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BCC MINUTES
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County Clerk, Santa Fe, NM

SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 12, 2008

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 12, 2008

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:10 a.m. by Chair Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

[None]

V. INVOCATION

An invocation was given by County Clerk Valerie Espinoza.

VI. APPROVAL OF THE AGENDA

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B. Tabled or Withdrawn Items

CHAIRMAN SULLIVAN: Mr. Abeyta, do we have amendments to the agenda?

ROMAN ABEYTA (County Manager): Mr. Chair, we have one amendment which will be on page 2 of the agenda under XII. Staff and Elected Official Items, B. Matters from the County Attorney. We added an item 2, which is a publication of a title and general summary of an emergency interim development ordinance for the Galisteo Basin. And there are no other amendments from staff.

CHAIRMAN SULLIVAN: All right, and we'll hear that right after the executive session, is that the plan?

MR. ABEYTA: Yes, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. All right, are there any amendments from the Board? No? All right.

COMMISSIONER CAMPOS: Move to approve as amended.

CHAIRMAN SULLIVAN: Motion, Commissioner Campos.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Montoya.

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

VII. Approval of Consent Calendar

A. Consent Calendar Withdrawals

CHAIRMAN SULLIVAN: We have two items on the Consent Calendar that I can see. Are there any withdrawals?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Okay, we'll get down to the Consent Calendar in just a minute. If there's no withdrawals there's nothing to do in item VI. B. Commissioner Anaya has moved for approval of the Consent Calendar. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Campos.

Discussion?

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

VIII. Approval of Minutes

A. January 8, 2008

CHAIRMAN SULLIVAN: Are there any corrections or changes to those minutes? I had one - I just want to tell you what it is so you know what it is. In the very last page, page 77, on that particular case on the very bottom, that particular motion there were two in favor and there was one not voting. And it's listed as an abstention and I may have incorrectly characterized it that way. But it was two in favor and one not voting.

COMMISSIONER CAMPOS: Does that make a difference, Mr. Chair?

CHAIRMAN SULLIVAN: I think it does, Commissioner Campos.

COMMISSIONER CAMPOS: I don't have any recollection of that.

COMMISSIONER VIGIL: You weren't here.

COMMISSIONER CAMPOS: I wasn't? On the January 8, 2008 meeting?

Or at that part of meeting?

COMMISSIONER VIGIL: You left earlier.

COMMISSIONER CAMPOS: Okay. I was not here at that part of the meeting.

COMMISSIONER ANAYA: Move to approve as amended.

CHAIRMAN SULLIVAN: So we have a motion as amended. Do we have a second? That motion was by Commissioner Anaya.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Vigil. Discussion?

The motion to approve the January 8th minutes as amended passed by unanimous [5-0] voice vote.

IX. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIRMAN SULLIVAN: As always, these are non-action items. If there's anyone in the audience who would like to speak on an item that is not on the agenda today we'd be glad to hear what you have to say. Seeing none, we'll move on.

X. MATTERS FROM THE COMMISSION

A. Proclamation Commemorating Battle of Glorieta Pass Days (Commissioner Campos)

COMMISSIONER CAMPOS: Thank you, Mr. Chair. The proclamation reads in part:

Whereas, the Battle of Glorieta Pass was a decisive battle of the New Mexico campaign during the American Civil War, fought March 26 through 28, 1862 in northern New Mexico territory of Santa Fe County and San Miguel County, where a group of Colorado volunteers and New Mexico soldiers stood together against the Confederate Army at Apache Canyon, just 13 miles from Santa Fe. This was considered critical because the confederates were aiming to take control of the gold fields in Colorado, which would have provided them with a significant resources.

Mr. Chair, I would move for the adoption of this proclamation.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and second by Commissioner Anaya.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Just one correction. In the very last whereas, it

is our sacred, not scared duty.

CHAIRMAN SULLIVAN: Scared duty?

COMMISSIONER VIGIL: It should be sacred.

COMMISSIONER CAMPOS: Sacred duty.

CHAIRMAN SULLIVAN: Not scared. And of course the County Commission has been very supportive of the efforts that volunteers have been doing to commemorate this decisive battle at Glorieta Pass and some of the money in my discretionary fund has gone towards improving the trails, the interpretive trail that is being constructed now and is just about complete for that. So it's a wonderful commemoration of a very important battle and the description of that battle that's in our packet here is just amazing, just chilling. You almost feel as if you're there.

All right. We have a motion and a second. Thank you for bringing this forward, Commissioner Campos.

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

CHAIRMAN SULLIVAN: Commissioner Anaya, then Commissioner Campos.

COMMISSIONER CAMPOS: I just wanted to add that Mr. Alfonso Sanchez brought this forward. He's here today. I want to thank you, and we do have a proclamation for you that's been signed and now has to be corrected. But I appreciate Commissioner Vigil making the correction, and we want to thank you for bringing this forward, Mr. Sanchez.

ALFONSO SANCHEZ: Well, I'd like to thank the Commission. My name is Alfonso Sanchez. I'm an attorney in Santa Fe. Fifty years I've been lawyering here and got my award so I'm trying to slow down and enjoy and I happen, me and the wife, happen to own the 20 acres of the Battle of March 26, 1862 was fought. Can you imagine 145 years ago. And I have here, I did some research and I brought a article where the newspaper at the time was the Gazette and take over the Gazette. The next day they took over the La Fonda Hotel.

Well, here we are, 145 years ago, and I have here another bit of information, on March 26th, from 32 to 70 confederates were buried and can you imagine they're still today, they're still buried there. On the 28th further on down, 13 miles from here another 27 were buried when they burned to the ground the wagon train of the confederates. A beautiful site and the Civil War Memorial Trust is trying to buy the 20 acres from me and the wife. It's about a mile frontage along I-25. I was trying to get - see if Santa Fe on their open trails monies, if they want to buy it from me and the wife. I just turned 80 and I'd hate for another 145 years to go buy and nobody takes an interest on dead that continue buried there. We haven't found them but there was no railroad at the time, so 20 years later, here comes the railroad. They built the railroad east of Galisteo Creek and then the Old Santa Fe Trail on the east side, it's now I-25 and all the highway stuff that has

transpired from then until today and we have not – they're buried underneath there. But they're men just like you and I, just like they're dying in Iraq. They died over here. The only thing is they're confederates. But in the Emancipation Proclamation President Lincoln, everyone, those that we're living, were forgiven.

Well, here we have 13 miles down, they still continue being buried there. I'd wish, it would be a tremendous – it should be a national monument. What you all talked about, the confederates trying to take the goldfields of not only New Mexico, Colorado and California. Well, but we beat them so soundly there that it is something that Santa Fe should be proud. No one leaves Gettysburg unless you've visited Gettysburg. The tourists here shouldn't leave Santa Fe, and also visit there. It would be a tremendous tourist attraction because the battle started about a mile and half up from the memorial that I presently have, and then the wagon train was buried a mile and a half down. That would keep tourists here for a couple of days. It would be good for the economic – and I don't know whether the Civil War Memorial Trust would be as effective as Santa Fe County or the City of Santa Fe to make it into a beautiful tourist attraction. I've already done quite a bit there, but I don't want to die and let everything that I've known and attempted die.

So that I just finished talking to Mr. Olafson – see if there's any interest. But at any rate I wish to thank you for the proclamation and hope that you can have a tour and see first hand [inaudible] Thank you.

COMMISSIONER CAMPOS: Well, thank you for keeping history alive. We appreciate it very much, and we'll get you this proclamation corrected and we'll get it to you.

CHAIRMAN SULLIVAN: Thank you, Mr. Sanchez, for all of your efforts in that regard. I believe we had a motion. Did we vote on it? We did? Okay. So that motion is passed 5-0.

X. B. Resolution No. 2008-27. A Resolution Designating February as Drug Prevention and Education month in Santa Fe County (Commissioner Montoya)

COMMISSIONER MONTROYA: Thank you, Mr. Chair. On January 30th, Senators Joe Biden and Chuck Grassley introduced a resolution on Capitol Hill designating February 11 through 16 as National Drug Prevention Education Week. National Drug Prevention Education Week encourages parents, youths, schools and communities to carry out prevention and education activities to reduce and stop drug use. The National Institute on Drug Abuse 2007 Monitoring the Future Study showed that while most illicit drugs showed considerable declines in use over the past decade or so, most prescription drugs did not. In fact, a number of them showed steady increases in misuse or abuse, such as sedatives, tranquilizers and narcotic drugs. For example, nearly 6 percent of 12th graders have used over the counter cough and cold medications in the past year for the purpose of

getting high. And one in ten 12th graders has reported non-medical use of the powerful painkiller Vicodin during the past year.

These problems do not simply pose serious health risks but they are also closely linked to low educational achievement and increased risk of illegal activity and crime. So prevention, when particularly done with community anti-drug coalitions works. Comprehensive prevention and intervention strategies are designed to reduce risk and enhance protective factors that can help children at every step along their developmental path from early childhood into young adulthood.

With that, Mr. Chair, I respectfully request the BCC approve this and I move for approval of this resolution.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Okay, that will be Resolution 2008-27. Is there discussion or is there anyone in the audience you want to bring forward, Commissioner Montoya?

COMMISSIONER MONTOYA: No, Mr. Chair. Unless somebody wants to come forward.

CHAIRMAN SULLIVAN: Okay. Certainly appreciate your bringing this forward.

The motion to approve Resolution 2008-27 passed by unanimous [5-0] voice vote.

X. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I'd like to ask if we might bring the affordable housing ordinance up for consideration in terms of taking a look at the possibility of stimulating a little more activity in terms of the - probably the lack of movement that's going on now in the job market - I mean in the housing market and the job market, for that matter. See if we could reconsider it to have some of the incentives that were brought forth to us but have really never been enacted or discussed, I think, by this Board. So I'd just like to ask if we could publish title and general summary so we could consider that, Roman.

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we'll bring forward a caption, either at the end of the month or the first of March for title and general summary.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: And Commissioner Montoya, there is - Duncan Sill has been working on a draft of those incentives.

COMMISSIONER MONTOYA: Oh, has he?

CHAIRMAN SULLIVAN: Yes.

COMMISSIONER MONTOYA: For about a year and a half.

CHAIRMAN SULLIVAN: Something like that. But he just sent me a first draft of it yesterday. And I haven't had a chance to look at it yet.

COMMISSIONER MONTOYA: Oh, okay.

CHAIRMAN SULLIVAN: So it exists and I'm going to meet with him next week and give him my comments and he's going to meet with all the Commissioners and get your comments. So we'll actually have a document that would not so much amend the ordinance as provide the mechanism that's already a part of the ordinance, which permits those incentives.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: Your comment is timely because it's coming.
It's here.

COMMISSIONER MONTOYA: Oh, good. That's news.

CHAIRMAN SULLIVAN: It was to me too. I just got it yesterday.

COMMISSIONER MONTOYA: Oh, good.

CHAIRMAN SULLIVAN: So we're on our way to do that very thing.

COMMISSIONER MONTOYA: Oh, good.

CHAIRMAN SULLIVAN: And I'll have him talk to all of the Commissioners with the draft and everybody get their comments in.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: Then we can bring it up as Roman says.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: What I'm saying is we don't have to wait until a month.

COMMISSIONER MONTOYA: We can do it right away.

CHAIRMAN SULLIVAN: We can start red-lining it right now. Excuse me.
Commissioner Campos go ahead.

COMMISSIONER MONTOYA: I had another -

CHAIRMAN SULLIVAN: Oh, you had another one.

COMMISSIONER CAMPOS: On the same subject.

COMMISSIONER MONTOYA: Oh, on the same subject.

COMMISSIONER CAMPOS: I've asked for that too, Mr. Abeyta and I'm glad it's coming forward because it's timely. I think it's essential for our commitment because this is the easiest way to really provide affordable housing, I think. But I'd like to see the specifics that our chairman is talking about. Thank you.

COMMISSIONER MONTOYA: The only thing I wanted to add is that I've officially filed for my candidacy for the US congressional seat in District 3. I've completed the petition submissions and the other paperwork required. So it's official.

CHAIRMAN SULLIVAN: Good luck.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN SULLIVAN: Okay, matters from the Commission,

Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I got an email from a Mike Lenz and about two years ago I had a meeting with him and we were talking about how the County can be more – how the County Land Use Department can turn permits out faster. I know we've had the discussion, but he sent me an email back and apparently there's been some holdup and he indicates that the holdup is in the Fire Department. So Roman, I would like to ask you if we could somehow try to work on getting permits out faster.

And then one thing I want to add is to try to be more friendly and more business-friendly for not only the people that come and get permits but throughout the whole county. And I guess I'd have to speak to the Commission on this. A lot of other counties in the state of New Mexico are open for business. They're friendly. They want business in their counties. And I think that Santa Fe County needs to do the same. We make it so hard for people to do business in Santa Fe County, I think it's ridiculous. Just to get a permit to build a shed, build a wall, build a home for themselves, takes them six months. And I think that we need to really take a look at this as we go on. Do we want to be hard on those people that are trying to make a living.

I'm glad that Commissioner Montoya wants to bring up the housing ordinance again, because it's probably too difficult for them to go out and build homes. So I don't know how the rest of the Commission feels but I think that everything that we do makes it hard and when it makes it hard then it gets frustrating for them to come to the County. It's already frustrating enough just to find a parking spot here and by the time they get in here, if they don't get their permit it's difficult. So I want to just throw that out and see if we can do something about that. Make it a little more friendly for people to do business in Santa Fe County.

Then I'd like to wish Abraham Lincoln a very happy birthday. I don't know how old he is now, but that's all I had, Mr. Chair.

CHAIRMAN SULLIVAN: He's pretty old. Okay. Thank you.

Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Anaya, I'd like to – if there's something specific, I'd like to have a discussion with you because I've always heard that we have a very friendly department, very positive with the public and they get things done fairly quickly. If you compare how things are done here at the County to how they're done at the City, we do things much quicker, is my impression. But if I'm wrong, I'd like to hear it and I'd like to sit down with you and talk about it.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER ANAYA: You can hand him that. We'll start from there.

We'll start with that letter right there.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have nothing to add at this point.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. I actually want to announce, if Robert Griego or anyone is in the audience who has the specific dates on this, and I see Robert. Senator Nancy Rodriguez Community Center is going to be conducting a health fair this weekend. Is that not correct, Robert? Do you have the details on the date and the time? I think it's going to include our healthcare van. Saturday, 10 to 12 at the Senator Nancy Rodriguez. Do you have that address? I know it's by La Familia, next to our fire station. So I wanted to announce that. And I think they're going to conduct screenings and the standard prevention tests that they usually do, so that would be a good place to get some health screenings done.

I also, Mr. Chair, wanted to announce that I was a participant in a press release that actually I think there has been some information released in the press of a very momentous occasion that has taken about six years to complete, and that is the record of decision for the Buckman Direct Diversion. This record of decision which actually exists and we have an executive summary of it, was brought forth this past week. It does include the description of the federal decision that allows the construction of our Buckman Direct Diversion project. And I think it was a momentous press release. The Mayor was there. The chairman, Rebecca Wurzbarger was there, and Councilor Karen Heldmeyer and myself spoke to that. And I think since then our local newspapers have spoken about it.

A milestone, Mr. Chair, in moving forward with the Buckman Direct Diversion. I felt more in a representative role because Commissioner Harry Montoya, Commissioner Paul Campos and Commissioner Jack Sullivan have been more integral, integrated in the development of making this happen than I have. I just got appointed to the Buckman Direct Diversion, so it's nice to go in there in a winning situation. Thank you for all the work that you have done previously in conjunction with the City to make this happen.

