

2489277

SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 11, 2003

Jack Sullivan, Chairman
Paul Campos, Vice Chairman
Paul Duran
Michael Anaya
Harry Montoya



1258 856

COUNTY OF SANTA FE } ss
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
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20.03 AT 1:06 O'CLOCK P.M.
AND WAS DULY RECORDED IN BOOK 2489
PAGE 277-360 OF THE RECORDS OF
SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
[Signature]
DEPUTY

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING

(Public Hearing)

February 11, 2003 - 4:00 p.m

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Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- VI. Approval of Minutes *Jan 21, 2003*
- VII. Matters of Public Concern -NON-ACTION ITEMS
- VIII. Matters from the Commission
 - A. Resolution No. 2003 ¹⁰ - A Resolution of Support for the Proposed State of New Mexico Regional Transit District (RTD) Act
 - B. Resolution No. 2003 ¹¹ - A Resolution by the City and County of Santa Fe Concerning Joint Development of a Sustainable Water Supply System for the Santa Fe Metropolitan Area
 - C. Reconsideration of Resolution No. 2003 ¹⁸ - A Resolution Accepting Churchill Road for County Maintenance
 - D. Resolution No. 2003 ¹⁹ - A Resolution Supporting the Passage of Legislation Authorizing Santa Fe County to Exercise the Local Option to Impose a Liquor Excise Tax on Alcoholic Beverages
 - E. Discussion and Direction for Interim Bond Counsel, Financial Advisor and Underwriter Services for Potential Bond Refunding Opportunities
 - F. Executive Session: Limited Personnel Issues - Consideration of the Selection of the Santa Fe County Manager
- IX. Presentations
 - A. Santa Fe County Economic Business Park Presentation
 - B. Presentation from Economic and Planning Systems (EPS) Regarding the Fiscal Impact Study for the Community College District

*Special Mtg - agenda amended
Jan 14, 2003 - Special Mtg - agenda
Jan 16, 2003 - Special Mtg - agenda*

*Put under
4/11*

X. Consent Calendar

- A. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:**
1. EZ Case #S 02-4501 – Altshuler LLC Subdivision (Approved)
 2. CDRC CASE #V 02-5490 – Rosa Ortiz Variance (Denied)
 3. CDRC CASE #V 02-5380 – Armando Jurado Variance (Approved)
- B. Request Authorization to Accept and Award a Professional Service Agreement to the Highest Qualified Respondent for RFP #23-17, the Santa Fe County Land Development Code Re-Write (Land Use Department)**
- C. Resolution No. 2003 – A Resolution Requesting an Increase to the General Fund (101)/Land Use Department to Budget Special Appropriation Project (SAP) Grant Received from the New Mexico Environment Department for Expenditure in Fiscal Year 2003 (Land Use Department)**
- D. Resolution No. 2003 – A Resolution Requesting an Increase to the General Fund (101)/Treasurer's Office to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Finance Department)**
- E. Resolution No. 2003 – A Resolution Requesting a Budget Transfer from the General Fund (101)/Finance Department to Various Elected Officials/Departments for the Personnel Salaries and Benefits Expenditure of the January 11, 2003 Implementation of the \$.60/hr COLA Increase and One-Time Payout for Santa Fe County Employees (Excluding CWA Union Employees and Elected Officials) (Finance Department)**
- F. Resolution No. 2003 – A Resolution Requesting an Increase to the EMS – Healthcare Fund (232) to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Finance Department)**
- G. Resolution No. 2003 – A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Utilities Department)**

XI. Staff and Elected Officials' Items**A. County Clerk's Office**

1. Appointment of the Election Board

B. Project & Facilities Management Department

1. Resolution No. 2003 – A Resolution Officially Changing the Name of Old Agua Fria Road to Rabbit Road (Located at Southern Terminus of Saint Francis Drive)

C. Utilities Department

1. Request Approval to Implement Temporary Rates for the El Vadito Water Association

D. Matters from the County Manager

1. Request Authorization to Enter Into Agreement Between the Town of Taos and Santa Fe County to House Town of Taos Inmates at the Santa Fe County Detention Center
2. Legislative Update
3. NPEDS Update

Removal

E. Matters from the County Attorney**1. Executive Session**

- a. Discussion of Pending or Threatened Litigation
- b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

XII. Public Hearings**A. Land Use Department**

1. Ordinance No. 2003 – An Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article V, Section 5.2 Master Plan Procedures to Require the Submission of a Preliminary Water and Liquid Waste Disposal Plan with Master Plan Applications and Include Language that Clarifies that a Master Plan Approval does not Confer a Vested Development Right. Second Public Hearing. Roman Abeyta
2. BCC CASE #M 03-5020 – Winemark Distributing & Impact Co. Winemark Distributing & Import Co. (Donald F. Poston, President), Applicant is Requesting Approval of a Wholesaler Liquor License for a Wholesale Distribution Business to be Located off State Road 14 at 36 Bisbee Court within the Turquoise Trail Business Park, Section 24, Township 16 North, Range 8 East (Commission District 5). Joe Catanach
3. LCDCR CASE #V 02-5301 – Buff Douthitt Variance. Buff Douthitt, Applicant, Al Quintana, Agent, Request a Variance of Article XIV, Section 6.10.1 (Areas for Commercial Development and Requirements) of the Land Development Code to Allow Commercial Use on 3.03 Acres. The Property is Located at the Intersection of the West Frontage Road and Los Pinos Road within the Traditional Historic Community of La Cienega/La Cieneguilla, within 26 and 27, Township 16 North, Range 8 East (Commission District 3). Wayne Dalton
4. TDRC CASE #S 02-5291 – Tesuque Ridge Subdivision. Jay Ross, Applicant, Scott Hoeft, Agent, Request Final Development Plan and Plat Approval for a 12 Lot Residential Subdivision on 100 Acres. This Request Includes a Variance of Article VII, Section 6.7.8 (Fire Protection Plan and Required Improvements) to Allow the Furthest Buildable Portion of Three Lots to Exceed the Code Required 1,000 Foot Spacing From a Fire Hydrant. The Property is Located in the Traditional Historic Community of Tesuque, Within Section 6, Township 17 North, Range 10 East (Commission District 1). Wayne Dalton
5. CDRC CASE #V 02-5470 – Bruce Oakeley Variance. Bruce Oakeley is Requesting a Variance to Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 7.53 Acres to create One 2.5 acre Tract and One 5.03 Acre Tract. The Property is Located off of East pine Within Section 6, Township 14 North, Range 9 East (Commission District 5). Vicki Lucero

XIII. Adjournment

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 11, 2003

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

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

Members Present:

Commissioner Jack Sullivan, Chairman
Commissioner Paul Duran
Commissioner Paul Campos
Commissioner Mike Anaya
Commissioner Harry Montoya

Members Absent:

[None]

An invocation was given by Rabbi Leonard Helman.

V. **APPROVAL OF THE AGENDA**

A. **Amendments**

B. **Tabled or withdrawn items**

CHAIRMAN SULLIVAN: Mr. Kopelman, are there changes?

STEVE KOPELMAN (Interim County Manager): Thank you, Mr. Chairman, members of the Commission. I'm going to go real quickly through the changes from the originally published agenda. There are additions under VIII. C is added, Reconsideration of Resolution No. 2003-___. A resolution accepting Churchill Road for County maintenance. VIII. D. A resolution supporting passage of legislation authorizing Santa Fe County to exercise the local option to impose a liquor excise tax on alcoholic beverages. Subsection E, Discussion and direction for interim bond counsel, financial advisor and underwriter services for potential bond refunding opportunities. Then Subsection F would be an executive session for limited personnel

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issues, consideration of the selection of the Santa Fe County manager.

In addition, under the Consent Agenda, X. E and G. There were minor errors in both of those. Maybe if our Finance Director Katherine Miller could, after you agree on the Consent items could explain the minor changes and hand out the amendments on E and G. Also on XI. D. 3, the NPDES update, we're asking that to be removed until the next meeting. That's the National Pollution discharge system permit.

And then finally, Mr. Chairman, members of the Commission, XII. A. 5, CDRC Case #V 02-5470, Bruce Oakley Variance is being requested for tabling on that matter.

CHAIRMAN SULLIVAN: Other amendments or withdrawals from the Commission? Hearing none, what's the pleasure of the Commission?

COMMISSIONER DURAN: Move for approval, Mr. Chairman, as amended.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and second. Discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Under VIII. F, executive session, were we going to maybe wait to see if we could go into executive session for a dinner break or how would we

CHAIRMAN SULLIVAN: Whatever the Commission would like to do. What's the thoughts? Leave that item until about 5:30 or so? 6:00? Commissioner Campos?

COMMISSIONER CAMPOS: Mr. Chairman, we have public hearings starting at 6:00. We have some other items, don't we? It would be better to do public hearings at six and maybe meet before six to take care of administrative matters if we have the chance. I'm not sure how we're going to move through this but we could likely move through a lot of this very quickly. But we do have some public hearings.

CHAIRMAN SULLIVAN: Mr. Kopelman, are there other items - we've got two executive sessions here. Are there other items under the executive session E. Matters from the County Attorney?

MR. KOPELMAN: Mr. Chairman, there are. There's one matter that should be real quick under pending or threatened litigation and we do have some issues to discuss on possible purchase, acquisition, disposal of real property or water rights. I don't think they'll take very long but there are three items.

CHAIRMAN SULLIVAN: I guess the idea was to break it apart if we wanted to because the consideration of the selection of the County Manager doesn't need counsel there. We don't have to have an attorney at that meeting. But we could do both at the same time over dinner.

COMMISSIONER ANAYA: That's fine.

CHAIRMAN SULLIVAN: Shall we shoot for roughly 5:30? So we would delay until we hit about 5:30 then. Commissioner Duran?

COMMISSIONER DURAN: What's for dinner?

COMMISSIONER ANAYA: Pizza.

COMMISSIONER DURAN: I just wondered.

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CHAIRMAN SULLIVAN: She was taking up a collection. Are there any other comments or questions on the agenda?

The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.

VI. Approval of Minutes: Special meeting, January 7, 2003

CHAIRMAN SULLIVAN: I have one minor typographical change that I'd like to make as an amendment. Are there any other comments or amendments? Hearing none -

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

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and second.

The motion to approve the January 7th special meeting minutes passed by unanimous [5-0] voice vote.

January 14, 2003

CHAIRMAN SULLIVAN: Again, I have some typographical changes that I'd like to introduce into the record. Are there any other comments or changes the Commissioners would like to make to those minutes?

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion for approval from Commissioner Duran. Second from Commissioner Montoya.

The motion to approve the minutes from the January 14th meeting passed by unanimous [5-0] voice vote.

County Commission/City Council joint meeting January 16, 2003

CHAIRMAN SULLIVAN: Again, I have two minor typographical changes I'd like to introduce. Are there any others the Commission would like to introduce? Hearing none -

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion by Commissioner Anaya, seconded by Commissioner Montoya.

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The motion to approve the minutes of the joint meeting of January 16th passed by unanimous [5-0] voice vote.

VII. Matters of Public Concern - Non-action items

CHAIRMAN SULLIVAN: Are there any members of the public who would like to address the County Commission on non-action items? Seeing none we'll move to item VIII.

VIII. Matters from the Commission

A. Resolution 2003-16. A resolution of support for the proposed state of New Mexico Regional Transit District (RTD) Act

JACK KOLKMEYER (Planning Director): Thank you, Mr. Chairman, Commissioners, good afternoon. I'm Jack Kolkmeier, Planning Director for Santa Fe County. With me this afternoon to help discuss this item with you by the way is Carol Raymond from Santa Fe Southern Railroad who's worked on preparation of the draft bill and to help us get to this point where we are today. Attached in your packet from me is a copy of the draft legislation for a Regional Transit District Act introduced into the House recently as House Bill 102 by Daniel Silva. Also in your packet is a proposed resolution of support and a brief bill analysis prepared by County staff member Virginia Vigil who's also been tracking this bill and there is also a companion bill in the Senate, which is Senate Bill 34.

This is an important step in helping the County and the City to move forward finally with a joint mechanism for the funding and operation of our commuter train project as well as for the re-establishment of our regional Park and Ride system which we've struggled with, as you know, for a number of years. On January 29th the proposed bills passed the House Judiciary Committee and the Senate Corporations Committee and last Friday also passed the House Finance and Corporation Committee. The bill is moving along extremely well and we think it's appropriate at this point in the movement of the bill and relative to our needs to ask you to pass a resolution of support.

I want to take just a minute too. I know you discussed this at the Regional Planning Authority meeting the other night and I appreciated that discussion and some of the points that you brought up and I'd like to just reiterate some of the important points of the draft and address a couple of the issues that you brought up the other night. First of all, this bill is to organize regional transit districts, that is to create the districts. So it's really an organizational bill on many fronts because establishing these districts will probably take some time, a year, maybe two years and so there's going to have to be an effort to go into this. But as you know, one of the problems we had with Park and Ride and in looking at spending our \$10 million

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authorization for a commuter train project is how we're going to cooperate with the City or if the City is going to cooperate or we're going to cooperate together on that project without having a mechanism where we can operate and plan for these kinds of facilities jointly.

The second step in this draft bill is for us to actually create service plans, and \$1.9 million will be appropriated as a result of this bill with \$200,000 going to each regional transit district to help them create service plans. And that's where we get down to the nitty gritty of how we would do Park and Ride or how we would operate our commuter train service. Ultimately, the financing to construct and run these things is also in the bill but it's probably a little bit further down the pike before we actually get to the financing of these types of projects. And again, don't forget, for the commuter train, we've already got the funding for the acquisition and the setting up of the initial phases of the commuter train already in hand with federal funding. Park and Ride is a slightly different issue but even getting to be able to get to the financing mechanisms through this regional transportation district act are a little bit down the road.

However, built into the RTD Act is bonding capacity the eventual districts would be able to use. What's missing is taxing authority. And I know you discussed this the other night at the RPA meeting. And while we agree with you and the original draft of the act included taxing authority, the past history of getting this kind of legislation enacted has failed by the wayside mostly because of the taxing authority problem. So it has been taken out of this act but we think that once these things are established, these districts are established we'd be able to come back and ask the legislature for additional funding.

By the way, however, there are two other bills working their way through the legislature right now asking for taxing authority for regional transportation in a separate bill and also there is another bill, Senate Bill 420, allowing for the imposition of gross receipts tax for transit. So there are a couple things that are moving along parallel and we hope they'll come together as a result of this act, but we just wanted to let you know that we agree with comments that were made the other night that taxing authority should be an integral part of this, but it isn't in this bill right now.

Regardless of that, we would ask for you to support this resolution because it really does help us, as I said, to re-establish our regional Park and Ride program and to acquire the Santa Fe Southern and begin planning for the central Santa Fe commuter train. Having said that, I will stand for questions and as I indicated, Carol Raymond is here if you'd like to ask any questions of her as well. Thank you.

CHAIRMAN SULLIVAN: Questions from the Commission? Jack, I had one question. On the last page of House Bill 102, it says that the legislation would authorize bond issues to finance a district to purchase, construct, renovate, equip or furnish a regional transit system project. So if you authorize the bond issues, how do you repay the bonds? With revenues?

MR. KOLKMEYER: Do you know the answer to that, Carol? It was my understanding that they'd be general obligation bonds but I'm not sure.

CHAIRMAN SULLIVAN: You want to come forward so everyone can here?

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CAROL RAYMOND: Your question is a good one and that's an issue that we pushed for for a year, actually two years to get taxing authority in the bill. The bill is set up so that it doesn't allow taxing authority but it doesn't deny it either and the hope is that through advocacy, we'll be able to have a bill that allows taxing authority, thereby underwriting the bonding that this gives it. So, yes, partially by fare box, but as you all know, there's not a transit system in the world that can run itself entirely by fare box.

CHAIRMAN SULLIVAN: So at this point it's a structural piece and it really couldn't - bonds couldn't be issued unless there's some taxation authority granted later on.

MS. RAYMOND: That's correct. Or some state funding of transit.

CHAIRMAN SULLIVAN: Okay. Thank you. Other questions? What's the wish of the Commission?

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion for approval and a second.

The motion to approve Resolution 2003-16 passed by unanimous [5-0] voice vote.

VII. B. Resolution No. 2003-17. A resolution by the City and County of Santa Fe concerning joint development of a sustainable water supply system for the Santa Fe metropolitan area

CHAIRMAN SULLIVAN: You have a copy of this resolution in your packet and I'd like to recognize in the audience City Councilor Wurzburger and if it's okay with the Commission, to have her make a brief presentation on this particular resolution and its genesis.

CITY COUNCILOR REBECCA WURZBURGER: I didn't hear the okay, but hear I am, okay.

CHAIRMAN SULLIVAN: Silence is consent.

COUNCILOR WURZBURGER: Silence is consent here. You look different on that side. Hello. It's actually my first time to speak before the Commission. Wish me luck. Seriously, thank you for the chance to be here. This resolution came from our side from a group of councilors who've worked over the last few months to really explore further the kind of cooperation that we can have with the County on looking at the critical issue of stopping the competition that we face together in looking at new sources of water.

Already because of some of the comments that were received at the Public Works Committee last night, at the City Council, I want to again go on public record here at the County to say what this resolution is not. This is not a resolution to merge our current water systems. It is not a resolution for the County to take advantage of the City's water. It is not a resolution for the City to take over the wells in the county. It is a resolution that allows us to take advantage of a unique time in history, which is when we now have a new governor who has very clearly said that he wants to see us work together on regional and county levels to

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address issues of water.

This is designed as a mechanism so that we can go forward, have in our hands in writing, a statement that says we want to further cooperate, and specifically, we're asking the governor and the legislature for four things. One, to recognize that we are working cooperatively in the areas that we've identified. Second, that we are directing our staffs at both the City and County level to investigate possible legal structures for continuing to cooperate to obtain future sources of water supply for the region. Third, we're asking them to help us in whatever way possible with technical assistance and funding so that we in Santa Fe City and County can become the model for implementing the regional planning effort that the governor has talked about. And finally we ask that our staff direct copies of this resolution to everybody practically, who's at the State Capitol over the next six weeks.

The other thing I'd want to say about this is that in Public Works last night the resolution was passed on to Council with an extrication that is not acceptable to those of us who prepared the resolution. We do not sit on that committee. We have, tomorrow, that is the version that will go forward but through the work that I've done today I feel confident that through further discussion that we can expect one small amendment to what you have before you and that we hope our Council will pass this. I know it's awkward for you to see it first but timing was of the essence because of needing to get this to the legislature before the 20th in case we do come up with any legislative options.

So if I may, Commissioner, I'd just like to point out the one change that you might want to consider or you may not. But that is the change that we expect to introduce tomorrow. And that would be on the second page. It is the third whereas. It's after the word "regional water system" we would insert upon the vote of the electorate. And that's the same language that would be inserted at the bottom, at the end of item 2, where it ends with the word "mission." We would put "upon the vote of the electorate."

One of the Councilors who is committed to our working together, Councilor Coss, was concerned that in no way we be looking at structural changes to either or our systems, even the addition of a new mechanism unless it would be discussed through the electorate and voted on upon the electorate. So that's the only change. If that's not clear I can bring that up to you.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER DURAN: Councilor, so in reading paragraph 2, you're saying - what's the last part of that sentence?

COUNCILOR WURZBURGER: Paragraph 2, in terms of the resolution itself?

COMMISSIONER DURAN: Right. Where it says -

COUNCILOR WURZBURGER: It would say the City and County are directed to investigate possible legal structures. That paragraph remains the same, ending with the word mission, and then a comma and it says, "upon the vote of the electorate." In other words, that we would not create any new entities unless we had a referendum.

COMMISSIONER DURAN: We would not create any new entities?

COUNCILOR WURZBURGER: Because that's what number two is regarding.

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It's regarding investigating possible legal structures for cooperating including the possibility of a new entity or entities.

CHAIRMAN SULLIVAN: Councilor, could you get us a current copy of this? Laura? My copy doesn't even include the third paragraph that you were talking about. She's going to make a quick copy of it.

COMMISSIONER DURAN: While you're looking at that, can I ask a question, Mr. Chairman?

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Rebecca, does this resolution limit us to only working on projects that are on a cooperative basis with the City? Or do you see – I see the County working on several projects that aren't listed in this particular list of projects that we're working on cooperatively. I'm wondering if by not mentioning them in here do you in your mind see that as precluding us from being able to do something?

COUNCILOR WURZBURGER: No, I think it's quite the opposite if I'm understanding your question. The idea would be we're already cooperating on these areas but in future areas of going out and looking for additional water we would try to form a way of doing that together so that if we were going – we've got 29 options we're now looking at for the City through our 20-year plan that are being assessed. But rather than doing those independently, we would look at those together.

COMMISSIONER DURAN: Okay.

COUNCILOR WURZBURGER: Now what that really means yet, that's what this planning mechanism would enable us to figure out.

COMMISSIONER DURAN: My only concern, the reason I ask that is that there might be some points of diversion that we definitely want to work towards developing, other than what's mentioned here, and I would hate, I would have some concern that if the City doesn't agree to those points of diversion of those other possibilities and the Commission still pursues that then that would create problems for us.

