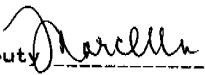
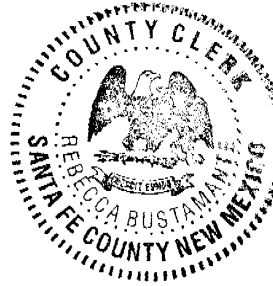


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 124

I Hereby Certify That This Instrument Was Filed for
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County Clerk, Santa Fe, NM



SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 24, 2004

Paul Campos, Chairman
Michael D. Anaya
Jack Sullivan
Paul D. Duran
Harry B. Montoya

SFC CLERK RECORDED 04/19/2004

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
February 24, 2004 - 10:00 a.m.

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- VI. Approval of Minutes
 - A. January 27, 2004 - APPROVED w/ spelling error to be corrected
- VII. Matters of Public Concern - Non-Action Items
- VIII. Matters from the Commission
 - A. *Tabled* Reconsideration of the Proposed Water Service Agreement between Santa Fe County and Suerte del Sur TABLED
 - B. Discussion and Action on Commissioners' Participation in a Trip to Washington D.C. to Talk to the Federal Delegation
 - C. Discuss the Possibility of Using Speed Humps on County Roads
 - D. Discussion on Water and Wastewater Legislation and Issues
- IX. Presentations
 - A. Recognition of Outstanding Law Enforcement Officers in DWI Enforcement *moved*
 - B. Presentation on the Eldorado/Santa Fe Commuter Train Project will be Made by Staff Members from Santa Fe Trails, Santa Fe Southern Railroad and the Trust for Public Lands
 - C. Presentation on the Aamodt Case Settlement
- X. Committee Appointments/Reappointments
 - A. *Approved* Appointment and Reappointment of Members to the Santa Fe County DWI Planning Council
 - B. *Approved* Appointment of New Member to the Senior Services Advisory Board
 - C. *Approved* Appointments and Reappointments to the County Development Review Committee (CDRC)
 - D. *Approved* Appointment and Reappointment to the Community College Development Review Committee (CCDRC)
 - E. *Approved* Appointments to the Regional Planning Authority (RPA) - All but Anaya
 - F. Appointments to the Extraterritorial Zoning Authority (EZA)
Approved
Carroll Anaya Montoya

SFC CLERK RECORDED 04/19/2004

Approve
Duran, Campos, Arce
G. Appointments to the Solid Waste Management Agency (SWAMA)

XI. Consent Calendar

- ok*
- ok*
- Approved*
- A. Resolution No. 2004⁻²¹ - A Resolution Requesting an Increase to the County Clerk Filing Fees Fund (218) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Clerk's Office)
 - B. Resolution No. 2004⁻²² A Resolution Requesting an Increase to the General Fund (101)/Maternal & Child Health Program for a Learning Opportunities Act Grant Awarded through United Way of Santa Fe County for Expenditure in Fiscal Year 2004 (Community & Health Development Department)
 - C. Request Approval for Intergovernmental Service Agreement for Housing Bernalillo County Inmates at the Santa Fe County Adult Detention Facility (Corrections Department)
 - D. Resolution No. 2004⁻²³ A Resolution Requesting a Budget Transfer from the General Fund (101)/Finance Department to Various Departments for Personnel Salaries and Benefits Expenditure of the January 10, 2004 Implementation of the COLA Increase (Excluding Elected Officials) and One-Time Lump Sum Salary Adjustment for Santa Fe County Employees (Excluding CWA Union Employees and Elected Officials) (Finance Department)
 - E. Request Ratification and Approval of Amendment #1 to the Professional Services Agreement #24-0097-FI for Auditing Services Regarding Cash Control Processes for Santa Fe County (Finance Department)
 - F. Request Authorization to Enter into Amendment #2 for the Professional Services Agreement #23-0127-FI with First State Bank to Provide Fiscal Agent Services for Santa Fe County (Finance Department)
 - G. Resolution No. 2004⁻²⁴ A Resolution Requesting an Increase to the Fire Protection Fund (209)/El Dorado Fire District to Budget Fire Protection Impact Fee Revenue and Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2004 (Fire Department)
 - H. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #24-36 for Perimeter Fence Installation (Fire Department)
 - I. Resolution No. 2004⁻²⁵ A Resolution Requesting an Increase to the Farm & Range Fund (208) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Manager's Office)
 - J. Resolution No. 2004⁻²⁶ A Resolution Requesting a Budget Decrease to the General Fund (101)/Intergovernmental Summit Program for Contribution Revenue to be Reverted Back to the McCune Foundation for Fiscal Year 2004 (Manager's Office)
 - K. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #24-28 Stamped Concrete Application (Project & Facilities Management Department)
 - L. Resolution No. 2004⁻²⁷ A Resolution Amending the Santa Fe County Road Map and Certifying a Report of the Public Roads in Santa Fe County (Public Works Department)
 - M. Request Authorization to Enter into a Local Government/Department of Transportation Railroad Crossing Cooperative Agreement with the New

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Approved

Mexico Department of Transportation (NMDOT) for the Avenida Eldorado Railroad Crossing (Public Works Department)

N. Resolution No. 2004 ²⁸ A Resolution Requesting an Increase to the Federal Forfeiture Fund (225)/Region III Program Income to Budget Federal Forfeiture Restitution Revenue Received for Expenditure in Fiscal Year 2004 (Sheriff's Office)

O. Resolution No. 2004 ²⁹ A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office Budget Insurance Recovery Revenue for Expenditure in Fiscal Year 2004 (Sheriff's Office)

P. Request Authorization to Accept and Award a Multiple Source Price Agreement for IFB #24-33 for Installation of Sheriff Patrol Car Equipment (Sheriff's Office)

Q. Resolution No. 2004 ³⁰ A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Grants Awarded Through the New Mexico Environment Department for Expenditure in Fiscal Year 2004 (Utilities Department)

Moved to utilities
R. Request Authorization to Enter into a Contract Amendment to the Existing First Amended Initial Customer Contract for Commitment of Water Service for the Rancho Viejo Partnership Property (Moved to Utilities)

XII. Staff and Elected Officials' Items

A. Community & Health Development Department

Table
1. Request Approval of the First Quarterly Report for FY 04 from the Community Partnership

Approved
2. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP #24-27 for the Information Technology Consultant for the Care Connection Center

B. Fire Department

31
1. Resolution No. 2004 - A Resolution Supporting the Collaborative Forest Restoration Grant Program for Santa Fe County

2. Resolution No. 2004 ³² A Resolution Donating Surplus Fire Department Rescue Equipment to the Village of Pecos Volunteer Fire Department

C. Land Use Department

1. Request Direction and Action on the Status of the Tesuque Development Review Committee (TDRC)

2. Request Authorization to Enter into a Professional Services Agreement (PSA) with Southwest Planning & Marketing to Conduct an Economic Development Study for the Redevelopment District of the Metro Area Highway Corridor Plan

D. Project & Facilities Management Department

1. Request Authorization to Enter into a Professional Service Agreement with the Highest Rated Offeror in Response to RFP #24-19, Professional Architectural and Engineering Services for the Lamy Fire Substation

E. Public Works Department

1. Discussion and Direction of the New Mexico Department of Transportation (NMDOT) 2004 Cap/Co-op/School Bus Route Program

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- W/drawn*
2. Request Authorization to Accept and Award a Professional Services Agreement #24-0181-PW as a Sole Source Procurement for the Redesign of the Agua Fria Phase III Water, Sanitary Sewer, Drainage and Paving Improvements Project

F. Utilities

1. Request Authorization to Enter into a Contract Amendment to the Existing First Amended Initial Customer Contract for Commitment of Water Service for the Rancho Viejo Partnership Property (Moved From Consent Calendar - R)

G. Matters from the County Manager

1. Legislative Update

H. Matters from the County Attorney

1. Executive Session

- i. Discussion of Pending or Threatened Litigation
- ii. ~~Limited Personnel Issues~~
- iii. Acquisition or Disposal of Real Property
- iv. Discussion of the Purchase, Acquisition or Disposal of ~~Real Property~~ or Water Rights

XIII. ADJOURNMENT

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to the physically challenged. Physically challenged individuals should contact Santa Fe County in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 24, 2004

This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:00 a.m. by Chairman Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

[None]

IV. Invocation

An invocation was given by Father Duncan Lamb.

V. Approval of the Agenda

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

CHAIRMAN CAMPOS: Mr. Gonzalez, any changes or recommendations or requests?

GERALD GONZALEZ (County Manager): Mr. Chair, members of the Commission, under Section VIII, Matters from the Commission, item A, Reconsideration of the proposed water service agreement between Santa Fe County and Suerte del Sur, there's a

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request to table that because the parties are still in discussions.

We have also added under the same section, item D, discussion on water and wastewater legislation and issues -

CHAIRMAN CAMPOS: Is there any documentation on that item?

MR. GONZALEZ: There is a draft resolution but it's not at a state yet, I think it could be considered for adoption. We can circulate copies of those to the Commission.

CHAIRMAN CAMPOS: Thank you.

MR. GONZALEZ: In addition, under Section XI. Consent Calendar, the last item, R, has been moved under the Utility Department for discussion purposes and Section XII, in addition to that, under E, Public Works Department, the second item has been withdrawn. That will come up at the next meeting. That's the request to accept and award a professional services agreement for Agua Fria Phase 3. And as I indicated under Utilities, we've moved item R as item 1. And then under Matters from the County Manager we also have added a legislative update in the wake of the termination of the legislative session. Those are the changes that I have, Mr. Chair. I don't know if the Commission has any others.

CHAIRMAN CAMPOS: Commissioners?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I was just thinking, we might want to move item IX. A, the recognition of outstanding law enforcement officers, ahead of Matters from the Commission, which might be rather lengthy today. Perhaps immediately after Matters of Public Concern.

CHAIRMAN CAMPOS: I think that's a good idea. We have a lot of officers here today and we'll expedite that if there's no objection. Okay, is there a motion to approve the agenda as amended, moving item IX. after item VII.

COMMISSIONER SULLIVAN: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Any discussion?

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

VI. Approval of Minutes

A. January 27, 2004

CHAIRMAN CAMPOS: Any comments from staff or the Commission?

COMMISSIONER MONTOYA: Mr. Chair, I have a few corrections.

CHAIRMAN CAMPOS: Spelling?

COMMISSIONER MONTOYA: Spelling? Yes, sir.

COMMISSIONER SULLIVAN: Mr. Chair, I have a two also.

CHAIRMAN CAMPOS: Okay, two minor –

COMMISSIONER SULLIVAN: Typographical.

CHAIRMAN CAMPOS: Approving the minutes of January 27 with the amendments offered by Commissioners Montoya and Sullivan, is there a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: Second.

The motion to approve the January 27th minutes passed by unanimous [5-0] voice vote.

VII. Matters of Public Concern - Non-Action Items

CHAIRMAN CAMPOS: Anybody in the public who has a specific issue that they want to raise with the Commission? Anybody out there?

IX. Presentations

A. Recognition of Outstanding Law Enforcement Officers in DWI Enforcement

ROBERT ANAYA (CHDD Director): Mr. Chair, Commissioners, Mr. David Sims will be conducting this presentation but I wanted to take a brief moment just to say that we can't be successful as a DWI program unless we have good, strong leadership and people assisting the way and I want to just take a moment to publicly thank in front of the many distinguished guests that we have here as well as the Commission, thank Mr. David Sims for all of the hard work that he does and his efforts for the DWI program. Steve Shepherd and I greatly appreciate it, and I would like to ask if it's okay, Mr. Chair, that everybody give Mr. Sims a round of applause for the good work that he's done with this program.

DAVID SIMS (DWI Coordinator): Mr. Chair, County Commission, thank you for this opportunity for us to have this opportunity to recognize these outstanding officers here in today's County Commission meeting. I'd like to thank the members of the DWI Planning Council. There are a few of the members here. If you would please stand so that the Commission can recognize you as members of the Planning Council. Thank you.

We also have a number of community members that have come here today especially for this occasion, including our Mayor and our District Attorney, a member from the Department of Finance and Administration and several others. So if they would please stand.

And now if the officers that are being recognized today could come and stand over here please. These officers that are being recognized are from agencies that participate actively in the collective law enforcement efforts that are made in Santa Fe County with regard to DWI. They

were selected for this recognition by the commanding officers of their respective agencies for the service that they have provided to the citizens of our city and our county and our pueblos. Each of the officers will be presented with a plaque and the inscription on the plaque reads as follows: The Santa Fe County Board of County Commissioners and the Santa Fe County DWI Planning Council honor, and then it give the officer's name and agency, for exceptional dedication and service in the enforcement of drunk driving laws, February 24, 2004.

Additionally, through the generosity of Harry and Patton Shapiro, of Harry's Roadhouse, and the advocacy group, Impact DWI, we will also be presenting to each of the officers certificates for dinner for two at Harry's Road House. Those presentations and the plaques will be presented with the assistance of Mr. Alan Wheeler, who is the vice chairman of our DWI Planning Council and also a member of Impact DWI.

First of all, from the Santa Fe County Sheriff's Office, we have Gabe Gonzales. Commissioners, if you would come and others if you would like to make the presentation. Deputy Gonzales is with the warrants and fugitive division of the Sheriff's Office and he's one of our officers who very aggressively pursues the service of bench warrants on DWI offenders in our county, and he does that not only with the Sheriff's Department but also coordinates efforts with other law enforcement agencies including the City Police and the State Police in serving those DWI warrants. We appreciate him and the support of Sheriff Greg Solano and others at the Sheriff's Department. Gabe's partner is here with him today. Would you please stand? And we appreciate all the work that these guys do.

We have a whole coalition of the folks from the Santa Fe City Police Department with us today. We appreciate Chief Beverly Lennon and others that are here today. We appreciate you being here and at this time we'd like to honor Anthony Rivera. Anthony is one of the - the City Police has a dedicated DWI unit and Anthony is one of the officers that is a part of the specialized DWI unit in the City Police and he also helps us out a lot. We had an event at the roundhouse last month, DWI Awareness Day, and Anthony was one of the officers that came and gave demonstrations to the public about the equipment that's used in the field by DWI officers.

We have Patrolman Leon Gallegos with us here today from Pojoaque Tribal Police. We have John Garcia and Frank Rael with us from Pojoaque Tribal as well. John Garcia is the Chief of Police with Pojoaque Tribal and he told me about Patrolman Gallegos, he described him as a tenacious investigator who is always out there on the streets looking for drunk drivers. And that he always gets his paperwork right and so because of that, none of the cases get dropped because of a foul-up in the paperwork. So we appreciate that precision and that extra effort.

With the New Mexico State Police District 1, we have Patrolman Tiffany South Armijo. She has with her today her husband who is also with the State Police and is an instructor at the State Police Academy. Patrolman South Armijo had the highest number of arrests last year, DWI arrests in District 1 State Police. And she has aspirations also to be the first female defensive tactics instructor for the State Police in New Mexico. We appreciate her work.

From the Bureau of Indian Affairs, Northern Pueblos Agency's law enforcement, we have Lt. Ken Martinez. Lt. Martinez spends a lot of time with us. Every time we have a multi-agency law enforcement effort, Lt. Martinez is always there with us working the saturation patrols, the checkpoints, and we appreciate him and also Chief Michael Perez who's with us today and others from the BIA. This agency has proved to be a great asset and partnership especially on the Pueblo land in the northern part of the county with DWI enforcement. We appreciate their work.

State Police District 7 is represented today - he's not here. Don Gwynn is not here but he is one of the officers. We'll get this award to him. He is one of the officers that consistently has one of the highest DWI arrests, not just in District 7 but also in all of the State Police in DWI arrests throughout the state. Is there anybody here that I haven't recognized? I knew that there was one officer that we wanted to mention today and honor that could not be here today and that is John Gonzales, Deputy with the Santa Fe Sheriff's Office. John is with our DWI unit in the Santa Fe County Sheriff's Office and he and Ken Johnson, Sergeant Ken Johnson are right now in Florida receiving training as DWI instructors. They will be able to come back from that training and provide certified accredited instruction in DWI field sobriety work. And so we appreciate all the work that John does and we'll get his award to him.

That concludes the presentation today. I wanted just to make one other concluding statement and that is that these law enforcement agencies as obviously represented here today, we have so many agencies that have jurisdiction in Santa Fe County, and all of them work in such a dedicated way, and as a team, we meet on the first Wednesday of each month and plan multi-agency joint efforts. And our next effort is going to be on March 17, St. Patrick's Day, and on that day, virtually every road, every highway in the city and county of Santa Fe will be patrolled with the specific target of finding drunk drivers before they hurt themselves or others while they're driving drunk. So I want to applaud all of the agencies and their representatives for their efforts.

Mr. Chair, Commissioners, thank you again for this opportunity for making this recognition here today and I'd also like to thank Mr. Gonzalez and Mr. Shepherd and Mr. Anaya for helping arrange this. Laura, thank you for your help in making this happen here today. Thank you very much to all of you.

MR. GONZALEZ: Mr. Chair, Mayor, members of the Commission and elected officials, while you're taking pictures, I just wanted to note for the record that Santa Fe County's DWI program has been recognized by DFA as one of the best across the state and in large part that's due to the efforts of David Sims and the rest of the folks who operate the program. So again, congratulations and thanks to all of them.

COMMISSIONER ANAYA: Mr. Chair, I would like to personally congratulate all the officers and I would like to thank the Mayor for being here with us and the Chief from the City of Santa Fe, the District Attorney and it's a collaborative effort and everybody working together and I would like to thank the officers one more time. Thank you all very much.

VIII. Matters from the Commission

B. Discussion and Action on Commissioners' Participation in a Trip to Washington D.C. to Talk to the Federal Delegation

MR. GONZALEZ: Mr. Chair, members of the Commission, I know that actually, we're looking at two trips. There is one scheduled for February that Commissioner Anaya and Commissioner Montoya will be making and I know that they have been working with Becky Beardsley on some items to add to their agenda, even though their agenda is going to be fairly full and pretty crammed during the couple of days that they're in DC. They have indicated that they will try to work in some time for visiting our legislative delegation to talk about adjunct kinds of activities, not just housing but other things that they will be in DC for.

Then we also have a second trip which has been proposed for late March with the City and the Commission had asked that other items also be raised and potentially addressed during the time that the Commission is there and my recollection is you had asked for some suggestions of what some of those items would be. Obviously, water is a high priority and give the purpose of the trip, Buckman diversion will be one of the issues discussed with the congressional delegation. Separate and apart from that, given the presentation that we'll have shortly with respect to the Aamodt settlement. That's also a high priority item that ought to be addressed with the congressional delegation.

I have some other thoughts and suggestions and then would open it up to the Commission to discuss among themselves. But additional items, it seems to me that warrant congressional attention and some federal support are the pending activities relating to wastewater in the Pojoaque-Nambe-Tesuque watershed area. Because we know Pojoaque Pueblo has been proceeding with a study of the issues associated with wastewater in that area and I think this would be a timely visit to raise that issue to feel out the congressional delegation to see if there could not be some additional support for those activities.

In addition to that, we have had over the past year or so, ongoing discussions, sort of touch and go, but nevertheless persisting with the City of Española and the County of Rio Arriba relating to the Santa Cruz-Chimayo watershed area. Those discussions have covered both wastewater and water supply issues. It seems to me that this would also be an appropriate time to raise those issues with the congressional delegation, see what support we can get for them, particularly since it looks like the Aamodt proposed settlement may trigger some additional activity related to the other watershed further north.

And then there's also the issue of County wellfield planning and development and it seems to me that this is an appropriate time to also make the pitch for federal support for planning and development, not only a County wellfield but also other alternatives in terms of source of supply, looking at water storage and water injection and other kinds of options. And given the activity that we had at the recent legislative session, I think that also looking at and discussing with the congressional delegation, the opportunities for creating a regional approach to water for Santa Fe County is also an issue that ought to be discussed.

That's the list of thoughts that I had for the pending or the proposed trip, Mr. Chair,

members of the Commission.

CHAIRMAN CAMPOS: Commissioners, any input?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Gerald, each one of those items that you talked about is basically just water and wastewater so I think it's good that we go down there and I know Commissioner Montoya and myself will be talking to some congressional people down there. We'll certainly bring those issues up.

MR. GONZALEZ: Thank you.

COMMISSIONER MONTOYA: Mr. Chair, I was going to add that I think that would be definitely appropriate. We're trying to set the times up as I understand, been working with Jennifer to set those up for probably Friday and the Tuesday that we're there.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Is the trip in February also on the water and wastewater and the one in March to be that way also or are you going to talk about other things in February, Commissioner Anaya and Commissioner Montoya?

COMMISSIONER ANAYA: There'll be other things that we'll talk about but we can bring it up and let them know you're coming to talk about it.

COMMISSIONER SULLIVAN: Okay. Or someone's coming.

MR. GONZALEZ: Mr. Chair, Commissioner Sullivan, I know that there are some NACo groups that are associated with the trip in February. Housing is one of the issues that will be raised but there are other activities associated with that NACo meeting that I think will also be discussed with the congressional delegation.

COMMISSIONER MONTOYA: Mr. Chair, Gerald, that's correct because Commissioner Anaya is on one of the sub-committees as well as I with the Human Services and Education and they're going to have some legislation that they're going to want to address as well as part of those particular issues which we will also discuss in addition to our own local needs here.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: I guess relative to meeting in March, my understanding is the purpose of that meeting is to go with the City to let our congressional delegation know that the City and the County are working together on a regional basis that's not only for the San Juan/Chama diversion project but other water concerns that our community is faced with. And I not sure that at this point in time that the Commission and the City are in full agreement on all those issues. Most of the discussion that we have had with the City back and forth on our water service agreement, the wheeling agreement and other issues that we have been focussed on cooperation and how we're going to deal with the Rio Grande diversion project but nothing about the other needs and concerns that the County has.

And I'm wondering if going to Washington with that one element in mind is what this Commission wants to do. Because we're not in agreement with the City on most of the

concerns that we have and really not even on the same page relative to the San Juan/Chama diversion project.

CHAIRMAN CAMPOS: Are you suggesting that the Commission members not go?

COMMISSIONER DURAN: No, I'm asking what the Commission's position is going to be? Are we going to go to Washington and state that we all are in agreement or are we going to go and say that we are working towards that? I think we need to take a position. I don't think that it's appropriate to go to Washington to say that we are, that the City and the County are in agreement when we're not. I don't think that's a true statement.

CHAIRMAN CAMPOS: Any comments from other Commissioners about what Commissioner Duran has just stated?

COMMISSIONER DURAN: Well, then I guess the other question I have is who is going to Washington? Because I know that I'd mentioned that I would be willing to go and if I do go, I am going to take the position that we're not in agreement. So maybe you want to send someone else to tell them something that's not true.

CHAIRMAN CAMPOS: We'll keep that under consideration.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think we're in a difficult situation here as Commissioner Duran indicates. We have the wheeling agreement which I guess - Gerald are we going to discuss that today in executive or something?

MR. GONZALEZ: That's an item that we can discuss during executive if the Commission wants to do so. We've noticed it so that we could do that.

COMMISSIONER SULLIVAN: Because - have we gotten anything on the wheeling agreement? I haven't seen it.

MR. GONZALEZ: We've had a response from the City. They considered the staff proposals that were laid out for them, or staff options, I should put it that way instead. City staff laid out a number of options with respect to each area of the wheeling agreement. Those were adopted by the City Council a week and a half ago I believe it was or a week ago, and they have forwarded to us a memorandum summarizing what those items are and the Mayor just indicated to me that he wants now to discuss how to proceed next in terms of having the Council and the Commission come together to further discuss the wheeling agreement and try to negotiate an agreement between the two bodies.

COMMISSIONER SULLIVAN: Yes, because there are things in that summary and I did see that summary. It wasn't a letter; it was just a memo from Kyle Harwood, the attorney and I didn't know if that was the City's official position or just a memo to the City Council. I guess it's their official position as of today.

MR. GONZALEZ: That's what I understand, Mr. Chair.

COMMISSIONER SULLIVAN: And that brings up issues of the diversion and the management of it and other issues. So I guess what we should do, whoever decides that they want to go to Washington is that there should be, perhaps between you, Gerald, and the City

Manager, these items brought out and an indication of where we agree on issues and where we don't agree on issues because we do have some, we have agreement on some global issues, like these things need to be funded, but then we don't have agreement on other issues such as the management and the operation and well, just any number of issues.

So I think we need to do some more homework before the County sends a delegation to go along and just say Me too. Mr. Chair, that would be my thoughts.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Perhaps what we should do is send a message to the Mayor that what we would like to do before committing to going to Washington with them is to have a joint City-County meeting to discuss the original proposal that we sent to them based on the County's needs, which were based on regional planning issues and growth management policy that they didn't approve and only chose to deal with the 500 acre-feet that they've committed to originally in the wheeling agreement. So I think we need to have a joint City-County meeting to discuss all of those issues before we go and tell our delegation that we have a complete understanding of our community's needs and agree to work with each other regionally when that doesn't exist today.

MR. GONZALEZ: Mr. Chair, members of the Commission, Commissioner Duran, in part, that's why the list I presented earlier was not focussed strictly on City-County issues. It seems to me that there is some general agreement that the Buckman diversion project should be funded. How it's operated and how it should proceed from there I guess is a question that could and perhaps should come up during the discussion with the City Council. Those other items that I mentioned, the Aamodt settlement, the Pojoaque-Nambe-Tesuque Valley wastewater issues, the Chimayo-Santa Cruz water and wastewater issues, the County wellfield planning and development, and regional approaches to water are apart from and can be pursued apart from any relationship that we have with the City.

So my thought was if we do make the trip then we ought to make it worthwhile from the County's standpoint and discuss these other issues. Whether we make it or not I guess is something that can be discussed jointly with the City Council and I'd be happy to try and facility setting up a meeting like that.

CHAIRMAN CAMPOS: You have the floor.

COMMISSIONER DURAN: I don't see a disconnect between those issues. I think that they're all interrelated and to discuss one without having the other ones being considered or factored into the solutions, I don't think that that's the approach that I would like to take. I think that they're all intertwined with one another and I think the community deserves for both governing bodies to be working with each other on this resource that we have. To isolate them, I don't think is the best way to proceed.

CHAIRMAN CAMPOS: Mr. Gonzalez, my suggestion would be that we come up with a counter-proposal to the City's proposal in writing. Let them come back one more time so we can define the issues as best we can and only at that point have a joint City-County Commission meeting. That way we understand in a better way what their position is, where we

want to go and if there's a meeting place. If we're not close enough, maybe we shouldn't even have this meeting between the governing bodies. I think there has to be a situation where we see that we are close enough to agree and if there is that closeness then we should proceed. If there isn't, maybe we shouldn't meet with the City Council.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER MONTOYA: Just in terms of the discussion that we previously had, we had talked about the process, the next step being that we would have two Commissioners meet with two or three Councilors along with County and City staff. I still think we probably need to do that before we have a meeting of the joint bodies. I think that would probably be the better way to go and maybe let those representatives carve out something that may be palatable for the whole Commission and then for the whole Council. I was just wondering, is that still part of the discussion?

CHAIRMAN CAMPOS: Well, Commissioner, we approved that as the way the County wanted to proceed. We have not received a direct response from the City as to how they would like to proceed. We voted on that, we said that's what we want to do. So I guess it would be up to Mr. Gonzalez to sit down with the City Manager and let them know what we have approved and how we'd like to handle it and set something up. But I think we need to respond also in writing and have them respond.

COMMISSIONER MONTOYA: Mr. Chair, then the second thing related to the trip in March is that is a critical time in terms of requesting for any appropriations that we're seeking because I think it's the end of March or early April some time, Gerald knows more about it than I do but isn't that the time frame when you want to get your appropriations introduced and requested? That time frame there?

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, that's correct. That's part of the purpose is to get those requests into the pipeline so that they're there. I agree that the items that I mentioned are related to the relationship with the City, nevertheless there are items from a funding standpoint that the County, I felt, could pursue funding for irrespective of whatever the City's position might be. With respect to a written response to the City, it puts, I think, myself and staff in a difficult position because the proposal that we sent to the City was an integral proposal. All of the parts related to each other, and that's why it was crafted the way it was, so it would be difficult for me to go through what the City has sent us back and say, We accept this. We accept that. We accept whatever. I could go through and indicate where, what they have sent us agrees with what the County Commission had originally proposed but I think, I agree with Commissioner Montoya. It would probably be more productive to have individuals on both bodies sit down and speak with each other rather than try to formally respond in writing and somehow commit the County to a position that I wouldn't want to do in writing.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: The problem with meeting on an individual basis, two Commissioners and two City Councilors is that in the past, those Councilors that we've met with have been ones that have been the most vocal and the ones opposed to a true regional

water plan. And that's what happens. And even if we meet with the ones that are in favor of it, there still isn't any consensus. I think the fact of the matter is that the City Council is split on these issues and it's going to take a vote and possibly the Mayor breaking the tie to get anywhere on this thing.

I think it's a known fact that there are two factions at the City, ones that are willing to work on regional water issues and planning and those that aren't, because of jurisdictional issues. So I'm opposed to sending two Commissioners to meet with City Councilors because it hasn't gotten us anywhere in the last six months.

CHAIRMAN CAMPOS: Any comment on that?