I also wanted to announce that we have had at least one success at the legislature and that is House Memorial 32. That memorial which was sponsored by Representative Nick Salazar, it requests support from the state for the Santa Fe Regional Telecommunications Coalition, which was created to organize primary telecommunications, bandwidth users in the Santa Fe region, with participation from the County, the City, the Community College and the University of New Mexico for the New Mexico lambda rail. This memorial is very specific, just gaining state support on this and it passed unanimously in committee and on the floor. So we have their support in moving forward on lambda rail. And that is it, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you, Commissioner. I didn't see your picture in the paper but I saw the Mayor's and Councilor Wurzbarger's but I know you will do a good job on the Buckman Board this year and they have a lot of work ahead of them. We're happy to see that the ROD has been approved. It's a big step in something like 19 permits they have to get.

COMMISSIONER VIGIL: Right.

COMMISSIONER VIGIL: Right.

CHAIRMAN SULLIVAN: The two things I have for the Commission, one is I just wanted to congratulate Ralph and Cheryl Stumpff who have been recognized for their hard work and dedication with the 4-H's of our area and they've been inducted into the New Mexico 4-H Hall of Fame. They've been active with 4-H for 30 years, long after their children have already grown up and are no longer youth 4-H's, but Ralph and Cheryl, I know them both, are really models for youth leadership in our community here and hopefully, we'll be able to recognize them in our presentations meeting when that comes up. But prior to that I just wanted to say congratulations to Ralph and Cheryl for that award and that honor.

And the only other thing is I wanted to report on the progress of the Rail Runner tax bill. As those in the audience listening may or may not know there is a proposal called House Bill 400 which proposes to set up a transit district comprised of four counties: Santa Fe County, Valencia, Sandoval and Bernalillo, and that a joint election would be held upon the instructions of this Board to generate a 1/8 gross receipts tax, which would generate \$27 million to pay for operating costs of the Rail Runner which DOT estimates are \$19 million. I'm not sure what they'll do with the rest of the money. And that is currently in the Senate, ready to go to the Senate Finance Committee and this Commission has spoken out against that bill and the problem, among other things, with the bill is that it creates a situation where the Bernalillo County voters will in essence determine the taxation of Santa Fe County voters. We do have a transit district in just at last Friday's meeting I understand that they passed a resolution to implement - to begin the process to implement a 1/8 gross receipts tax which they are empowered to request of the county, and I expect that we'll see that coming forward also, so I feel we have a mechanism to deal with the issues of the Rail Runner in our current Regional Transit District, but it seems to be a mechanism that the state administration wants to deal with the operational costs, which prior to this we had been told would be funded by the state. And now that has changed.

So that is now at the Senate level and those who would like to contact your Senators before Thursday, which is the end of the session, it would be a good idea to do so and express your opinion on House Bill 400.

Those are the two items that I have, and I think that should take care of matters from the Commission.

COMMISSIONER MONTROYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTROYA: I neglected to just mention one other thing and that's that the County Manager, Roman, myself and Hutch Miller have been meeting with the Pueblos, continue to meet with the Pueblos. We've met with three of them so far and just wanted to report that they're all very pleased and one of the lieutenant governors yesterday in Tesuque made the comment that it's really good to be able to sit down and talk government to government and this just keeps getting better and better. So just so that you know that efforts from the staff are definitely putting us in good light with our Pueblo

CHAIRMAN SULLIVAN: That's good to hear and that was an interesting sidelight to this House Bill 400 was that one of the amendments that was brought forward to it was to make the Pueblo representatives or a representative from each Pueblo voting members of this district as opposed to just non-voting members. I don't know if that will last through the process of the bill, but it passed the Senate Judiciary Committee last night. So that adds an interesting wrinkle to the district, because there's a lot of Pueblos in those four counties. I'm going to say there's eight, but that may not be right. I think it's eight.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: So whether that will survive, I'm not sure.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I just wanted to report to Roman how appreciative I've been about staff getting to the legislature and supporting both our legislative delegation and testifying on behalf of the bills. Robert Griego was quite successful. I think this was his baptism by fire over there. Duncan Sill has been over there supporting affordable housing and available to respond to those. Even the Clerk's office has had quite a few representatives over there on some of the voter bills that have been prioritized by the Association of Counties. Doug Sayre's been there to testify. All of the staff that's made themselves available to assist our County in pushing forth an agenda to improve not only the County but many of these are statewide initiatives. I really appreciate it, Roman and I hope that through the Manager's office we continue to support the initiative of the expertise of our staff at the legislature.

CHAIRMAN SULLIVAN: All right. Thank you, Commissioner.

XI. CONSENT CALENDAR

A. Findings of Fact

1. **AFDRC APP # 07-5110 Lisa Griego Appeal** – Lisa Griego, Appellant, Appealed the Land use Administrator's Decision to Deny a Home Occupation Business License for Operation of a Contract Painting Business on Residential Property Consisting of 0.9 Acres. The Property is Located at 2253 ANB Lane Off of Agua Fria St., within Section 31, Township 17 North, Range 9 East, (2 Mile EZ District) (Denied 5-0)
2. **CDRC Case # Z 06-5030 Village at Galisteo Basin Preserve Master Plan** – Commonweal Conservancy Inc., Applicant, Ted Harrison, Agent Request Master Plan zoning Approval for a Mixed Use Development Consisting of 965 Residential Units, Up to 150,000 Sq. Ft. of Commercial, Institutional, Educational and Recreational space as Well as Open Space, Parks, and Trails on 10, 316 Acres. The Property is Located South of Eldorado, West off Of US 285, within Sections 1,3-5, 7-15, 17,20-24, and 27 within Township 14 North, Range 9 East; Sections 5-7 and 18 within Township 14 North, Range 10 East;

Sections 25 and 34-36, within Township 15 North, range 9 East; and Sections 30 and 31, within Township 15 North, Range 10 East (Commission District 3) (Approved 4-1)

[For action on the Consent Calendar see page 2.]

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Matters from the County Manager

1. Update on Various Issues

MR. ABEYTA: Mr. Chair, the only thing I wanted to do was thank the Commission for their participation in our mid-year budget study session we had last week. We're going to get ready to start our planning for the 09 fiscal year budget. So that will be starting now in February. And also we had a really good study session with the Commission in regards to our growth management plan. We've talked about water and wastewater and we have a pretty aggressive schedule to get a plan in place so I will be coordinating with the chair for further study sessions over the next couple of months. And that's all I had, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you Mr. Abeyta. Thanks to the staff for the last study session, not only its content but its length was just what we needed during the middle of the legislative session.

XII. B. Matters from the County Attorney

1. Executive Session

a. Discussion of Pending or Threatened Litigation

c. Discussion of the Purchase, Acquisition or Disposal of Real Property Or Water Rights

CHAIRMAN SULLIVAN: Do you have an estimate of how long we'll need in executive session?

MR. ROSS: My guess would be an hour to an hour and a half.

CHAIRMAN SULLIVAN: An hour to an hour and a half. All right. So as a guesstimate to the audience, we're looking at perhaps 5:00 to 5:15 when we return from executive session, at which point we'll continue on in the agenda with item B. 2, which publication of title and general summary of the emergency interim development ordinance. Okay, can I have a motion to go into executive session?

COMMISSIONER VIGIL: So moved, that we go into executive session for the purposes as stated by our attorney.

COMMISSIONER ANAYA: Second.

The motion to go into executive passed by unanimous [5-0] roll call vote with

Commissioners Anaya, Campos, Montoya, Vigil and Sullivan all voting in the affirmative.

[The Commission met in executive session from 3:46 to 5:40.]

CHAIRMAN SULLIVAN: I'd like to call the meeting back to order. We'd like to have a motion please to come out of executive session where we discussed only item XII. B. 1. a, pending or threatened litigation.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Motion and second by Commissioner Vigil.

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

- XII. B. 2. Publication of Title and General Summary of an Emergency Interim Development Ordinance for a Twelve-Month Period Prohibiting Development Approvals for Zoning And Subdivision Maps, Grading, and Building Permits, Non-Conforming Uses, Special and Conditional Uses and Exceptions, Use and Area Variances for Oil, Gas, and Geo-Thermal Grading, Drilling and Extraction within the Galisteo Basin Commencing on February 28, 2008, and Terminating on December 27, 2008, and Providing for an Extension to June 28, 2009 if Required in the Legislative Discretion of the Board of County Commissioners, until the Adoption of a General Plan Amendment, a Galisteo Basin Area Plan A Capital Improvement and Public Services Program, Creation of a Special Improvement District for the Galisteo Basin and for Amendments to the Land Development Code, Addressing and Resolving the Health, Safety, Cultural-Historical Archaeological, Fiscal, Economic, Planning, Infrastructure and Services, Groundwater Aquifer, Environmental and Public Nuisance Impacts of Such Grading Drilling and Extraction**

CHAIRMAN SULLIVAN: Mr. Ross, if you'd start this one off.

MR. ROSS: Mr. Chair, thank you. As you know the Board's moratorium on oil and gas development expires later this month on the 28th. We have a meeting scheduled for the 26th so obviously it's time to consider what we should do with respect to that issue. So in front of you - it's not in front of you; I have it in my hand here, is the proposed ordinance that is called an interim development ordinance. Here to explain the

ordinance is an attorney that's been hired by the County to work with these oil and gas issues, Mr. Bob Freilich. While he explains the terms of this proposed ordinance I'll hand it out to you. *[Exhibit 1]*

BOB FREILICH: Thank you very much. I want to thank the County for asking me to review the existing three-month moratorium and to analyze what is needed for the County and come up with recommendations. And I have done so in the form of a new ordinance that is before you. We're calling it an emergency interim development ordinance, and it is for a 12-month period, commencing with February 26, 2008 until February 28, 2009. The purpose is to produce four products that would part of the overall planning: environmental planning, fiscal, economic, historical, cultural process of determining what should be done within the Galisteo Basin with regard to any drilling or excavation for oil, gas or geothermal activities.

The ordinance essentially prohibits development approvals for zoning or subdivision maps, grading and building permits, non-conforming uses, special uses, conditional uses, special exceptions, use in the area of variances for oil, gas and geothermal grading, drilling and extraction within the basin for that one-year period. Now the purpose of this study is two things that are brought to the attention, I'm bringing to the attention of the Board of County Commissioners. First of all, I've been involved in the development or these interim ordinances now for some 35 years. Have litigated many of them including the major case in Lake Tahoe, in Minnesota, in various places - Florida, around the country, on interim ordinances.

Also, I've prepared general plans, growth management plans, for over 250 cities and counties nationwide, from San Diego, Portland, Seattle, to Florida to Virginia, Maryland and everything in between. I've actually worked in the state of New Mexico for the City of Albuquerque, the City of Los Alamos and basically for the City of Santa Fe years ago.

Let me just basically state that the purpose of the ordinance is to produce studies that will, number one, build on the state study that is currently underway. People in the audience may not be aware of the fact that the Governor issued a five-month moratorium which runs until June 24, 2008 for the purpose of studying the Galisteo Basin with regard to oil and gas drilling to analyze environmental, archeological, cultural and other economic impacts that might occur from drilling in that basin. Accordingly, the Governor placed a moratorium on the issuance of all state permitting for that period of time and invited the cooperation of Santa Fe County, tribal governments, regional governments, the City and others to be involved in a process to work with the state.

So we are building, number one, this ordinance upon the state plan. The executive agency departments of the state will report by June 24, 2008 with recommendations. Those recommendations will also be received by the County, by consultants and by myself as the legal consultant to this project, and we'll essentially - we'll review what the state has done and in addition move forward to develop five major products for the County.

The first one will be the adoption of a new general plan amendment that will deal

with the question of the location and the timing and the sequencing, the environmental and other aspects of oil and gas drilling throughout the Galisteo Basin and generally throughout the unincorporated area of the county. I want to point out that the current general plan does not have sufficient findings, goals, objectives, policies or strategies to deal with myriad issues that develop from the prospect of oil and gas drilling and other uses, including residential sprawl and other issues in the county. There's no - basically, there's no fiscal analysis or goals and objectives in the plan. There's no capital infrastructure improvement and public service plan. There is no methodology for dealing with how those improvements and services will be financed. We're talking about significant police and fire and road facilities and emergency and health and other facilities as well as the kind of engineering and environmental analysis of aquifers and water supply and so forth that is critical for the control and the monitoring of gas and oil and geothermal production in the county.

Secondly, there's a need to have an area plan for the Galisteo area Basin to make sure that the specific locations of uses and the availability of public facilities and services and a long-term capital improvement program are developed for the basin.

Fourth is the question of creating a special improvement district for the Galisteo area Basin to essentially provide for the funding of services and infrastructure for the capital improvement program and to carry out the goals and objectives of the general plan amendments and the Galisteo Basin Plan amendments.

And lastly will be addressed land development code provisions that will deal with health, safety, cultural, historical, archeological, fiscal, economic planning infrastructure and services, groundwater aquifers, environmental and public nuisance impacts of such grading, drilling and extraction. I want to make it very clear that the draft of this thing, one of the purposes of an interim ordinance is to allow for complete public discussion of these alternatives and as these alternatives are fleshed out, comments, workshops, various proceedings, so that every stakeholder is entitled to be present, that is those people who own mineral estates in the basin, those people who own the surface estates, those neighbors who are fearsome of impacts upon their properties, the County itself, the City, tribal interests, federal lands, state lands, all of those will be involved in a complete, open, public discussion of this process. And that's why an interim ordinance is really necessary to prevent the establishment of new uses or non-conforming uses during this period until those planning documents, capital improvement programs, assessment district and Land Development Code provisions are received.

Essentially, the work will, we hope, will bring sufficient information to have draft alternative proposals before the public in the fall of this year. We have not - we did not provide for a deadline date of December 31, which is the outgoing term of several Commissioners because we feel that that might be too close a target date to really have the kind of discussion and consultant input through this process.

So we have provided that for a 12-month period that runs until February 26, 2009, and there's also a provision for an extension for no more than six months at the legislative

discretion of the Board of County Commissioners. I will point out that the County is also advised that it will be retaining planning, fiscal, environmental and engineering consultants to help them with the study, and of course the state itself has many of those consultants and will be dealing with those interests.

I want to make it very clear to everybody that there is no definitive concept of what this means in terms of the standards and conditions. Nothing has been writ on the wall. There's no clear, ordained, permanent ordinance or plan. It is open. I suggest we will be working very closely with landowners and with all the different interests – utilities, water providers, the state, federal, tribal interests and the City to basically make sure that everybody's input into this process is fully received and I commend the Board of Commissioners for accepting and believing in that kind of a process to deal with this issue.

I think that we all know that the three-month moratorium plan that was basically developed, which would have called for a permanent ordinance by February 26th of this year was impossible to really carry out in the sense that a permanent ordinance with the kinds of standards we're talking about – not just the grading, excavation, the concept of how oil and gas can properly be done in terms of the health and safety of the particular operation itself but the impacts upon the basin, upon property owners, upon the County – fiscal, environmental, cultural and the various other interests are fully carried out.

There will be a map that will be attached to this ordinance that essentially will define the boundaries of the basin. I do point out that in the event that other oil and gas applications or other proposals to develop oil, gas or geothermal come into the county during this period, there is authority under this ordinance to extend the boundaries of the map to cover such additional basins or areas.

With that, I think that's sufficient and I look forward to working with the County and with your consultants. I want to commend basically – I had meetings earlier this month and in January with the County Manager, the County Attorney, the Deputy County Attorney, your department heads and others and I must say that I was very pleased that they decided to ask me to work on this, and I pledge you that the County will be my client. I will be very attentive to the needs of the County and its citizens and basically hope that this will be a very productive process for the County. I must say I think this will lay the groundwork for – I've reviewed the six-month study so far for the growth management element of the general plan. I think this will help the County in coming to an earlier conclusion on growth management goals, objectives and policies for the general plan. I think we'll be able to integrate much of what they have done, but also add much that they will then be able to usefully consider.