COUNCILOR WURZBURGER: I think what we're talking about, creating the mechanism, that can be part of it. We can have a rule from the very beginning that if we can't agree on something, sort of like what we're doing now, we would continue to do it by ourselves. But the idea is, from my perspective in sponsoring this, is to narrow those times that we would do that. But it's certainly not inherent that if we agree to this together that means that we won't ever again look at doing things separate. I think we're quite good at doing things separately to the dysfunction of togetherness.

COMMISSIONER DURAN: I agree. There's no question that we need to do it together.

COUNCILOR WURZBURGER: That's a long answer. It would not preclude that option. But hopefully we'll get to a point that you wouldn't want that option.

COMMISSIONER DURAN: I agree. I hope we get there too.

COUNCILOR WURZBURGER: Thank you.

CHAIRMAN SULLIVAN: Other questions of Councilor Wurzburger? Okay,

what's the pleasure of the Commission?

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COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd like to move for approval of this resolution.

COMMISSIONER DURAN: I'd like to second it for discussion.

CHAIRMAN SULLIVAN: Motion and a second.

COMMISSIONER DURAN: There was one paragraph in here that I don't see in this version that referenced the Sangre y Jemez efforts or recommendations.

COUNCILOR WURZBURGER: That is in this version that we're going to be looking at. I'm sorry if you don't have the correct version. Would you like me to read that, Commissioner?

COMMISSIONER DURAN: Maybe for the record, why don't you?

COUNCILOR WURZBURGER: Sure. This is the second whereas on the second page. And it says, "Whereas the City and the County are supportive of the Jemez y Sangre Regional Water Planning process, and the City and County will carefully consider the proposed alternatives in developing future water plans and/or specific projects."

COMMISSIONER DURAN: And this will be submitted to the City? That will be part of the submittal to the City tomorrow?

COUNCILOR WURZBURGER: Yes, it will. This was part of what was submitted last night to Public Works.

CHAIRMAN SULLIVAN: Also under discussion, did we want to include the draft language that Councilor Wurzburger has shown us that they intend to introduce at the City Council meeting tomorrow night? Or do we want to approve it without that?

COMMISSIONER MONTOYA: With.

CHAIRMAN SULLIVAN: So your motion was to include that. And the seconder?

COMMISSIONER DURAN: That's fine.

CHAIRMAN SULLIVAN: Okay. So the third whereas would include the phrase "upon the vote of the electorate" and number two, under Now, therefore be it resolved, at the end would be a comma and include the phrase "upon the vote of the electorate."

GERALD GONZALEZ (Acting County Attorney): Mr. Chairman.

CHAIRMAN SULLIVAN: Who said that? Oh, there you are.

MR. GONZALEZ: I just wanted to make sure that the motion also included the additional paragraph regarding Jemez y Sangre so it's clear that the two versions would be in complete alignment.

CHAIRMAN SULLIVAN: Do you include that?

COMMISSIONER MONTOYA: Yes. It's actually, Mr. Chairman, the second resolution that we have in our packet.

MR. GONZALEZ: That's correct.

CHAIRMAN SULLIVAN: Never put two resolutions in the packet.

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COUNCILOR WURZBURGER: We've gone through a lot to get this organized.

CHAIRMAN SULLIVAN: Is there further discussion? We have a motion and a second for approval. Commissioner Anaya.

COMMISSIONER ANAYA: I want to thank the Councilor for coming forward and talking with us and I look forward to working with you on this.

COUNCILOR WURZBURGER: Thank you very much.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I also would like to thank Councilor Wurzburger and I have mentioned at the meeting that we had recently that I see this kind of as a beginning of different resolutions that we at the County should be looking at. I'd like to see one where we have one with Rio Arriba County and one with the City of Española as well, since they are part of this regional planning that we should be looking at for long-term water. Thank you, Councilor Wurzburger.

CHAIRMAN SULLIVAN: And with Edgewood.

COUNCILOR WURZBURGER: I think that's in Colorado.

CHAIRMAN SULLIVAN: That's in Tarrant County.

COUNCILOR WURZBURGER: May I say one other thing, Mr. Chairman?

CHAIRMAN SULLIVAN: Go ahead.

COUNCILOR WURZBURGER: I do want to reinforce that Councilor Robertson Lopez has really been an integral part of this and she wasn't able to be here today. So whatever support you give us I thank you for her as well.

CHAIRMAN SULLIVAN: We do appreciate, Councilor, you're taking the lead on this and there were numerous meetings with Commissioners and staff to hammer out language that would be acceptable to both governing bodies. Thank you very much. We have a motion and a second.

The motion to approve Resolution 2003-17 passed by unanimous [5-0] voice vote.

COMMISSIONER DURAN: Give our regards to the rest of the Council.

VIII. C. Resolution No. 2003-18. A resolution accepting Churchill Road for County maintenance

CHAIRMAN SULLIVAN: Vice Chair Campos would you take the chair on this item? I'll need to recuse myself.

COMMISSIONER CAMPOS: Do we have the resolution in the packet? Okay. We heard this matter at the last meeting. Any discussion from the Commission?

COMMISSIONER DURAN: Mr. Chairman.

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COMMISSIONER CAMPOS: Sir.

COMMISSIONER DURAN: I actually thought that it would be a good idea to bring this thing forward again since the reason that we denied it at the last meeting was for the reason that that section of Dinosaur Trail, which is part of the access to Churchill Road was not improved to County standards. And last week at the EZA, actually I think it was the same night, we approved a development called the Gardner Subdivision and in that approval process we required that they improve and bring that section of road that was the reason for not approving this particular resolution, they need to bring it up to County standards. So in light of that, we now don't have, we would not have a gap of substandard road that our people would have to travel to improve Churchill Road. So I would ask the Commission to allow us to have to bring this thing forward for reconsideration at the next meeting.

COMMISSIONER CAMPOS: Any other comment by any Commissioner?

COMMISSIONER ANAYA: Mr. Chairman, so we're asking to bring it back?

We can't just -

COMMISSIONER CAMPOS: Let's get direction from our County Manager.

Mr. Kopelman, where are we on this one? Do we have authority to act tonight?

MR. KOPELMAN: Mr. Chairman, members of the Commission, based on the agenda caption, I believe you do have the right to act on this resolution today, yes.

COMMISSIONER CAMPOS: Okay, any other comments before a motion? My only comment on this is I'd still like to continue working on these standards, because there are some issues that are open and staff is working on those. So I don't want that to die with the approval of this. But is there a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

The motion to approve Resolution 2003-18 passed by unanimous [4-0] voice vote with Commissioner Sullivan having recused himself.

VIII. D. Resolution No. 2003-19. A resolution supporting the passage of legislation authorizing Santa Fe County to exercise the local option to impose a liquor excise tax on alcoholic beverages

CHAIRMAN SULLIVAN: Thank you, Commissioner Campos, that was fast. We're going to let you do these more often. Who would like to present this? Ms. Vigil.

VIRGINIA VIGIL (Policy Analyst): Thank you, Mr. Chairman, members of the Board. This is not the first time this resolution is coming before the Santa Fe County Board of County Commissioners. After having done some research, in 1995, a similar resolution came before the Board. Basically, what this resolution does is support legislative language change that allows for local government to go to the voters to enact a local liquor excise tax

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option. The statute is very specific. We can only enact up to a ten percent excise option. There are several bills that are circulating through the roundhouse right now. After having spoken with Senator Pete Campos today my understanding is they are working on consolidating these bills and with the governor to see what they could work out for local option for local governments.

I don't know what the final consolidated bill will look like. Senator Campos was initially approached because he was sponsoring a bill that was allowing San Miguel County to exercise this local option and we were attempting to get him to include Santa Fe County. There are observations right now that they will include all counties to allow them to exercise this option but they're also working out and hammering out whether or not there will be a cap on percentages or not. So I think basically what we're here before you today is to ask for your direction on supporting this and I think probably the most prudent way to proceed would be find out what that consolidate bill looks like and let our legislative delegation know that we would like this option for Santa Fe County. My sense is that we would like to know what in fact that option would mean for us, if it would require a cap or not and not knowing that right now, the resolution before you is pretty general and just states that this Board of County Commissioners does support the local liquor option.

And just for some informational background, liquor excise tax produces about \$35 million a year, and McKinley County, who's been the only county who has been exercising this option had a statutory change, is having some significant results for their drug and alcohol related problems and I think other counties are looking to them as a model and sustainable resource through this local option. So I stand before you for any questions on this and I'm happy to go through the resolution piece by piece if you --

CHAIRMAN SULLIVAN: Questions from the Commission?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think that we've all read all the horrendous stories of the deaths caused by DWI. I am in support of this resolution and the legislation that we're trying to get enacted. I think that our DWI programs in our community needs as much funding as possible to enhance the programs that we have right now to deal with the DWI problem and to come up with new ways of dealing with DWI offenders and try to educate them and get to them before they get ten DWIs and then they end up killing somebody. So I would like to make a motion that we approve this resolution.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: There's a motion and a second. Discussion?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I think that this is a step in the right direction. I think in terms of the long-term plans that we have for the County, particularly of the CARE Connection, I think this is an avenue that would lead us to where we need to be in terms of funding for that facility and the services, more importantly that are going to be provided by that

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facility. I just wanted to point out a couple of other bills, one that has been passed, House Bill 117 that is going to have a fiscal impact on counties. Essentially what they're saying, I think it's third of fourth conviction which is essentially a felony, you're going to be required to provide treatment to that individual. Well, a felon is typically in a jail, right? So that means that we're going to have to start providing these treatment services in jails for these offenders, which is something that – are we doing that right now, Mr. Chairman? I don't think that that's happening. So that's going to have a fiscal impact. How are we going to cover that particular cost?

The other one that I'm really mixed about, Mr. Chairman, is Senate Bill 155 by Senator Herd. He wants to increase, double the excise taxes. Essentially, my understanding on that one is the revenues that will be generated will be going all over the place. To medical investigator's office, to Medicaid, to the general fund. And then a piece will of course be given to hopefully the counties to provide these services as well. That's the one that concerns me a little bit because again we'll be getting probably a little bit in terms of the huge problem that we have that we need to try to address. So Mr. Chairman, Ms. Vigil, I would suggest that as much as possible we try to see what can be worked out hopefully with Senator Campos and hopefully the governor will get the message that counties want to be able to solve their local problems with their own local solutions. So I would encourage us to pursue that avenue as much as possible. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Thank you for your expertise, Commissioner Montoya, on that. Hands Across Culture, of course, is intimately involved in these issues. Commissioner Anaya.

COMMISSIONER ANAYA: I agree totally with Commissioner Montoya.

CHAIRMAN SULLIVAN: Commissioner Duran? Commissioner Campos?

COMMISSIONER CAMPOS: I too agree with Commissioner Montoya. I think I would prefer to see the monies come to the counties locally. We have enough unfunded mandates to take on more. We're having enough problems budgeting for the County detention center is it is right now. So I would hope that you would keep that in mind when you're lobbying for the County.

CHAIRMAN SULLIVAN: I would add my vote to that as well. We have a motion and a second.

The motion to approve Resolution 2003-19 passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Thank you, Virginia.

MS. VIGIL: Just for a point of clarification, Mr. Chairman, Commissioners. This resolution will be presented in committee hearings and the legislature will be informed that we are supporting a local option, but I will come before you when the final consolidated bill is for further direction to see how that bill actually pans out and ask for your direction at that point.

CHAIRMAN SULLIVAN: Good. So we'll have the specifics and we can

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address some of these questions that Commissioner Montoya has talked about.

MS. VIGIL: Exactly.

CHAIRMAN SULLIVAN: All right.

MS. VIGIL: Thank you.

VIII. E. Discussion and direction for interim bond counsel, financial advisor and underwriter services for potential bond refunding opportunities

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, I'd discussed this with a couple Commissioners and I wanted to bring it forward to the full Commission. We were approached, the County was approached by one of our underwriters and financial advisors that are not on contract at the moment but we have done bond financing with that there is an opportunity right now to potentially refund one of our 1993 general obligation bonds and the intent to do that would be to basically refund that bond and refinance it at current interest rates with an estimated savings of about \$100,000 over the remaining life of that bond.

I had informed the financial advisor that one of the issues we have right now is we have a solicitation out for bond counsel services and we do not have on contract right now bond counsel. I thought that it would be appropriate to come to the Commission and ask what you feel on this issue as to whether we should pursue this and do interim contracts just for this particular issue or whether we should stay with the process of getting a bond counsel and the underwriter services.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Katherine, I thought that we were going to keep our bond counsel on a month-to-month basis. That was I guess Strumor and - what was the name of it? Who were they?

MS. MILLER: Hughes and Strumor. Mr. Chairman, Commissioner Duran, their contract has expired and we did not have any issues at the current time and in conversation with Estevan at the time and with the Attorney's office, because we had so many issues we thought we should go out with the solicitation. So we have a solicitation out right now for bond counsel services.

COMMISSIONER DURAN: If we were to agree that this is something we should pursue and we decided that we wanted Hughes and Strumor to represent us in this particular case, and they don't happen to be the successful, the person who wins the bid, the successful applicant on the RFP, could they still continue the work under that and then whoever our new bond counsel is could take on any other projects that we might want to pursue?

MS. MILLER: Mr. Chairman, Commissioner Duran, yes. Quite often our bond counsel services are very bond issue-specific anyway, so that bond counsel could serve as counsel on one issue without conflicting on another issue.

COMMISSIONER DURAN: Then my last question, how long, if we don't do

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it that way, how long will it take for us to get bond counsel through this process that we've undertaken and what are the possibilities of us losing the ability to save this \$100,000 through a refi of the existing bond?

MS. MILLER: Mr. Chairman, Commissioner Duran, the schedule for a bond counsel, the award of the bond counsel RFP is the end of March, for the last administrative meeting in March. The solicitation closes at the end of the month and barring no problems with that solicitation, we'll probably do the interviews and then bring forward a recommendation to the Commission on the last meeting in March. So that's the answer to the first part of the question. The second, the refunding opportunity is based upon the interest rate market right now, so it's hard to say whether that opportunity will be here in three months or two months or a month and a half. I would say the economic trends at that moment are indicative that interest rates will still remain low and that this opportunity may still be there. But it's also one that kind of every morning our underwriter and financial advisor would check to see what the market is and try to hit the refunding issue at the optimum time.

COMMISSIONER DURAN: If we went to war, would you say the rates will stay the same?

MS. MILLER: I wish I knew that.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Quick question. Katherine, Ms. Miller, you said that we would save \$100,000?

MS. MILLER: Mr. Chairman, Commissioner Campos, it's estimated that we would save \$100,000. We have to go through a series of things with DFA as well. This particular bond issue, we did a refunding in '99 of all of our general obligation bonds that qualified. All of the older bonds except for this one did not qualify. This one did not.

COMMISSIONER CAMPOS: Is it a net savings, after we pay counsel and all the services and fees associated with refunding?

MS. MILLER: It's estimated to be a net savings of \$97,000 to \$100,000.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Katherine, I had a question. We're talking about two things here, right? One is the bond counsel and the other is the underwriter. They're not one and the same, correct?

MS. MILLER: Mr. Chairman, actually three. Financial advisor, underwriter, and bond counsel. They are separate individuals.

CHAIRMAN SULLIVAN: Okay, so the only individual that we have out for RFPs now is the bond counsel. Is that correct?

MS. MILLER: Mr. Chairman, that's correct.

CHAIRMAN SULLIVAN: So you still need a financial advisor and an underwriter if you wanted to do this refinancing, correct?

MS. MILLER: That's correct.

CHAIRMAN SULLIVAN: So the two options - what would be the fee to these individuals, roughly stated?

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MS. MILLER: It's estimated that cost of issuance with all of them, and that would be something that's negotiated. Most of our fees when we do general obligation bonds, underwriter services are not actually negotiated. So those occur on a bidding basis. Then our financial advisor, we do a contract with a financial advisor based upon the issue. I would estimate that all of the costs of issuance including an underwriter's discount, which would be negotiated as well as bond counsel services, and that would probably, insurance on the bond would be about \$70,000 to \$80,000 and then the \$97,000 savings would be in addition to those costs.

CHAIRMAN SULLIVAN: But you could, in a relatively short period of time, could you not go out for proposals for these services? There's more than one entity that provides these types of services aren't there?

MS. MILLER: Mr. Chairman, that's correct. There are several entities that do all three services. Not each, but in each field.

CHAIRMAN SULLIVAN: So specifically, what are you recommending? What are you asking the Commission to do here?

MS. MILLER: Mr. Chairman, I was asking for direction as to whether we want to try to take advantage of this funding opportunity, which would require some small contracts with bond counsel, underwriter and financial advisor services, and if you are interested I would go and contact three entities each, getting estimates and whether the manager could sign those agreements if it was something that we could do relatively quickly and still obtain that savings of \$100,000.

CHAIRMAN SULLIVAN: So you could go through this process, in accordance with the Procurement Code of course.

MS. MILLER: Yes.

CHAIRMAN SULLIVAN: And getting the three quotes that you need for each of the services, it might be the one that's ultimately selected as the bond counsel or it might not, but that would depend on your negotiations with these three separate entities.

MS. MILLER: Mr. Chairman, yes. Underwriter services are exempt from the Procurement Code, and then the other two services would be considered professional services. But in all three cases we would seek to get the best deal for the County.

CHAIRMAN SULLIVAN: Even though they're exempt it doesn't prohibit you from going out and getting the best deal for the County.

MS. MILLER: Correct.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Katherine, how much is it going to cost us to save \$100,000?

CHAIRMAN SULLIVAN: \$70,000.

COMMISSIONER ANAYA: Seventy?

MS. MILLER: Yes. About \$75,000, to save \$100,000 net.

COMMISSIONER ANAYA: I guess as long as we're making money.

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COMMISSIONER DURAN: So we're only going to be saving like \$30,000?

MS. MILLER: No, it's \$100,000 after those costs. And as I said, all this has to be approved for refunding through DFA. They will not allow us to do a refunding of a general obligation bond unless we have a net savings of at least three percent.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: So the seventy that it cost, we're going to get repaid that, plus we're going to save about \$100,000.

MS. MILLER: Yes.

CHAIRMAN SULLIVAN: Other questions of Katherine? What's the direction we would like to give to the Finance Department?

COMMISSIONER ANAYA: Mr. Chairman, move for approval.

COMMISSIONER MONTOYA: Second.

COMMISSIONER CAMPOS: There is no motion, just direction.

COMMISSIONER MONTOYA: Mr. Chairman, I think the direction you've outlined for us is what I would suggest that you do.

COMMISSIONER DURAN: I agree.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I would agree. Let's move forward with this.

COMMISSIONER DURAN: Commissioner Anaya?

COMMISSIONER ANAYA: I agree.

CHAIRMAN SULLIVAN: Commissioner Duran?

COMMISSIONER DURAN: I agree.

CHAIRMAN SULLIVAN: Okay, you've got it.

COMMISSIONER CAMPOS: Mr. Chairman, there still could be Matters from the Commission in general like we usually do.

CHAIRMAN SULLIVAN: Oh, yes. I'm sorry. There may be. Let me go down the line here. Commissioner Anaya. We're still under Matters from the Commission. Is there anything you'd like to -

COMMISSIONER ANAYA: No.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I was thinking the other day and I had what might be a brainstorm. We've had a moratorium out in Eldorado now for four or five years and no new information has come forward concerning how we might be able to lift that moratorium but yet the area continues to grow because there are approved lots that have the ability to hook up to the water system. All of those lots still require, and that subdivision still requires services that aren't being provided because there's no new water that's being found or brought to the area. So I was thinking if this Commission might want to consider some kind of amendment to the moratorium that kind of follows the same thing that the City is doing relative to their ability or their issuance of building permits.

I'm sure there are a lot of houses out there that have toilets and devices that do not save water and my thought is that we might be able to look at this from the standpoint that provided

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that we zero out the water usage out there there might be a way of that community being able to get the services they need to truly be a community with no impact on the usage of water as it exists today. So I just throw that out as a thought and what I might do is pursue it further with Roman and bring it forward for some discussion later. But I'm more than willing - I'd like to hear if any of you have any thoughts on that tonight to help me think through that.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a question, Commissioner. Are you suggesting we do what the City is doing as far as water savings, any net water savings can be used for new growth, new applications for construction?

COMMISSIONER DURAN: I don't know if it's new growth. I just think there are some services and maybe we can talk to the people in Eldorado. What kind of services do they really need. I know there are some folks out there that would like to have an elderly home facility out there but they cannot do that because there's not any water. And there's a lot of older people that would like to live out there and have family that live out there and this might be a way of providing some services that are needed. I'm not necessarily suggesting that we open the doors for more development but to somehow find out from the community what kind of services needs that they have that we could help them achieve by adopting a similar water usage program by replacing devices that are not water saving. Just something like that.

CHAIRMAN SULLIVAN: Just as a thought, it might be good if the staff were to pursue that, we have two planning processes going on out there right now. We have the Simpson Ranch Community Plan and the 285 corridor plan going on and it might be good to get comments from both of those planning groups to see what their thoughts would be on that as well.

COMMISSIONER CAMPOS: I think Commissioner Duran wants to flesh out his concept a little more. I think he's going to work with staff to do that and perhaps he could bring it back to us to see if we have any ideas.

COMMISSIONER DURAN: Yes. So I'll just give you a heads-up and I'll let you know next time.

CHAIRMAN SULLIVAN: Matters from the Commission, Commissioner Campos?