COMMISSIONER ANAYA: Mr. Chair, if we go to Washington and we are saying that we're in support or working together and we can't work out a simple wheeling agreement, then we shouldn't be going over saying that we're going to work together with these guys. And we're trying, and the City needs to realize this, that they need to work with us on this or we won't go over there and be in support of what they want to do. So I agree with the Manager, when he's bringing up these issues that are strictly County issues. And we've got to try to work with the City, but if they're not going to try to work with us then we go over there with a different attitude.

COMMISSIONER DURAN: Mr. Chair, so what is the direction? At this point in time then I am going to withdraw volunteering going to Washington at this point. And perhaps another Commissioner would like to go there in my place.

CHAIRMAN CAMPOS: You don't want to go?

COMMISSIONER DURAN: No. Not until we can - unless we have a City/County meeting to discuss some of these issues. And I know that the San Juan/Chama is critical to the community, but the City at this point is taking the position that the minute that the San Juan/Chama diversion project is in place that the 500 acre-feet that we have in our wheeling agreement gets transferred to that point of diversion.

CHAIRMAN CAMPOS: The diversion point.

COMMISSIONER DURAN: And there's been no discussion about if that 500 feet gets transferred there, what happens? My understanding is that the 500, once it gets transferred over there goes against 375 that we have. So we're already in a hole. And they're also opposed to us transferring any rights to the San Juan/Chama, to the diversion project, which is what our goal has been over the last few years in acquiring water rights to find a point of diversion. So there's just a lot of issues that I don't think - that need to be addressed before we can go as a unified community and ask for federal funds.

CHAIRMAN CAMPOS: Okay. What I would suggest to Mr. Gonzalez is that you look at the response, look at where we're at and see if it's possible, if there's something that we can - some new ideas as far as a compromise with the City. Present it to the Board. I think the Board has to make that decision and then we can go from there. But I think we need to move on it because the City took action, what, two, three, weeks ago? So we need to respond, I think, quickly. If you could come up with some ideas and share them with the Commission.

COMMISSIONER SULLIVAN: Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair, again, I think, correct me if I'm wrong. I know I'm losing my memory, but I think that we had discussed that the next step, procedurally, when they came back to us with their counter-offer was then to have that joint meeting which I think again would at least, in terms of the process, get us to a certain point where we've done that. The City/County staff and the Commissioners and Councilors may not agree, but at least we know where we're at after that point in time. And then from there, I think that's when I would like some direction from Gerald in terms of where do we go at this point. But I think we should have that joint meeting at this point because that was what we had discussed and I think that's where we are in the process right now. That would be my suggestion.

CHAIRMAN CAMPOS: Is there consensus on Commissioner Montoya's suggestion?

COMMISSIONER DURAN: That we have a joint City meeting?

CHAIRMAN CAMPOS: No, that we have the committees meet. The committees that were appointed some time back.

COMMISSIONER DURAN: Is that what you just said?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER DURAN: I think as long as the meetings are not with Karen Heldmeyer and Miguel Chavez.

CHAIRMAN CAMPOS: We can't choose their representatives.

COMMISSIONER DURAN: Well, those are the ones that are opposed to us. Get someone that wants to work on regional issues and I agree.

CHAIRMAN CAMPOS: Okay. Mr. Gonzalez, is that sufficient direction?

MR. GONZALEZ: It's a start.

CHAIRMAN CAMPOS: Okay. I would like to have your comments before we have a meeting even if it's brief so we know what our options are as far as negotiations.

MR. GONZALEZ: What we'll do is we'll provide the Commissioners an analysis of the counter-proposal we got back from the City.

CHAIRMAN CAMPOS: Okay. Thank you, sir.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: The thing I wanted to add to that, Mr. Chair and Gerald is that I think what would be useful to touch on some of these things that Commissioner Duran brought up, the specifics, would be to take the Harwood memo and I think maybe this is what you had in mind, go down item by item and say here is the reason we asked for this, because we need a place to transfer water rights until the diversion is in place and also because the diversion keeps getting pushed back year by year. And there's a lot of misunderstanding about the 600 acre-feet of wheeling and what that entails and the temporary transfer to the Buckman wells for that. There's a lot of misunderstanding about that within the City Council.

And so that would be useful to have that so all Commissioners could look at that. They could meet with City Councilors individually if they like. We could meet with them formally. But I do think we need to have some general agreement on that before we take off to Washington and sing Kumbaya. It just is – and it's not a threat and it's not leverage it's simply that it's disingenuous to put ourselves in front of our congressional delegation. The first question they're going to ask is where do you want the money to go? How do we answer that question? The County's a good answer. I would imagine the City would answer, The City. And not having a regional depository as it were, we need to have some mechanism for shared responsibility for how those funds are going to be allocated and used. And that's what we're struggling with and we don't have.

So that will be a good start if you could help us with that and then we could move forward with some specific discussions with whoever the City appoints. I still think the problem with the City is that we're not getting through to all the City Councilors. We see the Councilors on the RPA. We visit with them about some of these issues informally, but that doesn't get back to the other four City Councilors or to the Mayor. So once we have this document in hand, I'd encourage the Commissioners informally to get together with whoever you feel comfortable talking to and say here's why we made the proposal the way we did. And here's the things that we're going to insist on and we're going to be – that we feel are very important. Does that work, Gerald, into your thoughts?

MR. GONZALEZ: A short answer, you read my mind.

COMMISSIONER SULLIVAN: Oh, okay. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Let's move on.

COMMISSIONER DURAN: I have one comment, Mr. Chair.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER DURAN: I think it's a good idea, Commissioner, that we – that all the Commissioners work on that, because we do communicate with some of the Councilors differently than with others. I forgot what else I was going to say, but thank you.

VIII. B. Discuss the Possibility of Using Speed Humps on County Roads

CHAIRMAN CAMPOS: Who's taking the lead on this? There's a handout I think that everyone should have that we distributed before the meeting started.

COMMISSIONER ANAYA: Mr. Chair.

COMMISSIONER MONTOYA: I'll support you.

COMMISSIONER ANAYA: Okay. I had some constituents call me in concerns of speeding on their road and I asked staff to just come forward with a little presentation on either are we going to support an ordinance on speed humps or are we not? So I just wanted to get a little bit of feedback from the staff and I know Jennifer Jaramillo has contacted a few other cities and has some input on for or against speed humps. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: You'd like a presentation from Mr. Lujan?

COMMISSIONER ANAYA: From Dan or Mr. Lujan, you could start it off.

CHAIRMAN CAMPOS: Our practice is to state your name and your position.

JAMES LUJAN (Public Works Director): Mr. Chair, members of the Commission, James Lujan, Public Works Director. Yes, this has been brought forth a couple of times before, so Public Works does have a policy ready to go, whatever the Commission wished to do and I have Dan Rydburg here to present some of the highlights for you, to have some questions if you have and we'll take it from there.

CHAIRMAN CAMPOS: I guess the big question for me, Mr. Lujan, is money. I understand this is a very expensive program to institute and to maintain and often neighborhoods are very split on it and it costs a lot of money. It costs a lot of money every year.

MR. LUJAN: Mr. Chair, members of the Commission, what we have come up with in Dan's research on speed humps, it is approximately, to engineer speed humps is approximately \$3,000 per hump. That's including striping, signing and the initial installation of it. Maintenance costs every year, we would have to back that out and see what signing costs, striping and the like. But it is a costly item. But the initial start is approximately \$3,000 per speed hump.

CHAIRMAN CAMPOS: And the life of a speed hump is?

MR. LUJAN: Well the life of a speed hump is eight to nine years, as long as the asphalt lasts. We do need to stripe them. There could be some, during snow removal we could damage them. There are several issues that could happen with the breakup of subgrade on different streets. So it would probably be about eight to nine years I would think.

CHAIRMAN CAMPOS: Okay. Thank you, sir.

MR. LUJAN: Would you like a presentation from Dan Rydburg? He has some information.

CHAIRMAN CAMPOS: Mr. Rydburg, how long do you think it will take?

DAN RYDBURG (Traffic Engineer): Dan Rydburg, County Public Works. I don't really have a prepared presentation. I was under the impression to have information ready to answer any questions that may be asked.

CHAIRMAN CAMPOS: Okay. Questions for Mr. Rydburg.

COMMISSIONER ANAYA: Mr. Chair, Dan, give me some pros and cons.

MR. RYDBURG: I kind of put together a quick list on your request and I'll start on with the pros. Speed humps may lower the speeds. Sometimes people can speed over them anyway. It depends on what kind of vehicle you're driving. It may lower the volumes. Speed humps may deter people to drive down a certain road and find an alternate route. One thing it does do is make it easier for pedestrians to get across the street, obviously, because the speeds are lower and there may be less volume. And then it usually ends up with safer bicycle operations, obviously, also, for the same reason as the pedestrians, that the speeds would be lower.

Some of the cons, as Mr. Chair has already alluded to, large budget required. It's a project that you've got to have the funding to start because once you start it it just grows and

grows and I have experience with that. Increased staff is very possible. We may need to add an FTE to have somebody down at Public Works who administers this program because of the amount of work that's involved with all the requests, the budgeting, the financial end of it, the public meetings. There's a lot involved into it, so there may be some increased staff needed. Obviously, the maintenance is increased on the roads. Additional signage and striping on the humps is a maintenance item that's not figured in right now.

Noise levels may increase on certain roads. People will speed up and slow down right before the hump, go over the hump and then speed up again to the next one so there's a possibility that noise levels will increase and also air quality. Vehicles traveling slower and stopping and starting, accelerating and decelerating will definitely have an effect on the air quality in the area. Another big concern is emergency response time from fire and police and ambulance. As James mentioned earlier, snow removal gets slowed down a little bit. And it also may increase speed and volume on adjacent roadways. If there's a roadway that people don't want to travel down because there's humps and they have to go a few blocks out of their way to get on another road, they're going to have to make up for that lost time somewhere. So whenever you put calming or humps or any kind of traffic mitigation on a road, chances are there are going to be people that don't want to travel it and will find an alternate route. So you may put humps on one road which is going to send the traffic to another road, to another road and so on.

So obviously, the list of the cons is a little bit longer than the pros, but this was just some of the pretty obvious ones that I came up with to present to you today. And I'll stand for questions.

COMMISSIONER ANAYA: Mr. Chair, Dan, let's say you're a Santa Fe County Commissioner. You get a phone call from some constituents. And you're trying to slow the traffic down, and that's what we're looking at right now. How can we slow the traffic down so that it's safer to cross, and that's why I asked to get all this information because I'm in that spot. I'm trying to figure out how we can slow the traffic down. I see the Sheriff there and maybe, we could, instead of using speed humps, maybe we could use that money for more law enforcement, but that's where I'm at right now and that's what I'm trying to figure out how we can do.

MR. RYDBURG: I mentioned this before, this is pretty much the industry acronym or saying that's used is you follow the three E's whenever you do traffic calming: Education, Enforcement and Engineering, in that order. The first thing you want to do is educate the residents in the area and anybody using the roadway what the speed limit is, what the posted speed limit is by putting the speed limit sign up, and then also possibly getting involved with the neighborhood association to try and analyze what the problem is because the speeding on roads is a result of something. There is- if you look at the core problem of why there's speeding and why there's volume on certain roads that's where you want to find out and you get that information by being educated yourself from the residents in the neighborhood but also by educating them on what is going on in their neighborhood.

Each part of the county, each different neighborhood is very sensitive to different

issues. I know one of the areas that you've been concerned about is down in the Jemez Road area. There's a school down there that has a lot, a lot of traffic on it from parents taking their kids back and forth to school. There's all possibilities on why there's so much traffic down there and why people are speeding. You want to go into that neighborhood and meet with the residents and find out what's going on, so education is the first and most important part, is to educate the residents and also be educated yourself on what the problems are.

The enforcement part is having law enforcement actually enforce the mandated, posted speed limit. There needs to be enforcement in place. If drivers have no fear of ever getting in trouble for breaking the law which is the speed limit then they don't really obey the speed limit. So if the law's being broken there needs to be some type of enforcement there, and that needs to be exhausted before you move to the third step, which is engineering. And that's physically changing the characteristics of the roadway, whether it's placing a speed hump or a traffic circle or one of the many different devices that are traffic calming. That's the last resort. That means that you've exhausted everything that you can possibly do and that's the last resort.

To go back to what you had mentioned before, if I was a Commissioner and I had specific roads, I would contact Public Works and myself, James Lujan, make the issues on those specific roads known to us and let us try all of our options. I've tried some other - and what's recommended is you try everything you can with signing and striping, anything you can do that's in a normal course of traffic engineering before you go to the end result of actually physically changing the characteristics of the roadway.

So, public meetings, finding out what the problems are, why the problems are there, and trying to figure out how you can do it. Sometimes it's a matter of making another connection on a roadway, which will take a lot of volume off one road and put it on another. There could be some restrictions on trucks, possibly. Different stuff that can be done but Public Works needs to be made aware of it and then handled on a case by case basis is my recommendation on how it should be looked at.

COMMISSIONER ANAYA: The particular road that we're talking about that I've gotten calls on was Jemez Road, and I know that we've talked to the residents there and we've sat down with the Sheriff's Department and we're trying to figure out what we'd like to do there to slow that traffic down. I now South Meadows Road, if we can complete that road, then possibly it will take some traffic off of Jemez Road. But I'll just turn it over to Commission. Maybe he's got some stuff.

COMMISSIONER MONTOYA: I think Commissioner Duran has something and then I can -

COMMISSIONER DURAN: Thank you. This is the third time in the last seven years that I've had discussions relative to speed humps. And one of the things that you didn't mention was technology. I think that's a solution to this problem. More law enforcement, all the other items that you mentioned have proved to be futile. This is the third time that I've suggested that staff and the County Manager look into how do we adopt an ordinance that allows us to put radar detectors like they do in Arizona. When you're driving down a road and it registers how fast you're going and if you're exceeding the speed limit it gives you a ticket,

you get a ticket in the mail. And I know when I'm in Arizona I'm very careful about speeding because of that, because they can get your license and they can send you a ticket.

I think in some of those areas that you've talked about, Jemez Road, that's one area. Cañada de los Alamos has the same problem up there. I think technology is the secret to this thing. And the cost of getting that technology could be paid for by the increased fees and fines. Or the increased fines that we would experience by having this technology available to us.

MR. RYDBURG: I agree the technology has definitely improved over the years and I'd be glad to go down that road with whoever wants to.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. There are some people here who live in the district that I live and that are here to listen because they've actually brought the complaints to me. Mary Louise Williams, Stein, Amelia and Joe Garcia and Felicia Trujillo. And I think it's, I guess the question that I have is that I've brought these matters to the attention of Public Works. I've talked to Sheriff Solano, and what's been done to alleviate some of the speeding that's going on on 84 and 109 North. And Pojoaque Valley for that matter. I know that there was a point where we had a two-day period. I think there were about 42 citations that were handed out in that period of time. I think that's a good start. But since then, I don't know if there's been any more enforcement there on the enforcement side. So I guess - what's been done in terms of when I've brought these to your attention?

MR. RYDBURG: I guess the first and most important thing is making sure that all the roads have speed limits on them and that enables law enforcement to go out and give out the tickets. Maybe James has some information on more specific roads.

MR. LUJAN: Mr. Chair, Commissioner Montoya, are you asking Public Works, what have we done for enforcement?

COMMISSIONER MONTOYA: Right. In terms of Dan mentioned the first step is to bring it to your attention.

MR. LUJAN: Yes. What we have made sure of at staff that the speed limit signs are posted. On some areas, on curvature signs, we make sure that those are up and we do have a complete inventory in traffic that those signs are all in place. We've added some neighborhood "Children at Play" signs in different areas that have been requested. As far as that's what we have done from our standpoint, from Public Works.

As far as law enforcement, maybe Sheriff Solano could speak to that matter.

COMMISSIONER MONTOYA: Okay, Sheriff, would you please address that as well.

GREG SOLANO (County Sheriff): Mr. Chair, Commissioners, we have hit a lot of those areas. Sometimes we're in the Pojoaque area for different reasons. We'll go out there for speeding, then we'll go out there for ATVs, for mailboxes being torn down, different reasons. One thing about traffic is that I only have two officers within the department whose sole function is to handle traffic issues, and that includes DWI. There are DWI traffic officers. One officers works nights, one works days, They work four days a week, so that means that there's three days where I don't have anybody out there.

My feeling is that before we look at speed humps that really we should look at whether we can increase enforcement and put some more people out there to do nothing but traffic. The other thing that I'd like to do that I've been working on since January of last year is trying to come up with funding, which I haven't come to the Commissioners because I have been approaching other avenues of grants and approaching even neighborhood associations. I've even gone to neighborhood associations and asked them to help fund these. But maybe since I've gone this year and haven't had it funded elsewhere, maybe the Commissioners will consider it. I'd like to buy a couple of those trailers that you park at the side of the road and it says, The speed limit is 25 and you're going whatever as you go by and it warns you.

Those are effective in slowing people down and when you use that in concert with enforcement, where we get a trailer like that, we set it up for a day or two and one day maybe it's just the trailer there and the next day the officer is there pulling people over and giving tickets so that people don't really know when they're going by whether it's just the trailer or whether they're going to get tickets at the same time. I'd like to purchase two of those. They run \$8,000 apiece and I've been working at it throughout the year.

The Eldorado Homeowners Association at one time was looking at helping us to purchase one and I think that's kind of been put on the backboard or something from their point of view. I've also looked at using traffic safety funds to purchase one and that's something that we're looking at right now with some funds that are available. But that's something that I'd like to get out there. But we really don't have adequate traffic enforcement. I can't tell you that we do. Yes, I have 62 deputies in total and at any one time there are four or five out on the street to handle calls but they can only do traffic enforcement when they're not busy doing other things, which is not a lot of the time nowadays.

We are going into the districts as of March 1st and that's where deputies are going to be assigned to specific districts. And the north is one of the districts. We divided the county into four districts and the north is one district by itself. And the way that will work is that a deputy will be assigned to each district 24 hours a day and when they're not busy on calls, they are to be in their district handling closed patrols, handling problem areas with speeding, problem areas with burglaries, any kind of problem areas within that district. When they're not busy on calls they're supposed to be in their district handling those kind of things. That starts March 1st. That took a little longer to get initiated than what we wanted to. We wanted to start this last year but the shortage of manpower precluded it. And really, I'm still short manpower but we decided just to do it because it was getting put off for too long and we said we're just going to do it and that's that.

So March 1st, that goes into effect. The union made an agreement with us on how the bidding would be on what officer would go to what area, and the officer goes to that area for a year. And the idea there is that by having the officer in one area for a length of time, and actually I wanted two years but with the union we worked out a year agreement, that they would get to know that area much better, get to know these problem areas, these areas that we get complaints, and do a better job of it.

When you send a complaint to me now on a specific area or a street, that basically gets

put in a book that's called closed patrols and all the officers are supposed to check it, but there's nobody really specifically responsible, it's just kind of assumed that when an officer is out there that they'll check that area. By going to the districts, we're going to have officers who, if that street is in their district then they know that they're responsible for it. And we know who's responsible for it. I can go back and say, Officer So-and-so is responsible for that district. Have they checked into it? Actually, there's six deputies per district but only one on duty at any one time, with the exception of the district that encompasses Agua Fria and Airport Road, we get a high volume of calls there and we have two officers assigned to that district.

As we expand manpower, I want to expand more officers to districts and also I want to expand the districts, make them smaller and have more districts. So that's where we're working now. But for emergency services, fire, police, speed humps are a problem. Speed humps tend to just divert traffic, in my opinion. I've looked at this, and speed humps, what happens is you put speed humps on Jemez Road and they go around to the next road and people will not use that road because of these humps. So then what happens is then the next road wants speed humps and it just grows exponentially.

So I really feel that we need to put a little bit more into law enforcement first, and granted, that's asking for more money for my department, or more positions or more traffic positions, or more technology we could put, such as those trailers and things like that.

As far as the cameras and taking pictures and sending citations, that's currently illegal in the state of New Mexico. We'd have to go to the legislature and get some laws changed. But another thing I want to throw out there that I've been working on that I asked legal to help me with and they have been, and that's forfeiture of vehicles for DWIs. And I wanted to -

CHAIRMAN CAMPOS: This isn't related to the speed humps.

SHERIFF SOLANO: Well, it could be and I wanted to throw it out about funding.

CHAIRMAN CAMPOS: We need to wrap it up a little bit. Go ahead.

SHERIFF SOLANO: I know I'm taking too long, but you asked about funding and one of the things that I've been working on was doing a forfeiture of vehicles for second and third DWIs. And if we would do that, the funding that comes back from that could go towards not only DWI prevention, but traffic enforcement and DWI enforcement too. I don't know if you have any other questions. I know I took too long. I apologize.

COMMISSIONER MONTOYA: Mr. Chair, relative I guess to the adjacent roadways, we're kind of locked in terms of - we don't have a lot of roadways for people to take other routes. We're pretty much locked with the roads that we've got with the arroyos and those areas. So I don't see that and I mentioned that the other day when we met with James and Dan, of that being a huge issue because there's usually one way in and one way out on all those roadways that we're looking up north at. So people are pretty much restricted to the roadway that they're on right now. So I don't see that as something that's going to deter them going to any other roadways. There are no other roadways.

And I guess a question that I have and maybe it's for both you, Sheriff, you and James, is what's cheaper, engineering or enforcement?

SHERIFF SOLANO: Mr. Chair, Commissioner Montoya, the thing that I see with humps is that it expands exponentially. If you look at the City, they've spent year after year it increases because more and more people want it and more and more people want more of them as it grows. And I'm afraid also that we eventually become a place where everywhere you go there's humps. We have two Camaros that are on the Sheriff's Department which I wouldn't have purchased and we won't be purchasing any more, but the two we have, they scrape on those humps from one end of the car to the other. There are a lot of cars that are made low for aerodynamics and other reasons that those humps just tear up the bottom of them. My wife's car is one of them also that hits the bottom. I think there's more than just - and I don't think that we've adequately done the enforcement side of it. I can't tell you that I have because I don't have the resources right now.

I think we could use another traffic officer or two to go out and hit these areas.

CHAIRMAN CAMPOS: Mr. Lujan.

MR. LUJAN: Mr. Chair, Commissioner Montoya, your question again, they're both recurring costs, but I think with enforcement, other things can be handled in the neighborhood - burglaries, a number of other things, so speed humps is just handling one thing, if it really works. But I think with the enforcement side there's other things that can go on in the neighborhood or they can be able to track in the neighborhood versus speed humps. But probably the cost, they're both recurring costs so maintenance over the years, probably asphalt and that type of maintenance is a lot more than FTEs. I guess they need more vehicles and stuff, but I'd hate to put a cost to that.

COMMISSIONER MONTOYA: I figure if it's \$3,000 a hump, you put in 12 humps, \$36,000, you're not even going to pay for a patrolman or sheriff with \$36,000. That's not even including the car. He'll need a car. It just seems like the cost for enforcement would be greater than they would be for engineering, long term. That's just unless - fuzzy math. I've heard of fuzzy math before but I think this is pretty clear-cut in terms of what we're looking at here. So I don't know. I still think that - and Sheriff, I'm glad to hear that starting March 1st we're going to be having more deputies in that area and I would suggest that immediately we talk to these folks that are here in terms of - they can tell you everything that they see on a daily basis and it's not good. It puts people's lives in jeopardy, basically is what we're talking about. People's lives are in jeopardy and what's more valuable, a life or a \$3,000 speed hump? That's what it's coming down to for me. That's where I'm coming from, Commissioners.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, let me just throw a couple of ideas and things out. I've met with people in Eldorado and they have the same concerns and the Sheriff was responsive to us and helped us get some additional enforcement out there. But I also just attended a meeting last night of the Southwest Santa Fe Traffic Coalition, which is a new group that's forming as a part of the Bellamah Area Association. Both sides of Rodeo Road, essentially are where their concerns lie. And we had a presentation by both the County and the City. Judy McGowan was there representing the County.

With regard to traffic diversion, what the City said, and the two they gave as an

example is Avenida Campanas and Camino Carlos Rey. Those two streets off of Rodeo pretty much parallel each other. And Campanas just recently got speed humps on it and Camino Carlos Rey doesn't have them except at some crosswalks. And they said that they saw less than five percent difference in traffic before and after the speed humps. They went out and measured it before and they measured it afterwards.

So it's not an effective tool in the City's experience for reducing volumes on a road. But it does lower speeds. So there's no question about that. We run into the situation where we can put \$3,000 out as part of our capital funds through the quarter percent gross receipts tax. That's a possibility. But the big cost is in this education program and getting the community up to speed, so to speak, no pun intended, with the program. And that's very important. The issue was also brought up and I think Commissioner Anaya has brought it up in the past as well, of the proliferation of signs. On Campanas, there's more than 30 signs in a little stretch that's less than about half a mile. And just because we're such a litigious society that we have to have all these signs warning and warning you of the warning signs and on and on. So it becomes a forest of signs, which is rather ugly.

But aside from those issues, and the cost of GO, general obligation funds that we would need to have the staff for this education program, that's a big one. I've been in the past quite opposed to speed bumps just from an engineering standpoint. I think if you build a road to be safe and to be traveled at a certain speed that you should - that you're negating what you built the road for to do that. You're making it more dangerous. But I've seen some designs and some here in this handout that do seem to work pretty well.

I personally would like to try one on a pilot basis somewhere, whether it would be in your district, Jemez Road or wherever, rather than making it a permanent County policy. I think there's some limited places where it may have some application, particularly as you say, Commissioner Montoya, on dead-end street and areas where there's only one way in and one way out and areas of schools and places like that that are both schools, and I'm thinking of streets in Santa Fe such as Alameda where we have main streets that pass a school. You have people going through but you also have people going to the school.

So my thoughts are that before we get into a major program, or before we reject it out of hand, that perhaps we consider sitting down with staff and picking a place that is most appropriate for it and I don't know which area that would be. And try. And at the same time, I certainly like the Sheriff's idea of the speed identifier signs, and then following it up with the Sheriff there the next day. If we can find a way to fund those in our budget, upcoming budget cycle, I would sure like to do that. That is very effective. They've used that out in Galisteo. I've seen those out there in Galisteo on the State Highways. They're extremely effective. You come up over the hill and you see that sign. You say, Oops. You just don't realize how fast you're going.

So I guess from what I've learned from the City's experience on this, in limited cases and instances, it's not the answer for every problem and it doesn't replace law enforcement, which is your number one. In limited areas I think it would be worthwhile us trying it on a pilot basis. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay. Are we ready to move on?

COMMISSIONER DURAN: Well, we need to give staff direction, Mr. Chair. I have a comment. I agree with everything you said, Commissioner Sullivan, but I'm not sure it should be – I think it could be a pilot project, but what would be wrong with just allowing those neighborhoods that have the concern come forward and request placement of a speed hump, and the Commission could approve or disapprove. Commissioner Anaya has a neighborhood that would like one. Commissioner Montoya has one. Why don't we give staff direction to approve those two and let the community know that if they have these kind of concerns the Commission would approve, could review the request and make a decision. In addition to that, go forward with these speed devices and at that same time, try to put together some legislation that would allow us to do those – give tickets through the mail with those devices. Because it's not going to go away; it's going to get worse and we might as well start working on it, phase these things in and I think the immediate issue is that these neighborhoods have problems and we need to address them. So my recommendation would be to give staff direction to do all that, in that particular sequence.

COMMISSIONER ANAYA: Mr. Chair. I agree with everything the Commissioners have talked about including staff. I think we need to – our main concern is slowing traffic down. Now I forgot what I was going to say. But I don't want to get into a predicament that the City's gotten into and they've spent millions and millions of dollars on speed humps and everybody's just been requesting them. I think that in particular cases, like where Commissioner Montoya's street that he's talking about, it's a one way in and a one way out. I think that the speed humps would probably work. I think what we should do is staff should meet with those citizens on that particular road or in the Jemez area and tell them the pros and cons of speed humps, and then maybe have a petition there that they need to sign and let's get everybody on board, or most of the people on board, and then come back and talk to us and say, Look, the people on Jemez Road, everybody on there or 50 percent or 80 percent of them want speed humps and I think it would work in that area.

But I don't want this – if we were to do an ordinance, I don't want then the next road coming in and then the next road coming in. Then there we go, we're just like the City and it's costing us a lot of money. So I think that in certain areas speed humps would work and certain areas it shouldn't and it won't.

CHAIRMAN CAMPOS: Mr. Gonzalez, question for you. Do we need an ordinance and regulations to support any action of this sort?

MR. GONZALEZ: Mr. Chair, in the long run, you probably do and that's my concern. The threshold level for speed humps, it's probably important that you do that because it will determine where they go. The City of Boulder just abandoned their speed hump program because it was eating up their road budget. And so it's got to be narrowly defined. I don't know what the criteria would be. Probably an engineer like Dan could address those but I think if we're going to do it on an experimental basis we're probably okay, to just do a couple of them, do traffic counts before and after, speed counts before and after. But I'd want to limit it very much just because of the budgetary considerations.

CHAIRMAN CAMPOS: I would suggest that it draw critical management areas where really nothing else will work. If we could draft an ordinance or regulations that would be very limited. Because once you open, once you pass an ordinance, everybody wants one. We don't have the money. So if you guys want speed humps and all this stuff, where are we going to get the money? Is there going to be more taxes? Are we going to cut out budgets? Where are we going to get it? Our budget is tight right now. I'd suggest staff, if you can come up with some very narrow criteria for an ordinance and regulations where we have critical management areas only. Does that work, Mr. Lujan?