I think that this is going to benefit the County enormously in terms of knowing what the costs of growth and the costs of sprawl are, what it costs to provide services, infrastructure and so forth, and an equitable, efficient mechanism for funding those services in the future. I think we'll have new environmental and water availability studies to deal with the issues that the County faces. So I really believe that this is moving you forward into a 21st century plan and Land Development Code and program, and I commend

you for having the foresight to propose that as we go along. So thank you again very much and I'll be happy to answer any of your questions.

CHAIRMAN SULLIVAN: Thank you, Mr. Freilich. Are there any questions or comments from the Board?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: First I want to thank Steve Ross and Roman for all the work that you've done up to this point in terms of putting together the ordinance that we have and then now, in terms of the assistance and welcome to Santa Fe County, Bob. Glad to have you on board. I think this is certainly something that we needed to do in terms of at least taking a look at what is going to be the best in terms of an ordinance that we're going to have for a long time on the books. Certainly I think taking the time to do it and do it in a manner that it's going to have a lot of areas of concern that the residents in that area and other people have brought up on terms of the - everything that we're looking at in addition to what some of the Governor has asked us to take a look at also.

I'm hopeful that a year from now or a little over a year from now that this will be in place and if not at least we've delineated a process of what is going to get us to that end point of what's going to be an excellent ordinance. So I'm really looking forward to that. And Mr. Chair, with that I would move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Okay. Now we have a motion for approval of title and general summary. Seconded by Commissioner Vigil. Just for those who are interested, we will get a copy of this, which we've just received, onto the website so that anyone who is interested can take a look at the detail of this title and general summary ordinance. It is six pages in length. The County Commission meeting on February 26 this ordinance will be heard and we will take public testimony at that time with regard to that ordinance. This is only what we term the publication of title and general summary, which means this gives the public an idea of what the ordinance is about and a general draft view of it and time to digest it and at our next meeting in two weeks comments can be made in favor of or in opposition to that ordinance. So we have a motion and a second. Is there discussion? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Ross, is that a sufficient motion, or should we detail that this is an emergency interim development ordinance for a 12-month period, etc.? How much detail?

MR. ROSS: Mr. Chair, Commissioner Campos, the motion was to adopt the item.

COMMISSIONER CAMPOS: It was general. Move to adopt.

MR. ROSS: As long as we're adopting this item, XII. B. 2 with the caption as set out in the agenda, I think we're okay. One of the things that I noticed when we were reviewing this earlier today is there are few typos in the caption. Mr. Freilich has pointed

out that the proposed term of the ordinance is one year and the caption indicates that it might be less than that but if the motion is to adopt the caption as amended through the discussion of Mr. Freilich I think it's adequate.

CHAIRMAN SULLIVAN: Is that the intent of the maker?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Seconder?

COMMISSIONER VIGIL: Yes.

CHAIRMAN SULLIVAN: There's a few dates that are inconsistent there.

So we now have a motion that would relate to the amended ordinance, which would commence on February 26, 2008 and terminate February 26, 2009, providing for an extension to August 26, 2009, if required at the legislative discretion of the Board of County Commissioners. That's in part the title. So with that, other discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I too also wanted to thank staff for working on the ordinance and staff's staff. And also the public for sending in their comments that got us to this point. I think that it's okay to take two steps back and then take another step in the right direction and we are doing that, I believe, and I want to welcome Dr. Bob Freilich for being here and for helping us out on this issue. So thanks again. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner.

The motion to authorize publication of title and general summary passed by unanimous [5-0] voice vote.

XIII. PUBLIC HEARINGS

A. Growth Management Department

CHAIRMAN SULLIVAN: We have one change that we'd like to do. We'll move to our public hearings. Thank you for your patience, those in the audience. We'd like to do item A. 3 first, which is a reconsideration of the Diamante Lumber and Beam Mill Variance.

Before we turn that over to staff I just want to explain that this is a reconsideration. The testimony has been taken on this case, which is CDRC Case #V 07-5090, and there was a tie vote at the time so it is being brought back under our rules of procedure for reconsideration.

3. **CDRC Case #V 07-5090 Diamante Lumber and Beam Mill Variance** – Julie Garcia and Aaron Rosas, Applicants, are Requesting a Variance of Article III, Section 3 (Home Occupations) to Allow a Small Scale Lumber Mill as a Home Occupation. The Property is Located at 108 Canada Village Road (SFC Road

67A), within Section 26, Township 16 North, Range 10 East (Commission District 4) (FOR VOTE ONLY) Vicente Archuleta, Case Planner

CHAIRMAN SULLIVAN: Are there persons in the audience who are here who are interested in this case? If so would you raise your hand? [Approximately 25 people raised their hands.] Okay. Just to give me a sense of things, those who are here who are in favor of this variance being granted, would you raise your hand? [Approximately 25 people raised their hands.] Thank you, you can put them down. Those who are here this evening who are in opposition to this variance being granted, would you raise your hands please. [No one raised their hands.] All right. Thank you. Just wanted to get a sense there. Who's going to take this?

SHELLEY COBAU (Review Director): Mr. Chair, Vicente Archuleta can reread the staff report for you if you want to review it.

CHAIRMAN SULLIVAN: I understand that one of the issues that was paramount in the initial case has now been resolved, having to do with the road, or is close to resolution, having to do with the road. And Vicente, could you give us a background on that? I don't think, Shelley, that we need to go back through the entire staff presentation.

VICENTE ARCHULETA: Thank you, Mr. Chair. It's my understanding that the Public Works Department, Robert Martinez, met with the family and they've come to an agreement on the road. But I believe Steve Ross has more information on that than what we do. That was something that we were not involved with.

CHAIRMAN SULLIVAN: Okay. So there is some potential movement on the -

MR. ARCHULETA: I believe that they came to an agreement. Maybe one of the family members can verify that.

CHAIRMAN SULLIVAN: Okay. So if the Board wanted to act favorably on this ordinance would it be appropriate to include that as a condition, or is it already a condition?

MR. ARCHULETA: Mr. Chair, that condition was actually in the minutes of the last meeting, I think. That condition was - somebody made a motion to remove that condition as far as the road issue went.

CHAIRMAN SULLIVAN: Okay. So the motion last time was tied with the removal of that and I think it was condition 7, wasn't it?

MR. ARCHULETA: That's correct.

CHAIRMAN SULLIVAN: So that based on the progress it might be useful to consider leaving that condition in if the Board wanted to grant the variance.

MR. ARCHULETA: Mr. Chair, I believe that condition, if we decide - if we leave that in, it should be instead of a 50-foot right-of-way width, I believe that was agreed upon as a 30-foot wide.

CHAIRMAN SULLIVAN: Thirty-foot?

MR. ARCHULETA: Yes.

CHAIRMAN SULLIVAN: Okay.

MR. ARCHULETA: And I believe that's what Public Works and the Garcia family had agreed upon.

CHAIRMAN SULLIVAN: Okay, so then you're referring to condition #7 and the change would be -

MR. ARCHULETA: And it's not on our staff report. That, like I say, it was made - someone, I believe had recommended that it be removed.

CHAIRMAN SULLIVAN: Right. I think that was part of the motion that eventually tied.

MR. ARCHULETA: Right.

CHAIRMAN SULLIVAN: I don't think the conditions are in our packet, are they?

MR. ARCHULETA: They're on page 3 of the report. I can re-read the condition. It's in the minutes. Condition #7 read, Ongoing issues with the Santa Fe County Road 67-A must be addressed with Santa Fe County Public Works Department. This includes dedication of 800 linear feet of a 50-foot wide right-of-way on the subject parcel and remaining tracts to the east to facilitate ongoing maintenance and emergency services. Issues associated with the lumber operation and other parcels on Santa Fe County Road 67-A. But like I say, I believe that was removed at the last meeting. If you prefer we could change that to a 30-foot.

CHAIRMAN SULLIVAN: To a 30-foot. Okay. Let me just ask, is there anyone representing the applicant? Who's the applicant here? Okay. Is that condition now acceptable

JULIE GARCIA: Yes.

CHAIRMAN SULLIVAN: Okay. Why don't you come forward here and just speak into the microphone so we can get that recorded. Thanks for being patient on us here.

MS. GARCIA: [inaudible]

CHAIRMAN SULLIVAN: This is a reconsideration. Would you give your name to the -

MS. GARCIA: Julie Garcia.

CHAIRMAN SULLIVAN: And you spoke before I believe.

MS. GARCIA: Yes.

CHAIRMAN SULLIVAN: So you've been sworn in. You're still sworn in.

MS. GARCIA: Okay.

CHAIRMAN SULLIVAN: So my question was there's been some negotiations and it appears that this condition was perhaps a modification from 50 down to 30 feet.

MS. GARCIA: Correct. Yes.

CHAIRMAN SULLIVAN: Would that be - is that acceptable as a condition?

MS. GARCIA: Yes, they've made an agreement now to do 30 feet instead of the 50 feet.

CHAIRMAN SULLIVAN: Okay. That's all I need.

MS. GARCIA: Okay.

CHAIRMAN SULLIVAN: Thank you very much. I appreciate it.

COMMISSIONER MONTOYA: Mr. Chair, I move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: There's a motion for approval, and is that with conditions, including condition 7?

COMMISSIONER MONTOYA: The conditions that are in our packet.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER CAMPOS: Is that one through six?

COMMISSIONER MONTOYA: One through six.

CHAIRMAN SULLIVAN: One through six or one through seven.

COMMISSIONER MONTOYA: One through six.

CHAIRMAN SULLIVAN: Wait a minute.

COMMISSIONER MONTOYA: I only have six.

COMMISSIONER CAMPOS: They were discussing a seventh and the applicant agreed to a seventh, I believe.

CHAIRMAN SULLIVAN: I don't have it in my packet.

COMMISSIONER MONTOYA: That wasn't my understanding. Staff's recommendation is for what's in our packet right here.

CHAIRMAN SULLIVAN: Oh, those six, yes. Okay, but the original - this is a reconsideration of the original application which had a seventh condition.

MR. ARCHULETA: that's correct.

CHAIRMAN SULLIVAN: And the seventh condition was a resolution of the road access issue.

MR. ARCHULETA: Mr. Chair, I believe that condition #7 was - we were directed to remove that condition by Steve Ross, since they had agreed upon the road issue. So I believe that our six -

CHAIRMAN SULLIVAN: Are good enough.

MR. ARCHULETA: Are the conditions that we're recommending.

CHAIRMAN SULLIVAN: Okay, so we don't need to include those because we've heard from the applicant that they're in agreement with that.

MR. ARCHULETA: That's correct.

CHAIRMAN SULLIVAN: Okay. Is that correct, Mr. Ross. Mr. Ross is shaking his head yes. Okay. All right. So we're back to your motion, Commissioner Montoya. So that's -

COMMISSIONER MONTOYA: That's my motion.

CHAIRMAN SULLIVAN: Your motion is for the conditions one through six.

COMMISSIONER ANAYA: That's my second.

CHAIRMAN SULLIVAN: And that's -

COMMISSIONER CAMPOS: Granting the variance with conditions one through six.

CHAIRMAN SULLIVAN: Granting the variance with condition six. We've heard from the applicant that we have the road issue resolved based on a 30-foot right-of-way. Okay. Is there further discussion?

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

CHAIRMAN SULLIVAN: Thank you for being here and we appreciate your patience and your help in resolving this ticklish issue. Okay. Commissioner Campos, I need to excuse myself.

[Chairman Sullivan left the meeting.]

XIII. A. 1. Ordinance 2008-1. Ordinance Approving the Issuance of Santa Fe County Education Facilities Revenue Bonds, Series 2008A & 2008B in an Aggregate Amount of (\$12,000,000) and Documents Related to the Bonds

COMMISSIONER CAMPOS: Who will take the lead from staff?

SUE HERRMANN (Assistant Attorney): Mr. Chair, I think that Mr. Franklin will be taking the lead for the County Attorney's office.

PETER FRANKLIN (Bond Counsel): Good evening, Mr. Chair and Commissioners, I'm Peter Franklin, Modrell Sperling. We're bond counsel to Santa Fe County. Before you tonight is an action item on a bond ordinance approving two series of educational facilities revenue bonds under the Industrial Revenue Bond Statute. The agenda items states that the bonds are to be issued in an aggregate amount of \$12 million. I have revised forms of the ordinance which actually drop that amount down to \$10,395,000 which I will pass out with the permission of the chairman. *[Exhibit 2]*

Mr. Chair and Commissioners, the only change to this ordinance from the version placed on file with the Commission last week is that the conduit borrower, in this case the Archdiocese of Santa Fe, is actually able to borrow somewhat less money than was initially expected and so we've changed the debt service schedules on page 8 and page 9, just to reflect those lower amounts. And I have here with me representatives of the Archdiocese and Paul Cassidy who is acting as financial advisor to the Archdiocese. What I thought I would do is run quickly through the ordinance and what it does, and if you have specific questions that I can't answer I thought I would turn it over to those folks.

As I mentioned, the bond ordinance approves two series of bonds, a tax-exempt Series 2008A in an aggregate principal amount of \$7,400,000, and a second taxable Series 2008B in the aggregate principal amount of \$2,965,000. The ordinance approves forms of

bond documents to carry out this transaction, namely an indenture for the A bonds and an indenture for the B bonds, a lease agreement between the County and the Archdiocese by which the Archdiocese will transfer bare legal title to the Santo Nino School, which is being financed with this transaction, and the County will then lease back the school to the Archdiocese for the period during which the bonds are outstanding, which is 20 years.

And the bonds, under the form of transaction that's authorized under the Industrial Revenue Bond Statute, the bonds are then paid with the rents payable under the lease to the County. Now the County doesn't actually collect those rents. What these trust indentures do is assign the County's right in the lease to a trustee bank and then the Archdiocese makes the rent payments to the bank and the bank, acting on behalf of the bondholders makes sure that the bonds are paid, the debt service on the bonds are paid at the times when those payments are due.

So basically the County is not in a position where it needs to collect rent or really have any responsibility for the operation of the school, the upkeep of the property or any of those things. All those obligations are solely the Archdiocese's obligations. It's important to note in this transaction that the Archdiocese is also pledging additional collateral to secure the bonds. It's basically pledging its general funds and assets with some exceptions for the benefit of the bondholders. Those payments again, don't run through the County; they go straight to the trustee bank. So the County is not pledging any of its own funds. There are no public funds going from the County for the benefit of the Archdiocese and that may go some distance towards answering anyone's questions about whether this creates sort of an entanglement between the church and government. I'm happy to explore that with you; we've done a lot of research on that and we're comfortable there is not a problem there.

The ordinance also approves forms of a private placement agreement for the 2008A bonds, and a bond purchase agreement with First Community Bank of Albuquerque for the 2008B bonds. So basically none of those documents will be signed this evening. The ordinance approves the forms of those documents and as those documents are completed at the closing of the transaction they'll be signed at that point and delivered.

Those are basically - that's my presentation. I'm happy to answer any questions you may have.

COMMISSIONER CAMPOS: Questions for Mr. Franklin.

COMMISSIONER VIGIL: I have a question in terms of do we take action on this tonight, or do we have to have another hearing?

COMMISSIONER CAMPOS: No, tonight we're going to vote on the ordinance.

MR. FRANKLIN: That's correct.

COMMISSIONER VIGIL: Okay. I have no questions, Mr. Chair.

COMMISSIONER CAMPOS: Commissioner Anaya. Is there a motion to adopt this ordinance?