COMMISSIONER CAMPOS: A couple of questions for the County Manager. Mr. Kopelman, did you get a report back from the meeting with the Española City government concerning the regional jail that was held I think last Friday.

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I believe that Greg Parrish was there and I can have him give you a short report if you like.

COMMISSIONER CAMPOS: If you could just briefly update us on what was discussed. Let's do that.

GREG PARRISH (Corrections Director): Mr. Chairman, Commissioner Campos, the meeting was held at Española where they were asking for input from other counties and communities regarding a regional jail which they had thought about 200 beds that they were looking at. They were represented by Santa Fe County, Rio Arriba County, the City

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of Española, several of the Pueblos were present and after discussion it was kind of determined that actually, there probably wasn't a need for a 200-bed facility in the City of Española. They are going to explore the possibility of a 100-bed facility and do some more discussion regarding that.

I also pointed out to them that the Santa Fe County detention center was actually, when it was conceived was to be a regional facility and still is possible for that purpose. We have the capability to serve our neighboring communities and we continue to have that capability. They're going to look at further meetings where we discuss maybe specialization, using a regional concept where the Santa Fe County detention facility could be used for some of the programs that Commissioner Montoya was pointing out, DWI and other programs and maybe the Rio Arriba facility could specialize in something else. Then we could look at sending offenders to a facility that has a program that they need rather than just warehousing them. There's going to be additional meetings regarding that, but I believe that they kind of at this point put it on hold on moving forward with a new facility.

COMMISSIONER CAMPOS: The intent of the new facility, Mr. Parrish, is to essentially service their own population in the City of Española and to attract from other places.

MR. PARRISH: Yes.

COMMISSIONER CAMPOS: If you were just looking at their local needs, how many beds would they need?

MR. PARRISH: Well, right now, as they indicated at the meeting, they need approximately 30 to 40 beds for the City of Española. Now Rio Arriba County also serves them and they have 120-some beds, I believe. The discussion centered around what was the needs of the Pueblos in the area. They needed housing for inmates. Most of those inmates are now sent up to Colorado long term. Short term, come to Santa Fe, Rio Arriba County or the City of Española. But the long-term sentence, the adjudicated individuals are actually most of the Pueblos are going up to a facility in Colorado.

COMMISSIONER CAMPOS: Could the Santa Fe detention center provide services to the Pueblos long term?

MR. PARRISH: Yes, we could.

COMMISSIONER CAMPOS: We are? Have we explored that possibility with the Pueblos?

MR. PARRISH: We are exploring that possibility. One of the concerns they had was it was more expensive in Santa Fe than it is up in Colorado. But then they have incurred transportation costs and we're going to explore the possibility to see if we can make some arrangement to house individuals for them and avoid some of the transportation costs that they incur.

COMMISSIONER CAMPOS: I hope you can keep us updated on this important topic. If we could take care of our detention center, if we could do that we could be in a much better position. We certainly have to keep that discussion going. The City of Española, are they looking at this as a profit center of some sort?

MR. PARRISH: I'm not sure how they - the conversation was just to develop

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what need there was and we really couldn't show a need. The City of Española, I believe was looking at it from the point of view where they could serve their own need of 30 to 40 beds that the use and then make money on the individuals that would be housed locally if there was such a need. And they had initially talked about a 200-bed facility for about \$10 million.

COMMISSIONER CAMPOS: Okay. Thank you. Mr. Chairman, as far as the CARE Connection, I just would like to get an update from staff as to the costs related to the renovation of the Galisteo property. And it seems to me from the discussions from City Councilors that we had a plan where the City would be putting up so many dollars for operation every year, and it seems that they're backing out of that, even though these funds were identified through negotiations, through discussions with Fred Sandoval, and that concerns me. I kind of would like to have an update on the CARE Connection. I think there are some issues there that we haven't dealt with directly and they involve money and it's a big project. So maybe at the next meeting we could address some of these financial matters.

CHAIRMAN SULLIVAN: It's one of the items on the Consent Agenda too, these costs as a budget adjustment.

COMMISSIONER CAMPOS: That is an issue but I think there are bigger issues.

CHAIRMAN SULLIVAN: I understand, but there is as I recall a \$65,000 non-recurring expense item under the Consent Calendar that we may want to talk about.

COMMISSIONER CAMPOS: Those were my issues, Mr. Chairman. Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. Speaking of regionalization, Mr. Kopelman, we set up a meeting for this coming Monday, the 17th at 6:00. Is that correct, with the City of Española, Rio Arriba County, City of Santa Fe and Santa Fe County people? About regional water.

MR. KOPELMAN: Mr. Chairman, Commissioner, I believe that's the time and date. I'd have to double check that.

COMMISSIONER MONTOYA: Just so that the other Commissioners know as well. It will be at Pojoaque at the Our Lady of Guadalupe Parish. So another Commissioner could attend as well. I think that would be good.

COMMISSIONER DURAN: Is that going to be published as a public meeting. The problem I have, I'd love to go to that but maybe there's more than just two that want to go.

MR. KOPELMAN: Mr. Chairman, at this point it was not anticipated that it would be a formal meeting of any particular governmental entity. I think the idea was just for one Commissioner, two Commissioners, the manager, several others. It's preliminary information really. It's just kind of getting some information and some brainstorming that would be brought back to the full Commission for further follow-up action.

COMMISSIONER DURAN: And what happens if more than two Commissioners show up?

MR. KOPELMAN: If more than two Commissioners show up we turn into

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pumpkins. We would probably have to send the last one back home. We really couldn't discuss business, really, with three Commissioners there. So two should be the maximum that show up in that meeting, unless you want to advertise it as a meeting of the Board of County Commissioners. That's possible too.

COMMISSIONER CAMPOS: It's just out of county, right?

MR. KOPELMAN: The meetings generally have to be in Santa Fe County, meetings of the Board of County Commissioners. This is in Pojoaque though. So that could be done. We would need at least 72 hours and we'd have to have an agenda. I don't believe it's anticipated by the other entities that it would be a full meeting of the Commission but we could certainly call them and discuss it.

CHAIRMAN SULLIVAN: I believe the law says it also has to be in a public facility, the meeting. Is that correct, Gerald?

MR. GONZALEZ: That's affirmative.

CHAIRMAN SULLIVAN: So we couldn't have a Commission meeting in a church. Or a bar. But let's ask, who else would like to attend?

COMMISSIONER DURAN: What day was that?

COMMISSIONER CAMPOS: The 17th.

CHAIRMAN SULLIVAN: Presidents' Day, 6:00.

COMMISSIONER CAMPOS: I may want to go to that too, so let's keep talking. It's an interesting issue.

COMMISSIONER DURAN: Maybe you could wear the duct tape.

CHAIRMAN SULLIVAN: We've got some interest there. We'll work that out.

COMMISSIONER DURAN: Okay, let's talk about.

CHAIRMAN SULLIVAN: Anything else, Commissioner Montoya?
Commissioner Duran, you had another issue?

COMMISSIONER DURAN: Oh, I just had one quick one. I don't know who the next manager is but whoever that person is, about six or seven months ago we paid \$10,000 for a space analysis and nothing has been done. All of the people that are stuffed into these little rooms are still stuffed into the little rooms. All the departments are still busting out at the seams and we haven't done anything about it. And I would just like to ask Steve if you could pass on to the next County Manager the need to do something about this, our space needs and to follow up on that.

MR. KOPELMAN: Mr. Chairman, Commissioner Duran, actually, we have followed up on it. There's been some movement. The rest of the moves are probably going to have to wait to the next fiscal year until they're budgeted because they're much more money than we had anticipated. So it's definitely on the radar screen and it's anticipated that we'll be dealing with that in the budget talks coming up.

CHAIRMAN SULLIVAN: Okay, I just had one item. I'd like to see if the staff could put their heads together and come up with some ideas with regard to an educational task force. What I have in mind for the Commission to consider is when we went through the presentations and the selection of the replacement for a District 45 rep everyone's interest, as

well they should be, were in education and how the state could participate in that and it's always been an issue with the County and we've participated on a limited basis where we can and we have certain financial and fiscal restraints on our participation as well as our legal restraints. But there may be other ways to do that and there have in the past been meetings between the County Commissioners and the school boards. I say school boards because there's obviously more than one here. And I don't have any specifics in mind but I just think that there's some ways that if we do some brainstorming, and I'm not looking at a permanent task force but something we could get together for a couple of months with myself and any other Commissioners who are interested and come up with some positive things that the County Commission can do to assist in the education area. Any thoughts that any Commissioners have would be appreciated. Commissioner Campos?

COMMISSIONER CAMPOS: I think it's good idea that the Commissioners do this but staff is pretty well stretched already with all the projects we have and I'd hate to commit more of staff resources when we're so stressed with other issues and right now we're kind of, without a County Manager within the last six weeks or so we've been kind of stagnating and I think there's going to be a lot of things that need to be done as soon as we get a new manager. So my concern is that we don't press staff too hard. They're already pretty well booked up and stretched beyond their capacity.

CHAIRMAN SULLIVAN: That's not something we need tomorrow but we do need obviously to get a new manager on board and familiar with the process and the County. I think it's important. I think we have a number of volunteers who, if we put the word out would come forward and help us craft some kind of a policy that if nothing else perhaps involved quarterly meetings with the school boards, or semi-annual meetings, or just something. We seem to have lost that connection. Any other thoughts from the Commission? Commissioner Montoya? Being in the business, as you are. For a little while longer.

COMMISSIONER MONTOYA: Seem to be forgotten. I think one of the things, I know Virginia has been very involved in it. I'm trying to think how this could tie in with the Executive Leadership Council that has been kind of ongoing. I know that she's actually working now with us in Pojoaque in trying to put together a local Executive Leadership Council. I don't know if that's the type of initiative maybe we should consider or look at.

CHAIRMAN SULLIVAN: It might be. Maybe Virginia, we'll assign it to you in your spare time at the legislature. When you're sitting waiting to hear bills in committee maybe you can put some thoughts together. I agree. We are pushing staff to the limit here but if we got something going it wouldn't be a staff-intensive thing.

COMMISSIONER MONTOYA: And I just think it's a great idea, Mr. Chairman. I really do support that.

CHAIRMAN SULLIVAN: That's all I had. Commissioner Duran.

COMMISSIONER DURAN: One last one.

CHAIRMAN SULLIVAN: Okay. Your third last one.

COMMISSIONER DURAN: I'll make it quick. At the last EZA meeting we discussed a condition, I forget on which subdivision it was. I think it might have been the

Gardner property. But in that approval process we had a stipulation in there that the subdivision would have to get water from the Buckman wells and it was only limited to the Buckman wells. In any case, at the next meeting Gary, I was wondering if you might be able to bring forward some discussion about what we're going to do with the diminishing water rights at the Valle Vista well, and refresh our memories as to what we have, what vision statement we have adopted relative to development that we've approved out in the Community College District and other areas.

I recall that we limited all that development to the Buckman wells but I'm not sure. I was just wondering if you could bring that up. You don't have to do it right now but if at the next meeting if you could let us know what we have decided to do relative to providing water to development out in the county and is it only limited to the Buckman wells, so that we can have some discussion. I don't think that we should restrict - I don't think all of our water should come from the Buckman wells and I'd like to discuss that with the Commissioners.

CHAIRMAN SULLIVAN: Okay. We can do that later. My recollection is that it also included the San Juan/Chama diversion and the Buckman area.

COMMISSIONER DURAN: That's what I meant. Right.

CHAIRMAN SULLIVAN: Not just the Buckman well.

COMMISSIONER DURAN: I just need to be reminded because we had a discussion about it at the EZA and there were some conflicting reports.

CHAIRMAN SULLIVAN: All right. We'll go on to item IX. Do we want to break for the executive session here or do we want to start the presentation on the economic business park. How long will the presentation take, Roman?

ROMAN ABEYTA (Land Use Administrator): Mr. Chairman, I expect it to take maybe ten minutes. It depends on how many questions I get from the Commission on it.

CHAIRMAN SULLIVAN: That means fifteen or twenty minutes. What's the pleasure? Staff is shaking their head No, so let's move forward. That means snacks have not arrived. So let's go ahead and move forward and if we have to have some questions afterward we can but go ahead.

MR. ABEYTA: Thank you, Mr. Chairman. I'll begin with going over a brief history of the business park. On June 24, 1996, the Santa Fe County Board of County Commissioners adopted the Economic Development Ordinance which is Ordinance 1996-7. The primary purpose of the ordinance was to one, improve the per capita income of county residents by developing a higher level of knowledge-based job skills, two, diversify our economic base by developing good, well paying local jobs which have a minimal impact on our natural resources, and three, allow the County to play a pro-active role as a major player in the economic development cycle.

So on July 1, 1997, the BCC entered into a 25-year lease agreement with the Commissioner of Public Lands of the State of New Mexico to lease 75 acres of land off State Road 14 adjacent to the Santa Fe County Public Safety Complex. The land is located within the Santa Fe Community College District where County water and sewer is in place or planned, roads and transit facilities and opportunities are in place or planned, major regional community

and institutional facilities are in place or planned, such as the Community College, Santa Maria de la Paz, IAIA, and also where public services such as schools and recreation opportunities can be planned for.

The property is also an integral piece of the recently approved San Cristobal master plan. This master plan is a mixed-use development on 1818 acre owned by the State Land Office, which at full built-out would have residential units, commercial uses, including the proposed business park, and open space and parks. Upon approval of the 25-year lease, the County approved a master plan for the park and several businesses contacted the County about locating in the park. Because one business could not obtain financing for less than 25 years, the County sought a long-term lease of this land.

In June 2002 the County Manager assembled a business park team of various department heads and lead staff members to prepare a proposal to submit to the State Land Office for a 99-year long-term ground lease. The County was successful in obtaining the 99-year ground lease. On September 24, 2002 the County and the State Land Office entered into a ground lease agreement for the 75 acres. For lease of the State Trust lands the County owes rent to the State Land Office as follows: There's a base rent which is due every year. Years one, two, three and four, the fee is \$1000. It goes up to \$15,000 for years five, six, seven, eight and nine. And then \$30,000 per year for years 10, 11, 12, 13 and 14. \$45,000 per year for years 15, 16, 17, 18 and 19. And then \$60,000 per year for year 20. There's also an annual compound increase of three percent per year for years 21 through 99. So for example, in year 21, the actual base rent would be \$61,800.

The lease also includes a percent rent clause which states for year one, two percent of the market value of each sublease lot, the County owes two percent of market value for each sublease lot for year one. The County will owe three percent of market value of each sublease lot compounded annually for years two through 99, and for each sublease the County needs to provide an appraisal to the State Land Office at lease six months before the sublease anniversary date.

Now the lease we have with the state also has a deduction clause. It states that the County may deduct from the base rent an amount equal to the percent rent paid for all subleases over the year immediately preceding such lease anniversary, provided, however, that the County shall pay a minimum base rent of \$1000 regardless of the amount of percent rent paid over the past year. So for example, in year six, we'll take year six where we owe a base rent of \$15,000. If the County pays a total of \$20,000 in percent rent between year six and year seven lease anniversary, the County would only owe a minimum base rent of \$1000. So we wouldn't owe the \$15,000 because we paid \$20,000. We would only owe - we would pay the \$20,000 and then only owe the \$1,000 base rent.

Another example, if we pay \$61,800 in base rent - for year 21, our base rent that we owe is \$61,800. But if the County pays a total of \$25,000 in percent rent between year 20 and year 21 lease anniversary, the County would only owe a balance of \$36,800.

A third example is if the County, for year 21 the County has a base rent due of \$61,800 again, but the County paid a total of \$100,000 in percent rent between year 20 and 21, the

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County would only owe the minimum base rent of \$1,000.

So those were examples of the monies that the County would owe to the state for the business park. The next section of our presentation is the development plan, what our plan is for developing a park. The County is currently seeking a partnership with a private entity to assist in the development and management of the business park. On November 25, 2002 the County advertised a request for proposals for the business park. The RFP had the following major components in it. The first is we provided a history, general information and land use considerations about the business park. We put in the RFP a scope of work which includes a submission of a revised master plan, development, construction and maintenance plan for the park, contract lease management plan in accordance with the ground lease. The RFP also has a requirement that proposing firms demonstrate capabilities and expertise in the following fields: 1. Property development. 2. Property management. 3. Architecture and design. 4. Economic assessment capabilities. 5. Financial resources. 6. Marketing.

The RFP also requested financial information which included financial stability of the proposing firm, financial resources of the proposing firm, a fee revenue sharing proposal and financial risk for the parties. The deadline for the submission of proposals to the County's RFP was January 17, 2002. We received one proposal during the evaluation process. The time table for the procurement was outlined in the RFP as follows: The release of the RFP again was November 22, 2002. We had a preproposal conference on December 5, 2002. The deadline for submission of proposals was January 17th. The evaluation of proposals commenced on the 18th. The next step is to continue evaluating the one proposal we received, possibly have an oral interview with the firm. Then if a contract is to be awarded we would expect that to be awarded at the March BCC administrative meeting.

The evaluation committee is made up of myself from Land Use, Jack Kolkmeier with the Land Use Department, Tony Flores with Project and Facilities Management, Katherine Miller, the Finance Director, John Maloney with the State Land Office, Sage Davis, he's in the construction management field, Barbara Deaux, she's the North Central New Mexico Economic Development Department Director. Now all evaluators have the proposal. In order to meet the RFP deadline of March 25, 2003, written evaluations are due by February 14th. And oral presentation if necessary will be scheduled by the end of February. Contract negotiations will take place in March prior to the BCC administrative meeting.

If the response to this current RFP is deemed non-responsive or if the BCC directs staff to readvertise in order to solicit additional proposals, the RFP will be readvertised and selection of a development and managing partner will be proposed for completion by July 2003. The selected firm will be responsible for a contract in accordance with the ground lease for finalizing the revised master plan for submission to the BCC and the Commissioner of Public Lands for review and approval. Once the Commissioner of Public Lands and the BCC have approved the revised master plan, construction may begin at the park. Estimated construction time is fall 2003 or spring 2004, depending on a time line prepared by the managing partner. The business park team members that that County Manager assembled are again, myself, Robin Gurule from the Land Use Department, Daniel Risottos With the Finance Department, Sophia

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Collaros from Legal and Virginia Vigil from the County Manager's Department. That concludes this presentation. Mr. Chairman, the point of the presentation was to bring the Commission up to date on the business park and then to take into consideration any comments or direction that the Commission would want to give the evaluation team as we continue evaluating the one proposal that we received. And again, we would like to have our written evaluations completed by this week, possibly have an oral interview in the next week or two with the firm and then report back to the Board. We intend on reporting back to the Board at either the administrative meeting in February or the land use meeting in March to give you an update as to whether or not the bid was responsive or if we need to go out for rebid or if there's another direction that the Commission would like us to take. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Questions for Mr. Abeyta.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to see that Roman and his committee continue with the proposal that we already have to see if they're qualified. And then after they review it, then they can come back to us to see if everything that the County wanted in there is in there and if not, then we'd take it back out for another bid.

CHAIRMAN SULLIVAN: That sounds like what you just proposed, isn't it?

MR. ABEYTA: Mr. Chairman, that is our plan but I just wanted to get the Board's okay with our proposal.

COMMISSIONER DURAN: I agree.

COMMISSIONER MONTOYA: So do I.

CHAIRMAN SULLIVAN: Looks like you've got general agreement.

MR. ABEYTA: Mr. Chairman, I'll try to report back to the BCC administrative meeting in February but at the latest would be the land use meeting in March.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I just have a couple questions. Roman, on the percentage leased, is that based on the land value or is that based on the improvements that would be constructed on the lot?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, it's my understanding that it's based on the land value with the improvements of a subleased lot. We would have to have a lot subleased and provide an appraisal to the State Land Office of what that subleased lot is worth and pay a percent rent on that.

COMMISSIONER DURAN: It's not based on the revenues that we're generating?

MR. ABEYTA: No, Mr. Chairman, Commissioner Duran. It's on the appraised value.

COMMISSIONER DURAN: So if we build a building, let's say it's worth \$200,000 with the land, then we would give them a percentage of that not based on the revenues that we were generating from that \$200,000 building. The reason I ask is that it's one of the visions here was to provide affordable economic space to the community and if the value

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of the land and its improvements. If the percentage rent exceed the revenues generated by building the building and leasing it to a private company or a company that's fulfilling our goals it sounds to be that we might end up having - we're going to be in the red, operating in the red.

MR. ABEYTA: Mr. Chairman, Commissioner Duran, it is the lease space, it is based on the appraisal market value of the subleased lot. It's two percent of the market value of that.

COMMISSIONER DURAN: Of the lot. As improved? Lot and improvements or just the lot? It's a land lease, right? So we're paying a percentage.

SOPHIE COLLAROS (Assistant County Attorney): Mr. Chairman, Commissioner Duran, under the lease it's the appraisal of the subleased lot. So it would be the market value of the lot, is what the percent rent is based on.

COMMISSIONER DURAN: Not the improvements.

MS. COLLAROS: Correct.

CHAIRMAN SULLIVAN: Would you identify yourself please.

MS. COLLAROS : Sophia Collaros with the County Attorney's office.

COMMISSIONER DURAN: Who are you and what are you doing here?

CHAIRMAN SULLIVAN: Any other questions of Roman?