MR. LUJAN: Mr. Chair, members of the Commission, I think that is viable. We do have some structure already and a policy. Perhaps you want it brought up at the next Commission meeting or next month and we can narrow it down and give you some time to review it and make it on a trial basis in certain areas. Do traffic counts. But it's all pretty much spelled out in that policy that we have handed out to you.

CHAIRMAN CAMPOS: But do we have regulations that are tightly drawn that limit it to critical –

MR. LUJAN: We would have to redefine it to what you've just spoken about. This is just a policy that would apply to over the whole county and some criteria.

CHAIRMAN CAMPOS: Because it could get out of control pretty quickly as Commissioner Anaya has pointed out, and as the experience for the City has shown. And Boulder has abandoned it because it got too expensive and Boulder is one of the wealthiest communities in the country. We're talking big bucks, especially in the county, it's 2,000 square miles and you've got roads everywhere. Okay, so is that direction? Good direction?

COMMISSIONER MONTOYA: Yes, and if I could just suggest that we meet with the people that are – because we already have petitions in hand from people that have requested this.

MR. LUJAN: That is part of the criteria in the policy that we do meet with them, that we do some evaluations on that road. We set out some – there's some criteria and then we pick up some data on that roadway itself so you can work with it.

COMMISSIONER MONTOYA: Okay.

MR. LUJAN: But it's in the policy. So do you want this brought back next month?

CHAIRMAN CAMPOS: Whatever's comfortable for you, as far as tightening up the criteria to critical management areas.

MR. RYDBURG: The criteria is pretty much basic engineering, width of the road, length of the road, posted speed, volumes. There's criteria in there that everybody follows that does speed humps. And I just caution the Commissioners too that some of the roads that they're mentioning, it may not be possible. Volumes, Jemez Road has in excess of 5,000 vehicles a day. That's why they recommended not to put humps on a road with that much volume and some of the roads in Commissioner Montoya's are privately owned roads. The County maintains them but they don't own the road so there's a big issue on whether we can place humps on those roads or not, so I think they need to be careful on which roads they

pick but we'll gladly work with you as much as you want and however you want. It's basically width, length, speed, volume. It's all there already.

CHAIRMAN CAMPOS: The question, Mr. Rydburg is can you define criteria for critical management areas which are really dangerous, hyper-dangerous that nothing else works. Can you come up with something? I know there's general criteria. I know we've seen it before.

MR. RYDBURG: Sure.

CHAIRMAN CAMPOS: Is that possible?

MR. RYDBURG: Yes, Mr. Chair.

CHAIRMAN CAMPOS: When could you get it?

MR. RYDBURG: We could have it for next month.

CHAIRMAN CAMPOS: Okay. Is that okay?

COMMISSIONER MONTROYA: That's fine.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: I just want to make sure that we go to those certain areas and talk with the people, set up a meeting and let's educate them on what we think and get their input so that they know exactly what we're talking about. For example, they want speed humps but maybe the road is too narrow and we need to let them know that. Maybe we can come up with an alternative thing to reduce the speed on that road.

MR. LUJAN: Mr. Chair, Commissioner Anaya, what we can put in the policy is that a public hearing, a neighborhood association meeting be held prior to any construction of speed humps and we spell all that out as we get requests from them in that manner. Is that what you're looking for? To go out to the community and define issues to them.

COMMISSIONER ANAYA: Well, I think if you go out to the community before they come to us, for example a couple of people have come to me on Jemez Road. Now, if we go out to Jemez Road and say we're going to do a public meeting, talk about speed humps, who knows? We might turn that whole thing around and people might say, Well, wait a minute. We don't want more noise, we don't want more -

MR. LUJAN: Correct. And that's what I'm asking is it be part of the policy because as requests come in, because we could be holding public meetings all over the county. As they request them, that is part of the criteria that we do hold a public meeting with them before it comes to you.

COMMISSIONER ANAYA: Okay.

MR. LUJAN: If that's fine.

COMMISSIONER SULLIVAN: Mr. Chair. And not to belabor the point, but the City, just so we get this in context, spends a million and a half dollars a year as their current budget on speed humps and related signing and so forth. So it can become an expensive proposition and I think if we do a pilot or experimental project we need to approve them on a case by case basis once the staff has the public hearings and brings them forward to us on a case by case basis rather than making it a blanket policy. Thanks.

COMMISSIONER MONTOYA: Mr. Chair, Romella had a comment or something.

CHAIRMAN CAMPOS: About speed humps?

COMMISSIONER MONTOYA: I'm not sure.

ROMELLA GLORIOSO-MOSS (Planner): Mr. Chair, Commissioner Montoya, thank you very much for letting me speak. I would like to suggest that one of the criteria is if there is some places or some communities that there is ongoing community planning process, and if that committee or community identifies it as one of the most important issues, a key issue to have speed humps on their roads or in that community, can we have a first priority to have speed bumps or speed humps in that community or that road. After we drafted the plan, the BCC has approved the plan, then we will have the first priority to have speed bumps or speed humps in that community.

CHAIRMAN CAMPOS: I think you should talk to Mr. Lujan and Mr. Rydberg. Our criteria is much narrower. These critical management areas, not whole communities. We're trying to keep it tight.

VIII. D. Discussion on Water and Wastewater Legislation and Issues

MR. GONZALEZ: Mr. Chair, members of the Commission, we circulated just sort of a rough draft of some thoughts in the wake of the legislative session and the proposed House Bill 397 and Senate Bill 446 with respect to forming a regional wastewater and water authority. And I just wanted to put this before you to continue the discussion because I know that that's an important issue. We talked about the intent of a potential visit to Washington and the need to deal with wheeling issues. And also, much larger issues that the County faces outside of what I think is the City's principal concerns which is I think the City itself and perhaps the five-mile periphery. What the proposed resolution does is basically try to get a mechanism into place that would continue the dialogue that began with the legislative discussion of the issues having to do with creating a regional water and wastewater authority.

It would propose to continue that dialogue through a more formal process following the resolution and also potentially provide for introduction at the next legislation of improved version of the bills that were introduced in order to deal with the issues that came up that prevented us from getting successfully through the session.

CHAIRMAN CAMPOS: Good idea. Any other comments?

COMMISSIONER SULLIVAN: Mr. Chair, is this a resolution that we're going to act on today?

MR. GONZALEZ: No, it's a proposal. We wanted to put it before you. We'll be glad to bring it back with Commissioner input at the next BCC meeting so that you can consider it more formally.

COMMISSIONER SULLIVAN: Let me suggest - I would certainly support this. I have no problem with it. I've got to read it a little more clearly because I've just seen it

now. Concurrently, would it be of any use to take this to the City and say, We would like to do a joint resolution with the City on this and get them on board. Get that dialogue going so that they are committing to a regional approach that we discussed at length earlier here today. Would they, do you think they would be receptive to that?

MR. GONZALEZ: There certainly is nothing wrong with proposing that, particularly in the current climate. I'd be happy to send a letter to the Commission and to the City Manager saying that this is being considered and we'd be glad to have their input and have them consider it as a joint resolution.

COMMISSIONER SULLIVAN: I don't think we want to stop it as a part of our process. It's certainly appropriate for us to enact this resolution.

CHAIRMAN CAMPOS: Would you copy the other Councilors? Sometimes they just don't get the information if we simply go through the Manager or the Mayor, they're not getting information.

MR. GONZALEZ: We'll issue the full invitation.

COMMISSIONER ANAYA: Mr. Chair, we might want to include cities, instead of city. Española and Edgewood.

MR. GONZALEZ: And the resolution does mention them as well so I'd be glad actually to circulate a copy to those bodies as well and see if they're interested in participating.

CHAIRMAN CAMPOS: Okay. Any other comments?

COMMISSIONER MONTOYA: I agree with Commissioner Sullivan. I think we need to also first of all agree on what we would like this to look at as well so hopefully we don't have any conflicts coming up at the last minute. It kind of was unfortunate that this happened his year but I think that this is certainly the direction that we need to go in and get consensus here on this Board as well.

CHAIRMAN CAMPOS: Okay. You want Matters from the Commission? We've already belabored Matters from the Commission for an hour and a half.

COMMISSIONER SULLIVAN: I have one or two short items, Mr. Chair.

COMMISSIONER DURAN: So do I, Mr. Chair.

COMMISSIONER SULLIVAN: I just have two items. One is I wanted to bring up to the staff and also, Mr. Chair to you, and the review of these final development plans that come forward and I was looking at one the other day that I was asked to sign. If these final development plans have grading, drainage or utility plans incorporated in them, which all of them should, they need to be prepared and sealed by a registered professional engineer. And I'm not seeing that. That's a state law that apparently the development submittals are by-passing. So I refused to sign one the other day because of that and we need to be sure that any engineering drawings that are a part of these development plan submittals are in fact prepared and signed by a registered professional engineer. That's pretty clear in the law. So keep a look-out for that.

CHAIRMAN CAMPOS: I appreciate that.

COMMISSIONER SULLIVAN: Sometimes I've seen the name of the engineer on the coversheet but the engineer didn't prepare the drawings and accordingly didn't seal

them.

CHAIRMAN CAMPOS: I think we should direct Mr. Roman Abeyta to look at that seriously. Make sure it's done properly. I don't think he's here right now.

MR. GONZALEZ: We'll pass that on, Mr. Chair.

COMMISSIONER SULLIVAN: And the second item was that I wanted to express our appreciation to the legislature. I want to express first of all some disappointment that we didn't get the regional wastewater authority moving and express appreciation to the staff, to Gerald and to Steve Ross and to Rudy and to all of our legislative workaholics that we had out there who worked on it tirelessly and we did have apparently some differences of opinion with Representative Rhonda King on that as well as on the well reform bill. But I think we can still work on it.

On the other side of the coin we did have some good things happen. I think some \$36 million in capital improvements was generated out of this session, more than any -- twice as much as any county around us and that included for example money for the Eldorado Senior Center, which I've been pitching for and the legislative delegation has been very good about supporting. So we got some road money. We got a great number of projects that we had put in under the capital improvements bill and that's a real kudo to our staff who were out there testifying and tracking these bills. I can remind you, I think it was just two years ago, we got three million in capital improvements for Santa Fe County. So that's a ten-fold increase. Not all goes to the County. Some goes to the City and what have you, but nonetheless we're all part of the same county so I'm pleased with that. Thank you, Mr. Chair.

COMMISSIONER DURAN: Gerald could you get Steve Ross in here please? Mr. Chair, the reason that I asked for the floor is that I've met with Whirling Rainbow Productions who I think have met with all the Commissioners except perhaps Commissioner Sullivan. And it's been several weeks since they have expressed, several weeks or a month that they expressed an interest in locating their organization or their business out at our business park. So I'm trying to get this thing off dead-center and I know staff has been working diligently on it, but I'd like to give staff some direction so that we can move forward to bring this thing to a head and have this Commission make a decision as to whether or not they want to proceed with this entity, so that they can go to their investors and try and put their program together.

And basically, if you know what Whirling Rainbow Productions is all about, it's a film production company who's interested in locating in our business park. And they have expressed an interest in 25 acres of that property, which results in, and I'm following a formula here that is pretty standard in the real estate industry on how to determine what a lease amount, an appropriate lease amount would be. And bear in mind that the business park was developed and our economic development resolution created with the idea that we could participate in bringing new jobs to the community and increase economic development.

So basically what it is, if you could follow with me is they're asking for 25 acres, which is 1089 square feet of land [sic]. The value of that land and I've spoken to Sophia who's discussed this with the appraisers down in the Assessor's Office and I'm not sure if she's talked

to any MAI appraiser but I found this to be pretty accurate. The value of that land is somewhere around \$2.50 to \$3.00 a square foot. And based on that \$2.50 a square foot, the market value of that \$2,722,000. On a lease basis, the typical way of establishing what a monthly lease payment would be is to take ten percent of the market value of the land and divide it by 12.

So if you did that, that breaks down to about \$27,222 a month. And since our goal was to provide below market land for individuals to build building and promote economic development, I factored a lease payment with a 50 percent reduction. So that means if we were to enter into a lease agreement with Whirling Rainbow Productions under the scenario that I just laid out we would be asking them to pay \$11,342 a month for the 25 acres. Now what hasn't been factored in is the water, which Commissioner Sullivan brought up, or maybe it was you that brought it up a meeting or so ago. So what I'd like to do is give staff direction to come forward at the next meeting so that we can make a decision as to whether or not we want to enter into negotiations with them based on this procedure that I just lined out. And in the next couple weeks have staff verify that this process is an appropriate process for us to follow.

So I was wondering if the Commission would be amenable to staff coming forward at the next meeting with some recommendations based on this formula that I just outlined.

CHAIRMAN CAMPOS: I'd like to make a statement. I would prefer to let staff do the due diligence. There's still some work to be done. I know this is important to do it quickly and I know they're working diligently and I hope by next week we can have some real solid information. So I would prefer just to proceed as we are going. I think staff is doing a good job. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I agree with Commissioner Duran. I think maybe staff asked for your help in this, or did you just -

COMMISSIONER DURAN: Well, Sophia gave me a call and I met with her and she outlined what she had been doing and that was a couple weeks ago, about ten days ago. And knowing how this process takes place I just wanted to make things happen quicker. It wasn't that I didn't believe in what staff was doing, it's that I wanted to get involved in the process and I thought the Commission should get involved in it. I understand your desire to have staff work on this. That's fine. But I think that the Commission has the prerogative of making the decision of how they want to participate in the process and if you don't want to participate as much as I do, that's okay with me. But I really want to get involved in this and try to make it happen.

CHAIRMAN CAMPOS: I think we're all working to try and make it happen, Commissioner. I think we've all met. We all know the details. We've talked to staff. We know what's happening.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I feel that you're the professional in that field and I would trust your decision and your judgement in helping out the staff. So I feel comfortable in moving forward. I think this is good for the County, a good economic development. It brings clean industry and I think we need to move forward and we need to move forward fast so we don't lose these people and this opportunity. So I agree with

you.

COMMISSIONER DURAN: Thank you.

COMMISSIONER MONTOYA: Mr. Chair, I'm fine with that as well.

CHAIRMAN CAMPOS: Okay, Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just had two things that I know the staff is looking into as a part of the due diligence. One is that this is a new organization. It's made up of an individual lady who has prior experience but the company itself, my understanding is is new. So we have to see whether this company has the financial ability to carry out its end of the bargain, whether it's \$11,000 a month or \$27,000 a month. So I think that's extremely important before we get into an agreement there. I hope that we're getting close to that review. And then other than that, I think that we are being asked to make a lease offer at this point, is all that they're asking for. The details of all the agreement haven't been settled on, so I think what's needed here and I think what Commissioner Duran is moving towards is making a determination as to what the lease would be so that they can go to their investors and see if the deal is workable. So I do think we owe them that response as soon as possible. Gerald, are we fairly close in terms of the staff's evaluation?

MR. GONZALEZ: We've made considerable progress I think. I know that the Commissioners have been briefed that we've actually seen site plans in terms of the physical facilities, we know what the outlines of those are. In terms of the leases agreement, of course we're piggy-backing on a State Land Commission lease so we need to make sure that those obligations are met, not only in the short term but in the long term. I know that internally on the staff basis we've talked about several options including an approach very similar to what Commissioner Duran has suggested.

The other thoughts that we've had internally is that we need to make sure, apart from the water issues is that any other infrastructure concerns that we have down the road are also covered. Obviously, these folks are paving the way for additional development to occur there, whether on the cinematic side or associated businesses or other businesses, we just need to make sure that whatever we do allows the County to continue to do the kind of economic development that I think this represents.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER DURAN: Another issue that has been brought up in my discussions with the company is that they're going to need a variance of about six or eight feet because of a height restriction. So they've been discussing with staff moving the facility to the back of it where there's some slope. I frankly am opposed to that. I'd much rather look at how we might be able to grant them the variance for the reason being that this company could be a flagship production company for us out at that facility. To put them at the very back may not be the appropriate thing to do. So as it moves forward, we need to put some – let's not forget that we need to have that discussion because I really think that they should be at the front of the project and it would promote other similar businesses.

I think that if we put them in the back and then we have a manufacturing plant in the front, that may not be the most prudent thing to do. But I think that we need to have that

discussion too.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: Gerald, are you aware of the \$10 million that was included in the capital improvements package?

MR. GONZALEZ: I am aware, Mr. Chair, Commissioner Sullivan. What that was targeted for is still not clear. I know it was a surprise to the folks out at the Santa Fe Community College who somehow, I think may have made an assumption that perhaps it was directed to them. It's not clear to us yet the facts of the case.

COMMISSIONER SULLIVAN: Tony, do you have anything else? Is it the Santa Fe Community College or College of Santa Fe?

MR. GONZALEZ: College of Santa Fe. I'm sorry. But the way the appropriation was drafted, the language there sort of left it open and I think the legislative intent with respect to that appropriation is still to be determined.

TONY FLORES (Project and Facilities Management Director): Mr. Chair, Tony Flores, PFMD. Commissioner Sullivan, that's an absolute correct assumption of that. There's quite a few bills in the capital outlay that did not give us the amount of detail that was necessary to determine on who it was going to or what purpose.

COMMISSIONER SULLIVAN: Of course capital outlay hasn't been signed yet, is that correct?

MR. FLORES: That's correct.

COMMISSIONER SULLIVAN: This bill specified in Santa Fe. Did it say Santa Fe or Santa Fe County?

MR. FLORES: Mr. Chair, Commissioner Sullivan, it said Santa Fe County.

COMMISSIONER SULLIVAN: It said in Santa Fe County. And there were some eyebrows raised about that too. But as I also recall, there was the companion piece approved for operation funds for this film institute.

MR. FLORES: Actually, Mr. Chair, Commissioner Sullivan, the operational piece and tax credit for the film industry did not make it out. I know the tax credit for sure did not make it out of the Tax and Rev. Subcommittee. So I know the tax credit for the incentives to bring those types of industries to the state did not -

COMMISSIONER SULLIVAN: Okay, but I saw in the summary of the capital improvements a bill of funds for operations. So could we look into what that \$10 million is about because if that \$10 million could have something to do with this project - it's separate.

COMMISSIONER DURAN: How do you know that?

CHAIRMAN CAMPOS: I asked staff.

COMMISSIONER DURAN: They said they didn't know.

CHAIRMAN CAMPOS: Ms. Collaros, have you had a chance - or Mr. Gonzalez.

MR. GONZALEZ: I understand that the appropriation was directed to DFA-Local Government. But I don't know how.

MR. FLORES: Mr. Chair, Commissioner Sullivan, the appropriation is directed to a state agency and then it's directed back to a local government, so that is the question. Most of our funds for our capital outlay will go to DFA-Local Government Division. Some will go to the Department of Health. Some will go to the engineering office. So that's where the appropriation goes to from the governor's level or from the legislators' level and from there it's back to us. So that still hasn't been determined on who gets that appropriation from DFA. DFA will not administer the program. All they do is administer the funds.

CHAIRMAN CAMPOS: So the governor will make a decision?

MR. FLORES: Mr. Chair, no. What he does is he sends it to DFA. They'll go through the language and determine what agency, whether it's the City of Santa Fe or Santa Fe County or some other agency would administer this project. That we have not been able to determine out of the appropriation language.

CHAIRMAN CAMPOS: So we have a goal then, right? To talk to these folks about where we want this money to go?

COMMISSIONER SULLIVAN: Yes. Let's put our bid in for this since we do have an ongoing dialogue.

MR. FLORES: Mr. Chair, Commissioner Sullivan, we have about \$15 million in those types of appropriations that we are trying to determine who they are going to that aren't included in our [inaudible]

COMMISSIONER DURAN: Mr. Chair, Deborah Johnson who is the owner of Whirling Rainbow Productions has indicated to me that she's met with Mr. Holden who's Governor Richardson's appointee to the Economic Development Department and he is aware of her efforts and is in support of them. So I'm sure that he's had some communication with the governor and hopefully some of this money will be allocated towards this. I don't think it's just for that. But my understanding is that there's other film production companies that want to come to our community. Because that helps them. Thank you, Mr. Chair. That's all I have.

CHAIRMAN CAMPOS: Other Commissioners?

COMMISSIONER MONTOYA: Mr. Chair, I just have one and it was brought to my attention and I think this is something that will help in the planning process that different communities are going through. Certainly the one that we have in Pojoaque and I would like to direct staff to follow through on this and work with Romella in getting a couple of these workshops, ones on collaborative problem solving and consensus building, effective approaches for watershed protection and restoration, and the other one, health and community design, the local government role in promoting active living. So Gerald, if I could ask that we follow up on these and see what we can do on this.

MR. GONZALEZ: Sure, if you can get a copy to me I'd be glad to do that, Mr. Chair, Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. That's all I have. Mr. Chair, I just wanted to thank Mary Lou, Steen and Joe and Amelia for being here also this morning and at least you're aware now what needs to be done next and thank you for being here this morning.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you. First of all, I'd like to thank the representatives in the centers for all their hard work and thank them for all the money that they have given to Santa Fe County. I'd like to thank Gerald, I know you were there all the time. Steven, Tony, Rudy, Jaime, James and Marlo for all their hard work. I think that team worked out great and we can tell by the money that we received.

On the Consent Calendar, the resolution requesting increases, could we get those increases on this Consent Agenda. For example, if it's \$50,000 or \$100,000, can we state that on there? Is that okay to do?

MR. GONZALEZ: Are you speaking to the items under specific departments?

COMMISSIONER ANAYA: Yes.

MR. GONZALEZ: That can be done. All we just need is Commission direction in terms of doing that.

COMMISSIONER ANAYA: That way we know the amount there and we wouldn't have to go back to the packet and look.

MR. GONZALEZ: So we just include the amount that's being approved under the Consent Agenda item? We can do that.

COMMISSIONER ANAYA: If that would be okay.

COMMISSIONER SULLIVAN: Sometimes it's just a transfer. It's not an additional.

COMMISSIONER ANAYA: Or a transfer. But the amount would be shown on the Consent Calendar. Id we could do that I'd appreciate it. And about our packet, do we really need all of this information. I know there's sometimes we could just skip straight to the point and save all this paper and is there somebody that could look all through the packet and point out specific things? That way we don't have a thick packet like this?

MR. GONZALEZ: Mr. Chair, Commissioner Anaya, that's a Commission call. We've been back and forth over the years. At times we've tried to compress the packet and I understand it and then Commissioners have asked for additional information so we've put the additional information in. Just a question of how you want to provide direction to staff in terms of structuring the packets. We always err on the side of non-short-changing you in terms of information. If there's some way that we can flag information, we have asked for memos for items in the past to appear at the beginning of each packet so that you have a summary to work from. I can make sure that we emphasize that but whatever the Commission desires we can do in terms of putting the packets together.

COMMISSIONER ANAYA: I'd personally like to see it get cut down and maybe if the Commissioner reviewed the packet before the meeting and he thought he needed more specific information on that item, then he could ask for it and then it would be put in place in the packet or handed out during the meeting. But I just see a lot of wasted paper here and a lot of repetitious stuff coming in and we've seen it over and over and over. But that's my comment.

CHAIRMAN CAMPOS: Commissioner Sullivan, do you have a comment?

COMMISSIONER SULLIVAN: No, you already gave me my turn. But I will say, never give a politician a chance to speak again, but I will say there are a few things sometimes in terms of the contractual documents, where it is our standard contract language, let's say on these procurement things, I think you could insert in there, "Standard Santa Fe County Contract Language" and we would save a lot of paper. Where there's any changes to it, I like to see it, the dollar amounts and the process of the procurement and who the proposers were and those types of things. But we do have standard procurement in construction contract, bid bonds and those types of things. I don't think it's necessary to have all of that in there and that would reduce the packet considerably.

COMMISSIONER DURAN: Just one last thing. We spent all this money on all these computers several years ago so that we could digitize.

COMMISSIONER SULLIVAN: Javier did.

COMMISSIONER DURAN: This information. What would be wrong with digitizing this whole package and having it available to us in digital format? We never look at this agenda. It's nice to have it here but we never do anything with it. And if we had a digitized packet here we could go to each item.

MR. GONZALEZ: Mr. Chair, Commissioner Duran, I'd be happy to work on that. I know that the County Clerk has pioneered digitizing and also a scanning process. We could scan in possibly the packet, the background material for the packet so that if you want to go to it you can go to a scanned version of it. I'll have to work with IT and see whether how quickly we could do that, but it can be done, I think. So it's the last minute items that would probably create more of an issue than anything. And with respect to the contracts, we can start putting in contract summaries rather than have the whole contract document in there and see if we can scan in the rest of it. We'll work on that. Be glad to do that.

COMMISSIONER DURAN: Save a tree.

CHAIRMAN CAMPOS: Okay, it's 12:00, five after. We have IX. Presentations, B and C. Do you want to do those before we break for lunch or come back after lunch?

COMMISSIONER DURAN: Let's come back after lunch.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: What if we went through the committee appointments, reappointments before lunch?

CHAIRMAN CAMPOS: Is there a consensus on that?

COMMISSIONER DURAN: That's fine.

CHAIRMAN CAMPOS: Commissioner Anaya?

COMMISSIONER ANAYA: Yes.

X. Committee Appointments/Reappointments

**A. Appointment and Reappointment of Members to the Santa Fe County
DWI Planning Council**

MR. SIMS: Mr. Chair, Commissioners, we have two requests for reappointment, that is Sgt. Ken Johnson and Mr. Alan Wheeler. Sgt. Johnson is the chairman of our planning council and Alan Wheeler is the vice chair. Both of these individuals would like to apply for reappointment.

COMMISSIONER ANAYA: Move for approval

COMMISSIONER DURAN: Second.

The motion to reappoint Mssrs. Johnson and Wheeler passed by unanimous [5-0] voice vote.

MR. SIMS: We have three requests for new appointments. They are Mike White, who is an EMT with our Fire Department, Casey Quirk, who is the executive director of Esperanza Shelters for battered families, domestic violence interest, and Sgt. Roger Romero, with the City Police.

COMMISSIONER DURAN: Move for approval.

COMMISSIONER ANAYA: Second.

The motion to appoint Mssrs. White and Romero and Ms. Quirk passed by unanimous [5-0] voice vote.

X. B. Appointment of New Member to the Senior Services Advisory Board

CHAIRMAN CAMPOS: Mr. Anaya, do you have any objection? Have you checked out Mr. Louis Garcia? Has he turned out to be a good guy?

MR. ANAYA: Mr. Chair, we have no objection to the individual being proposed on the Senior Services Advisory Board. During the budget process I would, however, point out that there has been an interest in previous meetings over the years from Commissioner Sullivan and Commissioner Anaya. As far as the actual workings of the Senior Service Program and County staff getting more activated within that process as far as those Senior Service Programs in the County.

CHAIRMAN CAMPOS: Also appointment by the County as opposed to a recommendation that we simply rubber-stamp at this level. We should be making recommendations as to who goes there. We talked about this in other meetings.

MR. ANAYA: Mr. Chair, that is correct. You have actually made recommendations on appointments. This particular case was a recommendation that Ms. Maes has brought forward. We will be working closely with Finance as well as Mr. Gonzalez to enter into some more dialogue with Rita Maes as well as the New Mexico

Department of Aging to get a better grasp and handle of how the senior programs operate.

CHAIRMAN CAMPOS: You'd recommend that we proceed with this appointment of Mr. Garcia?

MR. ANAYA: Mr. Chair, I do recommend that we go ahead and proceed with this particular appointment.

CHAIRMAN CAMPOS: Is there a motion?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second, with discussion.

CHAIRMAN CAMPOS: Discussion.

COMMISSIONER ANAYA: Robert, are you saying that we were not notified? The County was not notified that there was a vacancy or we knew there was and we didn't get an opportunity to get out there to our people and say, Listen. Or advertise it, for example in the southern part or northern part?

MR. ANAYA: Mr. Chair, Commissioner Anaya, the answer to your question is we did get a request to go ahead and approve this individual, but you second part of your comment is also true that we would like more advanced notice because that's what Commissioner Campos and the entire Commission has asked for. So in order to do that we need to continue to get more information, better up to speed and discuss how it is that the County Commission plays a more active role in the senior service delivery, in those four senior programs outside the community.

Mr. Flores from Projects and Facilities Management will also need to be a vital part of those discussions as well because we work together on dealing with those particular centers. Thank you.

CHAIRMAN CAMPOS: Is there a motion?

COMMISSIONER SULLIVAN: Mr. Chair, we're on discussion.

CHAIRMAN CAMPOS: Discussion.

COMMISSIONER SULLIVAN: Mr. Chair, in defense of the City on this, Ms. Maes did contact me on several occasions about this appointment while I was the chair back last year. I asked her what the geographic distribution was of the existing membership and where we seem to be deficient was in any senior citizen member out in the Tierra Content area and that area includes both some of my district and some of Commissioner Anaya's district and actually some of Commissioner Duran's district. But there didn't seem to be in that rapidly growing area anyone that was representative of that. So she took some extraordinary effort and I gave her the name of some people to contact locally who were kind of local organizers. She did that. She came back to me with a couple of names. She called them and could find this one individual who was willing to serve So we did, at least I as the chair was notified and we did go through a process of trying to find someone in that general area to represent seniors in that area. So I don't think we were just presented with a fait accompli here. It was at least coordinate through me and I was comfortable with this particular gentleman and I think he'll do a good job.

The motion to appoint Louis Garcia to the Senior Services Advisory Board passed by unanimous [5-0] voice vote.

X. C. Appointments and Reappointments to the County Development Review Committee (CDRC)

CHAIRMAN CAMPOS: Mr. Abeyta, we have four vacancies?