COMMISSIONER ANAYA: So moved.

COMMISSIONER VIGIL: Seconded.

COMMISSIONER CAMPOS: And this is authorizing the issuance and sale of the bonds.

The motion to approve Ordinance 2008-1 passed by unanimous [3-0] roll call vote with Commissioners Anaya, Vigil and Campos all voting in the affirmative. [Commissioners Sullivan and Montoya were not present for this action.]

XII. A. 2. Ordinance 2008-__ . An Ordinance amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code, Ordinance 1996-10, As Amended, to Add a New Section 12, Pojoaque Valley Traditional Community district (1st Public Hearing) (Growth Management Department)

JACK KOLKMEYER (Land Use Administrator): Mr. Chair, Renee Villareal will make the presentation this evening. Thank you.

COMMISSIONER CAMPOS: Ms. Villareal, how are you today?

RENEE VILLAREAL (Planner): Good evening, Mr. Chair, Commissioners. My name is Renee Villareal. I'm a community planner in the Growth Management Department. As we wait for the screen to come up with the presentation, I just wanted to thank the people that are here from Pojoaque to hear us. They always are diligent about trying to make our public hearings. Again, this is the presentation. It's the first public hearing of two and it will – the ultimate goal will be to get the final approval from the Board for the Pojoaque Valley Traditional Community District Ordinance. I will be presenting some background information and then go on to the key points of the ordinance.

As you recall, the community strategic plan was unanimously adopted on August 14, 2007 via Resolution 2007-120. The plan amended the County Growth Management Plan for the Pojoaque Valley and it will serve as a guide for the future community development and land use in the Pojoaque Valley. With the Pojoaque Valley Traditional Community District Ordinance, the ordinance actions and policies outlined in the plan will be implemented and codified. I just want to point out that we did a lot of public outreach and input with this section with the ordinance. We got the Pojoaque Valley Planning Committee approval in December. There was a community-wide mail-out notification to all property owners about one and a half weeks prior to this first public hearing. The public hearing announcement – there was a public hearing announcement placed in the Pojoaque edition of the *New Mexican*. The ordinance and maps were provided on the County website for public review. In addition, hard copies of the ordinance were provided at the County northern office in Cuyamungue.

The district ordinance has been reviewed by the County planning staff and legal staff and it was unanimously approved by the County Development Review Committee on December 20, 2007. With the ordinance the planning boundary is now called the Pojoaque Valley Traditional Community or PVTC district, and it's made up of two zoning subdistricts - the Pojoaque Valley Traditional Residential and the Pojoaque Valley Tradition Mixed Use. As you see on the map in the turquoise the Pojoaque Valley Traditional Residential is indicated in turquoise and the Pojoaque Valley Traditional Mixed use is indicated in red.

Just quickly to go through the outline. In your packet material for the ordinance there's a PVTC land use table. The density and dimensional table is included. There's a section that's supplemental use regulations that include non-residential standards, home businesses, the rural community character, water and wastewater. The next section is mixed-use zoning subdistricts that outline the performance standards and also the locations. In addition there's a section on community notice and procedural requirements which includes posting and pre-application review.

[Commissioner Vigil left the meeting.]

The next section is a local development review that discusses the community planning role and the selection and appointment of the LDRC. We also included the ordinance map and also a legal description of the PVTC district boundaries.

To quickly go over the key concepts of the ordinance, some of them that you may take note. We used the format of the County Code rewrite which simplifies merging the ordinance with the Code rewrite which is still being worked on. It also includes a land use table that identifies the appropriate uses for the valley. It outlines permitted uses, conditional uses, special uses and uses that are not allowed. We also have an area that discusses the mixed-use zoning subdistricts that allow for a variety of uses in the designated areas and just to let you know, these subdistricts supercede the original Pojoaque non-residential district node, and they have been created in areas that are accessible from main roads and where commercial use already exists.

In addition, it will be required with this ordinance that all new non-residential structures are limited to a maximum of 20,000 square feet. In addition, home businesses as outlined in the ordinance are allowed the PVTC district as a conditional use and home occupations will continue to be allowed under the current Code.

We also have in the ordinance a section that talks about property divisions that will be required, that the facilities are in compliance with all NMED regulations. There's an improved notice and community review procedure section for new subdivisions and non-residential development. In addition, we discussed an expanded role for the local development review committee.

Those are the main concepts of the ordinance and I stand for questions.

COMMISSIONER CAMPOS: Questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, what's the expanded role of the LDRC?

MS. VILLAREAL: I'm glad you asked that. Mr. Chair, Commissioner Montoya, we have a section – there's been discussion about what role local development review committees will play. The current ones that exist with the communities that we have, and also how Pojoaque, how their role – what role they would like their LDRC to play. In the ordinance it does outline that it will follow the same role as the regular LDRCs as expressed and outlined in the Code, but in addition, the Pojoaque Valley Planning Committee, sharing the sentiments of other residents of the valley felt like it was more important to create somewhat of a planning authority or a local development review committee that not only looks after the interests of the valley but it's also in place to implement the strategic plan and its ordinance, and it also has a role that it will be able to plan cooperatively with the County, State and federal governments, the Jacona Land Grant Association and the local Pueblos.

The community members have expressed the need, not only to have an LDRC or some form of an LDRC to look at development cases but they also want an expanded role that would advocate or assist in some way with the community and program actions that were set forth in the plan. They want to be able to work closely with the County in order to prioritize community projects, including ways to prioritize ICIP funding. There's a need to organize local community groups and meetings if need be, and also to be able to move community projects that have been funded. There's always kind of a need to start looking at ways, once a project gets money, that there's a way to try to get it going. And currently we run in to this problem with a lot of the program actions that we outline in the plan, they're never seen to fruition because there's never a group to be able to follow up with those or follow through with it or seek funding. I just believe personally and staff believes that it's important that there's a community group that residents can come to for issues and concerns other than just the Commissioner for the district.

Other – I don't know if it would be appropriate to have the chair of the Pojoaque Valley Planning Committee come forth and express the reasons why they wanted to have a different local development review committee at this point. I leave it up to the Commissioners.

COMMISSIONER CAMPOS: Commissioner Montoya, are you finished?
Commissioner Anaya, any questions?

COMMISSIONER ANAYA: No.

COMMISSIONER CAMPOS: Infrastructure – does your plan address infrastructure in any way?

MS. VILLAREAL: The plan or the ordinance?

COMMISSIONER CAMPOS: Well, whatever you have here. This is an ordinance that eventually be adopted. Does it address infrastructure?

MS. VILLAREAL: Mr. Chair, Commissioners, I would say the part of the ordinance that does not directly in terms of funding infrastructure but looking at how mixed-use zones are set up and that would require additional infrastructure needs. The roads that are currently being put in place and the changes and modifications to the road

system now. In terms of –

COMMISSIONER CAMPOS: What about water and wastewater? Mostly wells and septic tanks?

MS. VILLAREAL: In regards to water and wastewater, as we had said in the plan, the ordinance itself doesn't address any water restrictions. As we had stated during the public hearings for the plan, water – although we wanted to have certain limitations we felt because of the Aamodt water settlement that has been going on for 40 years, that will put in place the water restrictions and at this time we didn't feel like the ordinance, that we would have to wait, because that will supercede what water restrictions are going to be required in the valley.

COMMISSIONER CAMPOS: Will Aamodt address both water and wastewater?

MS. VILLAREAL: It addresses water. In terms of wastewater, the recommendations that we did have in the plan were to hook up to a regional system if one is completed. There is one in the works with the help of Pojoaque Pueblo and the school district that's now – which will now be in place soon, so that's something to start a larger picture. But I guess there weren't any specific ordinance actions for wastewater at this time.

COMMISSIONER CAMPOS: Okay. As far as this process, it's mostly by consensus, is it not?

MS. VILLAREAL: Correct.

COMMISSIONER CAMPOS: Now, what issues were not discussed because you couldn't reach consensus or it was a little too controversial for this group to handle?

MS. VILLAREAL: Mr. Chair, Commissioners, in the planning process –

COMMISSIONER CAMPOS: Planning or right now, what you're presenting to us.

MS. VILLAREAL: I think that there were quite a few and very comprehensive issues that were brought up by the community and by the committee, but there were a few items that we couldn't address in the strategic plan because of jurisdiction, because of the unique area in the valley where you have multiple jurisdictions, so that we were limited in that factor, which also includes water restrictions and limitations, and including wastewater. I guess I'm wondering if anyone else can think of any of the other issues that weren't addressed. I felt like a lot of what wasn't addressed was based on jurisdiction and at this time we were able to be able to get as many issues on the table in our strategic plan.

COMMISSIONER CAMPOS: Tell me about lot use. Tell me about lot sizes, maximum, minimums.

MS. VILLAREAL: In the traditional communities as it is throughout the county, traditional communities have a minimum density of $\frac{3}{4}$ of an acre. That holds true for the valley in the district boundaries shown on the map. And anything outside of that follows the basin density, which is 2.5.

COMMISSIONER CAMPOS: Which is 2.5 with water restrictions.

MS. VILLAREAL: That's -

COMMISSIONER CAMPOS: Basin is ten acres, isn't it? And you can bring it down to 2.5.

MS. VILLAREAL: Correct. If you have community water and wastewater system set up then you can down to as far as 1/3 of an acre, .33.

COMMISSIONER CAMPOS: In the traditional community?

MS. VILLAREAL: That's correct.

COMMISSIONER CAMPOS: But you said outside - part of this is outside the traditional community?

MS. VILLAREAL: Outside of the traditional community - that's not the area we're planning for. I just wanted to make a note that that is -

COMMISSIONER CAMPOS: There's no basin here really.

MS. VILLAREAL: No. Outside of the traditional boundary there is.

COMMISSIONER CAMPOS: What about family transfers? What's the standard now?

MS. VILLAREAL: The family transfer issue has not changed. It will continue the same as what it is in the Code. So they are allowed in the traditional community, with $\frac{3}{4}$ of an acre being the minimum acreage.

COMMISSIONER CAMPOS: Can it be reduced below $\frac{3}{4}$ acre?

MS. VILLAREAL: Mr. Chair, Commissioners, other than what's set in the Code, $\frac{3}{4}$ of an acre is the minimum.

MS. COBAU: Family transfer land divisions, they can go to half the minimum lot size, but they couldn't go to half of $\frac{3}{4}$ of an acre without some sort of advanced waste system because you have to have $\frac{3}{4}$ of an acre to allow a standard septic.

COMMISSIONER CAMPOS: Okay, so it's basically the regular rule. It hasn't changed. Okay. I have no further questions. As far as governance, if the chair would like to make a very brief statement of the role or the proposed role of the governing group, that would be welcome. Is there any objection? Sir, please state your name and your address.

DAVE DOGRUEL: Mr. Chair, Commissioners, my name is Dave Dogruel. I'm a resident of Nambe, New Mexico, P.O. Box 3458, Santa Fe, 87501. Real briefly, as Ms. Villareal very eloquently stated, our planning process which is going on five years now, one of the kind of key needs and issues identified was how do we take a plan and move it forward? We all believe, as did our Planning Committee and the community, that some sort of local entity that would work cooperatively with the County, with the other jurisdictions in the area, and with our community would be the best mechanism to do that. Now, we fully realize that any local development review or local planning committee would be empowered in an advisory role only, except for that it is empowered to do in terms of local development review.

So we're not seeking any higher legal authority for a local planning committee, nor

as a kind of organizing and implementation arm of Santa Fe County. So just in general, some general comments. We feel that this authority is needed to carry the planning effort forward. Planning's not done once the plan is approved, the ordinance is approved. However, we believe that's the time the planning actually really begins, with implementation.

No one in 1980 in the Pojoaque Valley could have imagined what's changed basically by the 1990s with the explosion of tribal development, tribal gaming, just like no one in the Galisteo Basin two years ago could have imagined where we'd all be in with the advent of oil and gas drilling right now. So we believe that there's a need for a local entity that can continue this planning process and will empower the community, and again, will serve largely in an advisory and organizational role and not have any greater legal authority.

COMMISSIONER CAMPOS: Okay. I'd like to have Legal maybe analyze this provision a little more thoroughly for our next meeting, the issue of governance.

MS. HERRMANN: Mr. Chair, members of the Commission, Mr. David Stephens from the County Attorney's office has been working with Ms. Villareal and the members of the community on this and I'll be sure to have him give you a specific answer on that question for the next meeting.

COMMISSIONER CAMPOS: I'd appreciate that.

MS. HERRMANN: Thank you.

COMMISSIONER CAMPOS: Any further questions? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I just want to thank staff and the planning committee for working so hard. Five years, you've been at it a long time and I know you volunteer your time to do that. So thank you very much.

MR. DOGRUEL: Mr. Chair, Commissioner Anaya, thank you.

COMMISSIONER MONTOYA: Mr. Chair.

COMMISSIONER CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: I guess I would just concur with your recommendation in terms of looking at in terms of the selection of the committee. I guess in looking at it, someone that has not served on the Pojoaque Valley Planning Committee or any part of the process would be excluded from selection to this committee. So I would just see what could be done in terms of having some sort of experience, maybe other than with the community planning effort, but something that is in line with some sort of activity. Example is what if someone moves into town. They just learn about the plan. They like the plan. They want to get involved. They're a mover and shaker and it says "shall have experience with a history of the Pojoaque Valley Planning Committee". That would exclude them from participation. So maybe "may" might be suggested in terms of a language that wouldn't be so definitive in terms of allowing an individual who wants to get involved to get involved.

I support this, I just want to see it so that somebody doesn't come up to the Commissioner and tell them, well, I wasn't part of that process but I want to be part of the

process now, they'll feel left out and I don't want them to feel left out because the language right now is kind of exclusive in terms of the shall, as opposed to may. But I do - I fully support this and I think this is going to help any Commissioner in terms of being able to get the assistance from the community and moving projects forward. Because one of the most frustrating things is when you have funding for a project and it's sitting there because people forget about it or whatever and we don't want that to happen.

Then the other question I would have for Legal is is this something that we could also encourage the other LDRCs to adopt as well, in terms of this expanded role? Or is this something they have to decide they want to do themselves?

MS. HERRMANN: Mr. Chair, Commissioner Montoya, I believe, and this would depend on Mr. Stephens' answer to Commissioner Campos' question about the expanded role of the LDRCs. I don't know if there would be an impediment at this time to the other LDRCs adopting this expanded role, but I would be happy to look into that.

COMMISSIONER MONTOYA: Okay. Because one of the things that we're experiencing with some of the other LDRCs is that people aren't even attending those meetings and part of the problem may be because there's nothing to entice them to want to go to those meetings. So by doing this and expanding what you're talking about doing here, then that may engage them more in terms of wanting to be active. So if there's the possibility of encouraging others to do the same, I would also encourage that we do that as well. Thank you, Renee. You've done a great job, David, and all the Planning Committee members who are here. Thank you for all the work that you've done. It's been tremendous and Mary, you started it all. It's your fault.

COMMISSIONER CAMPOS: Thank you very much.

MS. VILLAREAL: Thank you. Just to let people know, the next public hearing is scheduled for March 11th.

COMMISSIONER CAMPOS: March 11th. Thank you very much.

MR. KOLKMEYER: Mr. Chair, if I may, I believe this is a public hearing. Was the floor opened for public comment for that? I'm sorry to intervene.

COMMISSIONER CAMPOS: That's right we didn't have public comment.

MR. KOLKMEYER: We didn't have public comment.

COMMISSIONER CAMPOS: Does anyone want to have public comment on this last case?

MR. KOLKMEYER: I think they are want to go home.

COMMISSIONER CAMPOS: Before you leave, Marylou or Len or anybody, any comments?