COMMISSIONER DURAN: Just the last one. So does the RFP ask - do you know what our participation is going to be in the joint venture with the private sector?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, I know it was addressed in the proposal, but we're still evaluating it, and so I'm not sure what the details are. I know there is some type of joint venture proposal but I would have to report back to the Board.

COMMISSIONER DURAN: So I guess the question I'm getting to is we're not going to have to come out of general fund to pay for providing low-cost buildings to fulfill this vision that we had. We're hoping that we might be able to enter into a private partnership with someone where they would bring the financing needed to build the building and any money that we needed, they would bring that to the partnership. Is that right?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, yes, that's our primary intent.

COMMISSIONER DURAN: Okay. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Thank you, Roman. We need to break for executive session. Mr. Kopelman would like to get the economic and planning systems people out if he can and they have a presentation scheduled here regarding the fiscal impact study of the Community College District. How long is that anticipated to take?

MR. KOLKMEYER: Mr. Chairman, they have agreed not to go over 15 minutes. How about ten?

CHAIRMAN SULLIVAN: I think we better break here at this point because we've got some pizza that's getting cold.

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XI. Matters from the County Attorney

- 1. Executive session**
 - a. Discussion of limited personnel issues - consideration of the selection of the Santa Fe County Manager**
 - b. Discussion of pending or threatened litigation**
 - c. Discussion of possible purchase, acquisition or disposal of real property or water rights**

COMMISSIONER DURAN: Mr. Chairman, I make a motion that we move into executive session where we're going to discuss limited personnel matters, consideration of the selection of the Santa Fe County Manager, acquisition of property and water rights. Is that correct, Steve? Anything else?

MR. KOPELMAN: Yes, Commissioner Duran, and also pending or threatened litigation.

CHAIRMAN SULLIVAN: There's a motion, is there a second.

Commissioner Duran moved to go into executive session pursuant to NMSA Section 10-15-1 (2, 7 & 8) to discuss the matters delineated above. Commissioner Montoya seconded and the motion passed upon unanimous roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.

[The Commission met in executive session from 5:40 to 7:00.]

CHAIRMAN SULLIVAN: Thank you for your patience. We had some extremely important items to go over in executive session, not the least of which is discussion of the County Manager. We need a motion to come out of executive session.

COMMISSIONER DURAN: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: There's a motion and a second to come out of executive session. Under discussion, Mr. Kopelman, is that the place to discuss the actions taken in executive session?

MR. KOPELMAN: Yes, Mr. Chairman, and also just for the record to note that the only matters discussed were limited personnel issues, the consideration of hiring Santa Fe County Manager, pending and threatened litigation and then possible acquisition of water rights or real property.

CHAIRMAN SULLIVAN: Okay then during discussion, with regard to the process of the selection of a County Manager, the Board of County Commissioners has identified five candidates who they will be interviewing on the 20th of this month. Those five candidates are Gerald Gonzalez, Katherine Miller, Orlando Romero, Mike Baca, and Fred Hutfles. There's a motion and a second.

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COMMISSIONER DURAN: Mr. Chairman, do you need to say what day?

CHAIRMAN SULLIVAN: On February 20th.

CHAIRMAN SULLIVAN: There's a motion and a second to come out of executive session with the conditions outlined by Mr. Kopelman.

The motion to come out of executive session passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: We've had a request from the County Clerk who has another engagement to go to and if it's okay with the Commission, she has item XI. A. 1, Appointment of the election board which she says will be very quick. Is that okay with the Commission?

COMMISSIONER CAMPOS: That would be fine with me.

COMMISSIONER DURAN: Me too.

CHAIRMAN SULLIVAN: Any dissent? Okay. You're on.

XI. Staff and Elected Officials' Items

A. County Clerk's Office

1. Appointment of the Election Board

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, members of the Commission, in accordance with law we have to appoint, you need to appoint a board of registration. I have contacted the three political parties, the Green, the Republican and the Democrat. They have submitted their names. I would like very much for you to appoint Sean Knight, as the representative from the Green Party, Ernesto Baca from the Democratic Party and Barbara Blackwell from the Republican Party. And as alternates, Allison Moore from the Green Party, Patricia Ochoa from the Democratic Party, and Elinor Bickley from the Republican Party.

These people serve only to come sit with us and to look at the lists of the people that we are going to purge. Then we send out that list to a contracting company and then they send letters to individuals and when those cards come back we present another list of who will be purged and they just review that. That's the purpose of the registration board.

COMMISSIONER DURAN: Move for approval of this request by the County Clerk, Mr. Chairman, as presented.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion and a second. Discussion. Rebecca, is this major parties? Is the Green Party now -

MS. BUSTAMANTE: Yes, it's now a major party.

CHAIRMAN SULLIVAN: It's considered a major party.

MS. BUSTAMANTE: Yes, sir. This last election.

CHAIRMAN SULLIVAN: Any other discussion?

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The motion to approve the election board as presented passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Moving now to a very brief report. Let me ask, before we do that, Steve, we have Consent Calendar items. We have one presentation. We do want to get to land use issues. We've taken care of matters from the County Attorney. What do we have here that is not time critical so that we can get into the land use items so we don't have people waiting here forever?

MR. KOPELMAN: Mr. Chairman, members of the Commission, the Consent Agenda hopefully can be done very quickly. It's mostly just, there's the land use cases and some clean-up items. Hopefully that won't be a problem. The Project and Facilities Management, the road change has been pending for a while. I think these matter would go very quickly but we certainly can wait on the contract with the town of Taos if we had to and bring that back, the inmate contract, but all of these matters are actually pretty quick and shouldn't take very long at all. I really think we could probably get through these in about fifteen minutes.

CHAIRMAN SULLIVAN: Okay. We'll see. Let's move on to the next item on the agenda.

IX. B. Presentation from Economic and Planning Systems (EPS) regarding the fiscal impact study for the Community College District

MR. ABEYTA: Thank you, Mr. Chairman. If I may I'd like to introduce Mr. Walter Keiser and Dan Guimond, Nicole Lehman and Bob Odland with Economic and Planning Systems and they will give you a brief presentation on the fiscal impact study.

WALTER KEISER: Mr. Chairman and members of the Commission, my name is Walter Keiser. I'm a managing principal of the firm Economic and Planning System. We're very pleased to be here tonight to initiate our work on the Community College District fiscal analysis. As you know, we have gone through a selection process and we were selected. I'd like briefly to introduce our team, tell you a little bit about how we're going to approach this job and give you a chance to ask some questions you may have about it.

In introducing the team, again, my name is Walter Keiser. I will be the principal in charge of the project. The project manager will be Dan Guimond who is a principal in our Denver office. Nicole Monroe Lehman is going to be the principal analyst on the assignment and we're also associated with an old friend of mine, Bob Odland, who now lives here in Santa Fe. Bob and I go way back, 25 years or so professionally and so we have a lot of confidence in Bob and Bob will be helping us with some of the land use and implementation aspects of this assignment.

EPS is an urban economics firm. We specialize in market analysis, public policy analysis of all sorts including fiscal analysis, obviously. We do a lot of work in government

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organization and finance, subjects that are all very important when you're looking at a large area like the Community College District and some of the issues that you face there.

A little bit on the approach and then I'd like Dan to talk just briefly about some of the things we'll be doing in the scope so you'll have a sense of what we'll be doing. One of the things that we'll be doing, the way we're going to approach it is to observe the existing policy base. We're not here to reinvent or to suggest new policy with respect to the land use issues. We're here to refine and implement. So the existing growth management plan, the master plans for the area, are really our guiding principle. We're coming here to help refine them and to implement and to make sure that those policies that you've adopted actually occur, and make whatever adjustments are necessary on the basis of our research.

We will be collaborating. We see ourselves as an extension of staff working with the Planning Department, obviously, Finance, the operating departments. Our work needs to be very credible with your staff and we will work very hard to make sure we achieve that credibility. Similarly, we need to achieve a good working relationship with the property owners, credibility with them is also important and we typically work in these kinds of projects collaboratively with them to understand what they're trying to achieve and some of the information they're working with that can help us.

Our analysis though will be to give you information, objective information about the fiscal circumstances and ultimately how you might proceed with implementation of this project to make sure some of the policies that you have in mind can actually be achieved. What I'd like to do know is to have Dan talk briefly about the scope and then give you a chance to ask any questions that you may have.

DAN GUIMOND: Good evening. As Walter mentioned, we're doing a market and fiscal impact analysis for the Community College District plan. We will start with really a market analysis to understand the timing and distribution of growth that will occur in the district, basically coming up with both residential and commercial development forecasts so we can understand, within the context of the market, what the likely development pattern will be. We will look at a number of development scenarios for the area and address the constraints to development that might occur out in the there, and also compare development under the district plan with development under the traditional 2.5-acre zoning pattern in the area.

The market analysis really provides us the framework for doing the fiscal and financial analysis that is the bulk of the work that we're going to be doing. Fiscal, by fiscal I mean looking at operating costs and revenues to the County related to development in the Community College District area. By financial, I mean addressing more the capital costs of development in the district in terms of how infrastructure is to be developed in the district and how it is to be paid for. We will of course be looking at what costs and revenues are under the existing revenue structure of the County in terms of the distribution of what services and infrastructure are built by the County as opposed to what's built by the developer and then from that framework of fiscal analysis we will have the information that allows us to go into the third phase of the project which is addressing implementation and management. From that aspect of the project we will be able to assist the County with implementation issues such as any kinds of

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modifications to plans or ordinances to implement the policies that you wish to implement, possibly establishing additional funding or financing mechanisms to address any fiscal or financial impacts that we find through our analysis, and potentially setting up additional fees or assessments or special districts or associations or different types of financing mechanisms to address any negative fiscal impacts that we might find.

I'd like to ask Bob if he has any additional comments that he might want to make from a zoning or an implementation perspective.

BOB ODLAND: I'll just be very, very brief. I'm an attorney/planner, so I get involved in the intersection of law planning and natural resources. That's what I've been working at for about the past 25 years or so, much of that time with Walter Keiser, even before EPS was formed. I think that - I love implementation and one of the reasons I do is because implementation is clarification and I think it's going to be the case with this project here. Not only do we clarify how we're going to implement something, but we can clarify the plan itself and we can clarify the impacts of that. It often happens at the implementation stage and that's what makes it real for me, when the rubber hits the road and something actually happens.

I think you have a good strong team here that will give you a lot of information and give the public a lot of information about the impacts of this plan and how it can be implemented so you and the developers and the residents will be able to make better important decisions.

MR. KEISER: Thank you, Bob and Dan, and I should just in closing mention one other thing, or Katherine might be upset with me. We are planning on having a continuous capability for evaluating this project over time. Part of our project is to provide the County with the capacity to use some of this information in models and such that we develop so that you can monitor the situation and long after we're gone be able to make adjustments on the basis of changes. We'd be happy to answer any questions that any of you may have at this time.

CHAIRMAN SULLIVAN: Any questions from the Commission for any of the members of Economic and Planning Systems? Well, I guess that was pretty clear.

MR. KEISER: Very clear. I'm sure that lack of questions does not indicate a lack of interest in all that we're doing. We have a schedule that is fairly tight. We will be coming back to you, I think with information along the way. We'd like to keep the Board informed. We think it's very important. So I imagine we'll come back before you or Dan will several times during the course of our work to report on what we found and keep you posted as a part of our efforts. So we appreciate your time tonight and look forward to working with you.

CHAIRMAN SULLIVAN: We had some spirited discussion during the contract phase. So we're not unaware of the provisions of the contract. Commissioner Duran?

COMMISSIONER DURAN: Mr. Chairman, I was just wondering if you were able to use e-mail to communicate with us.

MR. KEISER: Absolutely.

COMMISSIONER DURAN: As this work progresses, it might be a good idea just to e-mail us so that we're just up to speed on this whole process. We all are very much interested in the outcome.

MR. KEISER: Let me offer – we can work that out with staff but normally, very commonly on projects like this, where there's things happening, what we will do is use a combination of e-mail and a website.

COMMISSIONER DURAN: Good.

MR. KEISER: So what we'll do is, let's say we publish a document. We'll publish it on our website and then send you an e-mail that says, Commissioner, look on our website and the minute that thing – you don't have to wait for the mail or anything. Boom, it's there. So we've used that successfully and we will, I think in this case, use the web access. It helps you be informed. One thing that's very, very important is you do not want to be the last person to know about something. At least that's my general impression. You don't want to get a call from somebody saying What do you think about this? and not be informed. It's okay if you don't bother to follow through but we want to make sure that you have access to that information in a very timely manner. So we will make every effort to do that. Thank you.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Keiser, when is this study due?

MR. KEISER: The schedule that we have is probably going to take about, I think about the next six months to evolve, I would say. I don't know the exact time frame. Seven months, we're getting started a little behind where we thought we would, obviously. But say seven months. So we'll be into the fall, but there will be interim products and we'll be talking to you along the way. But we do have, the contract does include a fixed schedule and we are serious about schedules and we will stay on it to the best of our ability.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Other questions? Well, thank you very much.

X. Consent Calendar

- A. Request adoption of findings of fact and conclusions of law for the following land use cases:
 - 1. EZ Case #S 02-4501 – Altshuler LLC Subdivision (approved)
 - 2. CDRC Case #V 02-5490 – Rosa Ortiz Variance (approved)
 - 3. CDRC Case #V 02-5380 – Armando Jurado Variance (approved)
- B. Request authorization to accept and award a professional services agreement to the highest qualified respondent for RFP #23-17, the Santa Fe County Land Development Code rewrite (Land Use Department)
- C. Resolution No. 2003-20. A resolution requesting an increase to the general fund (101)/Land Use Department to budget special appropriation project (SAP) grant received from the New Mexico Environment Department for expenditure in fiscal year 2003 (Finance Department)
- D. Resolution No. 20003-21. A resolution requesting an increase to the general fund (101)/Treasurer's Office to budget fiscal year 2002 cash balance for

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- expenditure in fiscal year 2003 (Finance Department)
- E. Resolution No. 2003-22. A resolution requesting a budget transfer from the general fund (101)/Finance Department to various elected officials' departments for the personnel salaries and benefits expenditure of the January 11, 2003 implementation of the \$.60/hr. COLA increase and one0time payout for Santa Fe County employees (excluding CWA Union employees and elected officials (Finance Department)
- F. Resolution No. 2003-23. A resolution requesting an increase to the EMS – Healthcare Fund (232) to budget fiscal year 2002 cash balance for expenditure in fiscal year 2003 (Finance Department)
- G. Resolution No. 2003-24. A resolution requesting an increase to the water enterprise fund (505) to budget fiscal year 2002 cash balance for expenditure in fiscal year 2003 (Utilities Department)

CHAIRMAN SULLIVAN: I believe the staff identified two items that they need some minor corrections on and those are items E as in echo and G as in golf. I have very quick questions on items A. 1 and B as in boy and F. Are there any other items on the Consent Calendar that the Commission would like to isolate? I believe, Commissioner Campos, F deals with the renovation costs of the CARE Connection that you asked about before. Okay, if not then we'll entertain a motion to approve Consent Calendar items A. 2 and 3, C, and D.

COMMISSIONER ANAYA: So moved.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Moved and seconded. Any discussion?

COMMISSIONER DURAN: What about E? Are we going to discuss E?

CHAIRMAN SULLIVAN: Yes. That's one that the staff wanted to make a minor change to. Okay, motion and second. Discussion.

The motion to approve items A. 2 and 3, C, and D passed by unanimous [5-0] voice vote.

- X. A. Request adoption of findings of fact and conclusions of law for the following land use cases:
1. EZ Case #S 02-4501 – Altshuler LLC Subdivision (approved)

CHAIRMAN SULLIVAN: Mr. Abeyta, my questions just quickly on that one, since I brought that one up, were on page 3. This is under the findings of fact and conclusions down at the bottom regarding water. There's two, under number nine, there's two statements. One says the applicant is proposing to utilize individual wells in each lot and the very next sentence or the sentence thereafter it says that the applicant is proposing to use shared wells. And I remember that project. It had both, those comments were in the submittal but during the

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presentation and I believe in the conditions it's shared wells.

MR. ABEYTA: Mr. Chairman, that's correct and we'll make sure to strike that before we finalize these findings of fact.

CHAIRMAN SULLIVAN: And then two very minor things on page 7, under item 3. It says wells must be shared between three to four houses unless terrain conditions, and I assume that should be "are prohibited."

MR. ABEYTA: Yes, Mr. Chairman.

CHAIRMAN SULLIVAN: And then the last sentence of item 4, it says the water budget for the 2.5-acre lots may be raised to .33 acre-feet per year, and I assume that should be "if a new geo-hydrological report is submitted."

MR. ABEYTA: Yes. That's correct. We'll make those changes.

CHAIRMAN SULLIVAN: Those were the only comments that I had. Does anyone else on the Commission have any comments or questions. If not what would be the pleasure of the Commission?

COMMISSIONER DURAN: Move for approval as amended.

COMMISSIONER ANAYA: Second

CHAIRMAN SULLIVAN: Motion and second. Is there any discussion.

The motion to approve item X. A. 1 passed by unanimous [5-0] voice vote.

X. B. Request authorization to accept and award a professional services agreement to the highest qualified respondent for RFP #23-17, the Santa Fe County Land Development Code rewrite (Land Use Department)

CHAIRMAN SULLIVAN: I had one quick question on the rewrite of the Land Development Code, Roman, and that was does this apply to the Extraterritorial Zone?

MR. ABEYTA: Mr. Chairman, no, it does not. The Two-mile Extraterritorial Zone is governed by the Extraterritorial Zoning Ordinance. It will apply from between the Two- and Five-mile for subdividing land. Not for subdividing land either but for zoning land. So it's only applicable outside the Two-mile for zoning and outside the Two- and the Five- -- let me restate that. In the Two-mile it's governed by its own zoning ordinance. So there's the Extraterritorial Zoning Ordinance and the Extraterritorial Subdivision Regulations. In the Five-mile, the Extraterritorial Subdivision Regulations apply, but the County Code applies for zoning. Therefore it will apply outside the Two-mile for zoning only, and then from the Five- and beyond, zoning and subdivision.

CHAIRMAN SULLIVAN: Do we anticipate any problems? I know there's pretty much consistency between the EZ zoning codes and County. Will there be any conflicts once we go through this Code rewrite?

MR. ABEYTA: Mr. Chairman, it's possible that there would be conflicts so what we would probably want to do is work with the RPA on their overall, I believe one of

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their intentions is to eventually come up with a plan and ultimately a zoning ordinance for the two, possibly out to the Five-mile. So we would have to keep an eye on those conflicts and then possibly come back to the EZA with suggested amendments so that the two match each other, the new County Code and the zoning ordinance.

CHAIRMAN SULLIVAN: Okay, any other questions of Mr. Abeyta?
Commissioner Campos.

COMMISSIONER CAMPOS: Just to state that I do consent that you use the \$5,000 from my Commissioner fund for the project.

MR. ABEYTA: Thank you. We appreciate that.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

CHAIRMAN SULLIVAN: Motion for approval of X. B.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Second from Commissioner Anaya.

The motion to approve item X. B passed by unanimous [5-0] voice vote.

- X. E. **Resolution No. 2003-22. A resolution requesting a budget transfer from the general fund (101)/Finance Department to various elected officials' departments for the personnel salaries and benefits expenditure of the January 11, 2003 implementation of the \$.60/hr. COLA increase and one0time payout for Santa Fe County employees (excluding CWA Union employees and elected officials (Finance Department)**

CHAIRMAN SULLIVAN: For clarification, this applies to all employees other than CWA.

MS. MILLER: Mr. Chairman, that's correct and this is a budget adjustment in accordance with the direction given by the Commission concerning the AFSCME agreement and all other County employees. The reason there's a change, and I only inserted the pages that would change is when we calculated the budget adjustment we did not calculate in a couple of the employees in the Sheriff's Department that are not under CWA. [Exhibit 1] You'll see the change to add those employees, and that's captain, major and lieutenant. So it increases the transfer by about \$5,000 but then that covers all County employees who are not under CWA.

CHAIRMAN SULLIVAN: Questions of Katherine.

COMMISSIONER DURAN: Did you have a question for staff?

CHAIRMAN SULLIVAN: No, the staff brought it up for this adjustment.

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

COMMISSIONER MONTOYA: Second.

Resolution 2003-22 passed by unanimous voice vote.

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F. Resolution No. 2003-23. A resolution requesting an increase to the EMS - Healthcare Fund (232) to budget fiscal year 2002 cash balance for expenditure in fiscal year 2003 (Finance Department)

CHAIRMAN SULLIVAN: Katherine Miller.

MS. MILLER: Mr. Chairman, this budget adjustment was as a result of the last meeting where staff was given direction to move forward with moving the health division offices into the old magistrate court building.

CHAIRMAN SULLIVAN: Questions of Katherine. One question I had, Ms. Miller, was on page - well, it's following page 5 on your summary of costs, you have recurring costs and you have non-recoverable costs which are around \$65,000 to get this building in movable condition, I guess - move into condition and a number of other costs. You say, that these costs are additional costs to the cost presented in the Shaening & Associates business plan; could you explain what that means please?

MS. MILLER: Mr. Chairman, the cost that were presented in the Shaening & Associates did not include, because it was mainly related to the Care Connection and the Sobering Center, they did not include the cost for moving into our health offices and the communications lines required and the equipment to tie to our services. So these are additional costs and don't have anything to do with the proposed costs or revenues within the business plan as proposed by Shaening & Associates.