ROMAN ABEYTA (Land Use Administrator): Mr. Chair, yes, that's correct. Four members, Donald Dayton, Louis Gonzales, Kathy Holian and Juan Jose Gonzales, those terms have expired. Each of those members has submitted a letter requesting to be reappointed and we received two letters from Stephanie LeMaster and Orlando Romero requesting appointment. Pursuant to Resolution 2001-65, Commissioner Duran, Anaya, Campos and Sullivan may nominate somebody to serve on the CDRC.

CHAIRMAN CAMPOS: Commissioner Duran, you make a nomination.

COMMISSIONER DURAN: I'd like to nominate Louis Gonzales, but I'm wondering, the CDRC was designed, the appointment to the CDRC was designed so that each Commissioner could appoint somebody and have somebody on there that was representative of that Commissioner's viewpoint and philosophy. So I'm wondering, who is on there and who appointed the members. Because I don't think, I'm not sure that Commissioner Montoya has had the opportunity to appoint someone to that committee.

MR. ABEYTA: Mr. Chair, Commissioner Duran, Commissioner Montoya actually last year appointed John Paul Romero.

COMMISSIONER DURAN: Oh, okay.

MR. ABEYTA: Or nominated John Paul Romero.

COMMISSIONER DURAN: So then who are the other - because I think I only have one on there.

MR. ABEYTA: Then we have Gene Bassett.

COMMISSIONER DURAN: Who appointed him?

MR. ABEYTA: I can't recall if Commissioner Sullivan did or not. I don't know if that resolution was in place at the time. Maybe not. He might have just been -

COMMISSIONER DURAN: Do you recall, Commissioner?

COMMISSIONER SULLIVAN: No, I didn't appoint him.

MR. ABEYTA: Perhaps he was appointed before the resolution went into effect.

COMMISSIONER DURAN: And who are the other ones?

MR. ABEYTA: Jose Varela Lopez is the seventh member.

COMMISSIONER DURAN: Who appointed him? Himself when he was Commissioner?

CHAIRMAN CAMPOS: I nominated him I believe. And I think you seconded.

MR. ABEYTA: Actually, I'm sorry, Mr. Chair, Commissioner Duran. They were both appointed at large. So they were both at-large appointments that the entire Commission made last year.

COMMISSIONER DURAN: Okay. Well, Commissioners, I would nominate Louis Gonzales as my appointee to that committee.

CHAIRMAN CAMPOS: Commissioner Anaya, do you have a nominee?

COMMISSIONER ANAYA: I would appoint – do we have to vote on that one right away?

CHAIRMAN CAMPOS: No, let's nominate first.

COMMISSIONER ANAYA: I would appoint Juan Jose Gonzales, a current member, although I was approached by Stephanie LeMaster who does sit on La Cienega Development Review Committee and maybe we could when it comes up again under CDRC her name can be thrown back in.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to nominate Mr. Dayton. He's been very active and been I think an excellent member on the board.

CHAIRMAN CAMPOS: I'd like to nominate Kathy Holian, a current member, outstanding member. So those are the four nominees. Is there a motion that we approve all four nominees?

COMMISSIONER DURAN: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

The motion to reappoint all four incumbent members to the CDRC passed by unanimous [5-0] voice vote.

X. D. Appointment and Reappointment to the Community College Development Review Committee (CCDRC)

MR. ABEYTA: Thank you, Mr. Chair. The following name has been received. Jim Klemmer, his resume is attached in exhibit A and he is a current member whose term has expired.

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN CAMPOS: Second. Any discussion?

The motion to reappoint Jim Klemmer to the CCD-DRC passed by unanimous [5-0] voice vote.

X. E. Appointments to the Regional Planning Authority (RPA)

CHAIRMAN CAMPOS: Currently we have four and four, right? Who is handling the RPA for staff? Anybody? We've got four and four. The only BCC member that's not on it is Commissioner Anaya.

COMMISSIONER ANAYA: You guys can keep it the same.

CHAIRMAN CAMPOS: Commissioner Duran, would you like to continue as a member?

COMMISSIONER DURAN: I'll stay on it, yes.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'm fine.

CHAIRMAN CAMPOS: Okay, I'd like to stay on it too. Is there a motion that the same four -

COMMISSIONER MONTOYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER DURAN: Second.

The motion to reappoint Commissioners Campos, Duran, Montoya and Sullivan passed by unanimous [5-0] voice vote.

X. F. Appointments to the Extraterritorial Zoning Authority (EZA)

CHAIRMAN CAMPOS: The County members are Commissioner Anaya, me and Commissioner Duran. Commissioner Duran how long have you served on the EZA?

COMMISSIONER DURAN: I don't remember.

CHAIRMAN CAMPOS: It's been a long time.

COMMISSIONER DURAN: Forever.

CHAIRMAN CAMPOS: I was just going to suggest that maybe you rotate.

COMMISSIONER DURAN: I'd like to make a motion, Mr. Chair. I'd like to make a motion that Commissioner Anaya, Commissioner Montoya, and myself be appointed to the EZA.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion. I would prefer to have Commissioner Anaya, Montoya and Jack Sullivan on this commission. I think Commissioner Duran has been on this for a long time I think we need to rotate. I'm willing to get off. Commissioner Sullivan was kicked off by you last year, Commissioner Duran.

COMMISSIONER DURAN: I didn't kick anybody off anything.

CHAIRMAN CAMPOS: You made a motion just like you did now.

COMMISSIONER DURAN: There's a motion on the table.

CHAIRMAN CAMPOS: So my suggestion as part of the discussion would be to vote no on this and vote yes on my suggested motion.

COMMISSIONER DURAN: Commissioner, you're the chair. You're not the boss here.

The motion to appoint Commissioners Anaya, Montoya and Duran to the EZA passed by majority [3-1] voice vote, with Commissioner Campos voting nay and Commissioner Sullivan abstaining.

X. G. Appointments to the Solid Waste Management Agency (SWMA)

CHAIRMAN CAMPOS: We have three members. Commissioner Anaya, do you want to stay on?

COMMISSIONER ANAYA: Yes, sir.

CHAIRMAN CAMPOS: I'd like to stay on. I think you should stay on, Commissioner Montoya. You've got a lot of experience.

COMMISSIONER MONTOYA: I'd rather not.

CHAIRMAN CAMPOS: Can we just appoint you anyway?

COMMISSIONER MONTOYA: No.

COMMISSIONER DURAN: I volunteered to be on there in his place, unless Commissioner Sullivan wants to.

CHAIRMAN CAMPOS: Would you show up?

COMMISSIONER DURAN: Now, I don't promise I'll show up but I'll agree to the appointment. Of course I'll be there.

COMMISSIONER ANAYA: Mr. Chair, I make a motion to – do we have to make a motion?

CHAIRMAN CAMPOS: Okay, let's make a motion to –

COMMISSIONER ANAYA: Duran, Campos, Anaya.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER MONTOYA: Second.

COMMISSIONER DURAN: For discussion, do you want to put part of that motion that Commissioner Duran attend the meetings?

CHAIRMAN CAMPOS: That Commissioner Duran will attend the meetings. Every month. And not come late.

The motion to appoint Commissioners Anaya, Duran and Campos to the SWMA passed by unanimous [5-0] voice vote.

MR. GONZALEZ: Mr. Chair, if I could, we do have sort of a timing issue with respect to the presentation that was scheduled regarding the Santa Fe Southern. If we come

back after lunch, we will lose one of the persons who's been intimately involved in the negotiations, just as a matter of note. So I think the initial presentation would run about ten minutes, roughly, with additional time for questions.

CHAIRMAN CAMPOS: Are you suggesting we do it now?

MR. GONZALEZ: That would be my suggestion, Mr. Chair.

CHAIRMAN CAMPOS: I would agree with that. Is that okay?

COMMISSIONER MONTOYA: Could we do Consent and then that?

CHAIRMAN CAMPOS: Sure.

XI. Consent Calendar

- A. Resolution No. 2004-21. A Resolution Requesting an Increase to the County Clerk Filing Fees Fund (218) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Clerk's Office)**
- B. Resolution No. 2004-22. A Resolution Requesting an Increase to the General Fund (101)/Maternal & Child Health Program for a Learning Opportunities Act Grant Awarded through United Way of Santa Fe County for Expenditure in Fiscal Year 2004 (Community & Health Development Department)**
- C. Request Approval for Intergovernmental Service Agreement for Housing Bernalillo County Inmates at the Santa Fe County Adult Detention Facility (Corrections Department)**
- D. Resolution No. 2004-23. A Resolution Requesting a Budget Transfer from the General Fund (101)/Finance Department to Various Departments for Personnel Salaries and Benefits Expenditure of the January 10, 2004 Implementation of the COLA Increase (Excluding Elected Officials) and One-Time Lump Sum Salary Adjustment for Santa Fe County Employees (Excluding CWA Union Employees and Elected Officials) (Finance Department)**
- E. Request Ratification and Approval of Amendment #1 to the Professional Services Agreement #24-0097-FI for Auditing Services Regarding Cash Control Processes for Santa Fe County (Finance Department)**
- F. Request Authorization to Enter into Amendment #2 for the Professional Services Agreement #23-0127-FI with First State Bank to Provide Fiscal Agent Services for Santa Fe County (Finance Department)**
- G. Resolution No. 2004-24. A Resolution Requesting an Increase to the Fire Protection Fund (209)/El Dorado Fire District to Budget Fire Protection Impact Fee Revenue and Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2004 (Fire Department)**
- H. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #24-36 for Perimeter Fence**

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Installation (Fire Department)

- I. Resolution No. 2004-25. A Resolution Requesting an Increase to the Farm & Range Fund (208) to Budget Prior Fiscal Year 2003 Cash Balance for Expenditure in Fiscal Year 2004 (Manager's Office)**
- J. Resolution No. 2004-26. A Resolution Requesting a Budget Decrease to the General Fund (101)/Intergovernmental Summit Program for Contribution Revenue to be Reverted Back to the McCune Foundation for Fiscal Year 2004 (Manager's Office)**
- K. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #24-28 Stamped Concrete Application (Project & Facilities Management Department)**
- L. Resolution No. 2004-27. A Resolution Amending the Santa Fe County Road Map and Certifying a Report of the Public Roads in Santa Fe County (Public Works Department)**
- M. Request Authorization to Enter into a Local Government/Department of Transportation Railroad Crossing Cooperative Agreement with the New Mexico Department of Transportation (NMDOT) for the Avenida Eldorado Railroad Crossing (Public Works Department)**
- N. Resolution No. 2004-28. A Resolution Requesting an Increase to the Federal Forfeiture Fund (225)/Region III Program Income to Budget Federal Forfeiture Restitution Revenue Received for Expenditure in Fiscal Year 2004 (Sheriff's Office)**
- O. Resolution No. 2004-29. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office Budget Insurance Recovery Revenue for Expenditure in Fiscal Year 2004 (Sheriff's Office)**
- P. Request Authorization to Accept and Award a Multiple Source Price Agreement for IFB #24-33 for Installation of Sheriff Patrol Car Equipment (Sheriff's Office)**
- Q. Resolution No. 2004-30. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Grants Awarded Through the New Mexico Environment Department for Expenditure in Fiscal Year 2004 (Utilities Department)**

COMMISSIONER MONTROYA: Move for approval of Consent Calendar items

A through Q.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Okay. Any discussion?

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

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IX. B. Presentation on the Eldorado/Santa Fe Commuter Train Project will be Made by Staff Members from Santa Fe Trails, Santa Fe Southern Railroad and the Trust for Public Lands [Exhibits 1 and 2]

JACK KOLKMEYER (Planning Director): Mr. Chair, Commissioners, good morning. Jack Kolkmeier, Planning Director, Santa Fe County.

I was going to apologize, Commissioner Anaya, for not having sent this in your packet and giving it to you on Friday, given your comments. But I hope all of you received the handouts that I left in your packet on Friday. I wasn't able to get them together for the full packet.

The Eldorado commuter train project has been in development as you know for several years. The majority of work done to date has involved initial studies along the rail-line, securing funding through federal transit programs, and development of an overall project strategy, primarily between the County staff and the City staff as we evolve this, and also recent work on the creation of a regional transit district authority, according to state law that was passed last year.

Also last year, the Trust for Public Lands began negotiations with Santa Fe Southern Railroad for the purchase of the Santa Fe Southern Railroad right-of-way. Recently, as you know from following some of the new items in the paper, as part of this year's legislative session new funding has been made available for this project. We've also now pretty much completed the initial work for the by-laws and the creation of a regional transit district, which we'll updating you with the next time we come forward.

We really are, for all practical purposes, after about eight years on this project, finally on first base, as we have the funding secured and we have a mechanism now for which this whole commuter train project could move forward. And so we're really happy to be here with you today, and look forward to taking some movement on this project like we've really never been able to do before.

We'd like to have a real brief presentation from three key people for you to bring you up to date where we are. John Bulthuis From the City Transit Department is here to talk to you. Also Tom Williams, the director of Santa Fe Transit Department, is here as well. Deb Love from the Trust for Public Lands is here with us this morning, and Carol Raymond from Santa Fe Southern Railroad. And I do believe Bob Sawyer was here a little while ago. So we have folks that will really be able to answer questions that you might have on this project.

Before John Bulthuis peaks, however, I just want to make a couple of really brief comments. Because this project goes back to 1997. Who on the Commission was here in '97? Were you here in '97? '98?

COMMISSIONER DURAN: I was here.

MR. KOLKMEYER: You were here. So for a lot of you this is some new terrain, so to speak. So I want to make sure that we have given you the chronology and an understanding about how all of this sort of laid itself out, then we'll get to the nuts and

bolts of where we are today.

The first page of the packet that I gave you, the second page after the memo, is a chronology of where we started. And I just wanted to make a couple of really quick points, as there are some really salient points here that are really important. Not only the County's role in this, which has been to be very cooperative and work with as many different public sector and private sector groups as we can, but also that our attitude about this whole project has been multi-modal since the very beginning.

We started in April of 1997 with a commuter train demonstration that we did that was hugely successful. Shortly thereafter, we purchased the easement for the rail trail right-of-way. So our approach to this as a multi-modal project has been there from the very beginning, that we want to secure the trail, we want to make commuter train work. Now, we've also moved forward into working on the regional transit district, and Park 'n' Ride also comes into the picture of this whole element too. So for those of you where the Santa Fe Southern Rail Line doesn't go, Park 'n' Ride also extends to a lot of other populated areas of the county. So our whole attitude towards this has really been multi-modal in nature from the very beginning. And you can follow through that chronology for yourselves and see where the various steps were taken.

But recently — and I think what we want to make sure everybody understands today — well, two important things. One is throughout this commuter train project, the City has been designated as the fiscal agent. And Jon Bulthuis will run some of that through for you so that you'll understand that their role is slightly different than the County's role. Secondly, a negotiation has been ongoing with Santa Fe Southern that has been undertaken by the Trust for Public Land. And I think that you need to be updated on that and ask whatever questions you feel are appropriate so that we have a comfort level with that negotiation that's going forward.

So first of all I'd like to have a few comments, as I said, from Jon Bulthuis. Then we'll hear from Deb Love and then from Carol Raymond from Santa Fe Southern. Thank you. John.

JON BULTHUIS: Thank you, Jack. As Jack mentioned, the history of this project goes back several years and has been part of the planning process here in the Metropolitan Planning Organization since the early to mid '90s, and the more actively picking up the projects that Jack mentioned.

And what's being distributed to you right now is kind of a "where are we now?" picture of the funding scenarios. And it details out the two federal grants that the City of Santa Fe has approved and received from the Federal Transit Administration for this project. And then it also notes the recent grant from the State of New Mexico that has been set aside by the governor and the legislature for this project. The summation of those grants leaves us with a surplus, actually, of sorts, of \$22,701 beyond the \$10 million that has been identified as a purchase price at this point to make the right-of-way fall within public hands.

As Jack mentioned, the City has served as a fiscal agent for the region for the

Federal Transit Administration. Due to the fact that we have an existing transit system and provide transit service presently. We do however recognize that this project is broader in scope than the existing transit services that we offer, and look for the Regional Transit District, when formed, to consider taking this project on as one of their flagship or primary projects to serve the Santa Fe area.

I think that's it in terms of an overview from the financial side. I will definitely be available to answer questions that you may have. But before we can talk about moving into the RTD that I mentioned, we do need to get the corridor in public hands. And Deb Love with Trust for Public Lands is here to speak to the negotiations that they've had with Santa Fe Southern towards that process. Deb.

DEB LOVE: Thank you Mr. Chair, members of the Commission. My name is Deb Love, I'm the New Mexico State Director for the Trust for Public Lands. And for those of you who haven't worked with us, we're a national non-profit land conservation organization. We work to acquire private land and put it into public ownership for parks, trails, open space, and even sometimes active rail corridors. And we have worked with the Santa Fe County several times to help pass two different bond measures for open space acquisition, a \$12 million measure in 1998 and \$8 million measure in 2000, and then worked with you all to do some public opinion polling and help pass the gross receipts tax, a portion of which will go to open space.

Given our relationship with the County and with the City as well, we've worked with the City to help them acquire portions of the rail trail corridor that's part of this right-of-way, as well as the 50-acre railyard property in downtown Santa Fe. The City of Santa Fe asked the Trust for Public Land to assist in the acquisition of the right-of-way. In fact, we had been in discussions with them for years about our involvement and held off getting involved until I guess about last year, when we agreed to assist.

We worked with the board of Santa Fe Southern to negotiate a purchase agreement between the Trust for Public Land and Santa Fe Southern. There's no obligations as of yet for the City, the County, or anyone else to purchase this right-of-way. But as a non-profit entity negotiating this acquisition, we negotiated an option agreement so that we had site control of the property and could then work to try to seek additional funding for the acquisition.

The purchase price of Santa Fe Southern is for \$10 million. There's currently an appraisal of the right-of-way for \$11.2 million that was approved by the FTA. It's about two years old, the appraisal, but it went through the FTA approval process. We had \$5.4 million of federal funding in place for the right-of-way acquisition, so we recognized that there was a need to secure additional funding. So we worked with a number of community groups to try to pressure Congress to appropriate additional funds for the right-of-way acquisition. So we worked - on Trails Day we had a table, on Earth Day, on All Species Day, on the Farmer's Market we had a table. We got hundreds and hundreds of letters of support from all constituencies, including the Bicycle Coalition of New Mexico and the Railyard Community Corporation and others.

But despite our best efforts, we were unable to secure funding from Congress. And in fact, there was zero dollars allocated in the last fiscal year for transit for New Mexico from the federal government. So rather than turning to the County or the City to see if we could try to get additional funding, we felt our next option was to go to the state legislature and see if it was possible to get funding from them. Again, working with a host of non-profit community groups and citizen activists, we approached the governor for assistance. And as you saw in the paper recently, this was definitely a high priority for him. I think the state is very interested in the portion that actually lies within the city limits, because they recognize that no matter what route they take from Albuquerque to Santa Fe, this Santa Fe Southern route within the city limits is going to be critical, no matter which route they end up taking. They also recognized the need for commuter rail between Eldorado and Santa Fe.

So the governor announced last week that they would be dedicating \$4.6 million to this acquisition. So I'm here today as a very delighted citizen as well as a partner with you all in helping to acquire this right-of-way. We passed I think a very major hurdle in getting the \$10 million of funding in place. The work is yet to be done. I recognize we have a lot of work still to go.

Our option agreement with Santa Fe Southern expires in August. We have yet to negotiate an agreement between the Trust for Public Land and the City of Santa Fe as the acting fiscal agent. There are a number of entities including the County that I'm sure are interested in the operating agreements as well, which will specify the rights to that corridor. Santa Fe Southern will be retaining a right for excursion and freight operations, and the commuter rail operations, we anticipate, will have priority over any other uses. The State is also interested in discussing commuter rail uses on the right-of-way.

So the operating agreement and the purchase agreement, as I said, are still yet to be negotiated. And we will also work to ensure that all of the due diligence has been done. As I said, there's an appraisal on the property, there has been a great deal of title work done, there has been an environmental assessment, the City has put up a match for the federal funds that it has been required. But we do anticipate being able to get all of those issues completed in time to acquire the right-of-way by August. And my goal is to have a really wonderful celebration come fall. So thank you for the update.

CAROL RAYMOND: Mr. Chair, members of the Commission, I'm Carol Raymond with Santa Fe Southern Railway, and I also represent the Regional Transit Task Force. I could not be more pleased to be speaking with you today. I got the pleasure not only of working for a company which has always reached for a wide vision for our region, but to volunteer as an advocate for transit and land use.

Last week, before I began to plan what I would say to you today, I came across a vision story written in 1992, twelve years ago, by our principal founder and board member Neil Carter. This was five years before I came to work for Santa Fe Southern Railway. I read it cover to cover last night for the first time and was completely amazed by how this picture meshes with what has come true or is now within our reach. I just want to read you

a small part of it. This section is written as a description of a train ride in the future, and it's important to listen not for the details, but for the overall feel of the picture:

"A vision for the future. 7:15 a.m., Eldorado station at Avenida El Dorado. The forecast is for heavy snow. A large crowd is gathered under the platform roof. Others are inside the warm station buying coffee and perusing newspapers. Arriving passengers are being dropped off at the traffic loop by spouses and Eldorado's new shuttle buses. Others are braving the weather by walking in on the community trail system. A few are leaving their cars in the piñon-dotted parking lot.

"The station itself is discreet and blends with homes in the area. To the south, a three-car convoy of self-propelled passenger cars can be seen slowly pulling out of its landscaped siding. There are about 200 people on this morning train, including those who will board at the Seton Village and Arroyo Hondo platforms. There will be even more passengers in the future if the proposed communities in Rancho Viejo are developed. Some will get off at St. Michael's drive to catch connecting buses. Some will get off at Manuel Lujan platform near the South Capital complex and walk to their jobs. Others will get off at the downtown depot, retrieve their bicycles from the baggage compartment, and ride to work downtown.

"Out of the window, the hike and bike trail to Eldorado can be seen weaving through the trees. This trail, with its natural surface, rustic bridges, and occasionally thigh-burning grades is popular with bicycle commuters in nicer weather and with walkers, equestrians and recreational bicyclists all year.

"The attendant offers to top off coffee as the train rounds the bend and approaches a new rail service distribution and warehouse complex. After a brief stop at the small covered platform at Arroyo Hondo, the train crosses old Agua Fria Road and enters the cut beneath I-25. Just north of I-25, both loading elevators are busy loading recycled glass. Next to the elevators, a large forklift is setting a container of locally manufactured furniture on a flatcar.

"After crossing Cordova, the train slows as it turns to parallel Cerrillos Road where the tracks and Cerrillos share the new bridge over St. Francis Drive. After crossing the bridge, the tracks veer left, cross Cerrillos, and enter the railyard. It's snowing very hard now. As the train turns again to follow the original alignment, a sleek passenger train can be seen close to the left, parked there for servicing after last night's dinner excursion. Behind it, crews can be glimpsed preparing vintage passenger cars for the morning excursion to Lamy.

"After crossing Paseo de Peralta, the tracks enter the landscape median of the new brick-paved street for the short round to the historic Guadalupe Depot. As the train comes to a stop, the thought comes to mind: wouldn't it have been a shame if the railroad had been torn up? If the city which gave its name to one of the world's great railroads - " and they were talking about the Atchison, Topeka and Santa Fe, not Santa Fe Southern Railway - "should be itself without rail service? And if a community that wished to diversify its economy had lost one of the most important assets need to achieve that goal?

“But these fears can be laid to rest. The inaugural run of the new commuter service is schedule to arrive this morning.”

That was written in 1992. You can see in this vision picture not only the goals of the local short-line railroad, but the goals and accomplishments of Santa Fe County, the City of Santa Fe, the Trust for Public Land, Governor Richardson, and countless rail and trail activists. For my company, the goal of preserving the contiguous right-of-way for the rail usage of commuter, freight and excursions and for the rail trail has never varied. It's a goal we have shared with Santa Fe County and the City of Santa Fe. With Governor Richardson's announcement that he is using capital budget money to leverage federal transit money to place the right-of-way into public hands, this goal is within reach. As in the vision, Santa Fe Southern Railway hopes to continue running and growing our freight and excursion services, and to be a bidder on commuter service.

There is much progress on planning and transportation that this vision picture did not anticipate. In the interest of time, I'm just going to touch on some of them, and I'm sure you'll think of more. The sale of the railyard to the City with the help of the Trust for Public Land; the comprehensive public visioning and master planning process for the railyard, which celebrated and advocated a center for arts and culture, economic development, and a terminus for commuter rail; the ongoing implementation of this plan by the Santa Fe Railyard Community Corporation. Lita Skogins, the executive director of the Railyard Community Corp., is here today. By the way, Lita and the Railyard Community Corp. board members joined with the Trust for Public Land and city staff Tom Williams and John Bulthuis and the Railway to play a large part in this recent funding success. Multiple rail-trail days celebrating the preservation and uses of the corridor. 1997, the Commuter Demonstration Project, a collaboration of the City, including Santa Fe Trails, the County, and the Railway. The C-21 authorization to fund commuter rail between Santa Fe and El Dorado and three successful appropriations against that request, all a product of the advocacy of Senators Domenici and Bingaman and Congressman Udall.

The passage last year with the endorsement of Santa Fe County of the Regional Transit District Act, which enables governmental units like Santa Fe County to join together to create and run transit systems. Since that passage, the deliberations of the North Central Regional Transit District Organizing Committee, consisting of appointed staff from Santa Fe County, Española, Rio Arriba County, Los Alamos County, and the City of Santa Fe, the Pueblos in those counties and transit advocates. This committee is developing the procedures for the newly forming regional transit district in this region. It's outlined in your packet. As you know, Jack Kolkmeier is your designee. And finally, as you may know, this last session the Legislature put some more meat on those bones by passing House Bill 231, allowing a local option GRT election to fund regional transit districts. That means real systems, commuter rail and Park 'n' Ride.

Every one of these accomplishments was the result of a public-private collaboration and countless hours of work. Everyone involved with these milestones had a vision beyond that of any one government, organization, business, or advocacy group. It's a proud day

for the whole region. Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Before we adjourn, do you want to ask a question?

COMMISSIONER DURAN: I have some questions of Deb. Deb, if you could come forward, please. I'd like to commend you and TPL on all your hard work and getting this thing to where it is right now. I have a couple questions, though. You mentioned earlier that you're working on the operating agreement, and you're going to be bringing that forward for, I guess the City and the County to review?

MS. LOVE: I assume there'll be staff from the City and the County that will have participation in the operating agreement.

COMMISSIONER DURAN: Okay. Because I know that staff – and I've talked to Jack about this – hasn't really been a participant in the negotiations of the purchase of them.

MS. LOVE: That's right. We haven't started yet.

COMMISSIONER DURAN: So my understanding is that TPL is going to buy the property, and then we in turn will buy it from you? Or you're going to give it, you know, simultaneous closings? I mean, is this –

MS. LOVE: TPL will be in the chain of title. We'll purchase the property and hopefully simultaneously convey it – it'll be through the City of Santa Fe.

COMMISSIONER DURAN: So will we be negotiating the same purchase price that you negotiate with Santa Fe Southern?

MS. LOVE: Yes.

COMMISSIONER DURAN: Okay. One of the things I'd like to request is that when you start working on this operating agreement is that you include Mr. Kolkmeier or whoever his designee might be, to get involved in the operating agreement so that the Commission can be apprised of what in the operating agreement – because the funds are both City and County funds, correct?

MS. LOVE: No.

COMMISSIONER DURAN: It's just City?

MS. LOVE: Yes.

COMMISSIONER DURAN: So we're acquiring the rail all the way out in the County with – I thought the T-funds were regional funds.

MS. LOVE: The City is the fiscal agent. I think it's the City and the County's intent that this be transferred to a Regional Transit District.

COMMISSIONER DURAN: Right.

MS. LOVE: I think everyone's recognizing that until that happens, the City will act as the fiscal agent. But it's not the intent of the City to own the right-of-way.

COMMISSIONER DURAN: It's a regional effort.

MS. LOVE: Yes.

COMMISSIONER DURAN: And funding of the ongoing maintenance of that would probably be a regional effort also, right? The City wouldn't be the only entity

that's funding this -

MS. LOVE: I'm probably not the best person to speak to that. Would you like to answer that?

MR. BOLTHUIS: Commissioner, I think initially, as Ms. Love pointed out, the City is going to be the title holder to the property since we are the fiscal agent for the federal grant. If there's any interest that the County has in developing some kind of a cooperative agreement for participation in funding any activities that would be required before the establishment and transfer of the property to the Regional Transit District, I'm certain there would be interest on the City side -

COMMISSIONER DURAN: I'm sorry, I'm totally misinformed then. Because I thought that when I first came on board as a Commissioner and we started discussing this that the County and the City were working on this together.

MR. BULTHUIS: The County and the City certainly are, and that's the intent in this transaction as well, is not to exclude the County in any way. But in terms of the actual government institution that would handle the funds -

COMMISSIONER DURAN: The fiscal agent would be the City.

MR. BULTHUIS: Exactly.

COMMISSIONER DURAN: Which is similar to the Caja del Rio, I think the City's the fiscal agent there, but we still participate in the funding of that. If the County has no involvement in this thing, then I guess there's no need for us to bring the operating agreement for us to look at and discuss. But I was, over the last four or five years, under the impression that it was a joint effort.

MR. BULTHUIS: Mr. Chair, Commissioner Duran, it certainly is a joint effort. And I don't want to lead anyone down the path that the City's going this alone. It's just that at the current stage that we're in, the transaction is going to be handled by the City. And beyond that, we'll certainly be there.