XII. A. 4. EZ Case S02-4463 Komis Business Park- Komis Land Company, (Peter Komis), Applicant, Santa Fe Planning (Scott Hoeft), Agent Request Preliminary and Final Development Plan and Plat Approval for a Commercial Subdivision Consisting of 18 Lots on 59 Acres. The Property is Located off the I-25 and State Road 599 Interchange within Section 23, Township 16 North, Range 8 East (5-Mile EZ, Commission District 5) Joe Catanach, Case Planner

MS. COBAU: Thank you, Mr. Chair. Joe Catanach is on vacation, so I'll be taking this for him. He's been actively involved in the review of the Komis Business Park for approximately ten years and I'm pretty mad at him for being on vacation, but anyway, here we are.

I distributed a letter to you that we received the day before yesterday or yesterday from the County Water Utility, and these are just basically redline comments summarized in tabular format, most of which I think you might not usually see. So I just wanted to point that out.

On October 14, 1997 the BCC granted master plan approval for the commercial zoning and subdivision of the property, including one lot for a cultural arts center. This property is going to include a hotel, restaurant, retail, office, light industrial, fuel service and warehouse uses.

On August 8, 2002 the EZC recommended preliminary plat and development plan approval. Note that two extensions of the preliminary subdivision were granted in 2004 and 2006, and the BCC approved a water service agreement in January 2006 in order for the project to utilize the County Water Utility.

On December 13, 2007 the EZC recommended final plat and development plan approval and those minutes are attached as Exhibit F. The proposed subdivision lots range in size from .9 acre to 10.7 acres including an open space setback of 200 feet along State Route 599 frontage and 150 feet on the southeast boundary consisting of 21 total acres with a developed park and trail consisting of .89 acres.

The Santa Fe County Water Utility is going to be utilized for the water service, based on a water service agreement approved by the BCC for 45 acre-feet. The water budget is projecting 44.96 acre-feet of water use for this subdivision, which is acceptable to the County Hydrologist and the State Engineer, subject to water conservation measures. A water service letter has been issued by the County Water Utility and that letter is included in your packet.

Temporary septic systems are proposed until the subdivision can connect to the County wastewater facility at the State Penitentiary. The existing wastewater facility will be expanded in the near future as a regional facility. The sewer infrastructure will be constructed onsite and offsite for future connection. A community sewer system is required for a subdivision that will exceed a total flow of 2,000 gallons per day.

Access is proposed off the west frontage road just before it intersects with State

Road 599. A traffic impact analysis and design plans have been submitted to the State DOT for a proposal to construct a roundabout structure within the State right-of-way. The proposal includes a realignment of the west frontage road with connection to the primary road, which is called Avenida de Leomnia for the subdivision as a roundabout intersection, and then connection with State Road 599 as it presently exists with the traffic signal. The State DOT has granted conditional approval of this request. Internal subdivision roads will have a paved asphalt surface and I believe are slated for the County to eventually accept upon completion of construction.

The applicant's agent will be distributing a letter that was just received from the DOT regarding the construction of the roundabout and the other roadways in State right-of-way. The Arroyo Hondo flood zone and connecting drainage tributary exist within the property area and are designated as part of the 21 acres of open space. Common detention ponds will control post development drainage, and development areas are in conformance with slope standards. Park areas will be developed with landscaping, trails, canopy, sheltered benches and tables. Landscaping is also proposed for streetscape and a project monument sign will consist of 32 square feet and will not exceed a height of five feet.

An archeological report has been submitted to the State Historic Preservation Division, and several sites will be subject to preservation easements or data recoveries.

Covenants and a disclosure statement have been submitted addressing development and use of lots, including ownership and maintenance of the roads, common areas, facilities and solid waste removal. The covenants will include requirements consisting with the Highway Corridor Regulations for massing, architectural style and building height.

The final plat and development plan is in conformance with the approved master plan, the Extraterritorial Subdivision Regulations and the County Land Development Code. Staff therefore recommends preliminary and final plat and development plan approval subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - A) State Engineer
 - B) State Environment Dept.
 - C) State DOT
 - D) Soil and Water Dist.
 - E) State Historic Preservation Div.
 - F) County Water and Sewer Utility
 - G) County Hydrologist
 - H) County Public Works
 - I) County Fire Dept.
 - J) County Technical Review
 - K) County Open Space, Parks and Trails Div.

2. Coordination with County staff regarding applicant's responsibility to follow-up with FEMA requirements for a final determination to modify flood plain limits and base flood elevations that results in revisions to the flood insurance rate map.
3. Development plan submittals shall include but not limited to the following:
 - A) Pedestrian trail network as required by subdivision regulations for roads designated as future collector and arterial roads.
 - B) Cul-de-sacs subject to approval by county fire dept.
 - C) Section and plan details of round-about.
 - D) Project monument sign shall be located on-site in and located in conformance with minimum standards.
 - E) Minimum right-of-way width of 66 feet for roads designated as future collector and arterial roads in accordance with road plan.
 - F) Address water use for lot designated for cultural art center.
 - G) Access to park.
 - H) Pedestrian trail along Avenida de Lemonia.
 - I) Minimum spacing between intersections shall be 270 feet.
4. Submit final approval from state dot regarding access and engineering plans for Road improvements within state right-of-way, including 404 permit as approved by Army Corp of Engineers.
5. Final plat shall include but not limited to the following:
 - A) Signature lines for committees and staff.
 - B) Base flood elevations for limits of the Arroyo Hondo 100 year flood hazard zone and a minimum setback of 25 feet.
 - C) Conditional dedication to county of Avenida de Lemonia and gateway drive west.
 - D) Delineate extension of future road corridor alignments in accordance with road plan.
 - E) Compliance with plat check list.
 - F) Trails shall be granted for public use.
 - G) Approval of street names and rural addressing.
 - H) Subdivision utilizes common drainage facilities for post development drainage.
 - I) Special building permit conditions as required by staff.
 - J) Temporary septic systems and future connection to county wastewater facility.
6. Submit solid waste fee in conformance with subdivision regulations.
7. Final lot owner documents (covenants, by-laws, articles of incorporation, disclosure Statement) subject to approval by staff and shall include but not limited to the following:
 - A) Maintenance plan to protect quality and function of roads and drainage facilities.
 - B) Business park assoc. shall contract for solid waste removal.
 - C) Water conservation measures, including cisterns, hot water recirculation and prohibit non-native grass.
 - D) Temporary septic systems, future connection to county wastewater facility.
8. Submit cost estimate and financial surety for completion of required improvements as

Approved by staff.

9. Submit final approval of water rights transfer as approved by state engineer.
10. Site development plans for each lot shall be approved by administrative staff.

COMMISSIONER CAMPOS: Any questions, Commissioners? Okay, public hearings. Who's here to represent the applicant. Please state your name and address for the record.

ROSANNA VAZQUEZ: Good evening, Commissioners, my name is Rosanna Vazquez and my address is P.O. Box 2435, Santa Fe, New Mexico. Good evening, Commissioners. I'll be brief. This project has been going on for about ten years now. There's been delays due to we had a condition of approval requiring us to hook onto County water and it took about three years just to get County water because the County was fully allocated. We received the last water service agreement that the County gave out for this project and so we have the water and we have transferred the water rights to the County in the process of that through OSE.

One of the other reasons that this has taken so long, Commissioners, is that we've done an extensive amount of work with the Department of Transportation. We've gone to access control three different times to try to align the entrance that, Commissioner Campos, you were concerned about earlier or last year, because of the accidents there and the entrance onto 599. So we have done an extensive amount of engineering with them to allow more queuing onto 599 from the frontage road, and extend that are and get rid of the sharp curve that's on the frontage road. So eventually, most of the traffic will go through the Komis Business Park on Avenida de LEMONIA, with a roundabout in the middle.

We have met all of the conditions of access control to date. We've submitted everything. We're waiting solely to record the plat and to go forward to get our driveway permit to finalize the rest of the engineering plans for that roundabout. I stand for questions, really, if there are any. I believe that Shelley's addressed all the issues.

COMMISSIONER CAMPOS: Questions? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Rosanna, did you see this memorandum?

MS. VAZQUEZ: Mr. Chair, yes, I did.

COMMISSIONER ANAYA: When did you see it?

MS. VAZQUEZ: We saw it yesterday. I picked it up from Shelly yesterday afternoon.

COMMISSIONER ANAYA: And do you have any concerns about it?

MS. VAZQUEZ: I met with Shelley about those conditions and I met and talked to Doug. Most of them are basically redline comments in a memo. We will address the redline comments when we finalize the plat, and the Utility Department will have the ability to review those before they sign off before we record. So we're comfortable with them, Commissioner.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

MS. VAZQUEZ: I've got one letter I want to pass out for the record. [Exhibit 3] There was some confusion from Land Use staff and rightly so about the letter from DOT because it said – the first letter said, well you have preliminary approval from Access Control. So justifiably so, Land Use said, well, what's preliminary approval? What does that mean? What does that mean? What does that mean? Well, what it meant basically was that we have an approval with conditions that we had to meet. And so we've met those conditions. I asked DOT for a letter to just put into the record to make sure, to make everybody comfortable knowing that we have met all those conditions and we have approval and I'd like to submit that as part of the record.

COMMISSIONER CAMPOS: Have you submitted it to staff?

MS. VAZQUEZ: I have, Commissioner.

COMMISSIONER CAMPOS: Okay. Shelley, any comments on that?

MS. COBAU: Mr. Chair, members of the Commission, we called, we got DOT on the speaker phone with Rosanna, Joe Catanach and myself and Doug Sayre and spoke with them on Monday. We're comfortable that the applicant has – is addressing and has addressed any kind of concerns the DOT may have and this letter just substantiates the conversation that we had with the DOT representative.

COMMISSIONER CAMPOS: So it's a non-issue for you at this point?

MS. COBAU: That's correct.

COMMISSIONER CAMPOS: Thank you. Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: I don't have any questions.

COMMISSIONER CAMPOS: Ms. Vazquez, tell me a little bit about your water conservation, what you plan to do for water conservation.

MS. VAZQUEZ: We're going to do some xeriscaping, Commissioner Campos, on the property. We're hoping to work with the applicants that come in – I mean the potential landowners that come in to work with them on water conservation measures. Of course we'll do the cisterns as required by the County ordinance.

COMMISSIONER CAMPOS: Does that mean you're going to do rooftop collection?

MS. VAZQUEZ: Yes, it does.

COMMISSIONER CAMPOS: Because it doesn't say there. It just says including cisterns. I guess you're collecting from the rooftop.

MS. VAZQUEZ: That is correct.

COMMISSIONER CAMPOS: Or just from the landscape or what?

MS. VAZQUEZ: No, it is from the rooftops.

COMMISSIONER CAMPOS: Okay, that's not stated. Maybe that needs to be clarified. What else?

MS. VAZQUEZ: Commissioner Campos, I think it's clarified in the ordinance for the cisterns and the water harvesting, so I think the County's protected in that regard.

COMMISSIONER CAMPOS: Okay. What about energy issues, energy

efficiency issues?

MS. VAZQUEZ: Commissioner, we haven't really looked at those carefully. We have a variety of uses on the property and so what we're assuming is if we have a big user come in we will work with them and the County for approval of that use when they come, and then we will be able to see what sort of energy measures and energy-efficient measures that they're looking into at that point. It's a commercial development.

COMMISSIONER CAMPOS: I understand. But you're going to have covenants, right, for all the owners of the different lots?

MS. VAZQUEZ: Yes.

COMMISSIONER CAMPOS: And if you have covenants that state you have to meet certain minimal energy standards you could do that today. For example, Energy Star, as far as insulation, glazing, doors - basic things. Light fixtures, appliances, all really simple things, rational things that save a lot of energy. I think Mr. Komis would certainly want to further that effort.

MS. VAZQUEZ: Commissioner, I believe those are in the covenants already.

COMMISSIONER CAMPOS: Already?

MS. VAZQUEZ: Yes. And if they aren't, we would agree to a condition to make sure that they're in there, but I'm pretty sure that I've drafted them in that manner.

MS. COBAU: Mr. Chair, members of the Commission, staff condition 7.c talks about the energy saving measures that are outlined in the covenants and those include water conservation, the cisterns for rainwater harvesting, hot water recirculation and the prohibition of non-native grass.

COMMISSIONER CAMPOS: That's it? They don't really address energy issues.

MS. VAZQUEZ: We'd be willing to add them and make that a condition of approval, Commissioner.

COMMISSIONER CAMPOS: Give me some language.

MS. VAZQUEZ: The applicant will agree to the inclusion of Energy Star conservation measures set forth in the covenants and in the disclosure statement.

COMMISSIONER CAMPOS: For construction and appliances?

MS. VAZQUEZ: For appliances - I'm not sure how it can exactly apply to construction.

COMMISSIONER CAMPOS: Construction is the insulation standards, the windows, the glazing, the doors, things like that.

MS. VAZQUEZ: We would agree to put that in the covenants.

COMMISSIONER CAMPOS: The heating and cooling systems can be Energy Star too and they're much more efficient.

MS. VAZQUEZ: The heating and cooling go directly to construction so we will agree to that.

COMMISSIONER CAMPOS: That would be the construction and the

appliances that are installed in the units as covenants.

MS. VAZQUEZ: We will do that.

COMMISSIONER CAMPOS: Okay. Any other discussion? This is a public hearing. Anybody want to make a comment? Okay, no one having come forward, the public hearing is closed. Any discussion.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER CAMPOS: Motion for approval by Commissioner Anaya, with all conditions?

COMMISSIONER ANAYA: Yes.

COMMISSIONER CAMPOS: Including a condition about energy conservation?

COMMISSIONER ANAYA: Yes.

COMMISSIONER CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

COMMISSIONER CAMPOS: Any discussion on the motion?

The motion passed by unanimous [3-0] voice vote. [Commissioners Sullivan and Vigil were not present for this action.]

MS. VAZQUEZ: Thank you, Commissioners. Good night.

COMMISSIONER ANAYA: It took ten years.

- XIII. A. 5. BCC Case # LIQ 08-5020 Maloof Santa Fe, LLC Liquor License - Maloof Santa Fe, LLC d/b/a Joe G. Maloof Company - Santa Fe, Applicant, Helen Maloof, Agent, are Requesting a Wholesale Liquor License for Maloof Santa Fe, LLC d/b/a Joe G. Maloof Co. - Santa Fe to Sell Beer Wholesale. The Property is Located at 7 Paseo de River within Section 10, Township 16 North, Range 8 East (Commission District 2) Joe Catanach, Case Manager**

JOSE LARRAÑAGA (Review Specialist): Thank you, Mr. Chair. The applicant is requesting a wholesale liquor license to allow Maloof Santa Fe, LLC dba Joe G. Maloof Company to distribute and sell beer wholesale. The applicant has been a wholesale distributor of beer products for this property since 1993 and the record owner of the license has been identified as Joe G. Maloof Company, Santa Fe. The applicant is requesting that the record owner of the wholesale liquor license now be identified as Maloof Santa Fe, LLC.

The State Alcohol and Gaming Division has granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper and the Board of County

Commissioners are requested to conduct a public hearing on whether or not the proposed request for a liquor license should be granted. Based on the criteria outlined in the letter from the Alcohol and Gaming Division the request is in accordance with the master plan and development plan approval and minimum notice requirements. Staff recommends approval of this request.

COMMISSIONER CAMPOS: Thank you. Any questions from the Commission at this point? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you. Is this over there by - off of Airport Road?

MR. LARRAÑAGA: Mr. Chair, Commissioner Anaya, it's off of Paseo Rael by the Colony. That little area right there.

COMMISSIONER ANAYA: Okay. So what exactly do they want to do again?