CHAIRMAN SULLIVAN: And these come out of what fund?

MS. MILLER: Mr. Chairman, these are out of the EMF Health Care Fund cash balance.

CHAIRMAN SULLIVAN: Anything else you need to enlighten us about this?

MS. MILLER: No.

CHAIRMAN SULLIVAN: Questions.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Katherine, so the additional cost that is not in the business plan is \$73,000 or \$65; which is the -

MS. MILLER: Mr. Chairman, Commissioner Montoya, the 65 is out of the - and I apologize, those costs are non-recoverable capital costs, that is in relation to if we do not purchase the building. But that's out of the \$101,424 that it will require for us to move in to the health offices, so that's part of the non-recurring \$74,000. I just moved them over to the side because some of that equipment if we don't stay in that building can be moved and taken with us.

COMMISSIONER MONTOYA: So, the total additional cost is \$111,000.

MS. MILLER: Mr. Chairman, Commissioner Montoya, this fiscal year, yes.

COMMISSIONER MONTOYA: Okay. Could you, Katherine, please get a hold of either Michael or Maryanne Shaening and let them know that this should be on the business plan as well because we're trying to get as much as we can current and real figures that

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are part of that plan.

MS. MILLER: Mr. Chairman, Commissioner Montoya, one of the things that I had talked to Michael Coop that I saw some things in his business plan that he didn't account for and we have been discussing getting together to address those.

COMMISSIONER MONTOYA: Good, thank you, and thank you, Mr. Chairman.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Miller, any other potential items that will come up as additional costs at this point, that you foresee?

MS. MILLER: Mr. Chairman, Commissioner Campos, my understanding from Corky's department, the IT and the project development, is this is what will be required to get those health offices in. I think beyond that, each phase that we do there are additional costs and it is considered for long-term staying in that building we would need to do more renovations for the health offices, the CARE Network and the sobering center.

COMMISSIONER CAMPOS: Do you have any figures?

MS. MILLER: The figures that have been presented through the business plan and through the project development, I think for all three components come close to a million dollars on the facility for all three components. But also it depends on how we go forward with the phases and the level of renovation that we need. Tony could probably give you more of the renovation costs and then the operating costs, Robert could probably address better than I could.

COMMISSIONER CAMPOS: We've asked that staff look at this issue and maybe present at the next BCC meeting, give us a good summary of what's going on about an additional million dollars in expenses. That's pretty substantial. I think we need to look at all these things so we make an informed decision about what we're getting into.

MS. MILLER: Commissioner Campos, a lot of those costs were in the business plan.

COMMISSIONER CAMPOS: I understand. Thank you.

MR. ANAYA: Mr. Chairman, Commissioner Campos, I do have some renovation costs if you'd like them.

COMMISSIONER CAMPOS: I'd prefer to get them when we have the report if you don't mind.

CHAIRMAN SULLIVAN: Other questions of Katherine or Robert? If not, what's the pleasure of the Commission?

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Duran, second from Commissioner Anaya.

The motion to approve X. F. passed by unanimous [5-0] voice vote.

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G. Resolution No. 2003-24. A resolution requesting an increase to the water enterprise fund (505) to budget fiscal year 2002 cash balance for expenditure in fiscal year 2003 (Utilities Department)

CHAIRMAN SULLIVAN: This is one of those that staff asked to be isolated for a minor change.

MS. MILLER: Mr. Chairman, the change on this particular item was to remove the section on the capital and that would make the total budget adjustment just the \$10,000. The reason for that is in a discussion with the Utilities Office or Department this week we determined that there's probably a more appropriate funding source for the contract for meter, going to the hand-held meter reading devices. So we want to just at least move forward with this portion and come back with a revision on the other half of it. So it's only the \$10,000 for other charges and services and capital purchases.

CHAIRMAN SULLIVAN: Questions of Katherine? If not –

COMMISSIONER MONTOYA: Move for approval as amended.

CHAIRMAN SULLIVAN: Motion for approval from Commissioner Montoya.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Second from Commissioner Duran. Any further discussion?

The motion to approve Resolution 2003-24 passed by unanimous [5-0] voice vote.

XI. B. Project and Facilities Management

1. Resolution No. 2003-25. A resolution officially changing the name of Old Agua Fria Road to Rabbit Road

ERLE WRIGHT (GIS Coordinator): Good evening, Mr. Chairman, Commissioners. Erle Wright, the GIS Coordinator. Your packet materials should have been fairly thorough in this. There was a note in there. This road segment is maintained by the New Mexico State Highway and Transportation Department. We did receive a letter on the 5th basically giving its consent. It's a very short letter. I can either read that into the record or pass it out for you, whichever you prefer.

CHAIRMAN SULLIVAN: Just read it. We don't need any more paper.

MR. WRIGHT: It's again dated February 5, 2003. Dear Mr. Wright, I have received and reviewed your request on the subject matter. Based on your explanation of driver confusion and potential delays in emergency response, the New Mexico State Highway and Transportation Department does not object to the proposed road name change. In order to ensure that our records are modified accordingly, I am requesting that you notify my office when this change has been formally adopted. Should you have any questions or would like to discuss, please contact. Sincerely, Miguel D. Gabaldon, Assistant District Engineer in District

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5, New Mexico Highway and Transportation Department.

CHAIRMAN SULLIVAN: Okay. Questions of Mr. Wright? The green is the new Rabbit Road and the red is the east and west Old Agua Fria and the other red is Old Agua Fria.

MR. WRIGHT: The green on that vicinity map, Mr. Chairman, is the existing Rabbit Road that's named Rabbit Road. The portion, the red portion to the west, Old Agua Fria Road, that is the portion that we're seeking to rename to Rabbit Road so that that entire frontage road segment becomes Rabbit Road.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER DURAN: And the rest of the red remains the same.

MR. WRIGHT: Yes. West and East Old Agua Fria would remain the same. There are about 80 addresses there. What we're trying to do is impact the least number of residents here.

CHAIRMAN SULLIVAN: That used to be in my Commission district but it is now in Commissioner Campos' district so if you have any objections to the name change, Commissioner Campos –

COMMISSIONER CAMPOS: No objections.

CHAIRMAN SULLIVAN: Okay. Any further questions of Mr. Wright.

COMMISSIONER CAMPOS: Mr. Chairman, does this require a public hearing?

CHAIRMAN SULLIVAN: It's not noticed as a public hearing. It's noticed as a Staff and Elected Officials' Item. Mr. Kopelman, do we need a public hearing?

MR. KOPELMAN: Mr. Chairman, Commissioners, it is not legally required to be a public hearing. You certainly have the prerogative if you want to take public testimony if there any people to speak on it.

CHAIRMAN SULLIVAN: Is there anyone in the audience who is in favor of or in opposition to the naming of Old Agua Fria Road to Rabbit Road? Okay. I don't see anybody out there.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER ANAYA: I move for approval.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Second from Commissioner Duran. Any further discussion?

The motion to approve Resolution 2003-25 passed by unanimous [5-0] voice vote.

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XI. C. Utilities Department

1. Request approval to implement temporary rates for the El Vadito Water Association

GARY ROYBAL (Utilities Director): Good evening, Mr. Chairman, members of the Board. Before you is a request by the Utilities Department to set temporary rates for the Cerrillos community that is served water by the El Vadito Water Association. I don't know if you're aware but they've run into a water shortage. They have a 100,000-gallon storage tank that is fed by an infiltration gallery that has not been producing enough water to fill up the tank. What they approached the County with and Commissioner Anaya, Virginia Vigil and myself met with members of the El Vadito Water Association last week to discuss their situation.

We have been working with them to obtain financing to help their situation. In addition to that we have offered to provide them bulk water to help fill up their storage tank. Our current bulk sales water rate for commercial is \$25 per month at a \$15 per thousand gallon rate. What we would like to do is get a variance or set a temporary rate for up to 100,000 gallons of water for the El Vadito Water Association at a rate of \$10 per month and at \$3.94 per thousand gallons, which is the domestic rate that is served to residential customers right now. We would set that limit at 100,000 gallons. They did purchase 18,000 gallons of water from the County this last week at \$10 per thousand gallons at a \$10 monthly fee. They did haul approximately 15,000 gallons this Saturday but they are significantly short of their 100,000 gallon capacity in the tank.

So my request is that we set a temporary rate for the water association to haul water at \$3.94 per thousand gallons at a \$10 per month service fee.

CHAIRMAN SULLIVAN: Okay. Questions for Gary? Commissioner Campos.

COMMISSIONER CAMPOS: That will cover our costs?

MR. ROYBAL: Mr. Chairman, Commissioner Campos, pretty much, yes. The only additional cost that we incur is having somebody out there to put the water into their tanks. But it does cover our costs of water.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I feel that Cerrillos is in a time of need right now. I feel that the County should help them out and we have been helping them out by opening up the hydrant whenever they need it to get water to serve their community. So I'm definitely in favor of this.

COMMISSIONER MONTROYA: Mr. Chairman, move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Montoya, second from Commissioner Campos. One question, I recall several months ago, back in the summer when this problem reared its head initially, we discussed connecting into a well that was I think on one of the mining parcels that they thought might be available. And I think we even allocated

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some money to do that. What's the status of that?

MR. ROYBAL: Mr. Chairman, they did come before this Commission seeking some emergency relief. I don't believe we ever allocated any money to that project. I believe what happened was the association was experiencing leaks on their dam. They repaired those and they were able to develop their sources adequately to take them through the summer. We have not explored the well that's on open space. It's an old mining well and we haven't pursued them at all with them. They pretty much, once they were able to develop their supply again they did not come back to the County for any other type of relief until just recently.

CHAIRMAN SULLIVAN: And there before, and Commissioner Anaya has been working with them as he indicated to secure funds from the legislature, then they will do what? They will deepen their existing well or drill a new well?

MR. ROYBAL: Mr. Chairman, they're fed by an infiltration gallery which is a subsurface gallery that covers water that comes in from three drainages. The purpose of the funding that they're seeking is to drill an emergency well somewhere along the drainage. John Schumaker is working with them to develop a well site for this project. And they also have the Rural Association that's assisting them develop a preliminary engineering report. We have met with the Water Trust Board on this issue and they were aware that we were going to be providing them some emergency relief and I believe there's - Virginia Vigil has been working with the legislative portion of this and maybe she can brief the Commission on just exactly where we are on that funding issue.

CHAIRMAN SULLIVAN: Virginia, just briefly.

MS. VIGIL: Mr. Chairman, Commissioners, just briefly. We are meeting, there are two outstanding issues that surfaced through the meetings that we had with them. One was involving water rights and the other one was involving the requirement that New Mexico Finance Authority has for the median income survey. We of course have tried to channel the energy towards emergency funding so tomorrow we have a meeting with regards to the water rights and the Water Trust Board, when we met with them last week, wants to set an emergency meeting on or before Friday to address this issue on an emergency basis, which would also include discussing the issue of emergency permits and I think we're moving forward with it working with the Finance Authority and with Tom Pollard with the Finance Authority, with Senator Doug Griego and with Representative Rhonda King and Commissioner Mike Anaya on top of it.

CHAIRMAN SULLIVAN: Okay. Thank you. Any questions of Virginia or Gary? We have a motion and a second.

The motion to approve setting temporary rates for water for the El Vadito Water Association passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

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XI. D. Matters from the County Manager

1. Request authorization to enter into agreement between the Town of Taos and Santa Fe County to house Town of Taos inmates at the Santa Fe County detention center

MR. PARRISH: Mr. Chairman, Commissioners, you have before you a contract or an agreement with the Town of Taos to house their inmates. That is for the Town of Taos and it's usually going to be adjudicated inmates that the municipal court would sentence. I apologize for the fact that it wasn't signed but we sent them our standard contract which they approved as indicated in their letter. In an effort to expedite the matter I'm presenting it now for your approval and then I'll forward it to Taos for their signatures.

CHAIRMAN SULLIVAN: Questions for Mr. Parrish.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Is this a standard rate, Mr. Parrish, in terms of what we're –

MR. PARRISH: Our rate does vary, Commissioner Montoya. The rate that covers most of our expenses at this time and that would be \$60 for other inmates. We have a rate with the Marshals at \$65.

COMMISSIONER MONTOYA: What about with the City of Santa Fe? Sixty also?

MR. PARRISH: Right now we don't have an agreement with the City of Santa Fe. We are still honoring our old agreement and a letter agreement at \$59. And that's under negotiation at this time.

COMMISSIONER MONTOYA: Oh, it is under negotiation.

MR. PARRISH: Yes.

COMMISSIONER MONTOYA: Okay. That's all I had. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Any questions?

COMMISSIONER ANAYA: Mr. Chairman, I move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion for approval from Commissioner Anaya and second from Commissioner Campos. Any further discussion?

The motion to approve the inmate housing agreement with Taos passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XI. D. 2. Legislative update

CHAIRMAN SULLIVAN: Anything on that?

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MR. KOPELMAN: Mr. Chairman, Virginia Vigil is –

CHAIRMAN SULLIVAN: We'll move on to public hearing then until she comes back. Thank you for your patience, those who are here for the public hearing. Any of you who are here regarding CDRC Case #V 02-5470, the Bruce Oakley Variance, that item has been tabled. We have four items on the public hearing agenda. The first is Ordinance 2003-___ and we won't know unless and until that's passed, regarding amendments to the master plan procedures requiring a submission of preliminary water and liquid waste disposal plan with master plan applications and to include language that clarifies that a master plan approval does not confer a vested development right. Second public hearing.

XII. Public hearings

A. Land Use Department

- 1. Ordinance No. 2003-2. An ordinance amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article V, Section 5.2, Master plan procedures, to require the submission of preliminary water and liquid waste disposal plan with master plan applications and to include language that clarifies that a master plan approval does not confer a vested development right. (Second public hearing)**

MR. ABEYTA: Thank you, Mr. Chairman, members of the Commission. This is the second public hearing for the proposed ordinance that will require the submission of a preliminary water supply plan and liquid waste disposal plan with applications for master plan approval. There are two versions of the proposed amendment. [Exhibit 2] The difference between the two is as follows: In Exhibit A of your packets, Section 5.2.2.g.9 requires that for all non-residential developments proposing to use more than one acre-foot of water per year, and all Type I, II, and IV subdivisions, the applicant must submit a water supply plan and water permits as required by Article VII, Section 6 of the Code for the first sustainable phase of development. Exhibit B in your packet does not have this requirement.

During the first public hearing on January 14, 2003, the following concerns or comments were made. 1. Incorporation of a water harvesting and water conservation requirement. Staff's response was that language was added to Section 5.2.2.g of both versions to allow an applicant to propose water harvesting techniques for the County to consider with master plan applications. Mr. Chairman, staff has prepared a slight amendment to that section of the ordinance and I'll go over that when I conclude my presentation of the staff memo.

So staff also added a requirement which would require a water conservation plan be submitted. That was added to Section 5.2.2.g.8 of both versions.

There was also an issue or concern raised regarding the submittal of a reconnaissance report instead of a full hydrology report to cut the up front costs of submitting a master plan. Staff has reviewed that proposal and our response is as follows: A reconnaissance report

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requires a well on the property. Therefore the savings would be minimal and even more cost because a hydrology report would still be required at the time of development plan is submitted. Therefore this amendment is not supported by staff and was not included in either or the ordinances.

Another comment or suggestion was that Exhibit A will require a developer to invest more at the master plan stage and thus may be more difficult for the BCC to deny. Staff's response is as follows: As an alternative to adopting Exhibit A, the BCC may consider amending Section 5.2.7 which is the expiration of master plans as follows: a. Approval of a master plan shall be considered valid for a period of two years from the date of approval by the Board. Existing ordinance allows five years. And b. master plan approvals may be renewed and extended for additional 12-month periods rather than two-year periods by the Board at the request of the developer.

Mr. Chairman, I met with each member of the Commission at different times between the first meeting and this meeting and Commissioner Campos has suggested language that staff supports to replace item b, which is master plan approvals may be renewed, and the language is as follows: If the Board chooses to amend this language b, staff would suggest the following: Master plan approvals may be renewed and extended for an additional 12-month period upon showing of good cause. Good cause must include evidence of substantial progress and a need for an additional 12 months in order to complete the preliminary development plan and/or plat application. And also it was suggested that no further extensions be allowed by the Board.

This amendment will allow a property owner to zone a parcel without additional expense but the zoning would only be valid for two years. Within two years the applicant must submit a development plan for the first phase and demonstrate water availability. Under current Code, master plans are valid for five years and may be extended for another two. Therefore water availability in some cases may not be demonstrated for five years or longer.

Required action: This is the second of two required public hearings. The BCC may adopt an ordinance amendment at this time.

Recommendation: Staff supports both versions of the master plan amendment. If the BCC chooses not to adopt Exhibit A, which requires water for the first phase, then staff would recommend that the suggested amendment to Section 5.2.7, Expiration of master plans, be included in the Exhibit B ordinance. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Questions for staff, and then we'll go to the public hearing.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, Mr. Abeyta, regarding the no further extensions piece, could you read that again regarding what Commissioner Campos suggested in terms of what b. would read again, please?

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Montoya. Item b. would read that master plan approvals may be renewed and extended for an additional 12-month period upon showing of good cause. Good cause must include evidence of substantial progress

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and a need for an additional 12 months in order to complete the preliminary development plan and/or plat application. And then no further extensions be allowed by the Board. So under the proposal, if a developer needed an extension of the two-year period they could come forward to the BCC, request a 12-month extension, but they would have to show the Board that they've made progress in the past two years and that the purpose of the extension is to allow them an additional 12 months in order to complete their preliminary application. This would also only be allowed one time. This request would only be granted one time by the BCC.

COMMISSIONER DURAN: One 12-month period?

MR. ABEYTA: It's actually three years, a master plan would expire.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: So, Roman, you mean to tell me if we adopt this as it is stated, as it's been presented to us, that if a master plan is approved today, and in the times that we're in right now there's really no water, the master plan is approved subject to them bringing water either to a new point of diversion or to whatever point of diversion he's designated to bring that water to, and if in the first two years he has not been able complete that process, having spent nine months getting the master plan approval to a year, this Board could deny him his master plan approval if we in our infinite wisdom determine he hadn't made adequate progress. Is that what you're saying?

MR. ABEYTA: Mr. Chairman, what we're saying is the master plan would be good for two years, and if he needed additional time, he could come in and request additional time from the Board but he would have to show the Board that he's made substantial progress.

COMMISSIONER DURAN: So if he wasn't able to get his water lined up, his water approved by the State Engineer and transferred to meet that condition of approval, and if this Commission felt that he hadn't made adequate progress we could withdraw the master plan approval that he received?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, the master plan would expire and he would have to bring it back in if you chose not to grant an extension.

COMMISSIONER DURAN: What are the problems you've experienced in the last year and a half or since you've been in the Land Use Department, what problems have you experienced with the five-year master plan? Why are we trying to change it to two years?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, I think staff's position is that five years is a long period of time. Commissions change within five years possibly. So by the time a preliminary plat or development plan comes before you, it's been five years, in some cases seven years or longer if extensions have been granted since their original master plan was adopted and ordinances may have changed between that time period. Conditions may have changed. So staff's position is that if you're not going to require water for the first phase then maybe you may want to consider looking at shortening the time period that the master plan is good for.

COMMISSIONER DURAN: But we are requiring water for all phases.

MR. ABEYTA: You are at the preliminary development plan stage but not at

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the master plan stage. And part of the proposal that's in front of you now, one of the versions is to require a water supply plan for the first phase of development in the master plan.

COMMISSIONER DURAN: In the master plan.

MR. ABEYTA: Right. And again, if you don't adopt that then you may want to consider shortening the time that the master plan is valid for.

COMMISSIONER DURAN: Okay.

CHAIRMAN SULLIVAN: Any other questions of Mr. Abeyta? All right, this is a public hearing. Could I have a show of hands of how many would like to speak? I'm not going to say for or against because there are several alternatives here so feel free to speak however you like. Looks like Ms. Horton is stepping up to the podium first. Rita, and you're dressed for Valentines Day. Okay, you'll need to be sworn in by the reporter. We don't need to do this? It's an ordinance and not a land use issue? Okay.

RITA HORTON: Is that too loud?

CHAIRMAN SULLIVAN: No, that sounds just fine.

MS. HORTON: For each of you men for Valentine's Day, the most important gift you can give your wife, if you have such, is strong arms around them and just tell them you love them and mean it. I had such a man.

I'm here on preliminary water approval. There's no such thing as preliminary water approval until you have long-range water management plans, and that's where I'm coming from, from the Estancia Basin. It is possible to diminish the salinity, degradation and everything else in that Estancia Basin. But we must do it with wise, environmentally-friendly, long-range water plans that will benefit not only the Estancia Basin but Santa Fe County and City. I was deeply involved in gravity studies, and didn't want to have to come to Santa Fe tonight. I sat down and started typing and I see Commissioner Sullivan's name is giving you a choice of an aye or a no, so I struck out the no.

The total lack of comprehension of long-range water management plans by the Santa Fe County Commissioners has brought southern Santa Fe County to a brink of disaster. Several years ago, Santa Fe County Commissioners wanted 100-year water availability for the entire county. State Engineer Steve Reynolds told Santa Fe County around Santa Fe City that was a pipe dream and impossible. So Santa Fe County joined Santa Fe City for a 40-year plan. But you left the goose that laid the golden egg to perish.