COMMISSIONER DURAN: The transaction handled by the City isn't a problem for me. It's the content of the operating agreement and other issues that come out of that operating agreement that I think the Commission, I'd like to privy to and involved in.

MR. BULTHUIS: I think also, Mr. Chair and Commissioner Duran, that the State Highway Department, given the fact that the State now has a significant financial interest in the acquisition, may share the sentiment that you have. And we'll continue to work with the Trust for Public Land to make sure that all the interested parties have representation as we work through the operating agreement details and kind of bring the project to a close.

COMMISSIONER DURAN: Well, I guess what I'm trying to avoid is an operating agreement being plunked in front of us when it's all negotiated, rather than being a part of that process. I'd like your assurance that Jack and his staff and the Commission would be involved in that.

MR. BULTHUIS: Absolutely. Jack will be representing the County, as staff

in the City will be representing the City as we move through this process with the Trust for Public Land.

COMMISSIONER DURAN: Thank you. Thank you, Mr. Chair, that's all I have.

CHAIRMAN CAMPOS: Thank you very much. We need to recess for a while, but one thing I think we missed on item X, the appointments to the RPA, EZA and SWMA, last year we had appointed substitutes in case somebody couldn't make it. Mr. Ross, could we do that now?

COMMISSIONER DURAN: Point of order, Mr. Chair.

CHAIRMAN CAMPOS: I'm asking him.

COMMISSIONER DURAN: I know, but we have a resolution that already says --

CHAIRMAN CAMPOS: I think it says we have to designate them, doesn't it?

MR. ROSS: Excuse me, Mr. Chair. I didn't hear the question.

CHAIRMAN CAMPOS: Okay. Going to item IX, the appointments to the RPA, EZA and SWMA.

MR. ROSS: Right.

CHAIRMAN CAMPOS: Last year I was under the impression that we appointed substitutes and yet we didn't do that today. My question to you is could we go back today and name the substitutes right now so that it is of record?

MR. ROSS: Do you mean like alternates?

CHAIRMAN CAMPOS: Yes, alternates.

MR. ROSS: To those bodies.

CHAIRMAN CAMPOS: So if the main member cannot attend that person will inform the alternate and the alternate will attend.

MR. ROSS: I think you can do that. The agenda items was appointments. I think that's proper.

CHAIRMAN CAMPOS: Any comments on that?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Go ahead, Commissioner.

COMMISSIONER MONTOYA: Mr. Chair, I guess the question that I have is when are these taking effect? Immediately? Or after the next meeting?

CHAIRMAN CAMPOS: The next meeting.

COMMISSIONER MONTOYA: After the next meeting. Mr. Chair, you're my substitute for the --

COMMISSIONER DURAN: Oh, by the way, the EZA has been cancelled for this Thursday.

CHAIRMAN CAMPOS: Has it been? I didn't hear that.

COMMISSIONER DURAN: We don't have a quorum. I have just one quick one. Before we appoint alternates, would you mind looking at the resolution that we

passed several years ago where it basically says that any Commissioner can attend a meeting in place of the – for instance, anyone can be an appointee. I just don't want to do something here that's in conflict with what the resolution says. That's all.

MR. ROSS: Mr. Chair, Commissioner Duran, I'll look into that for sure. I didn't know there was such a resolution.

CHAIRMAN CAMPOS: I don't think so.

COMMISSIONER DURAN: There is.

CHAIRMAN CAMPOS: Let's recess until what time, gentlemen? We have – are you saying 2:00? Let's be back at 2:00. We'll recess until 2:00. Thank you very much.

[The Commission recessed from 12:50 to 2:15]

CHAIRMAN CAMPOS: We're back in session.

IX. C. Presentation on the Aamodt Case Settlement

DOUG SAYRE (Acting Utility Director): My name Douglas Sayre. I'm acting Utility Department Director. I want to make a presentation to the Board of County Commissioners, the staff, and the public about the proposed Aamodt settlement. Also with me here to do part of the presentation is John Utton. He's the retained lawyer for the County, and has been working diligently and very much on the County's behalf related to this settlement. And so what we were going to do is try a dual presentation here and try to make it as brief as possible and run through this proposed settlement. I was going to cover the engineering feasibility analysis part of it, which is probably the second half, and the first part would be the legal aspects of this proposed settlement. So I will turn it over to John Utton at this time for a presentation on that part of it.

One other item. I put before you the proposed briefing statement regarding the Aamodt settlement. [Exhibit 3] That was put before you up there. Also in the back, I put a number of these on back table for the public to look at if they want to go back there and pick up some of those. So I think everybody has roughly a summary of the proposed settlement that they can look at. Thank you.

COMMISSIONER DURAN: Thank you.

JOHN UTTON: Thank you, Mr. Chair and Commissioners. My name is John Utton. I'm a partner with Sheehan, Sheehan and Stelzner, and have been representing the County in water law matters over the last several years. In particular, I have been representing the County in the Aamodt settlement negotiations. And those have been confidential discussions. You as the Commissioners are familiar with those because of your briefing and involvement with respect to those negotiations, but we are now at the point of being able to make public some of the terms of the proposed settlement. And I've got about five or six slides that I'm going to run through here on this PowerPoint. Then Mr. Sayre is going to have about the same number, and hopefully we can do this fairly quickly.

But our purpose today is to try and bring the public into the discussion. None of the proposed signatories to the settlement have yet signed that document. The document is now out for consideration, and we're hoping that we will get a favorable response so that the settlement agreement, which would be a tremendous milestone in this four-decade-old case, would be approved and could go forward with legislation in Congress.

Let me just start by discussing the background of the case and the mediation. This case has been a point of strife between the residents in the Pojoaque-Nambe Basin since 1966, when the case was filed in federal court. And water users have been fighting in that forum for those four decades. And I think it has caused a lot of un-neighborliness among those residents. And they've been seeking a way to get out of that strife.

The problem really emanates from a growing population in a basin that is very water-short. There's very little water coming down the Rio Pojoaque and Rio Tesuque. In fact, the water rights on the Rio Tesuque, I believe, are the most expensive water rights in America. They can go as much as \$50,000 a consumptive use acre-foot. You go to other places, in Arizona the typical water right price might be something like \$2,000. On the middle Rio Grande main stem it might be \$5,000. So these are ten times what you'd see other places.

And people are fighting over that same water. There's traditional acequias there that have been there for several centuries, there are four Pueblos. And all of these folks are trying to come to terms with security in their water supply, and so for the last three years have been participating in this mediation that's been ordered by the federal court. The settlement judge from Arizona, Michael Nelson, has been the mediator. And the County has been participating regularly in those, trying to provide assistance in getting this settlement done.

The two documents that are most prominent that are coming out of this, and there are several listed there, it would be the water rights settlement agreement that would resolve the Pueblo water rights, and the second is legislation that would help create a regional water system. So really the two components or two parts to this settlement are one, getting the legal disputes over the water rights resolved, and then the second is to bring in a water project that would import water into the basin, in effect make the pie bigger, and with that bigger pie these parties are going to hopefully be able to settle this long-standing dispute using a regional water system.

Some of the proposed settlement benefits, I think very important to existing users is the fundamental principle that the status quo is going to be protected, that current users will continue to be able to get their water. Now, what does that mean? What it means is that existing Pueblo uses will continue to be recognized as the first priority. But acequia uses, existing acequia uses, will be the next priority. And those uses will be respected by any further development by the Pueblos in the basin. In other words, Pueblo future development of water will not be at the expense of those traditional acequia uses. Future needs and economic development in the basin will be provided by imported water or will be conditioned to protect existing uses.

The one I think very important component to this that may be controversial, but we're hoping that people will see the reason behind this, is that domestic water users when this project is built, and we expect it would be built in about ten years, those domestic water users would cap their domestic wells and they would get on a water system that would be run by Santa Fe County. We think that has important benefits in protecting the aquifer and allowing sufficient water for this settlement to go forward so that surface waters, including both Pueblo users and acequia users, will have that supply in priority. And we would respect those senior uses.

In exchange, the water users who get off their domestic wells and onto the County water system would get a safe, reliable water supply at a fair price. This would protect the aquifer, would protect existing rights. I think one of the things that has to be recognized is that those Pueblos and acequias have very senior rights, and when these domestic wells come in they have junior rights. And by pumping - there are about 2,000 of those wells now pumping in that very water-short basis, that the flows of the Rio Tesuque and the Rio Pojoaque are depleted. And as a result, the surface diverters are not getting their water, which is contrary to our Prior Appropriation Doctrine in New Mexico, which is recognized in our state constitution. But rather than trying to shut people off, we're trying to find an alternative supply for them that will provide clean, reliable, and hopefully affordable water to them.

In terms of summarizing some of the specific numbers, the settlement quantifies the Pueblo first-priority rights. You can see Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque have total water rights of around 3,500 acre-feet first-priority rights for those Pueblos. Again, I mentioned that the existing uses, which are much smaller, they're about a third of that, would retain the first priority and could make a priority call. One of the major concessions by the Pueblo is in developing the last two thirds of that water right of 2,000 acre-feet. They would not make a priority call against the existing surface users, particularly acequias, and those would be protected and respected.

Continuing looking at the Pueblo water rights, there would be 2,500 acre feet of imported water that would be available to help with future economic development for the Pueblos. And the United States would have to pay the tab of going out and getting those water rights and bringing them in. They wouldn't come from the basin. They would come from the main stem of the Rio Grande, from other places where they could be purchased on the open market for a willing buyer, willing seller.

And the total amount of imported water, and Mr. Sayre's going to get into this a little bit more, in the basin would about 4,000 acre-feet. 2,500 of that would be for the Pueblos, 1,500 of that would be for the County water system to provide water for existing water users and for future growth.

Water rights summary for the non-Pueblos, some of the key items. As part of this settlement, the Pueblos would agree not to challenge the remaining non-Pueblo water rights which are yet to be adjudicated, but could more easily be wrapped up as a result of this settlement. Again, those same two items, the non-Pueblo water rights that are in existence

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today, their surface diversions would not be subject to a priority call.

Just to summarize, we feel that at the attorney level, and there have been attorneys for the County, the City, the State, the United States, the four Pueblos, and for non-Pueblo water users who have worked on this to try and put this together. And it does require a hefty federal appropriation. It also requires local cost-sharing, and the County would be participating in that in a substantial amount. But we feel that this would be the best way of bringing in water and resolving this dispute. The total project would be about \$280 million, and would provide we think great benefits to the community.

So the process that we envision is that the decision-makers like yourselves and the other parties are going to be looking at this over the next month or two. We hope to get approval of the settlement agreement, and then we have draft legislation that we would like to submit to our congressional delegation to introduce this year in late spring.

And that concludes the water rights summary. Let me turn it now over to Doug Sayre to talk about the water project part of this.

MR. SAYRE: Thank you, John. Going into related aspects of the regional water system, this project was funded through – was a feasibility study, and I think the term “feasibility study” has now turned to “settlement study,” which I think we provided to a number of the commissioners on the staff to show that there were a number of alternatives studied as far as how to handle providing the water to the various entities involved in this overall settlement system. It will include at the Rio Grande, a diversion facility. And I should say “facilities,” which are basically thought to be, in just the minimum case, to be infiltration galleries along the river. If we go to the larger system where we’re looking at some raw water diversion, there’d be a direct diversion also in the vicinity of Rio Grande above Otowi Bridge, within probably about 2,500 feet of Otowi Bridge north of that entity along the east bank of the Rio Grande.

Of course, the Regional Water Authority would operate the system, and would be composed of individuals from each entity involved, the four Pueblos, the County, City, and I think there are a couple of other entities involved, John?

[Inaudible reply]

MR. SAYER: Okay. I knew it was at least those. And of course each one of the entities will receive water from this regional water authority by a main transmission system that will go from the Rio Grande all the way up to Tesuque Valley. And the County of Santa Fe would be the water system provider for the non-Indian domestic water users along the system.

Just to give you an idea, you can see where the proposed system would be located. And I indicated it would be in the Pojoaque-Tesuque Valley. But you can see from the arrow, if I can use the laser, that goes from the Rio Grande eastward all the way up to the Pojoaque main stem intersection, at 284/85, then where 522 takes off, then would come all the way back to the City of Santa Fe. There would also be a diversion facility just north of Otowi Bridge which would come down southward to Buckman. That’s on two of the alternatives. Now I’ll try to get into these alternatives at the present time.

Of course, John talked about the total cost of the estimated settlement, \$280 million presently. It includes costs of the regional system, water acquisition costs, and also operating costs. The regional water system presently is estimated at a cost, construction-wise, of about \$165 million. The cost of this settlement would be shared among the United States, the State of New Mexico, the County of Santa Fe, the City of Santa Fe, and all this would be determined a cost-sharing system integration agreement. The County water affiliate will charge non-Indian water users for the cost of service. That means what it costs to provide the water. Initial connectors to this system will not be required to pay any money for the water rights that are transferred. So there won't be any cost of water rights regarding those people.

The alternative studies, there were four. And alternative one, which we call "no action," was a deferred construction cost related to, it's actually alternative two. It's called "deflated back to 1970." It was built back in 1970. This would have been the cost of the system to provide water up the valley.

Alternative two looks at providing 4,000 acre-feet of water up the Pojoaque Valley all the way from San Ildefonso to Tesuque Valley. And actually all the way up to Bishop's Lodge and even the Opera.

Alternative three is looked at as a regional water system, and would provide treated water to Santa Fe and Santa Fe County through a main system that just goes up that same valley. In other words, it would be 19,000 acre-feet that would be transferred all the way up the Valley, 4,000 for the Pojoaque Valley, 15,000 for the City and County of Santa Fe, over the hill and coming in at the top of Tesuque Hill into the City system.

Alternative four was looking at a regional water system in which we still do the Pojoaque Valley, which would be the same as alternative two for the Pojoaque Valley, but then there would be untreated water diverted at the San Ildefonso location south to Buckman and into that line, which would be transferred on down to say the regional water treatment plant. So that cost alternative was considered the most feasible as far as relating to overall cost to the system and benefits to all the parties.

Here's a cost for that system four. And you look at settlement alternative costs, and we went through the diversion, the water treatment, the main pipeline. The red pipeline, you may ask what that is. And that was really a diversion pipeline that would take basically raw water from the Rio Grande and divert it to Pojoaque Pueblo area for commercial purposes, and some of the other entities for commercial-type enterprises. I guess, if you want to really consider it, probably for the golf course type facilities and other commercial enterprises that go on.

The other one you may question is the Pojoaque River dam. The theory is that a lot of the irrigation water comes down, after it's irrigated the return flow comes down the Pojoaque river. And if a dam's put in there to revert that water back, it could be reused. It would be a small kind of diversion dam in the river that wouldn't impact flood flows, but just divert some of the surface flows back for reuse.

The other one, I don't know if it shows up there, outlying surface areas distribution

system, and then there's also the deep well system for backup on this in case the river diversion is not workable at some time, but we could provide water in case of supply needs when the river diversion cannot operate due to either there's a downtime or there's possible water that needs to be bypassed at that facility for a period of time. So you can see that we're looking at approximately \$164.1 million just for construction costs on this system. But it would provide water for all the entities, for Pueblos as well as all the County users on the system.

One of the things that was studied to try to justify whether this was reasonable was to look at what does it cost to drill a well as far as what does the person actually pay? And I think there's some summary here of what it really costs to operate a well. There's probably some I guess, disagreement or nervousness about what this cost really is. But I think it was trying to justify what a well is actually costing a person when you initially drill it, and then it would have to be replaced in 25 years because we were trying to say what is the true cost of the system over fifty years. And so that's what was looked at in this particular cost.

If you look at this on that basis, from 2000 to 2050, it came out that probably a well user's paying in the neighborhood of about \$113 a month, if you look at the initial costs, well costs, the replacement of a well, the replacement of pump about every ten years, as well as the monthly power costs. And some point-of-use water treatment is probably going to be necessary for some of the people because they have problems, one, with uranium in a good portion of the Pojoaque Valley, and two, with nitrates. And that's been documented on some studies that we also are looking at that we'll present in the Pojoaque Valley wastewater study that's upcoming for funding. We're trying to re-isolate that as far as how extensive is the pollution in the Pojoaque Valley regarding some of these constituents.

The other thing that we did is we tried to look at what's a true cost of the service going to be for if the County operates this system. And we did a cost and service analysis related to the number of connections onto the system. We looked at I think 1,800 connections, 2,115 connections, and also I think about 2,300. It was reasonable that we should be able to get about 2,100 connections somewhere in the initial phases. And so we looked at that cost. If you look at the anticipated monthly service charge based on the cost presented in the estimate of construction costs, it was going to be about \$2785 for the County participation, and that the delivery charge we have figured is going to be approximately \$4.18 per thousand gallons. The average usage was considered about 10,000 gallons, which is somewhat over what's presently used by a lot of entities. But we figured that that would be more reasonable for somebody that came off a well because they were probably into irrigating an area of the property. So we thought it was probably more representative to consider 10,000 gallons a month average usage.

As you see, cost of water, if the water right is transferred would be zero, to come out with an average monthly charge of about \$70 or \$69.65 per resident. That figure can change a lot if we can get some additional federal investment initially. For every million

dollars we get federally towards the County portion, or what we consider the County portion, we would drop about \$3.30 off per thousand gallon. So if we can get some initial federal participation, it's going to be very beneficial to the County and the users up in the Valley.

I think benefits, for a regional water system versus individual well ownership, costs of well ownership for real, the potential monthly cost of the water utility are in line with actual individual well system costs, no pumper well replacement, emergencies, or maintenance surprises. This will be high quality water meeting all EPA Safe Drinking Water Act standards. It will be a reliable supply assured by system design. And it also gives you regional fire protection capabilities to all areas and reduces homeowner's insurance costs to most residences. These are some kind of a side benefit, we figured.

I think at this time we figure that we're trying to inform as many people as we can on this settlement. And we'd certainly be willing to discuss this additionally at later times. And maybe we can answer questions at some future Commission meeting regarding this settlement, however you would like to proceed, Mr. Chair and Commissioners. Are there questions at this time that perhaps John and I can try to answer questions?

COMMISSIONER SULLIVAN: Mr. Chair?

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have just one, without getting into the gory details of the agreement. But this regional water authority that will be providing the bulk water to Santa Fe County, who then would distribute it to the non-Pueblo users, what's the proposed makeup of that regional authority, governance-wise?

MR. SAYRE: I'll let John answer that, since he's more involved in that aspect.

MR. UTTON: Mr. Chair, Commissioner Sullivan, that makeup is still under negotiation at this point. The way this settlement has been sequenced is the water rights agreement was drafted first. And that's a major document that's much longer. And what it calls for are a number of conditions subsequent. One of them is the establishment of this entity. And the current proposal is that it would be a non-profit state corporation that would have a board that would be made up of representatives of each of the Pueblos, one representative of the City. The current proposal is that there would be one person appointed directly by the County Commission, and then there would be another three or four appointed by the County Commission after a nominating process from a nominations committee made up of water users in the basin. It's probably a bigger board than would be ideal. But we're trying to get a lot of folks under the tent in this.

So it's an entity that's trying to be a regional entity that has buy-in by all the different governments. And one of the questions I'm sure you're thinking about is how would that relate to some of the other County efforts to have regional entities in the County? And that's something we should think about.

COMMISSIONER SULLIVAN: How many Pueblo members would be on the board?

MR. UTTON: Well, there would either be four, five, or six, depending. And those are fairly heated discussions at this point. And one of the questions is voting requirements. I think that there would be agreement that there would be super-majorities required to make major decisions. I think everyone, after litigating in this case for four decades – of course, counties have the luxury of coming in at really the fun time to try and solve it, rather than the litigation time. But I think a lot of people are distrustful in this process and so they're not ready to completely give up looking over their shoulder and see who's behind them. This agreement has a lot of securities built into it. Hopefully, once people start working together on a solution rather than meeting each other in court, that some of these what I would call overly cautious protections perhaps could be removed over time.

COMMISSIONER SULLIVAN: So if I understand what you're saying, there would be one member from the City, one from the County, and three regional nominees, they could obviously be from the Pueblos or not. That'd be five. And then four, five, or six Pueblo members. So one scenario is that the Pueblos would have a majority membership on the board. Is that right?

MR. UTTON: I think there's a scenario where there's a non-Pueblo majority and there's a scenario where it's six and six, with most of the non-Pueblo being appointed by the County Commission, and with super-majorities to try and protect actions from having an improper voting bloc. But this is something that we really need to turn our attention to and work on. And it's something that we have only touched on because we've been focusing on trying to get the overall water rights agreement done, which was done last month and is now public. And we're actually meeting today and tomorrow to try and work on some of these other issues. And I think we need to give a lot more thought to what some of these entities are going to look like. We have the concept agreed to, but not the specifics.

COMMISSIONER SULLIVAN: My only comment on super-majority is that that's the way the RPA was set up originally, the Regional Planning Authority. And it really didn't work. Any issues that were substantive ones ended up being not decided on, because they couldn't get a super-majority. That concept is still in the RPA joint powers agreement that we have. But operationally, we've moved away from that, and we've moved I think into a better operating agreement, where we agree or we don't agree and the majority agrees or they don't agree. And I think how we've done that is we've just said that most of these aren't super-majority issues. These are planning issues, these are other non-super-majority issues that were outlined in the joint powers agreement. But I haven't been very impressed with the ability of a super-majority, although it does this effect of not allowing any one group to hold sway, to provide good day-to-day operation. Decisions can be delayed for years. And to have a good operation and a good operating entity, personally I hope they would find another way to do it other than that.

MR. UTTON: Mr. Chair, Commissioner Sullivan, we certainly will try and streamline it as much as possible.

COMMISSIONER SULLIVAN: Yes, and having an even number of people on the board too goes against all kinds of theories of good politics, holding things up as well. That's all I had, Mr. Chair, thank you.

CHAIRMAN CAMPOS: Thank you. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. John, can you tell me why water rights are so expensive in that area as compared to other parts of the country?

MR. UTTON: I think it's in part, Mr. Chair, Commissioner Montoya, it's supply and demand. It's also in part, I think, being part of the Santa Fe economy. Some of the parties who are participating in this are the Santa Fe Opera and Rancho Encantado and Bishop's Lodge. There are fairly wealthy homeowners. There's also longstanding residents whose family have been there a long time and acequias. They're all trying to tap into the same flows off the Sangre de Cristos, which on the Rio Pojoaque and Rio Tesuque really are not much water. So there's all these people spilling over into that basin demanding the same water. And then I think you put on top of that four Pueblos, who under federal law are claiming as much water as they are entitled to. And so that's a lot of folks all trying to grab the same water.

And I think another factor I should mention is the way the State Engineer administers the Buckman wellfield. Users of the Buckman wellfield are required to buy offsets on the Rio Pojoaque and Rio Tesuque, including Las Campanas. So you've had folks like Los Campanas going out and having to buy water rights over there in order to meet their State Engineer permit conditions. And that's driven up the price, all of those things operating together.

COMMISSIONER MONTOYA: Okay. Then regarding the feasibility study, was that done by ASCG Who did that? Because that was, what, a one and a half million dollar study?

MR. UTTON: Mr. Chair, Commissioner Montoya, that was a combination. It was really done through Bureau of Reclamation. And they basically farmed out portions of that. ASCG did a portion of the distribution system, because they had worked on the Jemez y Sangre element of the wastewater, and they had a lot of facts related to population in the Valley. And so they sort of turned that over.

There was also a preliminary feasibility study that was looked at, and ASCG was contracted to do that, to see was this whole thing feasible, and what was going to be the cost. And that was why ASCG came into that. I believe Boyle Engineering also was commissioned.

But a lot of the numbers that were generated came from Bureau Reclamation out of Denver, as far as actual figures and actual layout of system and things.

COMMISSIONER MONTOYA: Okay. And the reason that I asked that is because ASCG is also the one that's doing the feasibility study on the wastewater project as well. So it's good that at least one company has the information on both sides of the stream, so to speak because otherwise you run into all these -

MR. SAYRE: Mr. Chair and Commissioner Montoya, one of the things that the County did is we provided aerial photography on the Aamodt studies so that this could be laid out and if any of you would like to see those maps I could show you how the system is totally laid out with regard to transmission as well as distribution systems. So all that's been done and you can see how we - it was pretty intensive about how we looked at that but it was of benefit to the County that we were able to provide the aerial photos, not only for the Aamodt, but we're also looking at them to provide them for the wastewater study also. Because that's up to date information and it gives us where all the proposed users would be in the valley that need to be connected.

COMMISSIONER MONTOYA: Great. And then regarding the statement, the water company being run by Santa Fe County. That's not totally accurate, is it? As I understand it Santa Fe County will be a partner along with this water authority that has been made reference as well but we're not the ones running it completely, is that correct?

MR. SAYRE: Mr. Chair, Commissioner Montoya, I think you're correct. My thought on this is that there's a regional entity that runs the diversion facilities, the getting the water, the treating it, the distribution of it, up the line on the main transmission. Then you have these other entities like the four Pueblos that take water off of it. They would be independent of this. They would take water from the authority. And then we would have the County water system or company that would take water for the non-Indian users. So we have in essence like five different entities that would be taking waters, the four Pueblos and the County off the system.

COMMISSIONER MONTOYA: Okay. And the reason that I say this is that I was at a public meeting just recently, the one that you were at also, Doug and you probably heard it mentioned a couple of times that they don't want Santa Fe County running their water utility system and I think there's pros and cons about it. But I didn't hear anybody say we do want Santa Fe County to run the water system. I didn't hear that, so that's the reason that I wanted to clarify exactly how that was operating.

MR. SAYRE: Mr. Chair and Commissioner Montoya, I thought there was sort of a non-defining point about the regional authority, what it was going to do and also what the County would do and I think that needs to be made plain, I guess more distinct that there's two, there's different entities involved here. The main entity would be a regional authority which we all would be a party to and they we have the separate, individual, I guess wholesale providers or wholesale users of the water to the respective entities that are going to be a party to this contract.

COMMISSIONER MONTOYA: Right. Then on one of the slides, it said water rights purchase cost not included. So does that mean that figure of \$69 would go up if the water rights are not included?

MR. SAYRE: Mr. Chair, Commissioner Montoya, what that means is those users that transfer those rights down to the authority for providing them would not incur any costs for water rights acquisition, whereas in the future, there could be a cost to I guess new users. The possibility exists to acquire water rights.

COMMISSIONER MONTTOYA: If there aren't enough water rights banked.

MR. SAYRE: Correct. Correct. But initially, as part of this agreement I think 750 acre-feet will come to the County just on transfers, and then we're figuring another 750 will be acquired by the state for new users. So it seems to me that we're getting that cost front-loaded on us, it wouldn't be required that we'd have to charge anything for that water, at least for the majority of users.

COMMISSIONER MONTTOYA: Okay. And the amount of 10,000 gallons, isn't that a little – isn't that someone who's a heavy water user, right? Because I think the City here, probably average usage is about between 2,000 and 5,000. Is that correct?

MR. SAYRE: Mr. Chair and Commissioner Montoya, you're correct. I think we looked at that as being a rather high usage monthly, but we also wanted to I guess look at it from the basis of these people probably have been used to having more water usage monthly, and we thought it was a fair way to evaluate it in a sense. You're correct in the aspect that probably the average usage is down to around 5,000 to 6,000 and as you know, in some of the subdivisions that we're considering, it's probably down to around 3,000 to 4,000 gallons per month that we're looking at doing, working with.

But I think as people go on and find that the cost of water is going to be rather prohibitive, you're looking at vast acreages of irrigation we're going to have to change our usage past duties that we've been used to.

COMMISSIONER MONTTOYA: Okay. And just a last comment, Mr. Chair, is that some public hearings have been set up in the Pojoaque Valley starting on March 16th and they're going to be held at different locations. Nambe Headstart on the 16th at 6:30. On April 1st, Pojoaque Middle School Gym also at 6:30. April 7th at the El Rancho Community Center, also at 6:30 and then on the 18th at the elementary school there in Pojoaque at 1:00 to allow ample discussion in terms of what I think is a very significant issue for people in the valley. And if there's any way that we can help in getting that word out I think that would be good in terms of from the County.

MR. SAYRE: Mr. Chair, Commissioner Montoya, I think it was very good. I think Romella with the land use handled some of the facilitation at that first meeting. And if we can participate in this manner I think it would be beneficial because it gives a good idea of what's being considered and what some of the discussions are, plus I think we helped get the true views out about what's really being exacted by this agreement as far as the settlement. So I think if we can continue to do that it will certainly be beneficial. And I thank you for providing a number of meetings. I think meetings like this where we try to bring it to the public, whether it's with the City, being that the City's involved or whether it's – the Pueblos are trying to do the same thing informing all those people. Is it going to be good on trying to get the real word out on what the documents really entail and what's being considered in a settlement agreement. Thank you.

COMMISSIONER MONTTOYA: Yes. Thank you.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, Doug, we've been

talking about a water system and getting people off their wells and taking the waterline to their residence. Have we talked any about the possible wastewater system being put in at the same time in certain areas?

MR. SAYRE: Mr. Chair, Commissioner Anaya, there is an ongoing study and work that we're looking at to consider this. As part of the settlement agreement the easements are being considered not only for water but also for wastewater. So that's part of that part of the agreement, that that can be facilitated. I think right now we're in just what does the Valley need in the way of wastewater facilities, and we're trying to get that study conducted this year so we have a better idea of where central water systems need to be located and perhaps management systems need to be looked at. And that's one of the reasons we're hopefully coming to you at the next meeting with I think an MOU with Pojoaque Pueblo about how to study this situation. And we are addressing that to the best of our ability.