MR. LARRAÑAGA: Basically, they're just transferring the name.

COMMISSIONER ANAYA: Oh, transferring the name.

MR. LARRAÑAGA: It's the same wholesale liquor license but they're changing the name from Joe G. Maloof to -

COMMISSIONER MONTOYA: Maloof Santa Fe.

MR. LARRAÑAGA: Yes. Maloof of Santa Fe, LLC.

COMMISSIONER ANAYA: Just changing the name. Nothing else changes.

MR. LARRAÑAGA: That's correct.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER CAMPOS: No ownership change, right? Just name change of the corporate entity, I assume.

MR. LARRAÑAGA: Mr. Chair, that is correct. And I guess they're still doing business and Joe G. Maloof Company, their dba.

COMMISSIONER CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: That was my question.

COMMISSIONER CAMPOS: Okay, applicant. Do you want to add anything to that? Please state your name and address for the record and your position with the applicant.

[Duly sworn, Tamara Maloof testified as follows:]

TAMARA MALOOF: Tamara Maloof, 3101 Old Pecos Trail, Santa Fe, president of Joe G. Maloof Company, Santa Fe. This is - the change in the liquor license is to clear up two issues. One, from a general partnership to an LLC. Two, when my dad passed it was also to get my mom on the license. And we're working with Alcohol and Gaming on both those issues. It's still in the family. It's still my sister and I and my mom as owners of the business. No changes in the business, no changes to land use. No changes, just taking care of that.

COMMISSIONER MONTOYA: Just name.

COMMISSIONER CAMPOS: Any other questions. This is a public

hearing. Anybody out there want to talk? Okay. Public hearing is closed, no one having come forward.

COMMISSIONER MONTROYA: Move for approval.
COMMISSIONER CAMPOS: Is there a second?
COMMISSIONER ANAYA: Second.
COMMISSIONER CAMPOS: Discussion?

The motion passed by unanimous [3-0] voice vote. [Commissioners Vigil and Sullivan were not present for this action.]

COMMISSIONER CAMPOS: Is there anything else, Mr. Kolkmeier?
MR. KOLKMEYER: I believe that's it, Mr. Chair. Thank you very much.
COMMISSIONER CAMPOS: Anything else from Legal staff?
MS. HERRMANN: Mr. Chair, there's nothing else from the Legal.

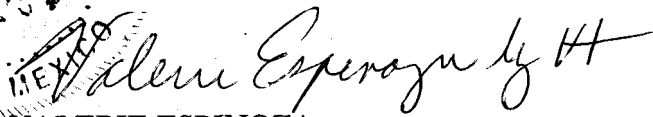
XIV. ADJOURNMENT


Vice Chairman Campos declared this meeting adjourned at 6:55 pm.

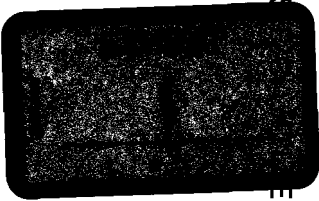
Approved by:


Board of County Commissioners
Jack Sullivan, Chair



ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:

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



ERK RECORDED 04/15/2008

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

Ordinance No. 2008 - _____

AN EMERGENCY INTERIM DEVELOPMENT ORDINANCE FOR A TWELVE MONTH PERIOD PROHIBITING DEVELOPMENT APPROVALS FOR ZONING AND SUBDIVISION MAPS, GRADING, AND BUILDING PERMITS, NON-CONFORMING USES, SPECIAL AND CONDITIONAL USES AND EXCEPTIONS, USE AND AREA VARIANCES FOR OIL, GAS, AND GEO-THERMAL GRADING, DRILLING AND EXTRACTION WITHIN THE GALISTEO BASIN COMMENCING ON FEBRUARY 26, 2008, AND TERMINATING ON FEBRUARY 26, 2009, AND PROVIDING FOR AN EXTENSION TO AUGUST 26, 2009 IF REQUIRED IN THE LEGISLATIVE DISCRETION OF THE BOARD OF COUNTY COMMISSIONERS, UNTIL THE ADOPTION OF A GENERAL PLAN AMENDMENT, A GALISTEO BASIN AREA PLAN A CAPITAL IMPROVEMENT AND PUBLIC SERVICES PROGRAM, CREATION OF A SPECIAL IMPROVEMENT DISTRICT FOR THE GALISTEO BASIN AND FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE ADDRESSING AND RESOLVING THE HEALTH, SAFETY, CULTURAL-HISTORICAL ARCHAEOLOGICAL, FISCAL, ECONOMIC, PLANNING, INFRASTRUCTURE AND SERVICES, GROUNDWATER AQUIFER, ENVIRONMENTAL AND PUBLIC NUISANCE IMPACTS OF SUCH GRADING DRILLING AND EXTRACTION

WHEREAS, the State of New Mexico, Office of the Governor, Bill Richardson, has issued an Executive Order 2008-004, dated the 24th day of January, 2008, imposing a five month moratorium on the processing and approval of applications for permits for oil and gas drilling in Santa Fe County and the Galisteo Basin within the County until a fair and thorough evaluation and assessment by all state executive agencies with relevant knowledge and expertise ("Executive Agencies") of state laws, regulations, policies and planning documents is conducted concerning the water, environmental, economic, historic-cultural and archaeological impact of drilling and extraction of oil and gas that would be contrary to the interests of the State of New Mexico and its citizens;

WHEREAS, Executive Order 2008-004 directs that all Executive Agencies work collaboratively with other governmental agencies, including affected tribal governments and Santa Fe County ("County") and to provide an opportunity for government entities, including Santa Fe County, to receive and evaluate input from the public in order to formulate public policy and government planning and report back to the Governor by June 24, 2008;

WHEREAS, Santa Fe County has previously adopted Ordinance No. 2007-14, dated November 27, 2007, placing a moratorium on the acceptance and processing of applications to drill an oil or gas well for a period of three months or until the 28th day of February, 2008;

WHEREAS, Ordinance No. 2007-14 declared an emergency affecting the public health, safety and welfare by reason of applications for drilling new oil and gas wells within the Galisteo Basin without adequate planning, health and safety standards for the location, operation and mitigation of the effects of oil and gas drilling and without appropriate provisions in the County's General Plan and Land Development Code to assure that significant irreparable damage to the human and natural environment does not occur;

WHEREAS, the County's General Plan and Article III, Section 5 of the Land Development Code, have inadequate provisions and standards relating to oil, gas, and geo-thermal grading, drilling and/or extraction necessary to prevent a catastrophic impact upon the public health, safety, fiscal and economic, environmental, historic-cultural and archaeological, infrastructure and public service provision and protection of property rights emanating from such grading, drilling and extraction activity;

WHEREAS, the County is proposing to prepare and adopt amendments to the General Plan: a new Galisteo Basin Area Plan; a Capital Improvement and Public Services Program (CIP) creation of a special improvement district for the Galisteo Basin and amendments to the County's Land Development Code necessary to implement such General Plan Amendment Area Plan, Special District and CIP to guide the location and availability of adequate fire, emergency, police and health services, roads, water and storm water management water pressure and storm water infrastructure and services and to establish appropriate sustainable design, location, use and construction conditions and standards to protect the public from environmental, water aquifer pollution, fiscal, economic, health, safety, historic-cultural and archaeological damage from oil, gas, geo-thermal, rock and mineral grading, drilling and extraction activities;

WHEREAS, the State Executive Agencies reports will not be available until June 24, 2008, and the findings, standards and remedial measure promulgated by such reports will take an additional five months for analysis by the County staff consultants and officials, including preparation and adoption of appropriate provisions into the County's General Plan, Land Development Code and new Galisteo Basin Area Plan, and to establish a new Special Improvement District, Capital Improvement and Public Service Program collectively to implement State and County recommendations;

WHEREAS, the County will require the engagement of planning, fiscal, economic, water, environmental and engineering consultants and attorneys to analyze and recommend appropriate planning, fiscal, economic, capital infrastructure and public service availability, environmental, water, health and safety goals, objectives, policies, strategies, standards and conditions related to the adoption and implementation of the General Plan amendments, a new Galisteo Basin: Area Plan, Special Improvement District and Capital Improvement and Public Services Program;

WHEREAS, the County will require extensive hearings and workshops to solicit public input, evaluation and recommendations after the County staff consultant's and the state executive agency recommendations are received on or after June 24, 2008, and the adoption of this Interim Development Ordinance is necessary to ensure the benefits of permitting complete discussion and participation by citizens, concerned groups, developers, operators and property owners who will be affected by consideration of amendments to the General Plan and Land Development Code, adoption of a new Galisteo Basin Area Plan, Special Improvement District and Capital Improvements and Public Services Program, without having a race of diligence with owners filing and submitting applications to grade drill and extract oil, gas, and geo-thermal energy during the formulation and public discussion of the new plans, CIP, Special District and Land Development Code regulations;

WHEREAS, the County requires additional time to identify and/or secure additional dedicated funding for administrative, planning, departmental and special district expenses, attorney's fees, consultant studies, extension of capital improvements and public services, including obtaining financial commitments from the State and other sources;

WHEREAS, given the scope of the issues and areas to be addressed by amendments to the general plan, a new area plan, a capital improvement and public service program creating a special improvement district and implementing amendments to the Land Development Code, twelve additional months, in addition to the initial three month moratorium period, is necessary, essential and reasonable in order to complete a fair and comprehensive planning and public participation process that results in legally and scientifically sound plans, policies and regulations;

WHEREAS, the County may extend the period of time of this Ordinance for a further six months from February 26, 2009, if required to complete and adopt the plans and regulations, after public workshops and hearings;

WHEREAS, County preparation of amendments to the General Plan, the creation of a Galisteo Basin Area Plan, a Capital Improvement and Public Service Program, creation of a special improvement district and amendments to the Land Development Regulations, together with the recommended changes in state statutes, programs and regulations guiding State Executive Agencies pursuant to the Governor's Executive Order, require special protection to eliminate the need for hasty adoption of permanent controls in order to avoid the establishment of non conforming uses or to respond in an ad hoc fashion to specific problems. Instead this Ordinance assures that the planning and implementation process may be permitted to run its full and natural course with widespread citizen input and involvement, public debate and full consideration of all issues and points of view;

WHEREAS, the County has committed necessary staff and outside consultant and legal resources to the development of permanent goals, objectives, policies, strategies and regulations to plan for and protect the Galisteo Basin in order to facilitate its diligent and

good faith effort to establish: (1) permanent General Plan Amendments; (2) a Galisteo Area Plan; (3) a Capital Improvement and Public Service Program; (4) creation of a special improvement district and (5) Land Development Code amendments to implement this Ordinance within a reasonable period of time;

WHEREAS, this Interim Development Ordinance constitutes a valid exercise of the County's Zoning and/or police power, consistent with N.M.S.A. (1978) § 3-21-1 Zoning; Authority of County, and the Smart Growth Environmental and Natural Resource Policies of the General Plan, so that the County may regulate and restrict within its jurisdiction the location and use of buildings, structures and land for trade, industry, residence or other purposes and may prohibit the use of property for purposes declared to be injurious to the health and safety of the community;

WHEREAS, the Board of County Commissioners has reviewed the Smart Growth, Planning, Water, Environmental, Land Use, Fiscal, Economic, Cultural, Historical, Archaeological and Natural Resource goals, objectives, policies of the existing General Plan and the Land Development Code regulations; the Governor's Executive Order and the findings delineated in this Interim Development Ordinance and further finds that the adoption of this Ordinance will serve compelling county, regional, tribal, state, city and federal governmental interests to further protect the health, safety, water aquifers, environment, infrastructure and public services, economic, fiscal, historic, cultural and archaeological resources of the County and the Galisteo Basin and constitutes a comprehensive, rational and appropriate exercise of the County's emergency powers and authority.

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

Section 1. The area of regulation being enforced by this Ordinance constitutes the Galisteo basin as described in the Map of the Basin, attached hereto and made a part of this Ordinance as Exhibit "A".

Section 2. During the effective period of this Interim Development Ordinance, the boundaries of the Galisteo Basin Map (Exhibit "A") may be amended by the County by ordinance of the Board of County Commissioners to extend the effective territorial boundaries beyond the Galisteo Basin up to and including the County's full territorial jurisdiction, through the adoption of a new Map replacing Exhibit "A".

Section 3. During the effective period of this Ordinance no new application, nor processing of any existing and filed application, for zoning and subdivision approval, special use permit, conditional use permit, special exception, non-conforming use, area or use variance, grading, or building permit related to grading, drilling or extraction of oil, natural gas, or geo-thermal energy, within the boundaries of the Exhibit "A" Map shall be accepted or processed by the County, its staff, departments, commissions, and/or the

Board of County Commissioners until the adoption of permanent plans, a capital improvement and public services program, creation of a special improvement district and amendments to the Land Development Code regulations.

Section 4. The County Manager and County Attorney are directed to have the County's Growth Management Department begin immediately to engage county staff and expert consultants and attorneys to develop and focus the Growth Management Department's efforts to develop studies, reports and recommendations relating to the following matters:

A. Consideration of the creation of a legislative overlay zoning district for the territorial area contained within the boundaries of Exhibit "A" for oil, gas, geo-thermal grading, drilling, and/or extraction taking into account comprehensive planning, performance and sustainable environmental standards required to apply the overlay zoning district to a property within the territorial boundaries of Exhibit "A";

B. Amendment of the General Plan and preparation of a Galisteo Basin Area Plan to incorporate goals, objectives, policies and strategies relating to consideration of the location, timing and sequencing of oil, natural gas, or geo-thermal drilling or extraction use, including but not limited to, consideration of potential impacts to water aquifers, environment, health, safety, fiscal, economic, historical-cultural-archaeological resources, and the adequate provision of public facilities and services necessary to support the operation of any such oil, gas, geo-thermal energy grading, drilling and excavation use;

C. Adoption of a Capital Improvement and Services Program implementing the long term goals, objectives, policies and strategies of the General Plan Amendment and Galisteo Basin Area Plan with respect to provision of adequate public facilities and public services over the life of the Plans necessary to service any oil, gas, or geo-thermal, grading, extraction or drilling use;

D. Adoption of amendments to the Land Development Code with respect to establishing sustainable environmental standards and conditions for building, construction, grading, excavation and drilling of oil, gas, or geo-thermal uses; including implementation of the goals, objectives, policies and strategies of the General Plan amendment, the Galisteo Basin Area Plan, the state Executive Agency and Governor's recommendations and the findings and purposes of this Ordinance relating to health, safety, protection of private property, water aquifers environmental, historical-cultural and archaeological resources; and to assure the adequate provision of public facilities and public services to support the needs generated by oil, gas, or geo-thermal grading, excavation and drilling use.

E. Creation of a special improvement district within the territorial limits of Exhibit "A" for the assessment to oil, gas, or geo-thermal grading, excavation and drilling uses, the cost of providing for the reasonable and proportionate legal and administrative expenses and expert studies; and for the costs of public facilities and services the need for which is generated by such uses;

F. Any other and further actions necessary to carry out the purposes of this Ordinance.

Section 5. If any section, subsection, sentence, clause, item, change or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 6. All ordinances or parts of any ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 7. An emergency is hereby declared because of the imminent danger to adjoining property owners, water aquifers, environmental, health, safety, fiscal, economic, cultural-historic-archaeological resources; to remedy deficient public facility and services of the County within the Galisteo Basin by virtue of applications to grade, drill and excavate for oil, gas, or geo-thermal uses within the Galisteo Basin.

Section 8. It is necessary for the protection of the public health and safety of the County that this Ordinance take effect immediately upon recordation.

Section 9. This Ordinance will cease to be of effect by February 26, 2009, or for any period of extension for six months thereafter no later than August 26, 2009.