Now Skyler and friends desire to appropriate 28,000 acre-feet from Township 7 North, Range 10 East, right down near the bottom of the basin to benefit Santa Fe and sacrifice the Estancia Basin, southern Santa Fe County, eastern Bernalillo County and parts of Tarrant County. This is stupidity. Long-range environmentally friendly water-management plans must be accomplished.

Each of you have a copy of a request made to legislators of Santa Fe County and Bernalillo County to create an environmentally friendly water bank in the desert state of New Mexico, which does include the beleaguered Estancia underground water basin. The legislators had this letter in their hands by February 4th. You also have a part of a letter from Major Dr. John Holly, Holly Geo-Matters, one of the most knowledgeable geologists on the Estancia

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Basin that is to be found. And yes, we are old friends. His letter, the letter is concerning the plans to use desalinated water from 7 North 10 East, raise enough money to bring Gulf of Mexico water over 800 miles, and raise it over 7,000 feet. Now that's going to affect all of us. Not me, but everybody. We can better solve the situation in another way. I requested that he and his group join me in the first environmentally friendly long-range water management plan for the financial benefit of the Estancia Basin and northern Santa Fe County and city. It is possible, but it must be environmentally friendly. And that does not mean desalination.

Any action to demand 100-year water availability from southern Santa Fe County at this time is far premature. If we get the needed water bank, we will be able to achieve not only the 100-year water, but a plan far into the future. It is possible, only we have to do it. It is a far greater financial and environmentally beneficial to all concerned.

Now, I will read you my letter to the legislators. A water-bank for the desert state of New Mexico should be environmentally-friendly by the following standards: Conservation by the annual evaporation of water on wet irrigated fields with established consumptive use rights for the benefit of mankind, not for the wind. Improve water quality by the cessation of the annual deposition of sodium chloride, gypsum, bicarbonate of soda and other evaporitic compounds of New Mexico's Pennsylvania limestone and Permian Yeso and Glorieta sandstone formations with the annual leaking of those elements through the irrigated fields.

We have built up so much degradation of that water in Santa Fe County with irrigation that the highest degradation is right at the Santa Fe/Torrance County line at the salt lakes. And it's a plume that goes down past Macintosh. They plan to drill 20 wells pumping 1,000 gallons a minute from down at the bottom of the Basin. They will have a never-ending supply. But they will sacrifice eastern Bernalillo, northern Torrance and southern Santa Fe County. We must purchase water at the existing well heads with no change in point of diversion, only change in place of use. You could start your alliance tomorrow, and I could deliver the water. And no, I don't have any water to sell, believe me.

The Imperial Valley of California's use of Pennsylvania limestone water and Permian evaporated water has resulted in the mineral contamination of the Imperial Valley, California Salton sea, and the international degradation at the gulf of Southern California. The necessity of Los Angeles water authorities to add water to the dry lake beds of the de-watered Orange River Valley to stop the flowing dust. When man tinkers with nature, we've got problems. Our only source of water in the Estancia Valley is the hydrologic cycle that falls from the heavens and gathers on the mountains. And yes, the gravity anomalies that we're studying today show how it gets to the basin.

We don't have a Mount Whitney, 14,400 feet high that gathers the weather from the Pacific around its shoulders and delivers the water to the Orange River for the benefit of Los Angeles. We are a closed basin. If we stop irrigation, stop the degradation, purchase water from the well heads—we don't want to have to purchase the water rights and the land to accomplish what must be done. You can contract for the water by the acre-foot, by the 1,000 gallons, by whatever you want. Beginning at the far north end of the basin, and work your way down, and let those evaporating junk move on down to the bottom of the basin, where it's

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moving anyway with or without our help.

The letter to Dr. Holly – I was too excited, I didn't want to come to Santa Fe. It states part of the Bob Skyler plan, which I don't agree with. But I left out the sixth page and got the seventh page, so trash the sixth page; it's just trash. It is basin studies of things that I can prove there in the Valley. But take my advice, please. Let's have a long-range water management plan to benefit everybody. And let it be environmentally friendly. We can do it, we will all benefit, the water will be there for years. Let's don't go off the deep end with desalination projects that are destructive and will destroy great quantities of land. Thank you.

CHAIRMAN SULLIVAN: Thank you, Ms. Horton. Next speaker? Looks like Ms. Vazquez.

ROSANNA VAZQUEZ: Good evening Mr. Chairman, Commissioners. I'll be brief. I have a couple questions and a few points to make with regards to the ordinance that is before you. The first concern that I have is under paragraph 8 that would be added to the preliminary –describing the preliminary water supply plan. I'm concerned that this requests water rights transfers and points of diversion is information that should be put in to the water supply plan. The reason that concerns me is twofold. First is at master-plan level you may have an idea where that you're going to need to obtain water rights, but you may be negotiating with somebody to obtain those water rights and may not have a confirmed price on those water rights. Something like this would give everybody the information on the water rights that's out there, and possibly drive up the price of water rights at a master-plan level. The other issue with respect to point of diversion, I believe this Commission has made some policy decisions and is trying to grapple with policy decisions as to where point of diversion should be for water rights transfers. I'm not sure whether or not that would be an appropriate issue to be raised during a water supply plan –in a water supply plan for a master plan.

The second point I wanted to make with respect to paragraph 9. And that paragraph begins by reading "In addition to the requirements listed above." The concern that I have with this paragraph is that it would basically do away with planning of large subdivisions. If you would have to acquire water rights and transfer those water rights prior to the time that you plan a large subdivision, then it would not only be much more costly at the master plan level, but it would also get rid of planning. People would start doing smaller subdivisions to get away from the water rights requirement that's set forth here.

It seems like this ordinance is trying to do two things. At that one level, it's requiring people to bring water rights to the table to get more definite plans at a master plan level. But at the same time, it's saying "But even if you do that, you don't have a vested right. You don't have a master plan, a master plan means nothing." So what you're saying is "Bring us all this, spend the extra money on the water rights, but we're not going to give you any rights. That doesn't mean anything to you. Because until you get preliminary and until you actually record, you don't have a right." I think that this ordinance is at opposite ends with regards to that.

I would like a clarification with regards to the non-residential development proposing to use more than 1 acre-feet of water per year. The way –and I've discussed this with Staff –the way I read article 7 section 6, it would require geo-hydro, but not necessarily water rights for a

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non-residential development. Is that true?

CHAIRMAN SULLIVAN: Mr. Abeyta?

MR. ABEYTA: Thank you, Mr. Chairman. That's correct. The Code does not require water rights for less than three acre-feet of non-residential development. So this would just require a hydrology report for your first phase.

MS. VAZQUEZ: Thank you, Mr. Abeyta.

CHAIRMAN SULLIVAN: In that requirement for the purchase of any water rights there's no additional cost requirement on any developer. This ordinance addresses the timing of those issues, if that helps to clarify your question.

MS. VAZQUEZ: Mr. Chairman, that does help. However, I would like some clarification because on the type 1, type 2 and type 4 subdivisions, I believe that at master plan level they would have to have water rights in hand. And if I could get clarification with respect to that, because that's my understanding of article VII Section 6. Ms. Yuhas.

CHAIRMAN SULLIVAN: Well, this is not a back and forth here. We'll answer this question and then if you can conclude your remarks, some others can speak. Mr. Abeyta, could you help her out with that? If there's other questions you can certainly ask them later.

MR. ABEYTA: Thank you, Mr. Chairman. Those larger subdivisions do require water rights, Type I, Type II and Type IV. Therefore, you would have to demonstrate that you have water rights available for the first phase of those subdivisions. Not the entire project, but the first phase, because that is required for that anyway at the preliminary level.

CHAIRMAN SULLIVAN: At the preliminary level?

MR. ABEYTA: Right.

CHAIRMAN SULLIVAN: In the existing ordinance?

MR. ABEYTA: Right, so that would bring it forward to the master plan level for the first—

CHAIRMAN SULLIVAN: For the first phase.

MR. ABEYTA: Right.

MS. VASQUEZ: So it would require that water rights be purchased sufficient for at least the first phase at the master plan level?

MR. ABEYTA: Yes.

MS. VASQUEZ: Okay. Thank you. With regards to some of the alternatives that have been raised with respect to amending the language on the expiration of the master-plan, if I could just speak on that briefly. I don't believe, first of all, from a legal clarification, I'm not sure whether you could do that today, adopt that today, because there hasn't been a request, published title and general summary on that.

Then the other point that I had is should you go this route, I think the two-year period is a little short. When you take a look at some of the conditions of approval that have been put on master plans, especially recently, they're very, very serious and long conditions of approval. I'll take for example the Oshara development with respect to the northeast connector. That's a large condition, a condition that's going to take a lot of time, a lot of planning and a lot of

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money, which can't possibly be done within a two-year period. And that's just one example. The Gardner property has various of those conditions as well as many other master plans. I don't think that two years is a sufficient amount of time for recordation of a master plan.

Secondly, with respect to the extensions, there might be some clarification as to what "substantial progress" means. Because in the past this Commission has approved extensions of master plans that haven't necessarily filed a preliminary development plan but have, for example, put together a bond for infrastructure costs and have put in a water line, but have not necessarily gotten preliminary development plan approval and have gone the way that the Code defines substantial progress. So I would ask you to take a look at the substantial progress definition to allow for some other things that may indicate substantial progress that aren't currently covered under the County Code.

Lastly —I lost my notes. If I could just have a moment. I disagree with the premise of no further extensions for a master plan, simply because we have had many examples in the County over the last at least 10 years where people have tried to work on getting the conditions of approval done and have not quite been able to get them done, be it the City's not cooperating, the County hasn't taken over the road. There's lots of different examples that you could point to that I'm sure your staff could adequately tell you about that make it very difficult for a developer often to record a master plan and go on with preliminary development plan. And so I would respectfully request that you not include that language with respect to further extensions. And that's it. Thank you very much for your time.

CHAIRMAN SULLIVAN: Thank you. Next speaker, please.

DOUG FRAZIER: Mr. Chairman, Commissioners, good evening. My name is Doug Frazier. I'm the chair of the Sierra Club. As you know, we have about 3,000 members in northern New Mexico, in the city area and the county area. You wouldn't be surprised, of course, if I strongly support and compliment you on bringing forward Exhibit A. I think that's a strong and bold step forward.

I think the present crisis with the water situation — let's hope it snows on Thursday and Friday. But in any event, we're way behind the eight ball. And I understand the developers' concerns for expenses on this kind of issue. Bringing forward the kind of plans, the proposed water harvesting techniques and the water conservation plan, as well as particularly the strong, I think progressive position on sub-paragraph 9.

I think requesting the water supply plan and the water permits for any subdivision of a non-residential development of over one acre feet. I think frankly we're at that point, and I realize this is going to add to the expense. But we have to face that as a reality today. And I hope and I expect that this would be done in a way, even the water conservation plan, so that it doesn't expose the developers to unnecessary hikes in the water costs. But I think front end, we're at that historic period I guess in this county where we simply have to have this material front end, to analyze and determine whether or not this master plan should be approved.

Again, I know this is hard. But this is the new reality. We have to require this front end, and at the same time make it clear that no vested rights are given in this process. I appreciate the Commission putting in the sub-section 5.2.4.c to make it clear that we're not

going to corner ourselves in a situation where we have to grant a permit approval, even when we're sure or relatively sure that there's no water. I want to thank you for proposing this, and the Sierra Club stands in strong support of Exhibit A. Thank you.

CHAIRMAN SULLIVAN: Thank you, sir. Next speaker.

MARY ANN KENNEY: Good evening Commissioners and Mr. Chairman. My name is Mary Ann Kenney. I have been a resident of the Eldorado area since 1980. We were the 195th house out there. So I'm sure you can appreciate the changes that we have all seen.

I'd like those of you who can think back 35 years, and think what Santa Fe was like back then. It was at that point that my sister moved here and got involved with the Santa Fe Water Conservation Committee and the Metropolitan Water Board. My husband and my family and I moved here in 1980, as I said, 23 years ago. The issues of water that they dealt with 35 years ago, and that have surfaced in the 20 years since I've lived here, are almost the same. The questions still are where is the water, and how much is there?

This is not an Eldorado issue. It's not a Santa Fe County issue. It's a statewide issue, and it is also an issue for the entire Southwest. Every survey and every poll that I have looked at – and I did serve a number of years on the ECIA Board and the Eldorado Area Water and Sanitation District Board. Every poll, every survey, water issues are practically number one in every single one of them. Water is the critical issue.

It's my understanding that the ordinance before you tonight, and correct me if I'm wrong because I didn't have a chance to look at it until about 10 minutes ago, the Exhibit A portion requires that a full hydrology report be part of the first stage of approval of a master plan. What we have witnessed in the last 23 years, as I'm sure you all are aware, is the purchase of tracts of land, ostensibly to be developed, many time for affordable housing. We know how often that has really happened. These tracts of land are not required to prove up their water, to show their sources of water. And unfortunately, in too many instances, that land once "it has a master plan designation," has been able to turn over from owner to owner often without any development on it at all.

I really see tonight that you all have a golden opportunity. Passage of this ordinance, and my preference would be for Exhibit A, I really like the idea of developers having to show the water up front before a lot of time and energy and money is expended. I understand where in the master plan process they now have to show up the water. Why not have them do it first? They're going to have to spend the money to acquire the water rights or arrange for diversions or drill the wells at some point. I really like the idea of having them do it earlier, rather than later.

Passage of this, in my estimation, would be a prudent move on the part of the Commission. It's a responsible action. And you know, you can sit around and draw plan after plan after plan, and I have seen many general plans drawn up by the County. I've seen many development plans that have been pie-in-the-sky that were approved and then faded away. At some point, this Commission has to say, "We are really serious. We're serious about planning for a limited resource. We're serious about encouraging responsible development and discouraging land speculation." Passage of this today will impact today's generation and the

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future and sitting here, I was looking at the mural back there, we're dedicated to our ancestors, to today and to future generations. We have got to think and plan for future generations. I think it's time and I really believe that this Commission will be decisive and will demonstrate to the public that they care about the water and not approving developments if the water's not there. Thank you.

CHAIRMAN SULLIVAN: Thank you very much.

MS. KENNEY: P.S. I have to tell you I agree totally with the gentleman from the Sierra Club.

CHAIRMAN SULLIVAN: Thank you, ma'am. Any others who would like to speak on behalf of the ordinance? Yes, ma'am. Looks like the Lamy contingent.

KATHY PILNOCK: Yes. Water is also an issue and a concern in Lamy.

CHAIRMAN SULLIVAN: Would you like to identify yourself, please?

MS. PILNOCK: Kathy Pilnock. I live in Lamy. I want to say tonight this is the first time I've had a chance to look at the ordinance. I heard it was going to be on the agenda so I came down. I see a lot of good things in this ordinance. I especially like proposing water harvesting techniques on development. I think that ought to be a requirement though, and water conservation plans also should be required at the master plan stage.

I can understand one of the speakers' problems with if you do a geo-hydro report then maybe you should have more than two years before your master plan expires. But I guess I don't see in here where it requires a geo-hydro report. Am I misunderstanding that? I see where it says they will identify one or more sources of water. Is that the same as a geo-hydro report?

CHAIRMAN SULLIVAN: Yes.

MS. PILNOCK: Well, maybe that is a little unfair and maybe you should give them longer than two years, but otherwise I'm just here to say I agree with the previous two speakers. I support this ordinance. I also would like to see an end to land speculation that drives up the prices for open spaces purchases in the county. And I do agree that a master plan should not give a vested right. That needs to be made more clear. I understand that it doesn't but it should be more clear in the ordinance. Thank you.

CHAIRMAN SULLIVAN: Thank you. Roman, correct me if I'm wrong before the next speaker comes up. The Exhibit A, or B as written out doesn't include the two-year requirement. Is that correct?

MR. ABEYTA: Mr. Chairman, that's correct. It's not included.

CHAIRMAN SULLIVAN: So that's an additional option the Commission could apply to either ordinance if they wished?

MR. GONZALEZ: Mr. Chairman, I think one of the speakers has identified a legal issue that could create a problem with respect to that and we have checked to look at the way that the proposed ordinance was published and it appears to us that that may be outside the caption that was published for the ordinance. So I, from a legal standpoint would caution the Commission not to include that language if at all possible because it would invite a challenge, we think.

CHAIRMAN SULLIVAN: Okay. So if someone wanted that language in

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addition they could bring it back at a later date.

MR. GONZALEZ: That's correct.

CHAIRMAN SULLIVAN: Because I recall initially in discussing this with Mr. Abeyta I think the feeling was that this particular language was within the caption but if that's your feeling --

MR. ABEYTA: Mr. Chairman, yes. Now that legal has had an opportunity to look at it, I would defer to their advice.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think that if there are any people that are opposed to it about having proper notice that we were considering this it would be unfair to adopt it if this ordinance passes tonight.

CHAIRMAN SULLIVAN: Okay. Well, we have a legal opinion on that. I believe it was brought out as an option by the staff and by Commissioner Campos and we can certainly consider it and bring it forward at a later date if we want to. I believe there was another person that would like to speak.

DOLORES BROCK: My name is Dolores Brock. I live in Eldorado, and like Mary Ann Kenney, I've been out there for a long time. I moved there in 1974. We were the 12th family out there and there was plenty of water when I moved there.

CHAIRMAN SULLIVAN: Did you use it all, Ms. Brock.

MS. BROCK: I would urge the Commission to approve this ordinance. It always boggles my mind that someone can buy a piece of property to develop it without proving water when I know I live in the Southwest where water is very critical. I don't think it's asking too much of any developer, either commercial or residential to prove that they have the water as part of the initial package. It has always, as I said, confused me that that has not been a requirement. It makes no sense to me. I originally come from the East who occasionally have problems with water but not like we do out here. And I would urge this Commission to make this part.

We are in a drought, but this is not a time -- you've used the phrase, shilly-shally about it. You have to bite the bullet. I don't think it's really asking too much of any developer to say we have water. And I just sort of glanced at the amendment, have not really had a chance to study it but it seems to me logical. I was, as Mary Ann said, looking at your mural and looking at the single drop of water coming out of that spigot. We need to conserve our water and developers need to prove that there is water before we put more houses and more buildings and there is no water. Thank you.

CHAIRMAN SULLIVAN: Thank you, ma'am. Any other speakers who would like to address this ordinance amendment? Okay we'll go to the Commission. Commissioner Duran.

COMMISSIONER DURAN: I have a question for Roman. This ordinance is a little confusing to me. It seems that what we have been doing in the past has been, it seems like we've been approving development with no regard to water availability

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whatsoever and that this ordinance is going to be the one to save us and put us basically in conformance. My understanding is if development is approved, before it's approved, number one, they have to prove water availability. They have to prove that there's a 100-year water supply, and before anyone can get a building permit to build a house, which is actually the very last step in the development process, if there's a requirement for that development to bring water to that particular development, that building permit cannot be issued until they've done so. Am I wrong?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, you're correct. A typical project takes three steps prior to building permits being issued. The first is master plan, which is securing the zoning for the project. The second is a preliminary development plan and the third is a final development plan. Under current Code, you have to prove water availability at step two, the preliminary development plan. So you won't even get close to a building permit without proving water. You still have to go through two more steps in order to get building permit. So you have to prove water now, it's just you don't do it at master plan; you do it at preliminary development plan.

COMMISSIONER DURAN: And where's the savings? Where are we saving water by making them do it at that beginning or at the end?

MR. ABEYTA: Mr. Chairman, Commissioner Duran –

COMMISSIONER DURAN: Is there a savings that I'm missing?

MR. ABEYTA: No, Mr. Chairman, Commissioner Duran. All you're requiring is water for the first phase at the master plan when you're obtaining zoning approval.

COMMISSIONER DURAN: But even in the first phase, they still can't do anything unless they have water there. So are we asking them to bring all the water for all phases? They have to have all the water for all the phases before they get master plan approval?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, no. The ordinance proposes that they show you that they have water for at least the first phase of the entire master plan. They have enough water for phase one.

COMMISSIONER DURAN: So under current zoning conditions, or current zoning ordinances, developing with no water, which is what we have been portrayed as doing in the past, isn't a very accurate statement if the fact of the matter before you issue a building permit, that development, whether it's been water approved at master plan for the first phase or master plan – if water is brought for master plan at the first phase or at any time within the actual final approval, it's the same thing. It's just at a different point in time, but nothing can occur until the water is there.

MR. ABEYTA: Mr. Chairman, Commissioner Duran, you're correct.

COMMISSIONER DURAN: I don't understand. Is there something else that I'm missing? Are we trying to do something else besides that? It just seems like we already have ordinances in place that require development to prove water and before anything can take place they have to have it there or they don't get it. And I don't see what the

difference is. If I'm going to build a house in some subdivision that got master plan approval, I can't build that house on that lot until the developer has water, whether he brought it at the beginning of his proposal, his submittal, or at the end.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: So basically what we're doing is moving it up a step.

MR. ABEYTA: Mr. Chairman, Commissioner Montoya, yes, but for the first phase only.