COMMISSIONER ANAYA: To me, it would just make sense. If we're going to go through this elaborate system, we would just throw in an extra pipe a conduit, then we could collect all that waste and put it into a separate system. And I know we've gone a long way this far and one more step would really put the icing on the cake, I think and take those two systems.

MR. SAYRE: Mr. Chair and Commissioner Anaya, I think routing water is usually easier to do as far as getting it to the people because it's under pressure. Trying to get water returned is a little more complicated because we normally do it by gravity and therefore it has to be looked at how can we best facilitate gravity systems. I think that's the reason for this study about how can we facilitate that portion of it and get it integrated somewhat with this other, but we also want to see where are the problems with regard to nitrates, arsenic, also uranium in the Valley that we need to probably address more critically in the near future as far as why it's necessary to put in a potable water system.

COMMISSIONER ANAYA: And I know new technology is out there where you can – it doesn't have to be gravity flow any more, you just set a pump there and push it through. Thank you, Mr. Chair.

MR. SAYRE: You're certainly correct.

CHAIRMAN CAMPOS: Any other questions? Question for Mr. Utton. As far as time tables and expectations that when these contracts are going to be signed, approved. Any idea?

MR. UTTON: Mr. Chair, that is an excellent question. That's actually where we started today with settlement judge Nelson is our congressional delegation has been encouraging us to try and get the legislation in and what we are hoping to do is in the next two months get in a position where the major parties could approve this. We hope that in addition to the County that the City and the four Pueblos and hopefully, a substantial number of the non-Pueblo claimants along with the State of New Mexico would sign this so that we can get the legislation going.

The legislation would authorize the United States to sign the settlement agreement

and would provide the US, the authorization for the US to share this \$212 million. So I would say we're really looking at some of the other folks, particularly some of the water users in the basin to see what kind of time line they are on. I think the Commission has been very well informed on this because you have been involved at least in briefings on the discussions. I think a lot of people in the basin are, as Commissioner Montoya mentioned, are hearing this for the first time and I think they're going to need some time to understand this. There are some public meetings.

So I think what we're recommending is that the Commission play a role in trying to make this information known publicly including today through this presentation, perhaps through some other meetings. And then I think when the other parties are ready to start approval that we could be doing it at the same time, assuming the Commission is still comfortable with the settlement after hearing back from some of the parties out there and the constituents. So I would think that perhaps in a month or so we could bring this back. I'm hopeful that we could provide legislation, perhaps even in April to our delegation so that maybe we could even get a hearing back in Washington this year. There's some chance that it could go through this year. There's a number of other major pieces of western water legislation that might go forward. There's a bit Arizona water rights settlement called the Gila Bill. There's the CALFED Bill in California. The Navajo Nation water rights settlement may be introduced later this spring, and if those start moving together forward we want to be with them.

Given the fiscal climate in Washington, it's likely that it's not going to - none of those are going to get approved this year, but at least we can get in the hopper and be ready for next year. That's our hope, but there's a lot of variables including national elections that may affect that. But one thing that we know is that our New Mexico delegation with Senator Domenici being the chairman of the Energy and Water Committee, which would be the key committee hearing this, and Senator Bingaman being the ranking minority member, we are better positioned than any other state to try and get water legislation through and we don't want to wait until we don't have those folks in place.

So I think the sooner the better. It's just there's a lot of people to try an corral together to agree on moving forward. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you. Mr. Gonzalez, is the County prepared as far as the County water utility, are we prepared, do we have the money to sign this and move forward? What's your thinking?

MR. GONZALEZ: Mr. Chair, members of the Commission, I know that the preparation and settlement agreement involved discussions at the staff level with County staff and at least preliminarily, we feel that we have the ingredients in place that we need in order to move forward. Now, there's probably some detailed planning ahead of us that we need to plow through but as a general matter I think from that standpoint we're situated to be able to move forward with it.

CHAIRMAN CAMPOS: Thank you. Gentlemen, thank you very much for your presentation. Appreciate it.

MR. SAYRE: Thank you, Mr. Chair.

XII. Staff and Elected Officials' Items

A. Community & Health Development Department

1. Request Approval of the First Quarterly Report for FY 04 from the Community Partnership

MR. GONZALEZ: Mr. Chair, members of the Commission, since we convened this morning, it's my understanding that we had the director of the organization responsible for this call in and indicate that she was ill and wouldn't be able to make it. So we're asking that this matter be tabled until the next BCC meeting.

CHAIRMAN CAMPOS: There was also no material presented, right?

MR. GONZALEZ: That's correct. So from that standpoint it is probably just as well.

COMMISSIONER ANAYA: Move to table.

CHAIRMAN CAMPOS: To the next meeting?

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER SULLIVAN: Second.

The motion to table the Community Partnership quarterly report passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XII. A. 2. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP #24-27 for the Information Technology Consultant for the Care Connection Center

MR. SIMS: Mr. Chair, Commissioners, this contract that is before you is a contract that's been - the response to proposals was evaluated by the Data Subcommittee of the CARE Connection and it's been discussed and presented at the CARE Connection about this process. We worked with County staff along with the CARE Connection and we present this to you for your approval. And I stand for any questions.

CHAIRMAN CAMPOS: Okay. Any questions or motions?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second for discussion. I have, Mr. Chair, I have questions. At our last meeting, David, we talked about what this CARE Connection is going to do and I'm still confused what this proposal will do. Is part of our facility going

to be a detox center or not?

MR. SIMS: I'm going to let Robert Anaya address that specific part. But the proposal, the contract that's before you deals with another component of the CARE Connection. The CARE Connection involves assessment, referral, case management, data management. That is what we have termed as Phase 1 of the CARE Connection. And Phase 2 is the detoxification. And it is essential for us to be able to effectively accomplish the case management, the referral and the communication between all of the entities that are involved in the CARE Connection. It's essential that we get a database established and chosen that will accomplish the things that we need to do to be effective in coordinating this very complex system.

We also need someone that has the expertise to look at medical related issues and databases that deal with medically sensitive items because of the HIPAA requirements and other issues, to be able to negotiate with potential software and hardware providers, manufacturers, so that get the best bang for our buck out of the system that we end up using. We want to make sure that we make this choice wisely and with all the information that we possibly can obtain and all the expertise and consultation we can get because we certainly don't want to end up with a database system that as soon as we get into it we realize we made a horrible mistake and then we're stuck with it. So we feel like this is a very prudent step.

It's a six-month contract that would allow the time for the person, the company, Fox, Incorporated, who the contract will be with to get to know exactly what we need exactly what the capabilities of the members of the CARE Connection are, to know what the things that we need to achieve, and also an entity that is familiar with what products are out there on the market and what products are out there on the market that can be modified to do what we need this system to do.

COMMISSIONER SULLIVAN: Is this assessment going to take place at the old magistrate building? Is that where it's going to take place?

MR. SIMS: Yes, sir.

COMMISSIONER SULLIVAN: So we've got this system. I see a number of pages here of different data input elements and so forth that we're going to do. So we - someone is brought in under the influence of - with a drug-related problem, and they're brought in to our facility and then this assessment takes place, and then what do we do with them?

MR. SIMS: Mr. Chair, Commissioner Sullivan, the part that is involved in the data system is that we need to keep track of where that person is. We don't want them to come into our facility and walk out the door and we don't know where they went. We don't know if they got treatment. We don't know if they received the services that they need to keep them from coming through the revolving door again. And that's one of the key things is so that we can make sure that when someone is assessed and they're referred to treatment for instance for substance abuse or mental health issues, we need to be able to keep track of them and our case management staff that will be Phase 1 of the CARE

Connection, which is again case management, data -

COMMISSIONER SULLIVAN: I understand the value of the assessment, but when do we do this assessment?

MR. SIMS: We do the assessment as soon as we are aware that there is a person who has a problem and they're brought to us or sent to us.

COMMISSIONER SULLIVAN: Who brings them to us? Who sends them to us?

MR. SIMS: The police, the courts, the hospital. Other entities within the CARE Connection that if they, in whatever manner, come in contact with an individual in our community that needs services, behavioral health care services, then that person can enter into the CARE Connection system. They can enter into it even without ever even darkening the door of the facility. Like if they walk into one of the treatment providers, the assessment's done there. We need to be able to transfer that assessment data into a shared database that can be accessible to other entities where that person may be referred so that that information, the client doesn't have to be assessed every time they walk in five different places in town.

COMMISSIONER SULLIVAN: Yes, I understand the benefits to that but from the data you've handed out I've read something like 70 to 80 percent of the cases are DWI-related typically that are involved in the Sheriff's Department or the City Police pick up a person on DWI. Where do they go with that person?

MR. SIMS: The person that's convicted -

COMMISSIONER SULLIVAN: Not convicted. They've been charged.

MR. SIMS: Okay. Until they are convicted, they would be doing - anything that they do with us would be on a voluntary basis.

COMMISSIONER SULLIVAN: So we're still going to take that person and dump them in the County jail.

MR. ANAYA: Mr. Chair, Commissioner Sullivan, absolutely. If somebody is picked up on DWI charges, then the normal course of the judicial system would go into play. They would go in whatever the mandatory holds are around whatever that charge is and then we would utilize the screening assessment services through the channels of the court system. That particular example is different that somebody who's triaged directly in the street, say a homeless person that has co-occurring disorders, alcohol, substance abuse issues. Those people will receive a direct assessment wherever they are within the city limits, if you will. And then wherever we have available sources that we could go to to get them direct treatment, that's where that referral will take place and then there will be case management associated with that to follow that person through the system.

COMMISSIONER SULLIVAN: But there's no - so we're still going to use, after spending \$30,000 for this studying and spending a million-plus dollars, whatever it was for the building, we're still going to take the DUI people and put them immediately in the County jail where there's no detox facilities.

MR. ANAYA: Mr. Chair, Commissioner Sullivan, I'm not an attorney and

I'm not going to pretend to be but what I do know is when there are certain charges that have been filed against somebody for a particular case, if it's a case that's tied to direct statute like DWI, then there's certain things that that law enforcement official has to do by statute. That's only one piece of what the screening assessment referral piece is going to be dealing with. WE have screeners right now that are on staff with Santa Fe County, three of them, or one screener and two clerks that work directly with the magistrate and municipal courts that deal with sentencing issues and treatment tracking. That's one component.

Ultimately, that's going to be part of the CARE Connection. But there's many other components for that screening assessment referral that deal with people that need services that are homeless or through some other mechanism, go to one of these specific providers directly. So DWI is an issue and an area that we're going to work on with this facility, but in the scheme of the wheel with all the spokes, it's one spoke in the wheel.

COMMISSIONER SULLIVAN: Using the same example, then when do we get them in the screening process. After they're bonded out?

MR. ANAYA: Mr. Chair, Commissioner Sullivan, as far as the DWI court process, people go in on a DWI and they have to stay for a certain amount of time based on whatever the charges are. Once they're released, then they have to go back to court for a specific court date. Then they're either found guilty or not guilty. If they're found guilty, they go directly from court with their DWI to our DWI screener for example, in magistrate court. Our DWI screener screens those individuals and assigns them to specific treatment areas out in the community.

In that example, that's one component of the system, but there's not an overall place where we're sharing and we have a combined data source. So one of the things that the CARE Connection will do is we'll begin to take that screening assessment, have a place where the data's compiled, and then help follow that person through the inpatient or outpatient treatment that they might need.

COMMISSIONER SULLIVAN: Okay, so what happens in Phase 2?

MR. ANAYA: Phase 2 being the sobering and/or detox piccc?

COMMISSIONER SULLIVAN: That's what I understand it is.

CHAIRMAN CAMPOS: Commissioner Sullivan, I think we're going beyond the issue at hand, information and technology consultation.

COMMISSIONER SULLIVAN: Well, the question is what is the value of this if the ultimate intent was to get a detox center.

MR. ANAYA: Mr. Chair, Commissioner Sullivan, when the County staff proposed the recommendations to the County Commission, we proposed a two-phased approach. Because the direction and the support we've received from the CARE Connection was we need a lot more than just the sobering center in this community. That's one aspect and one important item that we need, but we proposed to the Commission that we needed a comprehensive place where we begin to track the dollars in treatment that we're already providing.

COMMISSIONER SULLIVAN: When we get Phase 2 in place, the detox

facility, at this building, then when are they assessed? Are they brought to that facility? Does this assessment take place then at that point?

MR. ANAYA: When there is an individual - what you're talking about is the protective custody and mental health folks. And you're absolutely correct. Right now, they're either going in the hospital or they're going into the jail and the whole point of the sobering/detox concept is to get them out of the jail or out of the hospital. When the facility is up and running wherever it's up and running, those individuals would go in initially to the detox phase, because one of the things that's been brought up time and time again is you can't do an appropriate assessment on an individual that's very intoxicated if you will. So that that facility would be utilized as a place where they could detox and then have direct linkage with the assessment center. They don't physically have to go to the assessment center. Those providers will be able to do that agreed upon assessment within whatever venue that they're in. So some assessments will take place in the old magistrate building. Some will take place on the street. Some will take place in the jail, potentially. Some will take place in the hospital. Wherever it is that they're particularly needed.

COMMISSIONER SULLIVAN: Okay, so my final question, my specific question about this contract is, does this contract address the facilities, the database and so forth that is needed to assess the individuals when the detox center is in place?

MR. ANAYA: This facility, yes, will be used to help do the assessments for

COMMISSIONER SULLIVAN: This contract. This contract is going to give the guidelines for how you assess and what you do, what information you take, how you put it on the computer and the software and all that type of thing. So is this going to apply to also Phase 2?

MR. ANAYA: Mr. Chair, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN CAMPOS: Okay, there's a motion, a second. Any more discussion?

The motion to approve the database consultant contract passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XII. B. Fire Department

1. Resolution No. 2004-31. A Resolution Supporting the Collaborative Forest Restoration Grant Program for Santa Fe County

CHAIRMAN CAMPOS: Who's here to speak for the County?

MR. GONZALEZ: Mr. Chair, members of the Commission, Stan Holden had some issues having to do with being able to be available for emergency services in the southern

part of the county. So as a consequence I agreed to carry both of these items for him. Item number 1 is a resolution supporting the collaborative forest restoration grant program for Santa Fe County. This is the grant application that we have gone forward with in order to see if we can't get funding from the State Reforestation program in order to move forward with our fire mitigation efforts.

COMMISSIONER MONTOYA: Mr. Chair, move for approval

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Okay, quick question for Mr. Gonzalez. Section 3, page 2. The County supports the provisions of the collaborative forest restoration program. Are there a separate set of standards or regulations that we're going into?

COMMISSIONER MONTOYA: Gerald, I can answer that. This application, Commissioner, would bring a different set of standards that we would need to comply with as part of the granting of the funding should we get it. So it would be certain stipulations but probably nothing that would be out of the ordinary of what we have in terms of our own ordinances.

CHAIRMAN CAMPOS: Have you or the staff looked at these regulations? I guess Stan Holden has?

MR. GONZALEZ: They've been reviewed by Fire. Yes they have, Mr. Chair.

CHAIRMAN CAMPOS: Okay. There's a motion and a second.

The motion to approve Resolution 2004-31 passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

XII. B. 2. Resolution No. 2004-32. A Resolution Donating Surplus Fire Department Rescue Equipment to the Village of Pecos Volunteer Fire Department

MR. GONZALEZ: Mr. Chair, this item is a piece of extraction equipment that the Santa Fe County had replaced. It's still usable and it's a piece of equipment that they don't have for the Pecos Volunteer Fire Department. It's the one that allows you to go in and cut into the sides of vehicles and extract accident victims when they have roll-overs or other difficulties getting into the vehicle.

CHAIRMAN CAMPOS: Is there a motion to approve?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Second?

COMMISSIONER MONTOYA: Second.

COMMISSIONER DURAN: Discussion?

The motion to approve Resolution 2004-32 passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

XII. C. Land Use Department

1. Request Direction and Action on the Status of the Tesuque Development Review Committee (TDRC)

MR. ABEYTA: Thank you, Mr. Chair, members of the Commission. We have terms that have expired for the Tesuque Development Review Committee. Currently, there are six members. All terms expired and only one member has submitted a request to still serve on the TDRC. So at this time we're asking that the Board dissolve the Tesuque Traditional Historic Community Committee and all cases be forwarded to the County Development Review Committee until such time that we do get people that want to serve on this board.

CHAIRMAN CAMPOS: Okay. Any discussion?

COMMISSIONER MONTTOYA: Move for approval.

CHAIRMAN CAMPOS: There's a motion to approve this dissolution of the Tesuque Traditional Historic Community and that all these cases go to the CDRC. Is there a second?

COMMISSIONER SULLIVAN: Second.

The motion to approve the dissolution of the TDRC passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XII. C. 2. Request Authorization to Enter into a Professional Services Agreement (PSA) with Southwest Planning & Marketing to Conduct an Economic Development Study for the Redevelopment District of the Metro Area Highway Corridor Plan

CHAIRMAN CAMPOS: Mr. Abeyta, could you tell me where this area is and maybe a little context on it?

MR. ABEYTA: Thank you, Mr. Chair, yes. The property is located northwest of 599 as 599 comes south and starts right before it gets to Airport Road. It's that northwest area.

CHAIRMAN CAMPOS: And we have a corridor plan for that specific area?

MR. ABEYTA: We have, yes. That's been designated a redevelopment district. We've been engaged with the property owners in developing a plan for that area over the last two years and we're at the point now to where we would like to hire a consultant to assist us with a market study so that we could determine what the demand is for industrial type uses, retail, other commercial uses. Because that is what is going to be planned for this area.

CHAIRMAN CAMPOS: Who's going to pay for that?

MR. ABEYTA: We have that within our budget that the BCC approved in the 04 budget cycle.

CHAIRMAN CAMPOS: If this consultant should find that there is no economic

demand, what happens to what land use does?

MR. ABEYTA: Then what we need to do is we need to go back and sit down with the property owners and we need to determine what use then would be appropriate to plan for that area. Maybe it turns into a residential district rather than a redevelopment district.

CHAIRMAN CAMPOS: How long will this contract take to fulfill?

MR. ABEYTA: Mr. Chair, two months.

CHAIRMAN CAMPOS: Now, is there any connection between this development and the City's Airport Development Plan? The City has something not too far away, right?

MR. ABEYTA: That's right.

CHAIRMAN CAMPOS: Is there going to be a discussion of both projects? How they affect each other?

MR. ABEYTA: Mr. Chair, that's part of our intent, is we would like the contractor to look at that and then other parks like our own business park are off of 14. So we know that there is a lot of these planned business parks or industrial parks so we want to make sure that we're doing the right thing by planning more for this area.

CHAIRMAN CAMPOS: Any questions for Mr. Abeyta?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Two firms, well, actually three submitted, Roman and two submitted at the same price and one was similar in price. What was your or the committee's feeling regarding Southwest Planning and Marketing versus Economic and Planning Systems, which seemed to be the second firm?

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, Economic and Planning Systems were the firm that did the study for the Community College District. They're not from here and we felt that there might be some costs that could come up if there needs to be extra work. We thought that it might be more expensive once we get into it and they have to travel down here. So we thought it would be safer to just go with Southwest Planning and Marketing since they're based here.

COMMISSIONER SULLIVAN: Plus they forgot to look at the water in the Community College District study so it's probably good that we go with Southwest Planning. So this was evaluated on a qualifications base. You felt they were more appropriate for this particular study.

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, any other questions? Is there a motion?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Moved to approve the contract with Southwest Planning. Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Second. Okay.

The motion to approve the contract with Southwest Planning passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XII. D. Project & Facilities Management Department

1. Request Authorization to Enter into a Professional Service Agreement with the Highest Rated Offeror in Response to RFP #24-19, Professional Architectural and Engineering Services for the Lamy Fire Substation

MR. FLORES: Thank you, Mr. Chair. Tony Flores with PFMD. We're requesting authorization to enter into a PSA for architectural and engineering services with the firm of Terra-Mar Architects out of Albuquerque to do our construction documents for the Lamy Fire Substation and well as develop a master plan for the Lamy Park within which this facility will be constructed. It's estimated to be a 3,000 square foot facility gross that would include a 500 square foot community meeting room, two-bay fire station with restrooms and office space.

The evaluations were based upon or evaluated based upon qualifications and the highest rated firm we entered into negotiations with and we're asking for authorization to enter into an agreement for a total amount of \$35,472.36.

CHAIRMAN CAMPOS: Any questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Tony, this is going to a joint – this is going to be a community center/fire station?

MR. FLORES: Mr. Chair, Commissioner Anaya, it will have the capabilities of holding community rooms and having community space within – it's planned in that park. I wouldn't term it, Mr. Chair, Commissioner Anaya, as a community center. It has the ability to have those functions within the fire station.

COMMISSIONER ANAYA: Okay, because you know in the past the fire department people kind of don't want the other people in their building and I want to try to get away from that. I know they're trying to protect their equipment, so I just wondered, if they had a room people can go to just in case they don't have a community center or they need a place to meet.

MR. FLORES: Mr. Chair, Commissioner Anaya, that's what we're planning for.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: You say, Tony, that you've got a fee of 8.4

percent for basic design in addition to the basic design services, staff negotiated the additional service of the preparation of a master plan for the park.

MR. FLORES: Correct.

COMMISSIONER SULLIVAN: Which is a good idea. And was that within the same 8.4 percent?

MR. FLORES: Mr. Chair, Commissioner Sullivan, no. The 8.4 percent is purely on basic design services and as the PTAB guidelines indicate and DFA guidelines indicate. The master plan component of that, I used historical data of what we've used in master plans on other parks or other facility locations. And that's how we arrived at \$3,000 as a fair and reasonable price for the master plan. The 8.4 percent is purely based upon the math and there may be some question on how the contract is worded but basically, the basic design services total \$26,743.50. Then on top of that we have the master plan of the park of \$3,000, reimbursable expenses capped at a not-to-exceed of \$4,000, and then gross receipts tax on top of that.

COMMISSIONER SULLIVAN: I guess I was looking at the last page, 26, for compensation.

MR. FLORES: Yes, Mr. Chair, Commissioner Sullivan, there is –

COMMISSIONER SULLIVAN: I didn't see the master plan in there.

MR. FLORES: It's under I.

COMMISSIONER SULLIVAN: Oh, additional services, I. There it is down there. Okay. So that's included in the \$35,000 but not the 8.4 percent.

MR. FLORES: Mr. Chair, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN CAMPOS: Okay, is there a motion to authorize entering into this specific professional services contract for the Lamy Fire Substation?

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER ANAYA: Second.

The motion to approve the contract for design services for the Lamy Substation passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

COMMISSIONER SULLIVAN: Mr. Chair, just as an aside, I believe this firm has worked for the County before, haven't they?

MR. FLORES: Mr. Chair, Commissioner Sullivan, this is our fire station experts.

COMMISSIONER SULLIVAN: Okay, I understand they've done a fairly good job.

MR. FLORES: They've done an excellent job, Mr. Chair, Commissioner Sullivan.

XII. D. Public Works Department

1. Discussion and Direction of the New Mexico Department of Transportation (NMDOT) 2004 CAP/CO-OP/School Bus Route Program

MR. LUJAN: James Lujan, Public Works Director. Mr. Chair, members of the Commission, the New Mexico Department of Transportation has requested applications for 2004 CAP/CO-OP and School Bus Route, and what we have done here, starting from 94, we gave you a list of roads through current year 2003, what we have used this money for and on the second page is a list of roads that you may select as a body and which you want to apply this next application for.

CHAIRMAN CAMPOS: Mr. Lujan, how soon do we have to make this decision?

MR. LUJAN: We need to have this in, it's due now in March.

CHAIRMAN CAMPOS: So do we have another meeting between now and March?

CHAIRMAN CAMPOS: Okay. Now, you've identified a number of potential projects. Are any of them critical, have dangerous conditions, need urgent attention, safety issues? Because I don't have enough information to say, okay -

MR. LUJAN: Not so much that they have any safety issues, these are the roads that Public Works has gone out and evaluated and we feel that are in need of repair.

CHAIRMAN CAMPOS: They're all about equally in need of repair.

MR. LUJAN: About equally, yes. And what we've done is broken in up into districts and showed prior years what we have used it for. But none of these are in dire need. It's just that the ones that fall under the CAP/CO-OP and School Bus Route.

CHAIRMAN CAMPOS: Are you proposing that we approve all of these on this list?

MR. LUJAN: No, we are giving you - in the past, what we have provided is, we had come up with the selection of roads and the Commission in the past has asked us to come up with a list of roads so that you as a body can make a decision on what road you want.

CHAIRMAN CAMPOS: How much money do we have?

MR. LUJAN: Every year, we've been getting approximately \$325,000.

CHAIRMAN CAMPOS: We're looking at enough projects to spend \$325,000.

MR. LUJAN: Yes.

CHAIRMAN CAMPOS: Okay, any questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Who got this list together? Road Advisory?

MR. LUJAN: Which list, sir?

COMMISSIONER ANAYA: The roads that -

MR. LUJAN: This year's? No, Public Works has.

COMMISSIONER ANAYA: Public Works.

MR. LUJAN: Road Advisory usually just picks roads for the basecourse program. These are roads that the Public Works Division came up with. Road maintenance.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: Two things. One, I want to remind the Commission, the quarter percent gross receipts tax money went to District 3.

CHAIRMAN CAMPOS: I remember that.

COMMISSIONER ANAYA: I don't.

COMMISSIONER SULLIVAN: I just wanted to -- and looking, if you'll turn back to the first page, you look at all the Commission districts that got money out of this program, the CO-OP program, we only got a half of a deal on County Road 42 out of all that.

CHAIRMAN CAMPOS: But look more carefully, Commissioner. District 4 hasn't gotten any.

COMMISSIONER ANAYA: That's because your roads are all paved. You don't have any dirt roads in District 4.

CHAIRMAN CAMPOS: We have projects here in District 4. I think the North's gotten its share, the South. I think it's time for District 4.

COMMISSIONER SULLIVAN: I don't disagree that District 4 should get a little bit, but District 5 being considerably larger in area I would suggest some consideration hopefully on the part of the Commission on some District 5 projects.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I think County Road 42 lies in District 5 and District 3.

COMMISSIONER SULLIVAN: Yes, it does. That's what it says.

COMMISSIONER ANAYA: And that project is almost completed. We've got two miles on each end and we just need to finish the middle.

CHAIRMAN CAMPOS: I've heard that argument before.

COMMISSIONER ANAYA: I'd like to see that money go there.

COMMISSIONER MONTTOYA: Which one? 58?

CHAIRMAN CAMPOS: 42.

COMMISSIONER MONTTOYA: It's not even on this list.

CHAIRMAN CAMPOS: It's on last year's list.

COMMISSIONER MONTTOYA: Oh, last year's list. Does that count?

COMMISSIONER SULLIVAN: It's the road to Galisteo.

CHAIRMAN CAMPOS: This is kind of hard for us to do. They're all equal.

COMMISSIONER MONTTOYA: I just move that District 1 be funded.

COMMISSIONER SULLIVAN: Be funded for all of it.

CHAIRMAN CAMPOS: District 1 has had its share. I think it's up to District 4 and 5 I think.

COMMISSIONER ANAYA: Mr. Chair, does this money have to go to one

project?

MR. LUJAN: No, it could be a number of projects. We just need to make the exhibit with the projects that you select and again, hopefully the funds will be in at again \$325,000. That's what it's been over the average over the last three years, in there somewhere.

COMMISSIONER ANAYA: And we get this every year?

MR. LUJAN: This is an every year allocation, yes, from the State Department of Transportation.

COMMISSIONER ANAYA: Okay, I'll agree to help you guys if next year we can send it to me.

COMMISSIONER SULLIVAN: Wait a minute. We agreed last time with you. This makes it even.

COMMISSIONER ANAYA: This is different money.

MR. LUJAN: Currently District 3, we're doing County Road 8 with this last year's funding.

COMMISSIONER SULLIVAN: Where's Taylor Loop and Taylor Road.

MR. LUJAN: Taylor Loop and Taylor Road, we're getting the maps up here. Correct. That's on the east frontage road, past the National Guard Armory. Those roads are in pretty bad shape. For resurfacing. Down on the east frontage road, across from the race track, the old race track, La Cienega.

COMMISSIONER SULLIVAN: Do we have any in Valle Vista, or what's across the road from Valle Vista?

MR. LUJAN: The closest I think would be Carlson Subdivision or Camino Bajo. No, that's already on the list.

COMMISSIONER SULLIVAN: What's the name of the subdivision I'm thinking of on Route 14. Right by the Allsup's. Valle Linda. Is any of these roads there?

MR. LUJAN: No. The reason we didn't put that one on is because water and sewer improvements. Don't we have to go in there and do some improvements on that sewer line. So until that's done, in Valle Vista.

COMMISSIONER SULLIVAN: That's Valle Vista though. Valle Linda is on the east side of the highway. By the Allsup's. I've just gotten a number of calls about the County roads there. They say all that's left is the potholes. I guess it was chip-sealed at one time and it's -

MR. LUJAN: I don't believe we have those. That's not in Taylor Loop.

COMMISSIONER SULLIVAN: It's not Carlson or Corral Blanco. What road is that?

MR. LUJAN: Camino Bajo?

COMMISSIONER SULLIVAN: Is that what it is? It's right off of 14. We don't have an estimate on that? I'd sure like to put some money into that.

