMAN DURAN: Okay. So we'll move that to the end of the next meeting.

So I guess we need to make an amendment to the next meeting after we adjourn here, when we open up the next meeting.

**ADJOURNMENT**

Chairman Duran declared this meeting adjourned at approximately 4:35 p.m.


Approved by:

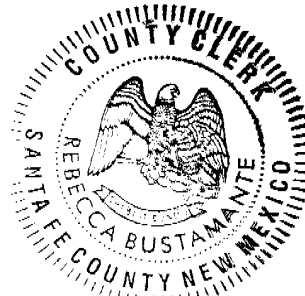
  
Board of County Commissioners  
Paul Duran, Chairman

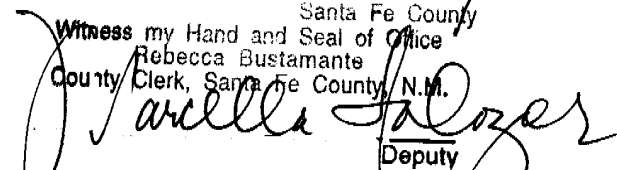
Respectfully submitted:

Karen Farrell, Commission Reporter

  
ATTEST TO:

  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK



1148 555  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO } SS  
I hereby certify that this instrument was filed  
for record on the 15 day of Mar A.D.  
20 01 at 8:05 o'clock A.m  
and was duly recorded in book 1872/1873  
page 995-004 of the records of  
Santa Fe County  
Witness my Hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, N.M.  
  
Deputy

SFC CLERK RECORDED 06/23/2005