CHAIRMAN SULLIVAN: And I think, just to respond to Commissioner Duran's concern, I think we're at a point in our planning for development in the county where we need to be more comprehensive in our master plans. These master plans need to be oriented towards the number one issue which every resident asks right at the outset and that is where will the water come from. And otherwise if they're not to that level of planning or seriousness in their development proposals, they need to get a step further and provide the public, whose concern is water and our charge, which is to protect the public with that information. Because they may well be impacted. Once a master plan is approved, although there's no vested right guaranteed, I've never seen one that hasn't gone and continued on to some phase of development. So it's a very significant phase in the development process. And this is bringing that critical element to the forefront.

COMMISSIONER DURAN: But wouldn't you agree that it got to a different point in their development phase because they were able to bring water. I don't know of any project here that was issued a building permit by the Land Use Department that wasn't issued without water. Are you saying that we're issuing permits out there without the master plan that had a requirement to bring water?

CHAIRMAN SULLIVAN: Well, we got into a bit of discussion about that at the last meeting and in fact there have been subdivisions.

COMMISSIONER DURAN: Can you name one?

CHAIRMAN SULLIVAN: There was one on the north side. What was the name of that one, Mr. Abeyta?

MR. ABEYTA: Mr. Chairman, that was a 65-lot subdivision that got a variance to the water right requirement. They still did the hydrology report and proved water availability. But they did also obtain a variance to submitting water rights for that subdivision.

CHAIRMAN SULLIVAN: So it happens. And I would like to see that this is laid out at the master plan stage and all the cards are put out on the table and the necessary hydrologic reports are done. If a reconnaissance report can be done, it can be done if they have a well onsite. If not, they have to do a geo-hydro report.

COMMISSIONER DURAN: But don't they do that now? Aren't they doing that now?

CHAIRMAN SULLIVAN: They do that now later in the process.

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COMMISSIONER DURAN: But prior to any issuance of a building permit.

CHAIRMAN SULLIVAN: Well, unless it's waived.

COMMISSIONER DURAN: But that's a totally different process. We're not talking about variance process.

CHAIRMAN SULLIVAN: Unless it's waived. And of course -

COMMISSIONER DURAN: And that was one subdivision.

CHAIRMAN SULLIVAN: And there were others. There was actually six of them. But the process here also does not apply to the Type III subdivisions, you understand.

COMMISSIONER DURAN: No, I know. I understand that.

CHAIRMAN SULLIVAN: We're talking here about the large subdivisions which have a significant impact on the neighborhood that's going to surround them. And with those types of subdivisions, not the zero to four or 24-lot subdivisions, we're at a point where we need to have better assurances that what they're planning has some hydrologic reality associated with it. That's really all this does, Exhibit A. Other questions or comments?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Water harvesting and water conservation, we're going to have to start looking at this and this is a very important issue. I think that if we move this up a step it's going in the right direction. So I feel that we need to start making steps in the right direction, and I feel this would be in the right direction.

CHAIRMAN SULLIVAN: Okay, well to get things on the table I would make a motion that we adopt Exhibit A as proposed without any language at this point in time regarding the time period for master plans.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: There's a motion and a second. Is there further discussion?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I would just like to say that I agree with Commissioner Anaya that proposed water harvesting is critical and a water conservation plan is critical. But if someone's going to turn dirt at one point in time and that point is after all of the conditions relative to bringing water to that development have been met then I don't understand why we would require it early on when it's within that period of time that they have to do that. I guess my biggest concern is that it's been portrayed that the ordinance that's in existence right now doesn't manage water, that it doesn't protect the community, and I think it does. But if this Commission feels that by making it, having the developer bring water to the table at the beginning, to artificially, and I think it's an artificial safeguard, then I'm in favor of it but I don't think it's necessary. I do believe that water harvesting and developing a water conservation plan are important. I'm just not sure

that the condition that requires development to bring it up front is going to save us any water.

CHAIRMAN SULLIVAN: Other comments? Commissioner Anaya.

COMMISSIONER ANAYA: I feel that it's not only that the County wants to see where the water is coming from but I think the public wants to see where the water is coming from. And that's why I think this would be important.

CHAIRMAN SULLIVAN: Other comments?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question for legal. After hearing discussion and comments by the public, are there any legal issues you find we should address and consider at this point?

MR. GONZALEZ: Other than the one previously noted I don't see anything at the moment, Mr. Chairman, Commissioner Campos.

COMMISSIONER CAMPOS: What about the point of diversion issue? Is that - it has been a critical issue I guess at some point.

COMMISSIONER DURAN: What point of diversion issue?

MR. GONZALEZ: Since, the way the language is structured it's just a plan that is probably okay in terms of that language.

COMMISSIONER CAMPOS: Okay. Thank you.

The motion to approve Ordinance 2003-2 passed by unanimous [5-0] roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in favor.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question about master plan, the time that a master plan has in existence from five years to three, that was an idea that I had put out there. Is that something that the Commission wants to pursue in addition to the new ordinance that we just adopted?

CHAIRMAN SULLIVAN: What are the thoughts of the Commission on that? Let's just start down the line. You don't have to commit yourself if you don't want to think about it some more. It's kind of late. Do you want to add anything, Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chairman, I think I'd like to think about that.

CHAIRMAN SULLIVAN: Okay. Commissioner Duran?

COMMISSIONER DURAN: I'll commit. I think it's unnecessary and unfair and I wouldn't support it.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya?

COMMISSIONER MONTOYA: I'd like to sleep on it.

CHAIRMAN SULLIVAN: I think we have, myself included, would like to think on it for a while.

COMMISSIONER CAMPOS: Okay.

- XII. A. 2. BCC Case #M 03-5020. Winemark Distributing and Import Company. Winemark Distributing and Import Company (Donald F. Poston, President) applicant, is requesting approval of a wholesaler liquor license for a wholesale distribution business to be located off State Route 14 at 36 Bisbee Court within the Turquoise Trail Business Park, Section 24, Township 16 North, Range 8 East**

MR. ABEYTA: Mr. Chairman, this is a request for approval of a wholesaler liquor license for a wholesale distribution business within the Turquoise Trail Business Park. The property is zoned for wholesale distribution. There will be no consumption of alcoholic beverages or retail sales at this site, therefore staff recommends approval.

CHAIRMAN SULLIVAN: Does this require a public hearing?

MR. ABEYTA: Mr. Chairman, yes, this requires that the Board of County Commissioners conduct a public hearing on whether or not the proposed wholesaler liquor license should be granted.

CHAIRMAN SULLIVAN: Okay, are there any questions of the Commission for Mr. Abeyta? This is a public hearing. Are there any who would like to speak in favor or in opposition to the granting of this wholesaler liquor license? Seeing none -

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: We have a motion from Commissioner Duran and a second from Commissioner Montoya. Any further discussion?

The motion to approve a wholesaler liquor license for Winemark Distributing Company passed by unanimous [5-0] voice vote.

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XII. A. 3. LCDRC Case #V 02-5301. Buff Douthitt Variance. Buff Douthitt, applicant, Al Quintana, agent, request a variance of Article XIV, Section 6.10.1 (Areas for commercial development and requirements) of the Land Development Code to allow for commercial use on 3.03 acres. The property is located at the intersection of the west frontage road and Los Pinos Road within Sections 26 and 27, Township 16 North, Range 8 East

WAYNE DALTON (Review Specialist): Thank you, Mr. Chairman. The applicant is requesting a variance of Article XIV, Section 6.10.1 (Areas for commercial development and requirements within the traditional historic community of La Cienega/ La Cieneguilla to allow commercial use on 3.03 acres. There is currently a residence, four portable buildings used for storage, a 4,800 square foot building used as office space, a 720 square foot barn a fenced area, a well and septic system on the property.

Article XIV, Section 6.10.1 of the Land Development Code stated that property that is zoned commercial at the time of the adoption of Ordinance No. 2002-9 shall be permitted to continue as commercial areas along with planned commercial development in areas outlined in the Highway Corridor Plan. Such commercial development shall be required to meet all requirements of the Code. No new commercial zoning shall be allowed except as outlined in Section 6.11, Home Occupations of the ordinance.

The Highway Corridor Plan designates this property as residential. The applicant states that the family property has a history of commercial use going back over 30 years and was purchased in 1970 by James B. and Jo Decker as a commercial property. From 1970 to 1985 businesses located on the property included tack and race horse supply store, veterinarian supplies, trailer sales, hay and feed sales, ice plant and mini-market. The applicant has not provided any business registrations for any of the above-mentioned commercial uses.

The property was purchased by Buff Douthitt in 1985. Commercial activity continued with mobile home and trailer sales, portable building sales, farm equipment sales, front end loader services, auto sales, limo services, restaurant, office rental, motion picture offices, storage and vehicle parking, wardrobe, props, transportation storage units, livestock rental, sales and boarding, arena lease, team roping and riding lessons, and apartment rentals.

The applicant has provided business registrations for Buff and Jane Auto, and Jo Decker Turf Supplies. The applicant has not proven that any other uses on the property were legal or legal non-conforming.

Recommendation: Staff's position is that this application is not in accordance with Article XIV, Section 6.10.1 of the Land Development Code which prohibits any new commercial zoning on the property except for developments that house both residential and non-residential uses on the same property as part of a home business or home occupation. Also the property is not identified for commercial use in the Highway Corridor Plan. Staff

recommends denial of the variance.

On September 12, 2002, the LCDRC met and acted on this case. The decision of the LCDRC was to recommend approval of a variance of Article XIV, Section 6.10.1 of the Land Development Code to allow commercial use on 3.03 acres subject to the following condition. Mr. Chairman, may I enter that condition into the record?

CHAIRMAN SULLIVAN: yes.

[The condition is as follows:]

1. The applicant's development shall be current with the uses of the La Cienega/La Cieneguilla Plan.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Are you finished, Mr. Dalton?

MR. DALTON: I'm finished.

CHAIRMAN SULLIVAN: I'm sorry. I was waiting for you to carry on.

Questions of Mr. Dalton? Commissioner Duran.

COMMISSIONER DURAN: So as you're going down the frontage road, you take a right where Decker is? I'm just trying to get familiar with where this is. And if you continued on that road, you go to the back of the racetrack, where the horse stalls are and all that?

MR. DALTON: Mr. Chairman, Commissioner Duran, this property is located at the corner of Los Pinos Road and the west frontage road. So it's right on the corner of those two.

COMMISSIONER DURAN: I'm trying to find out where Los Pinos Road is. Is that the back side of the racetrack?

COMMISSIONER ANAYA: You know where Decker's Corner is? Right there. That's the property.

CHAIRMAN SULLIVAN: Is this in the EZ? I thought that area was in the EZ.

MR. DALTON: Mr. Chairman, this property is not in the EZ. It falls within the traditional historic community of La Cienega/La Cieneguilla.

CHAIRMAN SULLIVAN: Okay. But if there were no traditional, it would be in the EZ, right?

MR. DALTON: That's correct.

COMMISSIONER DURAN: It's where I thought it was.

CHAIRMAN SULLIVAN: The road goes back behind the racetrack.

COMMISSIONER DURAN: All righty. I know where it is now.

CHAIRMAN SULLIVAN: Okay. Other questions of staff? If not, could we hear from the applicant please? Now this, you do have to get sworn in. Would you state your name for the record please.

[Duly sworn, Al Quintana testified as follows:]

AL QUINTANA: Mr. Chairman, members of the Commission. I'm here to

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represent the Douthitts in regard to this variance. And simply, the Douthitts are asking the Commission to recognize the recommendation of the LCDRC, to approve the variance based on the history of the property as having commercial activity for the past 30 years, and as well, to be allowed to expand that commercial through future planning.

CHAIRMAN SULLIVAN: Is that it?

MR. QUINTANA: That's it.

CHAIRMAN SULLIVAN: Wow. That's concise. Questions of the applicant? Commissioner Duran?

COMMISSIONER DURAN: So Al, your client doesn't want to live on the highway? Your client doesn't want to build a house and live there on the highway?

MR. QUINTANA: They do have a home there now on the property.

CHAIRMAN SULLIVAN: A lot of others down the road do too.

COMMISSIONER DURAN: I was the chair of the Highway Corridor Plan and at the time that we adopted that plan there was some discussion about how the requirement imposed by the Highway Corridor Plan that all properties in the corridor could only be used for residential was somewhat flawed in that there are some pieces of property you just can't use for strictly residential. And what did the Deckers use this property for in the past? Oh, it's right here, tack, racehorse supply store.

MR. QUINTANA: Exactly.

COMMISSIONER DURAN: And what's it being used for now?

MR. QUINTANA: There are current business registrations under Jo Decker Turf Supplies and Buff Douthitt Auto.

COMMISSIONER DURAN: Okay.

CHAIRMAN SULLIVAN: Other questions?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Quintana, what is a live-work unit?

MR. QUINTANA: A live-work unit would be, if you're familiar with the lofts within the City of Santa Fe, that's the type.

COMMISSIONER MONTOYA: Oh, okay. Thank you, Mr. Quintana.

CHAIRMAN SULLIVAN: Other questions? Hearing none, this is a public hearing. Is there anyone else from the applicant that wishes to speak. This is a public hearing? Are you associated with the applicant? Well, come forward, sir. This is a public hearing. State your name and have the recorder swear you in.

DANNY MARMION: My name is Danny Marmion and I live at 19-A Las Estrellas in La Cienega.

[Duly sworn, Danny Marmion testified as follows:]

MR. MARMION: Mr. Chairman and Commissioners, I live in the area, I've lived there for about 17 years. I do know the Douthitt family. I'm very familiar with the property as I have to pass there every day on my way home. It has always, as far as I know, for the last 17 years that I've lived here, there's always been some type of a

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commercial use. I can understand that we have to come before you to ask for this variance because the Highway Corridor Plan had been passed without the Douthitts participating in it. If they would have participated, I think the Highway Corridor Plan would have made accommodations for that property.

Quality of life is an issue here, with the growth of I-25 and I think that particular piece of property has over 29,000 vehicles that pass by there every day. Quality of life has been hurt by growth. Buff and Jane both are getting close to retirement and what they want to do is get their property to do the best for them when and if they can sell it. It did go through the LCDRC which is a neighborhood association. It was passed unanimously. I hope and recommend to the Board that this Board do as well. I don't think it's going to hurt anybody to have commercial property or designate commercial property commercial property. And that's all that they're asking and I am in favor of it.

CHAIRMAN SULLIVAN: Thank you, sir. And how far do you live from the site?

MR. MARMION: I'm on the other side still going south on the frontage road. I'm south of the racetrack so on my way home I have to pass Buff's property. I know that they've had the grocery store there. They rented videos. It's been used for a lot of different things in the 17 years that I've been there but I don't think anybody in the neighborhood is really opposed to it. I don't know that we have any opposition tonight. We didn't have any big opposition or any opposition at the LCDRC.

CHAIRMAN SULLIVAN: Thank you, sir.

MR. MARMION: Thank you.

CHAIRMAN SULLIVAN: Anyone else who would like to speak for or against the proposal? Are there any other questions of the applicant?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Based on the history of the use of this property, I move that we approve.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Is that with conditions?

COMMISSIONER ANAYA: With conditions.

CHAIRMAN SULLIVAN: Okay, there's a motion and a second. Further discussion?

The motion to approve LCDRC Case #V 02-5020 passed by unanimous [5-0] voice vote.

- XII. A. 4. TDRC CASE # S 02-5291. Tesuque Ridge Subdivision. Jay Ross, applicant, Scott Hoeft, agent, is requesting final plat and development plan approval for a 12-lot residential subdivision on 100 acres. This request includes a variance of Article VII, Section 6.7.8 (Fire protection plan and required improvements) to allow the furthest buildable portion of the three lots to exceed the Code-required 1,000-foot spacing from a fire hydrant. The property is located in the Traditional Historic Community of Tesuque, within Section 6, Township 17 North, Range 10 East**

MR. DALTON: Thank you, Mr. Chairman. On October 8, 2002 the Board of County Commissioners met and acted on this case. The decision of the BCC was to approve preliminary plat and development plan for a 12-lot residential subdivision on 100 acres with a variance of Article V, Section 8.2.1.d, Cul-de-sacs, and Article V, Section 8.2.7.d of the Land Development Code to allow the approach to an intersection to be greater than three percent.

Variance: This request includes a variance of Article VII, Section 6.7.8, Fire protection plan and required improvements to allow the furthest buildable portion of three lots to exceed the Code required 1000-foot spacing from the fire hydrant. Article VII, Section 6.7.8 states all fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within 1000 feet as measured along the access route. The applicant states that the building envelope for three of the 12 lots will have a distance of approximately 1100 to 1700 feet from a fire hydrant. The applicant also states that the requirement of installing sprinkler systems in all homes mitigates the requirement for hydrants to be located 1000 feet from all buildable areas.

Recommendation: Staff recommends denial of a variance of Article VII, Section 6.7.8 to allow the furthest buildable portion of three lots to exceed the Code-required spacing of 1000 feet from the fire hydrant. Staff recommends final development plan and plat approval for a 12-lot residential subdivision on 100 acres.

On January 30, 2003, the TDRC met and acted on this case. The decision of the TDRC was to recommend final development plan and plat approval for a 12-lot residential subdivision on 100 acres. This approval included granting a variance of Article VII, Section 6.7.8 to allow the furthest buildable portion of three lots to exceed the Code-required 1000-foot spacing from a fire hydrant subject to the following conditions. Mr. Chairman, may I enter those conditions into the record?

CHAIRMAN SULLIVAN: Yes.

[The conditions are as follows:]

1. The applicant shall comply with all Fire Marshal requirements including:
 - a. Residential fire suppression systems in all houses, this shall be noted on the plat.
 - b. Two 30,000-gallon water tanks for fire use only with fire hydrants.

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- c. A 42-foot in radius driving surface for the cul-de-sac at the end of Red Ridge Road.
2. Each of the additional supply wells must be completed in the same manner and to a similar depth as the one on which the pumping test was completed.
3. Each lot with household water use only shall be restricted to 0.50-acre foot of water per year, lots with household and equestrian water use shall be restricted to 0.70-acre foot of water per year; this shall be noted on the plat, in the Subdivision Disclosure Statement, Covenants, and in the Water Restrictions. Water restrictions shall be recorded in the County Clerk's office.
4. No more than four wells shall be used to serve the 12-lot development. This shall be noted on the plat, in the Subdivision Disclosure Statement, Covenants, and in the Water Restrictions.
5. Each lot shall have a meter on the water line coming to the property. Water usage readings shall be recorded annually and reported to the County Hydrologist by September 30th of each year. This shall be noted on the plat, in the Subdivision Disclosure Statement, Covenants, and in the Water Restrictions.
6. The three ground water standards that were exceeded must be noted in the disclosure statement Sodium (190 mg/l, Ph (8.8) S, and Total dissolved solids (510 mg/l.)
7. The intersection of Tesuque Ridge Road and Red Ridge road shall be laid out to intersect each other as near as possible to a 90-degree right angle as to improve stopping and site distance, final design to be approved by County Staff.
8. Development on these lots are subject to complying with the requirements of the Land Development Code, Tesuque Ordinance, and the Urban Wildland Interface Code.
9. The final plat shall show rural addresses prior to recording.
10. All infrastructure, including road improvements, street signage, trails, utilities and fire protection systems must be installed prior to plat recordation, or a financial guarantee will be provided to Santa Fe County prior to plat recordation.
11. The maintenance agreement will include maintenance of roadways, drainage structures, and fire protection.
12. Compliance with applicable review comments from the following:
 - a) County Hydrologist
 - b) County Fire Marshal
 - c) County Subdivision Engineer
 - d) New Mexico State Highway & Transportation Department
 - e) Public Works Department
 - f) State Engineer
 - g) Development Review Division Director
 - h) State Environmental Department
 - i) Soil and Water Conservation District
13. All utilities shall be underground, this shall be noted on the plat, covenants, and disclosure statement.

14. All redlines comments will be addressed. The drainage and grading plan is to be approved by the Development Review Division Director, original redlines will be returned.
15. A final fire inspection is required for the subdivision.
16. The applicant shall submit a financial guarantee, in the amount approved by the County, for all improvements including fire protection, road improvements, drainage improvements, retention ponding and landscaping/re-vegetation prior to grading permit issuance. The financial guarantee for landscaping and re-vegetation will be kept until the plantings have taken, for a minimum of one year.
17. The water storage tanks will be painted an earthtone color, or underground to be approved by staff.
18. The applicant will submit Homeowner's Association Bylaws, Water Covenants, Disclosure statement, restrictive covenants, maintenance agreement, and shared well agreement subject to Staff review and approval prior to recording the final plat.
19. Fire Hydrants can flow at 500 gallons per minute. The water system and hydrants will be in place, operable and tested prior to any building permits being issued. If at any time fire flow is not to standard no further building permits will be issued until the fire protection service is adequate.
20. The applicant shall pay a fire review fee in the amount of \$650 in accordance with Santa Fe County Resolution N. 2001-114, prior to recordation of the plat.
21. The applicant shall submit a signing and striping detail sheet to be included in the final drawings prior to a development permit being issued.
22. The disclosure statement must include a statement regarding concerns of high fire risk due to high fuel load which may result in the possibility of additional expenses by the land owner for building materials and to provide defensible space. The disclosure must also note that the land owners will be required to comply with the Urban Wildland Interface Code.
23. The applicant shall define all open space areas on the Development Plan and Plat.
24. All lots are required to have individual on site retention ponding.
25. The applicant shall address solid waste removal and septic maintenance in covenants.
26. The applicant shall install a gate at the intersection of Tesuque Ridge Road and Red Ridge Road in order to keep traffic from going west. The applicant shall also install a gate on the property line of the Sanchez property.
27. The applicant shall remove the existing signs on the trail and shall not install any additional signs other than directional signs to be placed no closer than 300 feet apart and no larger than 10 inches by 10 inches and shall show a picture of a hiker.
28. The applicant shall delineate existing and proposed trail easements as a semi-public trail easement on the plat, and there shall be no closing of trails without approval of Santa Fe County.