PASSED AND ENACTED THIS 26th Day of February, 2008.

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

By: _____
Virginia Vigil, Chair

ATTEST:

Valerie Espinoza, County Clerk

SEAL

Approved as to form:

Stephen C. Ross

MEMORANDUM
Santa Fe County Public Works Division
Water/Wastewater Operations Section

TO: Shelly Cobau, Land Use Development Review Division Director and
Joe Catanach, Senior Technical Review Specialist

FROM: Douglas Sayre, PWD Water/Wastewater Operations Manager

SUBJECT: Komis Business Park Development; Water and Wastewater systems

DATE: February 11, 2008

Review of Komis Business Park Development Plans submittal to the Water/Wastewater Section indicate numerous deficiencies that need to be corrected before Final Plat is filed and before this department will sign off on completeness of plans.

In general the following deficiencies need to addressed:

1. The plat does not show sewerline easements across property where it will be constructed,
2. On Sheet C-2 of the plans;
 - a) The waterline along the frontage road to the roundabout intersection, up Avenida de LEMONIA, and then northeast on Gateway Drive needs to 12" in size.
 - b) Pipeline routing and connection details need to be specified,
 - c) All waterlines that dead-end must have a flush hydrant
 - d) Placement of all Fire hydrants must be accordance with SFC Fire Department requirements and Water/Wastewater Division Standards,
 - e) The lift station force main should not cross the waterline and should be 10' horizontally away at all locations, and
 - f) The waterline crossing of Arroyo Hondo needs to be detailed as to method.
3. On Sheet C-3, C-4, C-5, C-6 and C-7 of the plans:
 - a) The plan and profile should show the waterline locations
4. On Sheet C-10, C-11, and C-12 of the plans;
 - a) All manholes should show an invert out elevation,
 - b) Maximum distance between manholes is 450'
 - c) Define sump elevation! Is that the elevation of the bottom Base Slab of the manhole? If so, then all pipe inverts must be at least one higher.

- d) On Sheet C-12, need a connecting Manhole ahead of the lift station
- 5. On Sheet C-13 and C-14 of the plans;
 - a) The force main shall be specified as to type of pipe and shall have no 90 degree bends,
 - b) Location of air and vacuum valves, blow-offs, and cleanouts shall be specified,
 - c) The force main crossing of I-25 should be rerouted to be located to align with the east side of Metro Center Blvd. connection as the waterline is on the west side of the street.
 - d) The terminus manhole on the force main is to be modified to have an energy dissipating connection.
 - e) The force main should not cross the waterlines at any locations and should be at least 10' horizontally away from waterlines at any location.
- 6. On Sheet C-15, C-16 and C-17 of the plans;
 - a. The General Notes need to be changed to comply with the requirements of the SF County Water Division not City of Santa Fe SDCW,
 - b. Waterline is to be 12" not 8",
 - c. Waterline to have gate valves every 1000' or at all intersections,
 - d. Fire hydrants to be placed in accordance with SF County Fire Department requirements,
 - e. PRV Vault needs to be located at elevation 6320,
 - f. Waterline needs to have profile detail on all sheets to show utility conflicts and structure crossings,
 - g. Arroyo Hondo pipeline crossing needs to be detailed on the specific means of negotiating arroyo, and
 - h. Connection to existing 16" pipeline needs to be detailed.
- 7. On Sheet C-18 of the plans:
 - a) Need Lift station Plan showing location of 6' diameter Lift station, valve vault, auxiliary power generator, pipelines in and out, water service to site, and fenced area.
 - b) Lift station shall have 7' high, 3 wire overhang, chain-link fence with traffic and man way access gates.
 - c) Lift station to have 1000 pound moveable, automatic crane to lifting pumps, and removable trash bucket on rail system,
 - d) Pump and lift station volume calculations need to be submitted in accordance with County Ordinance 1998-16 and WPCF MOP#4,
 - e) Pump Type needs to be confirmed with County W/WW Section, and
 - f) Rails for pump removal shall be at least 2" diameter.
- 8. On Sheet C-19 of the plans:
 - a) The lift station electrical must be designed and stamped by a licensed electrical engineer, and
 - b) Auxiliary Power Generator set must be specified and serviced by natural gas.

Summation:

The plans submitted for the Komis Development Park are conceptually agreeable but details regarding the actual installation of the water and wastewater systems still need considerable review. The project can be considered for approval by the BCC but with the condition that the subject water and wastewater systems plans need approval by the PWD Water/Wastewater Section before the project can go for recordation.



STATE OF NEW MEXICO)
) ss.
 SANTA FE COUNTY)

The Board of County Commissioners (the "Board") of Santa Fe County (the "County") met in regular session in full conformity with law and ordinances and rules of the County, in the Commission Chambers at 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board, at the hour of 3:00 p.m., on Tuesday, February 12, 2008.

Upon roll call the following were found to be present, constituting a quorum of the Board:

Commissioners: _____

Also Present: _____

Absent: _____

Thereupon the following proceedings, among others, were had and taken:

SANTA FE COUNTY, NEW MEXICO
ORDINANCE NO. _____

AUTHORIZING THE ISSUANCE AND SALE, PURSUANT TO SECTION 4-59-2(F)(7) NMSA 1978, OF THE SANTA FE COUNTY, NEW MEXICO TAX-EXEMPT VARIABLE RATE EDUCATION FACILITY REVENUE BONDS (ARCHDIOCESE OF SANTA FE SCHOOL PROJECT), SERIES 2008A IN AN AGGREGATE PRINCIPAL AMOUNT OF \$7,400,000 AND THE SANTA FE COUNTY, NEW MEXICO TAXABLE FIXED RATE EDUCATION FACILITY REVENUE BONDS (ARCHDIOCESE OF SANTA FE SCHOOL PROJECT), SERIES 2008B IN AN AGGREGATE PRINCIPAL AMOUNT OF \$2,965,000 TO PROVIDE FUNDS TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF AN ELEMENTARY SCHOOL IN THE COUNTY; PROVIDING THAT THE BONDS SHALL BE PAYABLE SOLELY FROM RENTS OR PAYMENTS FROM THE PROPERTY AND NOT FROM COUNTY FUNDS OR REVENUES; MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO THE BONDS AND THE PROJECT, INCLUDING FINDINGS PURSUANT TO THE PUBLIC SECURITIES SHORT-TERM INTEREST RATE ACT, PARTICULARLY SECTIONS 6-18-13 AND 6-18-14 NMSA 1978, IN CONNECTION WITH THE SERIES 2008A BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT, INDENTURES OF TRUST, AN AGREEMENT FOR PRIVATE PLACEMENT OF THE SERIES 2008A BONDS, A BOND PURCHASE AGREEMENT FOR THE SERIES 2008B BONDS, AND OTHER AGREEMENTS AND CERTIFICATES IN CONNECTION WITH THE BONDS AND THE PROJECT; RATIFYING CERTAIN ACTIONS TAKEN PREVIOUSLY; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE.

WHEREAS, Santa Fe County (the "County") is a legally and regularly created, established, organized and existing county and political subdivision of the State of New Mexico (the "State"); and

WHEREAS, pursuant to Sections 4-59-1 through 4-59-16, New Mexico Statutes Annotated, 1978 Compilation, as amended (the "Act"), the County is authorized to acquire industrial revenue projects to be located within the County, to issue industrial revenue bonds and to use the proceeds of such bonds for the purpose of promoting industry and trade by inducing manufacturing, industrial and commercial enterprises to locate or expand in the State of New Mexico and promoting a sound and proper balance in the State of New Mexico between agriculture, commerce and industry; and

WHEREAS, the Archdiocese of Santa Fe (the "Archdiocese") is a 501(c)(3) corporation organized under the laws of the State of New Mexico; and

WHEREAS, the Archdiocese has presented to the County a request that the County issue education facilities revenue bonds pursuant to Section 4-59-2(F)(7) NMSA 1978 for the purpose of financing an elementary school (the "Project"); and

WHEREAS, the Archdiocese has presented to the Board a proposal (the "Project Plan") whereby the Archdiocese would acquire land and construct a building, pursuant to which the County would (a) issue its Santa Fe County, New Mexico Tax-Exempt Education Facility Revenue Bonds (Archdiocese of Santa Fe School Project), Series 2008, and (b) finance an elementary school; and

WHEREAS, the Board has reviewed the Project Plan; and

WHEREAS, on November 13, 2007 the Board adopted Resolution No. 2007-181 stating its intent, subject to the satisfaction of certain conditions, to issue tax-exempt education facilities revenue bonds pursuant to the Act in an amount not to exceed \$12,000,000 in connection with a proposed project within the boundaries of the County; and

WHEREAS, the Archdiocese has requested that the County issue its Tax-Exempt Variable Rate Education Facility Revenue Bonds (Archdiocese of Santa Fe School Project), Series 2008A in an aggregate principal amount of \$7,400,000 (the "Series 2008A Bonds") and its Taxable Fixed Rate Education Facilities Revenue Bonds (Archdiocese of Santa Fe School Project), Series 2008B in an aggregate principal amount of \$2,965,000 (the "Series 2008B Bonds" and, together with the Series 2008A Bonds, the "Bonds"); and

WHEREAS, the Series 2008A Bonds are to be issued pursuant to and secured by an Indenture of Trust dated as of March 1, 2008 (the "2008A Indenture") by and between the County and Bank of Albuquerque, N.A., as Trustee (the "Trustee"); and

WHEREAS, the Series 2008B Bonds are to be issued pursuant to and secured by an Indenture of Trust dated as of March 1, 2008 (the "2008B Indenture" and, together with the 2008A Indenture, the "Indentures") by and between the County and the Trustee; and

WHEREAS, pursuant to the Project Plan, the County and the Archdiocese would enter into a Lease Agreement dated as of March 1, 2008 (the "Lease"), pursuant to which the Archdiocese will lease the elementary school from the County and the Archdiocese shall make payments to the Trustee sufficient to pay the principal of, redemption premium, if any, and interest on the Bonds and to pay all other obligations incurred pursuant to the provisions of the Lease and the Bond Ordinance; and

WHEREAS, the County is authorized to enter into the Lease, the Indentures and other related documents and to issue the Bonds pursuant to the Act and the Bond Ordinance; and

WHEREAS, the Series 2008A Bonds will be issued, sold and delivered by the County, in a private sale to a qualified purchaser (the "2008A Purchaser") pursuant to a private placement agreement (the "2008A Private Placement Agreement") with Banc of

America Securities, LLC (the "2008A Placement Agent") among the County, the 2008A Placement Agent and the Archdiocese; and

WHEREAS, the Series 2008B Bonds will be issued, sold and delivered by the County, in a private sale to First Community Bank of Albuquerque (the "2008B Purchaser") pursuant to a bond purchase agreement (the "2008B Bond Purchase Agreement") among the County, the 2008B Purchaser and the Archdiocese; and

WHEREAS, the proceeds of the Bonds shall be applied to pay the costs of the Project and to pay certain costs associated with the transaction; and

WHEREAS, the Board has determined that it is in the best interest of the County to issue the Bonds and to execute and deliver the Bond Documents, defined below, and other documents related thereto; and

WHEREAS, there have been filed with the County Clerk and presented to the Board forms of the following documents:

1. Lease Agreement
2. 2008A Indenture of Trust
3. 2008B Indenture of Trust
4. 2008A Private Placement Agreement
5. 2008B Bond Purchase Agreement

(collectively, the "Bond Documents"); and

WHEREAS, the County is authorized to issue the Bonds under the Act and the Bond Ordinance and, after having considered the Project Plan, has concluded that it is desirable at this time to authorize the issuance of the Bonds to finance the Project and that the County's issuance of the Bonds will constitute and be a valid public purpose; and

WHEREAS, the Board has been advised by the Archdiocese that the disclosure provisions of Rule 15c2-12 of the Securities and Exchange Commission are not applicable to this transaction inasmuch as the Bonds are being sold in a private sale without participation of an Underwriter; and

WHEREAS, there has been published in the *Santa Fe New Mexican*, a newspaper of general circulation in the County, public notice of the Board's intention to adopt this Bond Ordinance, which notice contained certain information concerning the ownership, purpose, location and size of the Project and the amount of the Bonds to be issued to finance the Project, which notice was published at least fourteen (14) days prior to final action upon this Bond Ordinance; and

WHEREAS, the County has delivered to the City of Santa Fe, New Mexico, and the Santa Fe County Assessor, notice of the County's intent to consider issuance of the Bonds, which notice was given at least 30 days prior to the meeting at which final action

is to be taken upon this Bond Ordinance as required by Section 3-32-6.1, New Mexico Statutes Annotated, 1978 Compilation, as amended; and

WHEREAS, the County is not pledging its faith and credit to the payment of the principal of or the interest on the Bonds; and

WHEREAS, all required authorizations, consents or approvals of any State, governmental body, agency or authority in connection with the authorization, execution and delivery of the Bonds which are required to have been obtained by the date hereof, have been obtained, and which will be required to be obtained prior to the date of the issuance of the Bonds, will have been obtained by such date.

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

Section 1. Ratification. All actions not inconsistent with the provisions of this Bond Ordinance previously taken by the Board and the officials of the County directed toward approval of the issuance and sale of the Bonds be approved and the same hereby are ratified, approved and confirmed.

Section 2. The Project Plan. The Project to be financed with the Bonds includes the financing of an elementary school and the payment of certain costs of issuance. The Project Plan is hereby approved in all respects.

Section 3. Findings.

A. The Board hereby declares that it has considered all relevant information presented to it relating to the Bonds and the Project and hereby finds and determines that the issuance of the Bonds pursuant to the Bond Ordinance to provide funds for the Project is necessary and advisable and in the interest of and will promote the public health, safety, morals, convenience, education, economy and welfare of the County and the residents of the County.

B. The Board finds that:

1. The Bonds will be issued for the purpose of financing the Project.

2. The aggregate face amount of the Series 2008A Bonds and Series 2008B Bonds to be issued with respect to financing the Project is \$10,365,000, which amount does not to exceed \$12,000,000.

3. The Project is to be located at 23 College Avenue, City of Santa Fe, Santa Fe County, State of New Mexico.

4. The Board has considered all relevant information and data in connection with the Series 2008A Bonds, and makes the following findings:

(a) The issuance of the Series 2008A Bonds under the Public Securities Short-Term Interest Rate Act, Sections 6-18-1 through 6-18-16 NMSA 1978 (i) will result in a savings of interest cost on the Series 2008A Bonds which are being issued by the County, which are payable solely from the rents paid by the Archdiocese pursuant to the Lease Agreement and other payments made by or on behalf of the Archdiocese, and which are not payable from or secured by any other revenues or funds of the County; (ii) is necessary in the interest of the public health, safety, morals or welfare of the residents of the County.

(b) The maximum interest rate on the Series 2008A Bonds is reasonable under existing and anticipated market conditions and necessary and advisable for the marketing and sale of the Series 2008A Bonds.

Section 4. Bonds – Approval, Authorization and Detail.

A. The issuance of the Series 2008A Bonds in an aggregate principal amount of \$7,400,000 and the Series 2008B Bonds in an aggregate principal amount of \$2,965,000, and the use of the proceeds of the Bonds to finance the cost of the Project including payment of expenses related thereto are hereby approved and confirmed. The sale of the Series 2008A Bonds at a purchase price of \$7,400,000 and the Series 2008B Bonds at a purchase price of \$2,965,000 is approved.