MR. LUJAN: Is it a school bus route? I think we looked at most of the ones that were critical school bus routes and -

COMMISSIONER SULLIVAN: There are school kids out there. I don't know

where else they would catch the bus. In fact one letter I got, I think I forwarded it on to you from Ms. Cheto, said that the school bus turned around there.

MR. LUJAN: That is correct, but that is not a County road. And I did get that letter and we researched it and we responded. That is not a County road.

COMMISSIONER SULLIVAN: But that's not Camino Bajo.

MR. LUJAN: No. That's the one further east.

COMMISSIONER SULLIVAN: Somehow the school buses have to get into that subdivision.

MR. LUJAN: Correct. But the reason is that's not a County road. From Ms. Cheto.

CHAIRMAN CAMPOS: Okay, Mr. Lujan, of the four projects in District 4, which do you think is the most important? Which would you if you had a decision to make –

MR. LUJAN: County Road 58, I'd like to have it paved. It's a high maintenance –

CHAIRMAN CAMPOS: That's your highest priority?

MR. LUJAN: Yes.

CHAIRMAN CAMPOS: What about in – how are we going to handle it?

COMMISSIONER SULLIVAN: Well, what's the most critical one in District 5 that you see?

MR. LUJAN: Corral Blanco.

COMMISSIONER SULLIVAN: Can you show that to us on the map?

MR. LUJAN: It's down there off the interstate where we had those drainage issues, where we've just put in those culverts. But the pavement is really in bad shape in there.

COMMISSIONER SULLIVAN: Off the interstate?

MR. LUJAN: Off of I-25 on the frontage road by Cienega.

COMMISSIONER SULLIVAN: Oh, that area's awful. That's really bad. Back there you can hardly get through.

MR. LUJAN: Corral Blanco is in really bad need of paving.

COMMISSIONER SULLIVAN: That's a cheap one. Thank you.

COMMISSIONER MONTOYA: What about District 1?

MR. LUJAN: District 1, the repaving of 88 is very necessary. In fact we were out there, both of yours are in dire need of paving. 98 also.

CHAIRMAN CAMPOS: They're all big dollar items.

MR. LUJAN: They're long roads. They're very long roads. And they're major school bus routes and thoroughfares.

COMMISSIONER MONTOYA: It's been 20 years since they've been maintained. Or paved, originally.

MR. LUJAN: Yes, the original pavement is probably in the 70s.

CHAIRMAN CAMPOS: I'd like to make a motion for County Road 58 paving, the one you suggested, Mr. Lujan. Is there a second?

COMMISSIONER MONTOYA: Second.

The motion to select CR 58 for paving passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

CHAIRMAN CAMPOS: Is there another motion?

COMMISSIONER SULLIVAN: Yes, I'd like to make a motion in District 5 for Corral Blanco paving. That's a cheap one.

CHAIRMAN CAMPOS: Okay. Is there a second?

COMMISSIONER MONTROYA: Second.

COMMISSIONER ANAYA: Discussion. The total over here at \$45,000. That's just the total of County share, DOT share, right? That's not the total of how much the road's going to cost.

MR. LUJAN: The total at the end is what it will cost.

COMMISSIONER ANAYA: So it's going to cost \$45,000?

MR. LUJAN: Usually what we do is we get reimbursed for our time and materials when we get reimbursed at the end. Our match for our services, we charge for our labor and manpower, right? So that kind of offsets a little bit of that County share, a bit. That's when we do them in-house. But that's what the total would cost. We have to put in a portion of that from our in-kind service from our equipment. We get to charge off our equipment and our manpower.

COMMISSIONER ANAYA: So we're at \$120,000 right now.

CHAIRMAN CAMPOS: So we have \$325,000 that we spend.

MR. LUJAN: That's the average. We could make a list, in fact you could pick all of them and when we get \$325,000, whatever dollar amount we get, that's the amount of project we can put in.

CHAIRMAN CAMPOS: What is the total for the County's share?

MR. LUJAN: I would have to add all those numbers up.

COMMISSIONER SULLIVAN: But that's unrealistic. The DOT amount is -

MR. LUJAN: The most we get every year is \$325,000, Commissioner Campos.

CHAIRMAN CAMPOS: That's for the County's share.

COMMISSIONER SULLIVAN: No, that's for DOT.

CHAIRMAN CAMPOS: There's a motion on Corral Blanco and it's been seconded.

The motion to select Corral Blanco for paving passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

CHAIRMAN CAMPOS: Is there another motion?

COMMISSIONER MONTROYA: Mr. Chair, I'd like to make a motion that we consider County Road 88 repaving.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER ANAYA: Second.

The motion to select CR 88 for repaving passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

CHAIRMAN CAMPOS: How much more do we have?

COMMISSIONER MONTOYA: \$70,000.

MR. LUJAN: Would you just pick a couple and maybe we get a little bit more.
That way, we'll prioritize. Those are the first top three.

COMMISSIONER ANAYA: Mr. Chair, I move we –

CHAIRMAN CAMPOS: Something in District 4, Commissioner. Because we
haven't any roads there for years.

COMMISSIONER ANAYA: County Road 16.

CHAIRMAN CAMPOS: 16? That's in District 3.

COMMISSIONER ANAYA: I know.

CHAIRMAN CAMPOS: You get all the stuff over there.

COMMISSIONER ANAYA: You already got a 4. We've got a 5 and we've got
a one.

COMMISSIONER ANAYA: Is there a second?

COMMISSIONER MONTOYA: Second.

COMMISSIONER SULLIVAN: Let's get the staff on the remainder. I don't
want to put you on the spot but I guess I have to anyway. On County Road 16 versus the others
in District 5, since I only got \$33,000 out of this deal, how do we stand need-wise.

MR. LUJAN: 16 versus –

COMMISSIONER SULLIVAN: Taylor Loop, Taylor Road, Carlson.

MR. LUJAN: Those are higher priority. Those are really in bad shape. Those
are all chip-sealed.

COMMISSIONER SULLIVAN: I know I put you on the spot.

CHAIRMAN CAMPOS: Which one is the highest priority in District 5?

MR. LUJAN: I would think Taylor Road.

CHAIRMAN CAMPOS: Taylor Road or Loop?

MR. LUJAN: Road. The Loop is –

COMMISSIONER SULLIVAN: That's another cheap one. As a part of
discussion here with the motion –

CHAIRMAN CAMPOS: You're arguing that you want –

COMMISSIONER SULLIVAN: As part of the discussion of the motion, I'm
saying if you did 16, which is obviously important, that we also put in Carlson. Taylor Road is
only \$22,000. Then you have a little bit over, right? I'm okay then with County Road 16.

The motion to select CR 16 for repaving passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

COMMISSIONER SULLIVAN: Mr. Chair, I'd like to make a motion.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I'd like to include Taylor Road paving.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER ANAYA: Second.

The motion to Taylor Road for paving passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

COMMISSIONER SULLIVAN: So we're at \$330,000. Do you want another one, James?

CHAIRMAN CAMPOS: That's it.

COMMISSIONER SULLIVAN: Well, he said had \$325,000. Did you want to stop there?

MR. LUJAN: If you would like, maybe 67-A.

CHAIRMAN CAMPOS: Okay, let's do 67-A.

COMMISSIONER ANAYA: Second.

COMMISSIONER SULLIVAN: Your district? Again? You don't need any roads. Oh, that's only \$11,000. We can give you \$11,000.

MR. LUJAN: So in the priority, it is number 1, County Road 58; number 2, Corral Blanco; number 3, County Road 88; number 4, County Road 16, number 5, Taylor Road paving; and six is County Road 67.

CHAIRMAN CAMPOS: There's a motion and a second on County Road 67-A.

The motion to select CR 67-A for paving passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

CHAIRMAN CAMPOS: Thank you, James.

COMMISSIONER MONTROYA: Mr. Chair, I thought they were all one priority.

MR. GONZALEZ: Some priorities are more equal than others.

XII. F. Utilities Department

- 1. Request Authorization to Enter into a Contract Amendment to the Existing First Amended Initial Customer Contract for Commitment of Water Service for the Rancho Viejo Partnership Property**

IKE PINO: Mr. Chair, Commissioners, that was the greatest horse trading

session I've been acquainted with in a long time. Only this is called roads.

MR. SAYRE: Mr. Chair, Commissioners, before you is a request by the Utilities Department for authorization to enter into an agreement to the existing first amended initial customer contract for commitment to water service for Rancho Viejo Partnership Property. The background on this or the issue, the customer Rancho Viejo presently has a customer contract for commitment of water services requests a contract amendment to address water use limitations on Windmill Ridge III and all future phases of 0.2 acre-feet per annum per housing units with all earlier phases being limited to .25 acre-feet per annum per residential unit.

To provide back-up or reserve supply to ensure sufficient water supply is available, Rancho Viejo will transfer 38.46 acre-feet to the Rancho Viejo well or other well as acceptable to the County for this purpose. Transfer of the water rights is to be completed within one and a half years from the date of the filing of the application with the Office of the State Engineer with County being listed as co-applicant. All activities related to the development and completion of the well will be carried out and paid for by Rancho Viejo and will meet all applicable County, state and federal requirements. After completion of construction of all required infrastructure it shall be transferred to the County for operation and maintenance.

As background to this, previously Rancho Viejo entered into a contract for water service back in November 10, 1994 for 168 acre-feet, which they are presently using to provide water service to their proposed phases of development. As you know, the customer is involved in a very large and complicated development and has cooperatively participated in forming the Community College District, which encompasses most of the currently proposed development and is providing reserve water rights has shown that water conservation and development is achievable and will provide infrastructure and facilitate the water rights transfer to the well. Consideration of this amendment is considered warranted by the Utilities Department.

Perhaps we could enter into discussion at this time on this amendment.

CHAIRMAN CAMPOS: Commissioner Sullivan, you had a question about this?

COMMISSIONER SULLIVAN: I just had a clarification, Mr. Chair. I ran into Mr. Ross yesterday and my clarification was that in general, the intent here was to acknowledge that Rancho Viejo has given us some data that appears that they can meet this .2 acre-foot per annum target of their units and that even if they don't we have a little bit in reserve in the 500 acre-foot allocation for the next few years, and that should we need it, they agree to transfer 38 feet of water rights to a point of diversion that we designate.

The only language that I felt was a little off was the sentence right in the middle of the paragraph on the first page. It starts out, the "water rights reserved will be transferred into Well #RG 3807, etc, or to a location acceptable to the County." I felt it would be better if we said, The water rights will be transferred to a location acceptable to the Board of County Commissioners." And the reason for that is I think we need to make it clear that we're still doing this hydrologic and well testing. We're moving forward on that. There's other alternatives that we're looking at. There may even be alternatives such as along Cochiti, Raney

wells in Cochiti. There may be the well, if that moves forward, on the Peters property. There may be locations that we are ultimately going to designate that we might need to put that 38 acre-feet if in fact Rancho Viejo was exceeding its 168 acre-feet.

So I didn't feel that it was the intent of the Commission that we go immediately into permitting the Rancho Viejo well because they don't need it right now. They haven't even built out the units yet. But rather that when the time came, and if and only if they exceeded their amount, then we would have to make a decision as to where that would be and I just thought it was a little premature to say, give the indication that that would be the Rancho Viejo well at this point. So I just felt we should leave it up to the County Commissioners.

CHAIRMAN CAMPOS: Okay, any comment from counsel on Commissioner Sullivan's suggestion, the change that he talked to you about yesterday?

MR. ROSS: Yes, Mr. Chair, he talked to me about that yesterday. From a legal perspective I don't see any impact from the change. The primary change is that the choice of the reserve water would be presented to the Board of County Commissioners at such time as needed. In the old agreement it wasn't clear. It just said that that choice would be made by the County, as opposed to the Board of County Commissioners. That's the primary difference. The other difference is that the well itself is not specifically mentioned under Commissioner Sullivan's language.

CHAIRMAN CAMPOS: Should it be?

MR. ROSS: Not necessarily. The original agreement as proposed had an alternative, either that well or some other well acceptable to the County, or some other area, some other source, point of diversion. So Commissioner Sullivan's amendment leaves it up to the Board if for some reason the whole reserve issue comes up at some point in the future.

CHAIRMAN CAMPOS: Mr. Pino, Ike Pino, do you have any comments? So you have no objections to what Commissioner Sullivan has subjected? Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, just to get things straight. If Rancho Viejo pumps more than .2 acre-feet they would rely on the well, RG 38-07, I believe.

COMMISSIONER SULLIVAN: No, not necessarily.

COMMISSIONER ANAYA: Let me finish. If this were to pass then they would rely on another well in Santa Fe County? Is that correct?

COMMISSIONER SULLIVAN: Or RG 38. Whatever we decide.

COMMISSIONER ANAYA: Whatever we decide. But right now, the language is it would rely on this well.

COMMISSIONER SULLIVAN: Can I respond, Mr. Chair?

CHAIRMAN CAMPOS: Sure.

COMMISSIONER SULLIVAN: Sort of. Not exactly, because it does go on to say, or other location acceptable to the County.

COMMISSIONER ANAYA: Okay.

COMMISSIONER SULLIVAN: But it implies by giving that well location that that's where you would go first. What I'm saying is we're still doing that study. We haven't

really determined what's going to be the optimum place, and we don't need to make this decision right now, because they haven't gone over the .2 acre-feet and they don't even have the building built. So we have some time for that study to be completed, to come back to the Board and at that time we can decide where we want that point of diversion to be.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN CAMPOS: Okay, do you want to make a motion?

COMMISSIONER SULLIVAN: I would move for approval of the amendment to the first amended initial customer contract, commitment of water service, with regard to Rancho Viejo, with the following amendment, that the line beginning "The water rights reserve will be transferred..." be amended to read, "The water rights reserve will be transferred to a location acceptable to the Board of County Commissioners."

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: There's a second. Any discussion?

The motion to approve passed by unanimous [540] voice vote. [Commissioner Duran was not present for this action.]

XII. G. Matters from the County Manager
1. Legislative Update

COMMISSIONER MONTOYA: You have two hours.

CHAIRMAN CAMPOS: You've got five minutes.

MR. GONZALEZ: We'll make it brief, Mr. Chair. Just an introduction, I just wanted to say that in conjunction with Tony and his thoughts about preparing for the session, we changed our strategy this year, looks like we changed it successfully. I want to thank Tony and the entire legislative team for spearheading that, leading the charge and also making sure that it worked. As you may know, what we attempted to do this year is rather than a scatter-gun legislative request for \$73 million like we did last year, this year we pared them down, focused them to \$3.7 million an actually, it looks like we may have made our goals and then some. With that introduction, I'll go ahead and open it for Tony.

MR. FLORES: Thank you, Gerald. I'll be brief. Just a quick update until the final numbers and the final legislation is signed. We're cautiously optimistic that what we can report to you today is about \$4 million in capital outlay that we are confident is coming to the County. In addition to that, we spoke earlier about the film. There's also some water initiatives out there that we have worked with Senator Griego on that potentially would be coming to the County as well that would push that number up considerably.

I can tell you that we took a leap of faith and we asked you to take the leap with staff on narrowing the number of projects that we take in each year. I can tell you today, cautiously optimistic of course, that we will be able to complete in the calendar year or a little bit longer than that, the entire phase two of the Youth Shelters and Family Services Complex, the entire

Agua Fria Community Center, the entire Eldorado Senior Center. And I say entire, that means planning, design and construction.

Now we do have dollars, as you all know when the GRT dollars were spread out by this Board a couple of months ago and we're starting the planning process for that so that's once these funds, if they're secured in totality, that we bring forward the agreements in July and August that we would be basically in readiness to start construction. So out of the six facilities that we brought forward to take to the legislature, I can come before you and tell you that three of them are completely funded at this point for construction. And those include projects that were included on the CDBG application process, that we had very strong discussions about, of which was a priority and which wasn't.

In addition to that, we've also been able to secure additional funding for our First Judicial Courthouse, County consolidate complex planning and design dollars. We've also secured funding for the Coordinated Health Complex where the CARE Connection is going. We've also secured approximately \$500,000 for our Youth Development Facility on Airport Road for capital improvements.

We've also secured \$100,000 for our fairgrounds on Rodeo Road, and that may not seem like a lot of money, but that's the first point. Next year when we come - actually, this year, excuse me, because we'll be starting this process in about three weeks again, we'll be able to now take some projects off the list, reprioritize projects through our community meetings and then bring back another list before December.

We've also secured funding for the Edgewood Senior Center parking areas. We've secured funding for the Madrid ballpark, the completion of the grandstands, renovations and retaining walls. We secured additional funds to the tune of \$100,000 for Camino Real River Corridor. And two projects that we did not have on our list that will be coming to the County, the development of 211 Call Center for the information purposes and that's in conjunction with United Way, and then the other one would be a partnership with the Recovery of Alcoholics Program to assist them and act as a conduit and fiscal agent for their facility additions at RAP. That will be their transitional living component.

In addition to that we've got a slew of roads including County Road 44-A and B, including County Roads 67 J in District 4, Churchill Road and Fray de Santiago, 88-B, 74, 86, 103, and 55-A. These are roads, in addition to the facility that will come off the list during this next round of ICIP discussions. So the leap of faith that we asked you to take, it appears at this point of cautiously optimistic of course that we met my goal, my personal goal of at least 50 percent of those projects coming off, to the degree that they can be completed. And in addition to that, there's various other capital outlay that are sitting out there that we have to figure out exactly who the recipients of those dollars are and how the ultimate end-user is. In other words, some of the water initiatives that Gerald and I worked on with Senator Griego, a total of about \$2 million, those are not tied to any specific project but rather to allow the County some flexibility to kind of chart its own destiny with those dollars.

In addition to that, we followed all legislation including our failed water-wastewater authority, House Bill 44, which allowed us to, at the Board's discretion, implement the next

local option for corrections, which will alleviate some of the general fund pressures which are related specifically to the jail. We are currently preparing a total list of all bills, both capital outlay and substantive issues so that we can bring back a full report once the legislation is signed, he has 20 days from the date of delivery to his desk so the clock's ticking. We'll be in a week this Thursday. So once the legislation is signed and it's on our desk, if he hasn't line-itemed and he hasn't vetoed anything then we can write a full report of all the legislative issued, not just capital outlay that affect Santa Fe County. I stand for any questions.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Should the Commission write a letter to the governor asking him for his support at this point or should we let it go?

MR. GONZALEZ: Mr. Chair, Commissioner Anaya, I think that would be entirely appropriate at this point. The ball has essentially passed to the governor in terms of approving these bills. Seems to me that if the Commission were to write a letter requesting approval of these appropriations and that this is the time to do it. I also want to thank you as a Commission for your leadership, because you partnered with staff in allowing us to prioritize the ICIP and move forward with it the way that we have. So I think a large chunk of the credit goes to you as the Commission and we thank you for your leadership in that regard and I again would support sending a letter to the governor asking for his consideration and signing of these appropriations.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Tony, what was the – I saw in the newspaper reports on the Eldorado Community, Senior Center that there were apparently two bills or two appropriations, both in the \$200,000 range. Is that what happened? Sometimes two bills go through and get approved. Was that your –

MR. FLORES: Mr. Chair, Commissioner Sullivan, real quickly, let me tell you how the capital outlay works. Each member of the delegation, regardless if they're in Santa Fe County or not, puts in a capital outlay request. So you will see HC, House Capital, and then a number, and then SC for Senate Capital and then a number. We worked, actually there was four pieces of capital outlay that made up the Eldorado Senior Center. One for \$285,000 and then three for \$100,000 each that totaled \$585,000.

COMMISSIONER SULLIVAN: But the newspaper listed two bills that were passed, and they were for two different amounts of money, both in the \$200,000 category. So is that what happened? Two different bills got through?

MR. FLORES: Actually, Mr. Chair, there was four house capital outlay requests in one bill. So they're not individual bills. They all go into one capital outlay bill.

COMMISSIONER SULLIVAN: So what was the total?

MR. FLORES: \$585,000.

COMMISSIONER SULLIVAN: Okay, so there was two appropriations, or

four, or whatever it was.

MR. FLORES: Right. There are appropriation requests that go into one capital outlay bill.

COMMISSIONER SULLIVAN: So that's great. We have \$585,000 in addition to the \$200,000 or so we have now, right?

MR. FLORES: \$170,000.

COMMISSIONER SULLIVAN: \$170,000 left. So now we've got enough money to build it.

MR. FLORES: To design it and build it.

COMMISSIONER SULLIVAN: All right. We're on our way. See, you guys should have picked that instead of the CDBG. You guys were knocking our senior center. We got that money faster than you'll get the CDBG money. Provided the governor signs it.

MR. FLORES: Right. We still won't get this appropriation until June or July. We'll have the CDBG - we just found out a few minutes ago, our schedule for CDBG, we'll do our presentations the second week in March and then they'll do the awards the last week of March and then the money will come through in April.

COMMISSIONER SULLIVAN: That's really great. I just want to reiterate what I said during Matters from the Commission. Tony, you and your staff and all the people and the Commissioners who were over there testifying and tracking, I'm just excited that we're finally going to get that area senior center going. It meets a population of 8,000 people in that area and it's just a real significant deal.

I did want to point out one other capital issue. It was in our Consent Agenda and it wasn't brought up and that was the \$80,000 railroad crossing at Avenida Eldorado in Eldorado. You recall, a couple of months ago I brought forward something to use the gross receipts tax money and at that time I think we thought it was going to be something like \$40,000. That turned out only to be \$18,000. So we've put up that additional \$18,000. The bid was \$98,000 and so now we're able to go forward with that railroad crossing.

MR. FLORES: Mr. Chair, Commissioner Sullivan, that's a perfect example of what we all did is try to understand where the different funding sources come for one project. We were going for 70 projects. We got a million dollars last year. We go in for six projects and about the same number of roads, we came out with a considerably larger portion of that. My opinion is that the GRT is a component of, not to be used as a sole. In other words it has to complement. There has to be different fundings to make one project. And that's an example.

COMMISSIONER SULLIVAN: Right. So we took \$18,000, we parlayed it into \$98,000. So that's a good rate of return in anybody's financial books. Just want to make that comment because it was a Consent Item and we didn't discuss it.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTROYA: Thank you, Mr. Chair. I think the situation was the same with County Road 74. We were able to do the same thing in terms of getting a match from House Speaker Lujan and then what we have in terms of the GRT as well. Tony, just what other District 1 roads did you mention. I know 88-B and 74.

MR. FLORES: Mr. Chair, Commissioner Montoya, 88-B, 74, 86, 103.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER SULLIVAN: Can we take back the ones that we just authorized on the CO-OP? That's four roads he got.

COMMISSIONER MONTOYA: And if you recall, I didn't ask for any of them. And I didn't get any of them.

COMMISSIONER SULLIVAN: This guy is an amazing Commissioner. Vote for Harry Montoya. He doesn't even have to ask for them and he gets four roads.

MR. FLORES: Mr. Chair, just in closing, this is the pin that busts the bubble. I think we did a very good job as a team with James Lujan, Rudy, PFMD staff, Gerald, Steve, who was there for testifying. All of the Utilities personnel and all of you, and our lobbyist. The reality is now in three weeks we're working on the next round of ICIP. We'll be going back out to the community meetings and we will be discussing this whole thing over and we're in readiness to start submitting it to DFA in July. So we can relish in this for a little while but the reality is that this process will now have to start again, and I'm waiting until after the legislation is signed so that this list will be finalized so that I know then how the next process will be. So that's the next step now is to start this all over again for this next funding cycle, next plan for the five years. I just wanted to throw that out there because there will be those 20 meetings, there will be all the internal meetings and there will be a grouping this year of what we really tried to accomplish which is multiple funding sources for a project. Just to close with that.

CHAIRMAN CAMPOS: Quick question.

COMMISSIONER MONTOYA: Mr. Chair, I mentioned it once and I think it's appropriate again to just thank everyone on staff, Gerald, from you on, the leadership was certainly there and it was unlike any feeling that I've had going to the Roundhouse before and I think it was very - it felt good.

MR. FLORES: Mr. Chair, Commissioner Montoya, Gerald and I have talked. We still have work to do. I don't want us to sit back and think we can do this every time.

COMMISSIONER SULLIVAN: Oh, yes we can.

MR. FLORES: We still have to stay on top of it.

COMMISSIONER MONTOYA: We just have to get better. I wasn't finished. We've just got to get better.

CHAIRMAN CAMPOS: Mr. Flores, of all these projects that are funded by the legislators, I assume we have the discretion to accept or not accept some of these. I know Bernalillo County at one point got some appropriation, the County government looked at it and said doesn't make sense for the County, they said we don't want the money. Are there any projects like that in all this that doesn't make sense for the County?

MR. FLORES: Mr. Chair, I believe we have that discretion. The way at least Local Government Division, through the Severance Tax Bond and general fund they give it all at one point. You're able to review it and they have all the projects listed in one agreement. I believe that the funding that we have received, being cautiously optimistic, these are projects, with the exception of the two that I noted earlier that were given to us basically for non-profits,

are projects that lie within our ICIP, that the County Commission and staff have agreed that they are priorities for the County, so I am very confident with the capital outlay as it stands, just with the \$4 million, these are projects that we would want to accept from my perspective.

CHAIRMAN CAMPOS: Okay. I do want to congratulate you, Tony and Rudy Garcia, the whole team. Gerald, it was great. Now, we were out there. I saw everybody working together, the coverage, the intensity. Great Job. Appreciate it very much. Thank you.

- X. E. **Appointments to the Regional Planning Authority (RPA)**
- F. **Appointments to the Extraterritorial Zoning Authority (EZA)**
- G. **Appointments to the Solid Waste Management Agency (SWMA)**

MR. ROSS: Mr. Chair, we can take a look again at items X. E, F and G. I looked up the resolution that Commissioner Duran was mentioning earlier that concerned alternatives on boards and Commissions. Here's what it says. It says that Alternate members shall be appointed in the same manner as regular members. So I think with respect to appointing alternates to the RPA, EZA and SWMA boards, you probably want to have the usual motion and order. Here would be my suggestion. You have four members on the Regional Planning Authority. The only person who's not a member on that is Commissioner Anaya. He might be an appropriate alternate for that board. On the Extraterritorial Zoning Authority, Mr. Chair, yourself and Commissioner Sullivan could be alternates for that one and on SWMA, Commissioners Montoya and Sullivan could be alternates.

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

The motion to name the alternates as designated above passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XII. H. Matters from the County Attorney

1. Executive session

- a. **Discussion of pending or threatened litigation**
- b. **Discussion of possible purchase, acquisition or disposal of real property**
- c. **Discussion of possible purchase, acquisition or disposal of water rights**

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


[The Commission met in executive session from 4:15 to 5:17.]

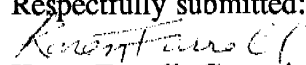
Commissioner Anaya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Sullivan seconded. The motion passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

ADJOURNMENT

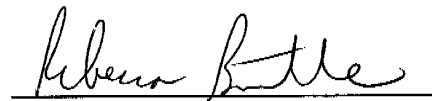
Chairman Campos declared this meeting adjourned at approximately 5:17 p.m.

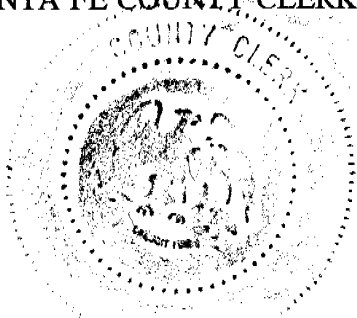
Approved by:


Board of County Commissioners
Paul Campos, Chairman

Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 04/19/2004

Memo

To: Board of County Commissioners
From: Jack Kolkmeier, Planning Director
Roman Abeyta/Land Use Administrator
Date: 24 February 2004
Re: Update on Negotiations to Purchase Santa Fe Southern Right of Way

The Eldorado/Santa Fe Commuter Train project has been in development for several years. The majority of work to date has involved initial studies, securing funding through federal transit programs and development of an overall project strategy including the creation of a Regional Transit District.

Last year, the Trust for Public Lands began negotiations with Santa Fe Southern Railroad for the purchase of the SFSRR right of way.

A brief presentation will be made by the Trust For Public Land (TPL), Santa Fe Southern Railroad and Santa Fe Trails to update the Board on this aspect of the Commuter Train project.