CHAIRMAN SULLIVAN: Questions of Mr. Dalton?

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COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Did we hear from – what did the Fire Department say?

MR. DALTON: Mr. Chairman, Commissioner Anaya, Buster Patty was at the Tesuque Development Review Committee and he said that being that this fire hydrant system is a draft system and being that there is sprinkler systems in all homes he feels that there is adequate fire protection in this subdivision.

COMMISSIONER ANAYA: So there is sprinkler systems?

MR. DALTON: All homes will be required to have a sprinkler system.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN SULLIVAN: I have one question, Wayne. Correct me if I'm wrong. The variance for the distance, the length of the cul-de-sac has already been approved. Is that correct?

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

CHAIRMAN SULLIVAN: And what the applicant is asking for is they don't want to put one more fire hydrant at the end of that cul-de-sac, is that correct?

MR. DALTON: Mr. Chairman, this variance is to allow three portions of the property, three lots with the furthest buildable portions to exceed 1000-foot spacing from a fire hydrant. There are two fire hydrants on the property. Lots 1, 2, and 6 will exceed the 1000-foot spacing.

CHAIRMAN SULLIVAN: Okay, but if it's a draft system, that means that in order for the sprinklers to work, they have to be connected to a fire truck. Is that correct?

MR. DALTON: in order for the hydrants to work, yes, they do have to be connected to a fire hydrant.

CHAIRMAN SULLIVAN: For the hydrants to work, but does this apply also to the sprinklers in the house?

MR. DALTON: No.

CHAIRMAN SULLIVAN: The sprinklers in the house will have adequate pressure regardless of the fire truck.

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

CHAIRMAN SULLIVAN: Okay, so we have to get the fire – other than the sprinklers, any other damage to vehicles or to the woods or anything would have to be put out by the fire truck. The fire truck has to hook to a fire hydrant in order to provide fire pressure because there's not an overhead tank that's providing that flow.

MR. DALTON: That's correct. The fire truck will actually go and pump water from the 30,000 gallon storage tanks from the hydrant and go and fight any fires, wildfires or fires in the residential area.

CHAIRMAN SULLIVAN: So the whole variance is the cost of three fire hydrants. Is that what it boils down to?

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MR. DALTON: Mr. Chairman, that's -

CHAIRMAN SULLIVAN: Well, maybe Mr. Hoeft can speak to it in a minute. Then I had one other question for Mr. Abeyta. On a similar project the other night that we reviewed and approved, we had the County Hydrologist recommended that the water be limited to .49 acre-feet where it involved guesthouses. And this involves guest houses also. I was concerned with the limitation of .5 acre-feet. Does that permit then the lots to be further subdivided?

MR. ABEYTA: Mr. Chairman, it may, but the difference between this case and the previous one is the zoning is actually in place. The minimum lot size in this area would allow for further division or guest houses whereas in the previous case they were within an area where the minimum lot size would not have allowed guest houses. So it wasn't just a function of water availability but the underlying zoning for the area, and in this case the minimum lot size, and Wayne can correct me if I'm wrong, I believe it's one acre, in the traditional historic of Tesuque. So they have plenty of property if they wanted to have a guesthouse. If they want to redivide those, since they're in the subdivision, they'd have to come back to the Board to do that, to request additional lots.

CHAIRMAN SULLIVAN: So potentially, all of these lots could be subdivided further.

MR. ABEYTA: if the Board were to approve that. The zoning is in place for that. But it could possibly change the type of subdivision and we'd have that whole discussion with the Board. But I don't believe there's any intent for these lots to be further divided but I haven't seen the covenants.

CHAIRMAN SULLIVAN: I don't think it would change the type of subdivision because this is only 12 lots, isn't it, Mr. Dalton?

MR. DALTON: That's correct.

CHAIRMAN SULLIVAN: So even if they subdivided it would be 24 so they'd still be Type III.

MR. ABEYTA: Right.

CHAIRMAN SULLIVAN: So it wouldn't change the type of subdivision but I was just more concerned about the fire flow. Was that potential discussed with the Fire Marshal and what did he have to say?

MR. DALTON: Mr. Chairman, that was, like I say, Buster Patty was at the TDRC meeting and he feels that there is adequate fire protection within the subdivision.

CHAIRMAN SULLIVAN: Okay. Any further questions of staff?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya, then Commissioner Campos.

COMMISSIONER MONTOYA: Mr. Dalton, what was the vote of the TDRC that evening?

MR. DALTON: Mr. Chairman, Commissioner Montoya, it was approved unanimously for the final plat and development plan. I believe it was one of the members

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voted against the variance.

COMMISSIONER MONTOYA: One out of –

MR. DALTON: One out of five.

CHAIRMAN SULLIVAN: I think it was 3-1, it says. One out of four.

MR. DALTON: We had one out of four. Excuse me.

COMMISSIONER MONTOYA: Thanks, Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, a question. There is no written statement from the Fire Department. No letter like we usually get and should have here, as opposed to just John Doe testified he felt it was okay. How come we don't have a letter from the Fire Department?

MR. DALTON: Mr. Chairman, Commissioner Campos, there is a letter that was signed by the Fire Marshal stating that there was adequate fire protection within the subdivision. I didn't include that in the packet but that's part of my file.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Any other questions of staff? Is the applicant here? Or the applicant's representative?

SCOTT HOEFT: Yes, Commissioner Sullivan.

[Duly sworn, Scott Hoeft testified as follows:]

MR. HOEFT: Commissioner, I do not have a formal presentation this evening but I'd like to address some of the questions that have already surfaced. If I could approach.

I just wanted to touch briefly on the issue that you first talked about regarding a fire. The letter there that was confirmed by Buster essentially is saying that no additional fire hydrants put on the site would make a difference in terms of fighting fires. The TDRC had a concern regarding the distance between the 1000 foot and the actual residential unit which varies on those three lots. And Buster indicated that an additional fire hydrant would not make a difference. So I just wanted to first clarify that point. Would you like to ask a question?

CHAIRMAN SULLIVAN: No, I had another issue here.

MR. HOEFT: We have also the initial letter on the fire protection that indicated that if we installed fire sprinkler systems in the residential units, if we had two 30,000 gallon cisterns and if we had – the cul-de-sac having the radius of 42 feet, the Fire Department would approve our fire protection plan, and they did. And I do have a letter that confirms that but I don't have copies for all five, but if you'd like to see that. That is in Wayne's record.

CHAIRMAN SULLIVAN: Commissioner Anaya, do the brush trucks carry their own water or do they pump out of the mobile plastic units?

COMMISSIONER ANAYA: Mr. Chairman, they can carry their own water and then they can get it out of dump tanks which tankers fill.

CHAIRMAN SULLIVAN: Okay. Anything else, Mr. Hoeft.

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MR. HOEFT: Yes, I'd like to talk a little bit about a signage issue that surfaced at the last meeting. Just briefly, and we don't want to make any corrections to the conditions of approval but we'd just like to make a couple of corrections to the record. At the last hearing, one of the committee members brought up the fact that we have already started placing signage on the site regarding the regulation of our semi-public trails. Mr. Walbridge, our engineer and I were unfamiliar with this signs but we later clarified that with the committee member and with the property owner and indicated that indeed no signs regarding the public trails were placed on the site. And in verifying that at a later date with the committee member, it turned out that the sign she saw in question was about 1500 feet away from the subject site on an adjacent parcel of land.

Because she thought that sign was on the subject site, we got two additional conditions placed on there, condition number 27 and 28. We are not going to attempt to remove those conditions. Those are perfectly fine and we will agree with those conditions, but for the public record we would like to indicate that that sign was not on the subject site and we wanted to get off on the right foot here indicating that the developer and the owner have not jumped the gun on this project.

CHAIRMAN SULLIVAN: While you're on that subject, Mr. Hoeft, the other question I had was about the semi-public trail that was brought up during the review meeting. Is there not a requirement as there has been for these other subdivisions that the trails be public?

MR. HOEFT: My understanding is there has not been a requirement that they are public trails. We've indicated that they'll be semi-public trails. The clarification there is simply that if the trails are abused in the future that the owner has the ability to make them non-public. The TDRC had a slight difficulty with that condition and therefore number 28 of your conditions saying that the County has to be notified of any closing of the trails and essentially has to have the approval of this Board before any of those semi-public trails can be closed to the public.

CHAIRMAN SULLIVAN: Excuse me. Mr. Abeyta, is that true that we don't in these master plans have a requirement for public trails?

MR. ABEYTA: Mr. Chairman, it's not a requirement to make the trail public. You do sometimes have a trail requirement or an open space or some type of recreation requirement. But the Code allows that to be private as long as the - the intent of the Code is that it's made for the subdivision itself and there's something for the residents of the subdivision. Sometimes developers propose a public trail to us and we'll bring that forward but there is not a requirement that trails within subdivisions have to be public.

CHAIRMAN SULLIVAN: Is there anything in this subdivision that would block - I'm thinking of the Atalaya Mountain type of issue - that would block public access to other public areas beyond it?

MR. ABEYTA: Mr. Chairman, I'm not familiar enough with the trail system in this area to answer that but we can look into that.

2489351

CHAIRMAN SULLIVAN: Let me just ask Mr. Hoeft. Are you aware of anything like that?

MR. HOEFT: No, I'm not. There's one final point I'd like to address. You brought up, Commissioner Sullivan, a comment of further subdividing the land. I'd like to indicate that the covenants clearly indicate that the property, the individual lots will not further be subdivided. There is one exception to that which is the lot 12, which has been set up as a 28-acre lot because there was an intent to have a purchaser on that lot. We're uncertain if that deal is going to go through. That one has the ability to come down, I think, to maybe four more lots, but the rest of the lots will be regulated by the covenants and the restrictions that each individual owner does not have the ability to further subdivide the property.

CHAIRMAN SULLIVAN: And do we have those covenants, Mr. Abeyta?

MR. ABEYTA: Mr. Chairman, we should have a draft in our file and we would make sure we reviewed those before they got recorded, a final version.

CHAIRMAN SULLIVAN: Should we make that a condition, or is it already a condition?

MR. HOEFT: It's already a condition.

CHAIRMAN SULLIVAN: Could you point me to which number it is?

MR. ABEYTA: Mr. Chairman, there's condition number – there's usually a condition that states that the disclosure statement and covenants are subject to review?

CHAIRMAN SULLIVAN: I mean the condition about no further subdivision.

MR. ABEYTA: Mr. Chairman, I don't believe that's a condition, but the Board can impose conditions on this project that they want. But staff would – again, any redivision would have to come back to the Board anyway and we would look at things like the fire protection system. Can it support additional lots? Does it change the classification of the subdivision? Do they have enough water available? We would do a thorough review before it came to the Board and requested to divide the property further. And we do have a standard condition that requires that the homeowners association bylaws and covenants and disclosure statement be subject to staff review and approval prior to recording the final plat.

CHAIRMAN SULLIVAN: Okay, but the testimony here is, and we can rely upon that is that there will be no further subdivisions, other than lot 12. Is that correct, Mr. Hoeft?

MR. HOEFT: That is correct.

CHAIRMAN SULLIVAN: And lot 12 could ultimately be divided into four lots.

MR. HOEFT: That is correct.

CHAIRMAN SULLIVAN: Is there additional –

MR. HOEFT: That's the end of my presentation. I'll stand for questions.

CHAIRMAN SULLIVAN: Questions from the Commission?

2489352

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Just regarding, I may have missed or just caught the tail end of your question regarding the trails but in our packet in the minutes it did refer to the issue of the trails and it did say that there could be the possibility that these would be restricted. Are these trails on private property then or how would they be restricted? Would it be access?

MR. HOEFT: The owner has a concern about the trails being abused, possibly with pets, with motorized vehicles. The owner has intended that these are to be walking trails that are in conformance with the surrounding trails in the area and in concurrence with what the neighbors' concerns are. So these are equestrian use trails as well as hiking and walking trails. And as long as they're not abused in any way whatsoever, the owner has absolutely no trouble with it. Those are the restrictions that if what you are reading indeed referred to.

COMMISSIONER MONTOYA: So the abuses would be motorized vehicles?

MR. HOEFT: Motorized vehicles or pets, or hiking and camping. If somebody sets up a camp on the trail. That would be one of the restrictions. Now, that's where the concern surfaced is that the TDRC committee member thought she saw a sign on the property related to these restrictions and again, that was not on the subject site.

COMMISSIONER MONTOYA: Oh, it wasn't?

MR. HOEFT: No, it was on a site to the south about 1500 feet away from the subject property and we clarified it with her and she indeed concurred.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Just to add to Commissioner Montoya. So that if the homeowner decided to close the trail to public access, they would have to come before Board and ask us. Is that correct?

MR. ABEYTA: Mr. Chairman, Commissioner Anaya, no. That is not. They would have to work that out with their covenants and the association. And they probably wouldn't be able to restrict it to the residents of that subdivision because it is a requirement that you provide some type of recreation. But again, it's more of an issue that the association would have to deal with and not the County.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Other questions?

MR. HOEFT: May I clarify? I thought Commissioner, that you asked that if the homeowners decide to close the trail that they would have to come back to the BCC. Is that your question? That is correct. That is condition 28 as the TDRC implemented that condition.

COMMISSIONER ANAYA: Okay.

2489353

MR. HOEFT: And the owner is perfectly fine with that condition.

CHAIRMAN SULLIVAN: Other questions of the applicant? Okay, it's a public hearing. Was there anyone in the audience who would like to speak in favor of or in opposition to this final development plan submittal? Seeing none, is there further discussion by the Commission?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Move for approval of TDR Case #S 02-5291 with staff recommendations as noted.

CHAIRMAN SULLIVAN: There's a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Second, Commissioner Anaya. Further discussion?


The motion to approve TDR Case #S 02-5291 with staff conditions passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Thank you for your patience, gentlemen.

ADJOURNMENT

Chairman Sullivan declared this meeting adjourned at approximately 9:10 p.m.

Approved by:




Board of County Commissioners
Jack Sullivan, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:



REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



SANTA FE COUNTY

RESOLUTION 2003 - 22

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on February 11, 2003, did request the following budget adjustment:

Department / Division: All Departments Fund Name: General, Valuation, Road Maintenance, Indigent, EMS Healthcare, Wildlife/Mtns/Trails, GOB Series 2001, and GOB Series - Open Space

Budget Adjustment Type: Budget Transfer Between Funds Fiscal Year: 2003 (July 1, 2002 - June 30, 2003)

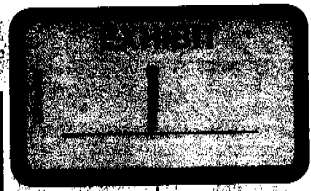
BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT / DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT / OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
203	0000	390	0000	Operating Transfer In / County Assessor	11,256	
204	0611	390	0000	Operating Transfer In / Road Maintenance	25,672	
220	0000	390	0000	Operating Transfer In / Indigent	4,671	
TOTAL (if SUBTOTAL, check here <input checked="" type="checkbox"/>)					41,599	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT / DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT / OBJECT XXXX	CATEGORY / ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
General Fund / Capital Improvements						
101	0303	412	8001	Capital Purchases / Buildings & Structures		440,478
101	0000	490	0100	Operating Transfers Out	103,169	
County Manager Department						
101	0101	412	1021	Salaries & Wages / Exempt Employees	2,928	
101	0101	412	1022	Salaries & Wages / Permanent Employees	1,952	
TOTAL (if SUBTOTAL, check here <input checked="" type="checkbox"/>)					108,049	440,478

Requesting Department Approval: [Signature] Title: Deputy Finance Dir. Date: 2/7/03
 Finance Department Approval: [Signature] Date: 2-11-03 Entered by: _____ Date: _____
 County Manager Approval: [Signature] Date: 2/11/03



2489354

SANTA FE COUNTY

RESOLUTION 2003 - _____

BUDGET ADJUSTMENT CONTINUATION SHEET

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
TOTAL (if SUBTOTAL, check here)						

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
County Sheriff's Office						
101	1201	424	1021	Salary & Wages / Exempt Employees	976	
101	1201	424	1022	Salary & Wages / Permanent Employees	33,160	
101	1201	424	2001	Employee Benefits / FICA - Regular	2,117	
101	1201	424	2002	Employee Benefits / FICA - Medicare	495	
101	1201	424	2003	Employee Benefits / Retirement Contributions	3,941	
101	1201	424	2006	Employee Benefits / Retiree Health Care	269	
County Manager's Office						
101	0102	411	1001	Salary & Wages / Elected Officials	8,448	
101	0102	411	2001	Employee Benefits / FICA - Regular	524	
101	0102	411	2002	Employee Benefits / FICA - Medicare	123	
101	0102	411	2003	Employee Benefits / Retirement Contributions	1,606	
101	0102	411	2006	Employee Benefits / Retiree Health Care	110	
County Assessor's Office						
101	1101	413	1001	Salary & Wages / Elected Officials	6,828	
101	1101	413	2001	Employee Benefits / FICA - Regular	423	
101	1101	413	2002	Employee Benefits / FICA - Medicare	99	
101	1101	413	2003	Employee Benefits / Retirement Contributions	1,298	
101	1101	413	2006	Employee Benefits / Retiree Health Care	89	
County Sheriff's Office						
101	1201	424	1001	Salary & Wages / Elected Officials	7,129	
101	1201	424	2001	Employee Benefits / FICA - Regular	442	
101	1201	424	2002	Employee Benefits / FICA - Medicare	103	
101	1201	424	2003	Employee Benefits / Retirement Contributions	1,976	
101	1201	424	2006	Employee Benefits / Retiree Health Care	93	
TOTAL (if SUBTOTAL, check here)					70,249	

SANTA FE COUNTY

RESOLUTION 2003 - _____

BUDGET ADJUSTMENT CONTINUATION SHEET

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
TOTAL (if SUBTOTAL, check here _____)						

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY/LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
<i>County Sheriff's Office</i>						
101	1301	416	1001	Salary & Wages / Exempt Employees	4,960	
101	1301	416	2001	Employee Benefits / FICA - Regular	308	
101	1301	416	2002	Employee Benefits / FICA - Medicare	72	
101	1301	416	2003	Employee Benefits / Retirement Contributions	943	
101	1301	416	2006	Employee Benefits / Retiree Health Care	64	
TOTAL (if SUBTOTAL, check here _____)					543,647	440,478
NET INCREASE TO EXPENDITURES (\$543,647 Increase Less \$440,478 Decrease)					103,169	

2489356

DRAFT



Jan 30, 2003

SANTA FE COUNTY
Ordinance No. 2003- 2489357

An Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article V, Section 5.2 Master Plan Procedures

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE IS HEREBY AMENDED AS FOLLOWS:

SECTION 5.2.1.c: The master plan submittal will consist of both plans and written reports which will include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan, including water and liquid waste, and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

SECTION 5.2.2.g: Master Plan report which includes the following:

- 1) A general description of the project, existing development of the parcel, location, adjacent properties, acreage, lot coverage, access, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, ~~water, liquid waste~~, solid waste, archaeological sites, fire protection measures, **and any proposed water harvesting techniques;**

(Add)

8) A preliminary water supply plan and liquid waste disposal plan. This analysis will identify one or more sources of water to supply the proposed development, i.e. County or other utility, wells, water rights transfers, point of diversion, etc. The analysis will also include estimated water budget (demand) by phase, total demand at full build-out, including commercial uses, if applicable, and a water conservation plan.

The liquid waste disposal plan will identify one or more methods of addressing liquid waste, i.e. individual septic systems, community treatment system, utilization of county or other

BCC
MP Amendment
February 11, 2003
Page three

EXHIBIT:

2489358

"A" – Ordinance requiring water for first phase

"B" – Ordinance without water requirement

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municipal wastewater system, constructed wetlands, etc. The plan will also address estimated discharge (annual) by phase, and total discharge at full build-out, including commercial uses, if applicable.

9) In addition to the requirements listed above, for all non-residential developments proposing to use more than 1.0 acre ft. of water per year, and all Type I, II, and IV subdivisions, the applicant must submit a water supply plan and water permits as required by Article VII, Section 6 of the Code for the first sustainable phase of development.

SECTION 5.2.4: Master Plan Approval

c. Master Plan approval does not confer a vested development right to the applicant or future assignee, given that said approval is solely predicated on a preliminary determination with respect to viability and conceptual integrity.

PASSED, APPROVED, and ADOPTED this ____ day of ____, 2003, by the Santa Fe County Board of County Commissioners.

PAUL DURAN, CHAIRMAN

ATTEST: _____
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

COUNTY ATTORNEY

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CERTIFICATE OF FILING

I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance No. 2003 - __, was filed in my office on the ___ day of ____, 2003, in book Number ____ at Page ____.

SANTA FE COUNTY CLERK