B. Subject to the limitations set forth in this Bond Ordinance the Series 2008A Bonds shall (i) be in the form and denominations and shall be numbered and dated as set forth in the 2008A Indenture; (ii) be payable as to principal and interest and subject to optional and mandatory redemption and defeasance in the amounts, upon the conditions and at the times and prices set forth in the 2008A Indenture; and (iii) issued in a principal amount of \$7,400,000, bearing interest at the rates and maturing on the date set forth in the 2008A Indenture.

C. Subject to the limitations set forth in this Bond Ordinance the Series 2008B Bonds shall (i) be in the form and denominations and shall be numbered and dated as set forth in the 2008B Indenture; (ii) be payable as to principal and interest and subject to optional and mandatory redemption and defeasance in the amounts, upon the conditions and at the times and prices set forth in the 2008B Indenture; and (iii) issued in a principal amount of \$2,965,000, bearing interest at the rates and maturing on the date set forth in the 2008B Indenture.

C. The Bonds shall be signed by the Chairperson or Vice-Chairperson of the Board.

D. The interest rate on the Bonds shall not exceed 12% per annum.

Section 5. Authorization of Officers; Approval of Documents; Actions to be Taken. The form, terms and provisions of the Bond Documents in the form on deposit in the office of the County Clerk are in all respects approved, authorized and confirmed. The Chairperson, Vice-Chairperson of the Board or County Manager is authorized to execute and deliver in the name and on behalf of the County, and the County Clerk or Deputy County Clerk is hereby authorized to attest, as necessary, the Bond Documents and the Bonds with such changes therein as are not inconsistent with this Bond Ordinance. The Chairperson, Vice-Chairperson, County Manager and Clerk are further authorized to execute, authenticate and deliver such certifications, instruments, documents, letters and other agreements, including security agreements, and to do such other acts and things, either prior to or after the date of delivery of the Bonds, as are necessary or appropriate to consummate the transactions contemplated by the Bond Documents. The officers of the County shall take such action as is necessary to effectuate the provisions of the Indenture and shall take such action as is necessary in conformity with the Act to finance the costs of the Project and for carrying out other transactions as contemplated by this Bond Ordinance, and the Bond Documents, including, without limitation, the execution and delivery of any closing documents to be delivered in connection with the sale and delivery of the Bonds.

Section 6. Delivery of Bonds. Upon the execution of the Bond Documents, the satisfaction of the conditions set forth in the Bond Documents and upon receipt of the purchase prices for the Series 2008A Bonds and the Series 2008B Bonds, the Series 2008A Bonds shall be executed, authenticated and delivered to the 2008A Purchaser, and the Series 2008B Bonds shall be executed, authenticated and delivered to the 2008B Purchaser. No Bond shall be valid for any purpose until such Bond has been properly authenticated as set forth in the Indenture.

Section 7. Funds and Accounts. There are established in the Indentures, and on and after the date on which the Bonds are issued there shall be maintained, the funds and accounts as set forth in each of the Indentures. Other funds and accounts may be established as are necessary under the Indentures.

Section 8. Findings Regarding Payment of Interest and Principal and Other Matters. The following determinations are made:

A. The maximum amount necessary in each year to pay the principal of and interest on the Series 2008A Bonds, assuming issuance of the Bonds as of March 20, 2008, in the principal amount of \$7,400,000 and bearing interest at the maximum legal rate of 12.000%, is as follows:

Year (June 1)	Principal	Coupon	Interest	Letter of Credit, Remarketing, Trustee and Related Fees	Total Payment
2008	\$ -	-	\$175,133.33	\$14,886.33	\$ 190,019.66
2009	-	-	888,000.00	75,480.00	963,480.00
2010	-	-	888,000.00	75,480.00	963,480.00
2011	-	-	888,000.00	75,480.00	963,480.00
2012	-	-	888,000.00	75,480.00	963,480.00
2013	-	-	888,000.00	75,480.00	963,480.00
2014	-	-	888,000.00	75,480.00	963,480.00
2015	-	-	888,000.00	75,480.00	963,480.00
2016	-	-	888,000.00	75,480.00	963,480.00
2017	225,000	12.000%	888,000.00	75,480.00	1,188,480.00
2018	505,000	12.000%	861,000.00	73,185.00	1,439,185.00
2019	530,000	12.000%	800,400.00	68,034.00	1,398,434.00
2020	555,000	12.000%	736,800.00	62,628.00	1,354,428.00
2021	585,000	12.000%	670,200.00	56,967.00	1,312,167.00
2022	615,000	12.000%	600,000.00	51,000.00	1,266,000.00
2023	645,000	12.000%	526,200.00	44,727.00	1,215,927.00
2024	675,000	12.000%	448,800.00	38,148.00	1,161,948.00
2025	710,000	12.000%	367,800.00	31,263.00	1,109,063.00
2026	745,000	12.000%	282,600.00	24,021.00	1,051,621.00
2027	785,000	12.000%	193,200.00	16,422.00	994,622.00
2028	825,000	12.000%	99,000.00	8,415.00	932,415.00

B. The maximum amount necessary in each year to pay the principal of and interest on the Series 2008B Bonds, assuming issuance of the Bonds as of March 20, 2008, in the principal amount of \$2,965,000 and bearing interest at the rate of 5.750%, is as follows:

Year (June 1)	Principal	Coupon	Interest	Annual Trustee Fee	Total Payments
2008	\$ -	-	\$ 33,623.92	\$ -	\$ 33,623.92
2009	215,000	5.750%	170,487.50	715.15	386,202.65
2010	225,000	5.750%	158,125.00	715.15	383,840.15
2011	240,000	5.750%	145,187.50	715.15	385,902.65
2012	360,000	5.750%	131,387.50	715.15	492,102.65
2013	385,000	5.750%	110,687.50	715.15	496,402.65
2014	405,000	5.750%	88,550.00	715.15	494,265.15
2015	430,000	5.750%	65,262.50	715.15	495,977.65
2016	450,000	5.750%	40,537.50	715.15	491,252.65
2017	255,000	5.750%	14,662.50	715.15	270,377.65
2018	-			715.15	715.15
2019	-			715.15	715.15
2020	-			715.15	715.15
2021	-			715.15	715.15
2022	-			715.15	715.15
2023	-			715.15	715.15
2024	-			715.15	715.15
2025	-			715.15	715.15
2026	-			715.15	715.15
2027	-			715.15	715.15
2028	-			715.15	715.15

C. It shall not be necessary to deposit any amount in a debt service reserve fund or a repair and replacement reserve fund for the maintenance of the Project.

D. The Lease requires that the Archdiocese maintain the Project in good repair and condition (excepting reasonable wear and tear) and carry proper insurance, and to make payments sufficient to pay the principal of, premium, if any, and interest on the Bonds as principal and interest become due and to make all payments of or relating to the Project as they become due.

Section 9. No Recourse and Liability. All covenants, stipulations, obligations and agreements of the County contained in this Bond Ordinance, and in the documents hereby approved and authorized for execution, shall be deemed to be covenants, stipulations, obligations and agreements of the County, and all such covenants, stipulations, obligations and agreements shall be binding upon the County, and, except as otherwise provided in this Bond Ordinance and such documents, all rights, powers and privileges conferred, and duties and liabilities imposed, upon the County by the provisions of this Bond Ordinance, and in the documents hereby approved and authorized for execution, shall be exercised or performed by the Board; provided that no covenant,

stipulation, obligation or agreement herein contained or contained in any document hereby approved and authorized for execution shall be deemed to be a covenant, stipulation, obligation or agreement of any officer, director, member or employee of the County in his individual capacity, and neither the members of the Board nor any officials executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 10. Limited Obligations. The Bonds shall be special limited obligations of the County, payable solely from the revenues derived from the Lease and payable by the Archdiocese as described in the Indentures and any other property or interest of the County specifically pledged under the Indenture and shall never constitute a debt or indebtedness of the County or the State or any political subdivision thereof within the meaning of any provision or limitation of the State Constitution or Statutes, and shall not constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. Nothing contained in the Bond Ordinance or in the Bond Documents or any other instrument shall be construed as obligating the County (except with respect to the Project and the application of the revenues therefrom and the proceeds of the Bonds, all as provided in the Bond Documents), nor as incurring a pecuniary liability or a charge upon the general credit of the County or against its taxing power, nor shall the breach of any agreement contained in the Bond Ordinance, the Bond Documents, the Bonds or any other instrument be construed as obligating the County (except with respect to the Project and the application of the revenues therefrom and the proceeds of the Bonds, all as provided in the Bond Documents), nor as incurring a pecuniary liability or a charge upon the general credit of the County or against its taxing power, the County having no power to pay out of its general funds, or otherwise contribute any part of the costs of constructing or equipping the Project, nor power to operate the Project as a business or in any manner except as lessor and seller of the Project.

Section 11. Approval of Indemnification. The Board specifically approves the provisions of the Lease relating to indemnification which provide that the Archdiocese shall indemnify and hold harmless the County, the Board and its members, officials, officers, employees and agents against liability to the Archdiocese, or to any third parties that may be asserted against the County or its Board members, officials, officers, employees or agents with respect to the County's ownership of the Project or the issuance of the Bonds and arising from the condition of the Project or the acquisition, construction and operation of the Project by the Archdiocese, except claims for any loss or damage arising out of or resulting from the gross negligence or willful misconduct of the County or any Board member, official, officer, employee or agent of the County.

Section 12. Bond Ordinance Irrepealable. After any of the Bonds are issued, the Bond Ordinance shall be and remain irrepealable until the Bonds, including interest, are fully paid, canceled and discharged or there has been defeasance of the Bonds in accordance with the Indentures.

Section 13. Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent with this Bond Ordinance are repealed by this Bond Ordinance but only to the extent of that inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, previously repealed.

Section 14. Severability. If any section, paragraph, clause or provision of the Bond Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Bond Ordinance.

Section 15. Recording; Authentication; Publication; Effective Date. This Bond Ordinance, immediately upon its final passage and approval, shall be recorded in the ordinance book of the County, kept for that purpose, and shall be there authenticated by the signature of the Chairperson of the Board, and by the signature of the County Clerk or any Deputy County Clerk, and a notice of adoption thereof shall be published once in a newspaper which maintains an office in, and is of general circulation in, the County, and shall be in full force and effect thirty days after being recorded by the County Clerk.

Section 16. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Bond Ordinance shall be published in substantially the following form:

(Form of Notice of Adoption of Ordinance for Publication)

Santa Fe County, New Mexico
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in the Ordinance, duly adopted and approved by the Board of County Commissioners (the "Board") of Santa Fe County, New Mexico (the "County"), on February 12, 2008, relating to the authorization and issuance of the Santa Fe County, New Mexico Tax-Exempt Variable Rate Education Facility Revenue Bonds (Archdiocese of Santa Fe Project), Series 2008A and the Santa Fe County, New Mexico Taxable Fixed Rate Education Facility Revenue Bonds (Archdiocese of Santa Fe Project), Series 2008B (together, the "Bonds"). Complete copies of the Ordinance are available for public inspection during the normal and regular business hours of the County Clerk, 102 Grant Avenue, Santa Fe, New Mexico.

The title of the Ordinance is:

SANTA FE COUNTY, NEW MEXICO
ORDINANCE NO. _____

AUTHORIZING THE ISSUANCE AND SALE, PURSUANT TO SECTION 4-59-2(F)(7) NMSA 1978, OF THE SANTA FE COUNTY, NEW MEXICO TAX-EXEMPT

VARIABLE RATE EDUCATION FACILITY REVENUE BONDS (ARCHDIOCESE OF SANTA FE SCHOOL PROJECT), SERIES 2008A IN AN AGGREGATE PRINCIPAL AMOUNT OF \$7,400,000 AND THE SANTA FE COUNTY, NEW MEXICO TAXABLE FIXED RATE EDUCATION FACILITY REVENUE BONDS (ARCHDIOCESE OF SANTA FE SCHOOL PROJECT), SERIES 2008B IN AN AGGREGATE PRINCIPAL AMOUNT OF \$2,965,000 TO PROVIDE FUNDS TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF AN ELEMENTARY SCHOOL IN THE COUNTY; PROVIDING THAT THE BONDS SHALL BE PAYABLE SOLELY FROM RENTS OR PAYMENTS FROM THE PROPERTY AND NOT FROM COUNTY FUNDS OR REVENUES; MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO THE BONDS AND THE PROJECT, INCLUDING FINDINGS PURSUANT TO THE PUBLIC SECURITIES SHORT-TERM INTEREST RATE ACT, PARTICULARLY SECTIONS 6-18-13 AND 6-18-14 NMSA 1978, IN CONNECTION WITH THE SERIES 2008A BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT, INDENTURES OF TRUST, AN AGREEMENT FOR PRIVATE PLACEMENT OF THE SERIES 2008A BONDS, A BOND PURCHASE AGREEMENT FOR THE SERIES 2008B BONDS, AND OTHER AGREEMENTS AND CERTIFICATES IN CONNECTION WITH THE BONDS AND THE PROJECT; RATIFYING CERTAIN ACTIONS TAKEN PREVIOUSLY; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE.

A general summary of the subject matter of the Ordinance is contained in its title. This notice constitutes compliance with Sections 6-14-4 through 6-14-7, NMSA 1978.

(End form of Notice of Adoption of Ordinance for Publication)

(Signature page follows)

ADOPTED AND APPROVED this 12th day of February, 2008.

SANTA FE COUNTY, NEW MEXICO

Jack Sullivan, Chairperson
Board of County Commissioners

[SEAL]

Valerie Espinoza, County Clerk

S F C C L E R K R E C O R D E D 0 4 / 1 5 / 2 0 0 8

After discussion, Commissioner _____ moved for approval, with Commissioner _____ seconding the motion. The Bond Ordinance was passed upon the following roll call vote:

Those voting AYE:

Those voting NAY:

Those absent:

Commissioner _____ thereupon declared that at least three-fourths of all the members of the Board having voted in favor of adoption of the Bond Ordinance, the motion was carried and the Bond Ordinance was duly passed and adopted.

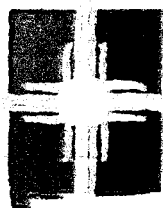
After consideration by the Council of other business the meeting was duly adjourned.

SANTA FE COUNTY, NEW MEXICO

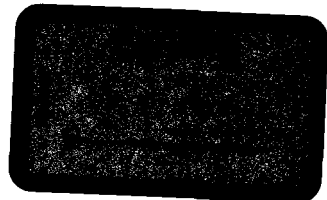
Jack Sullivan, Chair
Board of County Commissioners

[SEAL]

Valerie Espinoza, County Clerk



New Mexico DEPARTMENT OF
TRANSPORTATION
 MOBILITY FOR EVERYONE



ERK RECORDED 04/15/2008

February 11, 2008
 Via Hand-delivery

Mr. James Lujan
 Growth Management Director
 Santa Fe County
 P.O. Box 276
 Santa Fe, New Mexico 87504-0276

Re: Komis Final Development Plan

Dear James:

I received a call from County Land Use asking questions regarding the status of the application for the roundabout on Avenida de LEMONIA in the Komis development. The application was approved by Access Control Committee. The applicant, has completed all the conditions set forth in such approval; such requirements have been reviewed and approved by DOT. Once final plat approval is obtained from the County, the plat is recorded, and the applicant is ready to obtain a driveway permit, DOT will work with the applicant to finalize the engineering plans.

Should you have any questions, please do not hesitate to call.

Sincerely,

Steve Rodriguez, PE
 North Regional Division Director

Bill Richardson
 Governor

Rhonda G. Faught
 Cabinet Secretary

Commission

Johnny Cope
 Chairman
 District 2

David Schutz
 Vice Chairman
 District 5

Gregory T. Ortiz
 Secretary
 District 6

Norman Assed
 Commissioner
 District 3

Jim Franken
 Commissioner
 District 4

John Hummer
 Commissioner
 District 1