SFC CLERK RECORDED 04/19/2004

**Santa Fe County's
Participation in Multi-Modal/Commuter Train
Planning Activities**

April, 1997	Commuter Train Demonstration Project w/City, State Transportation Authority
October, 1997	Purchase Easement of the 11.5 Mile Rail Trail w/ NM Department of Energy and Minerals and Santa Fe Conservation Trust for \$100,000 County's share was \$40,000
December, 1997	BCC adopts policies supporting improvements to Richards Avenue and supporting Commuter Train service to Eldorado
May, 1998	TEA-21 Title III Section 3030 includes \$10M authorization "to establish rail service between Santa Fe and Eldorado"
June, 1998	First Rail Trail Day Celebration
April, 1999	R.L Banks and Associates analysis of Santa Fe Southern
September, 1999	2000 Transportation Appropriations Bill earmarks \$2M "to help preserve the existing Santa Fe/Eldorado rail corridor for future transportation options"
October, 1999	County adopts its Growth Management Plan that supports transit and multi-modal transportation programs
August, 2000	BCC approves joint County/City resolution supporting the acquisition of the Santa Fe Southern right-of-way
October, 2000	BCC and EZA adopt Community College District Plan specifically supporting future planning for the Santa Fe Southern commuter train service.
October, 2001	Allen, Willifield and Seale complete appraisal and title work for the valuation of the Santa Fe Southern ROW
January, 2002	RFQ prepared to provide "complete negotiation and acquisition services in representing City and County in using a federal appropriation to acquire fee simple title to SFS ROW"
February, 2003	BCC adopts Resolution No. 2003-16 to "support the proposed State Regional Transit District Act"
March 16, 2003	State legislature passes Senate Bill 34 creating Regional Transit Districts
June, 2003	Santa Fe Southern enters into an option agreement with the Trust for Public Lands to facilitate the sale of the ROW to public entities for \$10M
August , 2003	BCC adopts Resolution 2003-108 expressing an "interest to join and participate in the formation of the North Central Regional Transit District"
Next Steps	Acquire ROW from Santa Fe Southern Adopt RTD By Laws and creation and certification of RTD

SFC CLERK RECORDED 04/19/2004

Santa Fe/Eldorado Commuter History

Background of Santa Fe Southern Railway

- Formerly a spur on the Atchison Topeka & Santa Fe Railway, built in 1880.
- Acquired from AT&SF by Santa Fe Southern Railway in 1992.
- Sole owner of 18 mile R.O.W. from the Santa Fe Railyard to the mainline in Lamy, New Mexico.
- Uninterrupted freight service since 1880. Currently carrier of beer and lumber, interchanging with the BNSF. Freight business up since 1992.
- Excursion business began in 1993 and has grown from 0 to 23,000 riders per year, including 5000 school children on field trips.
- Associated businesses include gift shop, location and equipment lease for film, land leases, charters & groups.

Exciting progress on commuter rail

- 1996 – present: City of Santa Fe and Santa Fe County work to establish commuter rail between Santa Fe and the community of Eldorado.
- 1996 – present: City of Santa Fe engages in the most in-depth public process the city has seen to vision and plan the Railyard. Planning and development continues by the City's non-profit agent, the Santa Fe Railyard Community Corporation.
- 1997 – Citizens vote by ballot survey, then by phone survey (by 88% & 75%, respectively): "Our #1 choice to remain in the Railyard – Santa Fe Southern Railway."
- March 1997: Successful Eldorado/Santa Fe commuter demonstration.
- R.L. Banks report, commissioned by the NM Department of Transportation (then Highway Department): recommends public acquisition of the R.O.W.
- 1998: Congress passed a \$10 million TEA 21 authorization for commuter rail between Santa Fe and Eldorado.
- 1998 – 2003: \$5.4 million appropriated by the Federal Government against the initial \$10 million authorization.
- December 2001: Santa Fe/Eldorado Right of way (ROW) appraised for \$11.2 million.
- November 2002: Candidate for Governor Bill Richardson pledges to establish several rail projects during his tenure in office, including connecting Santa Fe and Albuquerque by rail. This plan supports and meshes with the Santa Fe/Eldorado plan as it will use part of the same right-of-way.
- March 2003: New Mexico Legislature passes and Governor Richardson signs Regional Transit District enabling legislation. Hundreds of activists and scores of organizations, municipalities and counties supported this legislation.
- June 2003: Santa Fe Southern Railway entered into an option agreement with the Trust for Public Lands (TPL) to facilitate the sale of the ROW to public entities for a sale price of \$10 million.
- **Currently:** City of Santa Fe, Santa Fe Railyard Community Corp, TPL and SFSR are working to secure the balance of \$4.6 million from either State of New Mexico funds or future Federal Transportation funds.

Proposed: That the State of NM contribute \$4.6 million to compliment the \$5.4 million appropriated by the Federal Government to complete the acquisition of the rail corridor between historic downtown Santa Fe, Eldorado and Lamy NM.

This is a package that takes a first and critical step in making Santa Fe to Albuquerque rail transit a reality. **This one move:**

* **Preserves** in perpetuity the critical rail corridor which actually serves the citizens of Santa Fe and Albuquerque in any viable commuter rail system. This corridor provides access to historic downtown Santa Fe, the Capitol, South Capitol District and many commercial employment centers in Santa Fe including most of the city's largest and finest hotels, the BLM and Rodeo Business Park.

* **Completes** the City and County of Santa Fe's rail trail spine by preserving the final one-mile downtown link of an 18-mile bicycle, pedestrian trail upon which the City's and County's trail plans are built.

* **Fulfills** the dream! For 15+ years citizens of Santa Fe have hoped and planned a "real" downtown Railyard that was "their space." In 1995 – present, literally hundreds of citizens spent thousands of hours making this project a reality. This investment by the state **boosts** its success.

* **Compliments and leverages** the State's initial \$500,000 investment in the Railyard project by supplying seed money for the park, plaza and alameda in the SF Railyard. Provides funding for restructuring rail infrastructure to make way for other commercial development in the Railyard.

* **Champions** economic development in Santa Fe by fostering the public/private partnership in the Railyard and by supporting alternative transportation which connects jobs with people.

* **Satisfies** the dreams, wishes and expectations of 75+% of Santa Fe residents who said, when polled on two different occasions, that the most important thing they wanted in the re-developed Railyard was train service to the Old Santa Fe depot. **Endorses** the thousands of citizens, planners and elected officials who have been working to connect Santa Fe and Eldorado by rail.

* **Advances** an environmentally sound and attractive alternative to the auto dependence that Albuquerque and Santa Fe residents now experience if they want or need to work in the other City.

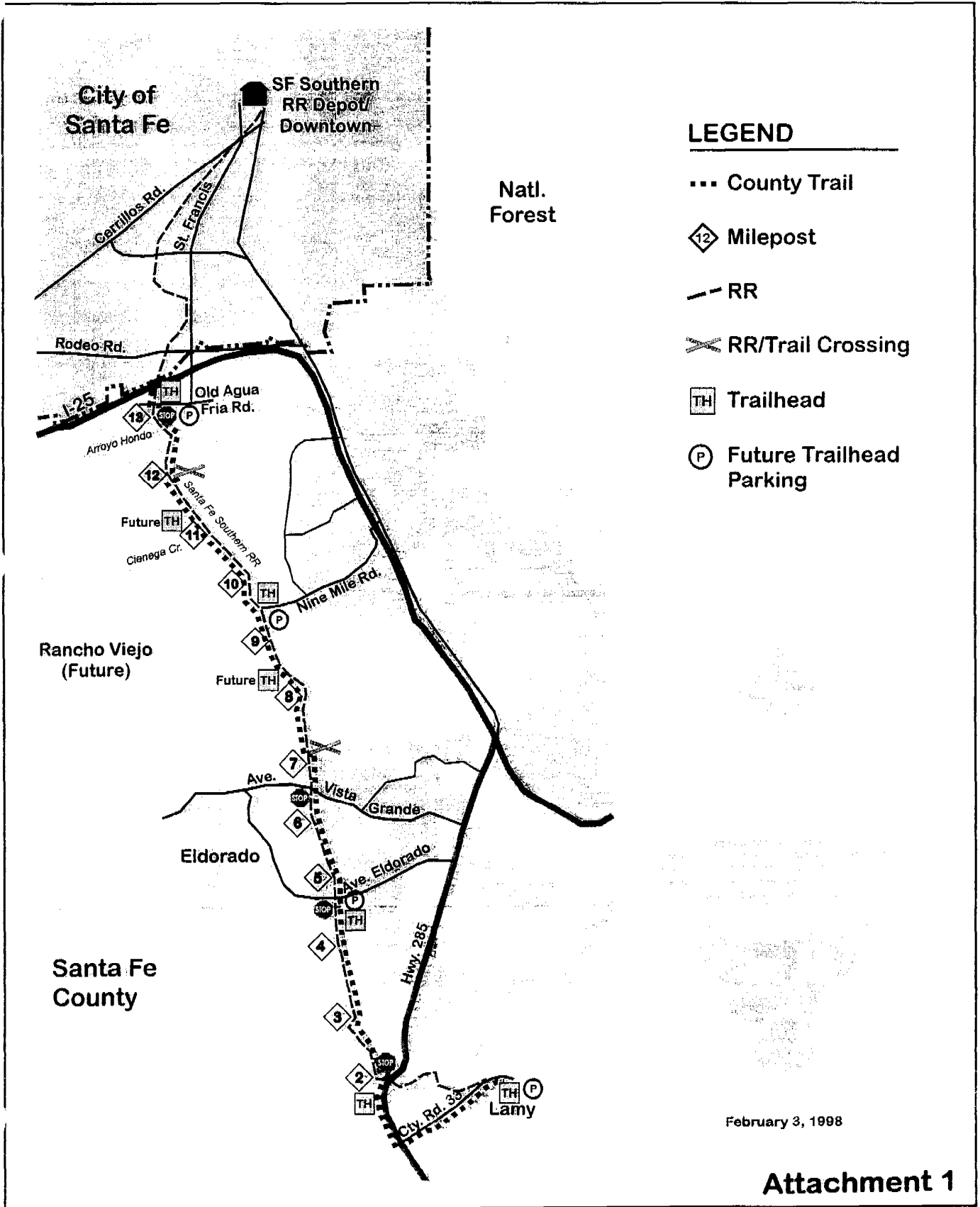
* **Preserves** current rail service - the freight, excursion and school trip services offered by SFSR and the 25+ jobs that the railway company provides.

* **Promotes** tourism by supporting an attraction which draws and extends the stay of visitors from around the world.

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SANTA FE COUNTY RAIL TRAIL

Trail Map



LEGEND

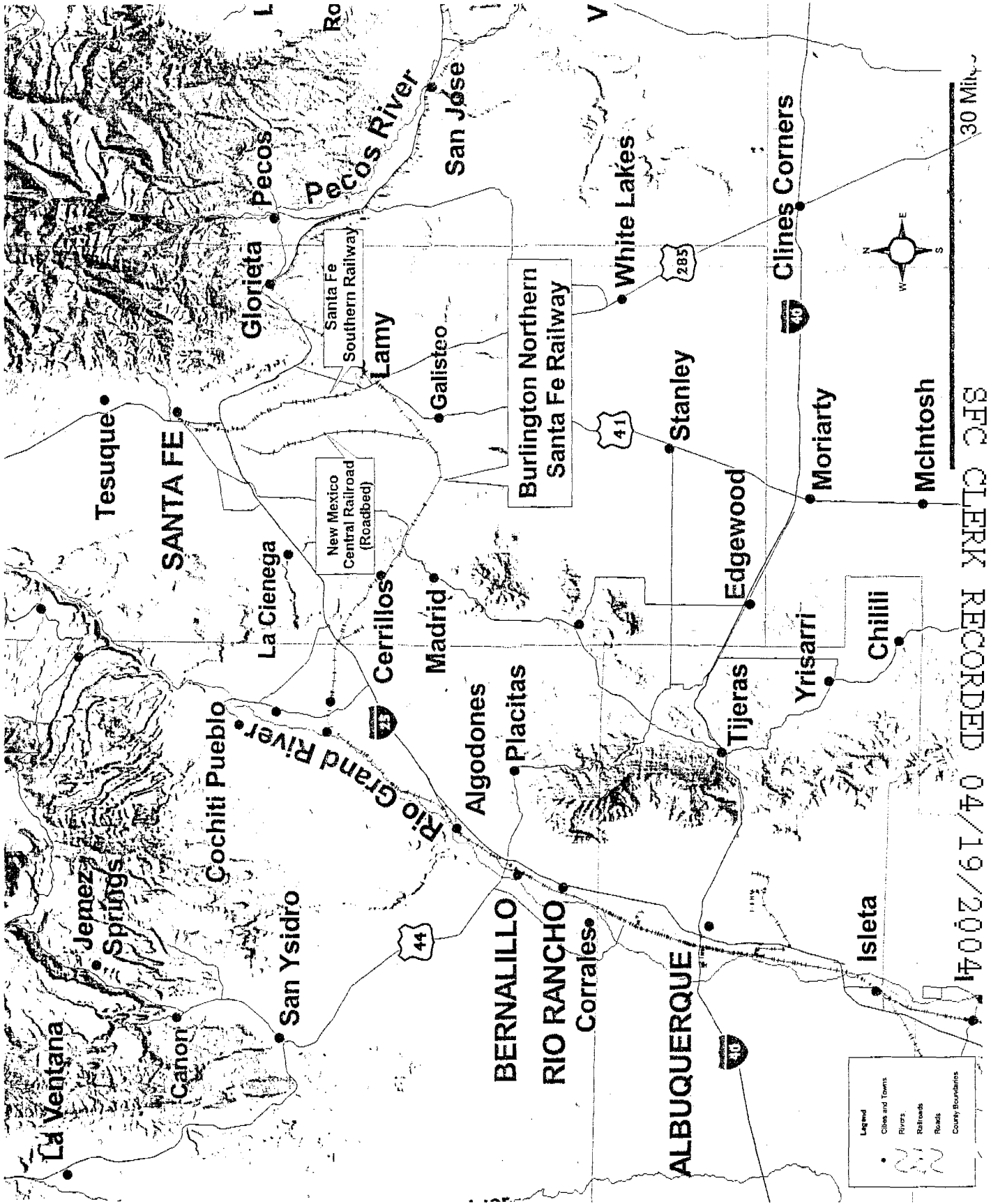
- County Trail
- ◆ Milepost
- - - RR
- X RR/Trail Crossing
- TH Trailhead
- Ⓟ Future Trailhead Parking

SFC CLERK RECORDED 04/19/2004

February 3, 1998

Attachment 1

Santa Fe and Albuquerque Commuter Connections



SFC CLERK RECORDED 04/19/2004

Commuter Rail in Santa Fe

1st Working Paper (October 2000)

Overview

The Santa Fe Spur Line runs 18.1 miles from Lamy, through the city of Santa Fe, to the Railyards located in the Business Capitol District. As such, it has the potential of serving both existing and planned population centers in the rapidly growing area located to the south of the City. Specifically, the rail line runs through the center of Eldorado, a community of 6,000, and passes through smaller centers such as Sunlit Hills. It is ideally located to provide transportation for Rancho Viejo, a significant settlement on 20,000 acres that is currently being designed and developed, as well as Santa Fe Community College.

The rail line also passes through population centers within the city, such as Bellemah, and serves major urban destinations. Among the destinations served are the State Capitol Complex, South Capitol Complex, the State Highway and Transportation Offices, the Santa Fe High School, the Santa Fe Vocational and Technical School, and the Bureau of Land Management offices. The historic Santa Fe Depot, located in the downtown railyard and the terminus of the line, serves the Guadalupe Business District and is within a ten-minute walk of the Plaza. In interfacing with the bus system, a series of additional destinations are readily accessible from the rail such as Capshaw Middle School, St. Michael's High School, and the College of Santa Fe. Thus, the rail line is ideally suited for Regional Transit, serving outlying population centers, and connecting them with schools, employment centers, and other significant destinations within the City.

In view of the potential the rail line provides for reducing automobile usage and promoting alternative forms of transportation, it is identified as an important element in the General Plans of both the City and the County. The City's General Plan recognizes the importance of commuter rail between Santa Fe and Eldorado, and calls for the City to work with local and regional agencies for the establishment of such service. Similarly, the County Growth Management Plan identifies commuter rail service to Eldorado as an important element in the transportation system, as does the recently adopted Santa Fe Community College District Plan. The rail line has also been identified as an integral element of the redevelopment of the Santa Fe Railyard.

Based upon the role that rail can play in the community, a Joint City/County Resolution was passed that outlines the major steps to be taken toward public acquisition of the Santa Fe Southern Railway right-of-way, and the initiation of privately operated commuter rail service (*see attached*). This report addresses each of the eight steps outlined in the resolution in the order of how the tasks will be performed. Information contained in the report will be updated and modified as tasks are completed, and as further decisions are made by the Regional Planning Authority and the City and County Governing Bodies regarding the establishment of commuter rail.



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At this point, enabling legislature for the creation of a Regional Transit Authority does not exist. Proposed legislation for the creation of this entity has failed to pass the State Legislature in recent years. Nevertheless, in the long term a Regional Transit Authority remains the best mechanism for implementing commuter rail, and should continue to be pursued at the State Legislature by both the City and the County.



In the absence of a Regional Transit Authority, a contract or agreement between the City and the County specifying respective roles and responsibilities would be the most appropriate alternative mechanism for public acquisition. In fact, given the time constraints associated with the grant, the acquisition would most likely take place through such a joint agreement between the City and the County. In the agreement, the contributions of the respective entities toward the acquisition would be spelled out, as well as the anticipated structure for operation of commuter rail service.

2. Requisition any necessary appraisals concerning the value of the property to be considered for purchase.

The appraisal of the real property value of the rail line is the key element for entering into negotiations with the Santa Fe Southern. Staff has had several discussions with the Federal Transit Administration (FTA) concerning the appraisal of property and the federal requirements that may need to be met, and has requested guidance from the FTA on the appraisal and acquisition of operating rail lines.

Based on conversations with the FTA and with other communities that have been involved in this process, staff has identified a number of appraisers qualified to engage in the appraisal of the Santa Fe Southern Rail Line. Preliminary conversations with appraisers indicate an approximate cost of \$60,000 for an across the fence appraisal and preliminary title work. This cost is eligible for reimbursement from the FTA grant.

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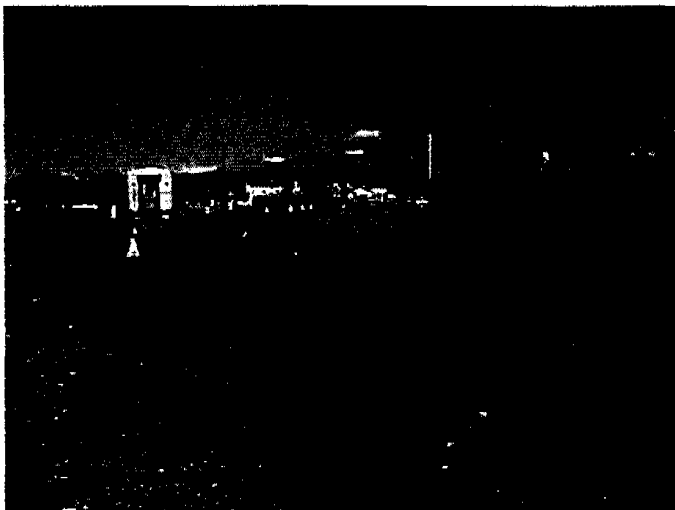
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Given the status of the various other questions that must be addressed prior to purchase, and particularly the need for the real estate valuation, it is proposed that the environmental studies proceed subsequent to a basic understanding of the acquisition costs for the rail line.

4. Analyze any and all short-term and long-term costs that could be associated with future maintenance and operations of a commuter rail system or bus system

One of the major steps to be completed as a part of the Federal Transit Administration's grant award process is the completion of an alternatives analysis. The purpose of the analysis is to clearly identify the goals and objectives of the commuter rail project and to investigate the short-term and long-term costs associated with meeting those goals under a variety of service options. Acquisition costs, as well as expected operations and maintenance costs, will be evaluated for commuter rail and other alternatives in order to determine the best means by which to achieve the overall goals.



An early assessment of ongoing maintenance costs is, however, included in the R.L. Banks Report commissioned by the Highway Department in 1999. The study suggests an annual maintenance cost estimate of approximately \$17K per mile, if commuter service exists on the rail line.

At present, the proposed structure for operation of commuter rail service includes public ownership of the rail line with operating rights leased to a private contractor. The lease agreement would require the operator to provide a specified level of commuter rail service, and provide

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An operating lease agreement will enable the City and County the opportunity to utilize this valuable corridor for commuter transportation purposes in a shorter timeframe and without the need for either City or County staff to manage day to day operations.

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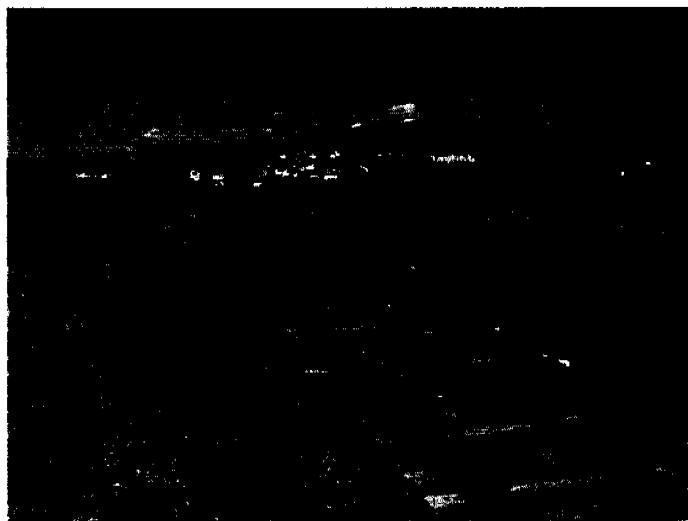
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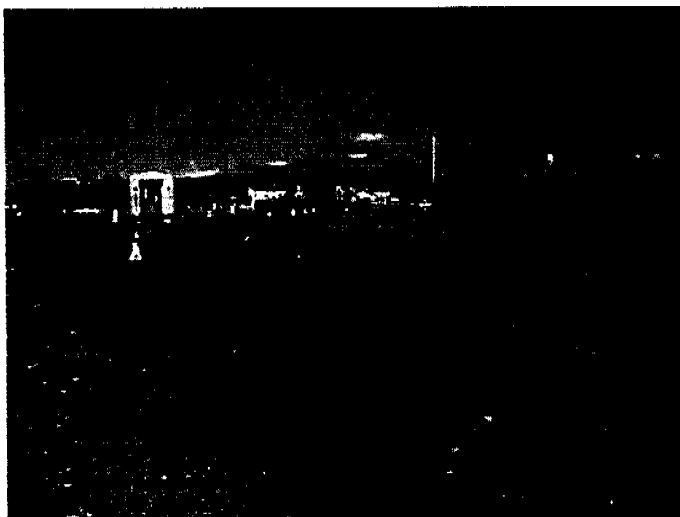
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Requirements for Regional Transit District Certification

As required by the
New Mexico Regional Transit District Act

Prepared for the
New Mexico Department of
Transportation

by the

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University of New Mexico

January 2004



NMDOT



The University of New Mexico

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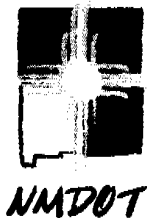
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In 2003, New Mexico Governor Bill Richardson signed into law Senate Bill 34, the "Regional Transit District Act." This legislation authorized the creation of regional transit districts in the State of New Mexico and outlined their powers and duties.

The following is a summary of the legal requirements necessary to certify a Regional Transit District in New Mexico.

For more information please contact the New Mexico Department of Transportation's Public Transportation Programs Bureau at (505) 827-1577.

The Regional Transit District Act Section Overview

1. Short Title
2. Purpose
3. Definitions
4. Creation of Districts
5. Board
6. Powers of the District
7. Toll Collection
8. Bonds
9. Agreement of the State Not to Limit or Alter Rights of Obligees
10. Investments
11. Exemption From Taxation
12. Cooperative Powers
13. Powers of Governmental Units
14. Notice – Opportunity for Comment
15. Notice – Coordination of Information
16. Taxation
17. Addition/Withdrawal of Territory by a District
18. Matching Funds



Creation of Transit Districts

Who can enter into a contract to form a Regional Transit District (RTD)?

A Combination: Two or more **governmental units** which exercise joint authority to form an RTD

What constitutes a Governmental Unit?

- The State of New Mexico
- County
- Municipality of the State
- Indian nation, tribe or pueblo located within the boundaries of the State

How is a Regional Transit District created?

- Upon the issuance of a certification by the New Mexico Transportation Commission that a District has been duly formed under the Regional Transit District Act (RTDA – *NMSA 78-73-25*)
- The District may exercise the functions conferred by the RTDA
- The New Mexico Transportation Commission shall issue a certification within 30 days from filing a completed contract
- The New Mexico Transportation Commission shall cause certification to be recorded in each county included in the boundaries of the District
- Upon issuance of a certification, a District shall constitute a separate political entity

Regional Transit District Requirements for Certification

What elements have to be included in a RTD Contract for the New Mexico Transportation Commission?

- The name and purpose of the District
- Establishment and organization of the board of directors in which the legislative power of the RTD is vested
- Manner of the appointment, term of service and qualifications (if any) of the Directors
- Officers of the District, the method of their appointment, and their duties
- Voting requirements for action by the Board of Directors
- Provision for distribution, disposition, or division of the assets of the District



The contract shall also specify:

- The Boundaries of the District
 - Which shall not include territory outside the boundaries of the members of the District without the consent of the governing body of the governmental unit of the territory
 - OR Territory within the unincorporated boundaries of a county that is not a member of the District as the boundaries of the county exist on the date the District is created without the consent of the governing body of the affected county.
- Term of the contract and method by which it may be terminated or rescinded
- The contract may not be terminated or rescinded as long as the District has bonds outstanding.
- Provisions for amending the contract
- Limitations on the powers granted by the RTDA which may be exercised by the District
- Conditions required when adding or deleting parties to the Contract

Are there additional requirements for governmental units that want to enter into a RTD contract?

- A governmental unit shall not enter into a contract establishing a district without holding at least one public hearing in addition to other requirements imposed by law for public notice
- The governmental unit shall give notice of the time, place and purpose of the public hearing by publication in a newspaper of general circulation in the governmental unit at least ten days prior to the date of the public hearing

Can the State of New Mexico join a RTD?

Upon the approval of the governor, the state may join in a contract creating a district. The number of directors of the board to which the state is entitled shall be established in the contract, but in no case shall the state be entitled to less than one director. The governor shall appoint the director or directors representing the state on the board, for a term as established by the contract that created the district.

Regional Transit District Board Requirements

What are the legislative requirements for the RTD Board?

- All powers, privileges, and duties vested in or imposed upon the District shall be exercised by the Board of Directors. The Board of Directors may delegate its powers by resolution to an officer or agent except for:
 - Adoption of Board policies and procedures



- Ratification of acquisition of land by negotiated sale
 - Initiation or continuation of legal action
 - Establishment of policies regarding fees, tolls, rates or charges
 - Approval of route or schedule changes affecting more than 25% of a transit system
 - Issuance of bonds
- Only elected officials shall be able to vote on resolutions on acquisition of land and issuance of bonds
 - The Board of Directors shall promulgate and adhere to policies and procedures that govern its conduct, and provide meaningful opportunities for public input; this includes standards and procedures for calling an emergency meeting.
 - The Board of Directors shall be composed of at least one Director from each member governmental unit. The director shall be an elected official or designee. No single governmental unit shall have a majority of membership on the Board unless the District has three or fewer participating entities.
 - A Director shall not vote on an issue in which the Director has a conflict of interest as defined in the RTDA.
 - The Attorney General shall investigate and prosecute, when appropriate, a complaint involving conflict of interest violations.

Other Board Powers

The Board may:

- Adopt bylaws
- Fix the time and place of meetings and the method of providing meeting notice
- Make and pass orders and resolutions necessary for governing and managing the District and executing the powers vested in the District
- Adopt and use a seal
- Maintain offices at a place designated by the Board of Directors
- Appoint, hire and retain employees, advisors, bankers, agents or other consultants
- Appoint advisory committees and define the duties of committees
- Prescribe in accordance with the Procurement Code, methods of auditing and allowing/rejecting claims and demands for:
 - Awarding contracts
 - Acquisition of equipment
 - Performance or furnishing of materials or supplies



Powers of the District

Once a Regional Transit District is certified, what legal powers will it have?

- ☐ A District is a body politic and corporate. In addition to other powers granted to the District by the RTD Act, a District:
 - ☞ May have perpetual existence except as otherwise provide in the contract.
 - ☞ May sue and be sued.
 - ☞ Enter into contracts/agreements affecting the affairs of the RTD.
 - ☞ Establish and change the fees, rates, or charges for the use of its property or services.
 - ☞ Pledge all or a portion of the revenues to the payment of bonds.
 - ☞ Finance, construct, operate or maintain regional transit systems within the District boundaries.
 - ☞ Purchase, trade, exchange, lease, dispose of and encumber real property including easements and rights of way.
 - ☞ Accept real or personal property for the use of the District. Accept gifts or conveyances approved by the Board of Directors.
 - ☞ Use public ways or private property with permission of the owner for the construction, maintenance and operation of District operated transit services.
 - ☞ Provide transportation services outside the boundaries of the RTD.
- ☐ After the creation of a District, the Board of Directors may include property within or exclude property from the boundaries of the District:
 - β Property in non-member entities within the boundaries of the District may be included with the approval of the governing body of the governmental unit affected.
 - β The RTD shall cause notice to be published in local newspapers and sent to the Transportation Commission.
 - β Notice shall include a description of the property and the date, time, and location of a Public Hearing not less than 20 days after publication of Notice.
 - β Board shall approve by 2/3 vote whether property is included/excluded.

Will the RTD have taxing authority?

RTD's currently have no direct taxation authority.



Will the RTD be exempt from taxation?

The income or other revenues of a district, all properties at any time owned by a district, all bonds issued by a district and the income from the bonds issued by a district are exempt from taxation in the state.

Bonds

Will the RTD be able to issue bonds?

☐ A district may issue bonds solely for the purpose of financing the purchase, construction, renovation, equipping or furnishing of a regional transit system project. The district shall issue the bonds pursuant to resolution of the board, and the bonds shall be payable solely out of all or a specified portion of the revenues as designated by the board. Proceeds of the bonds may be used to pay expenses incurred in the preparation, issuance and sale of the bonds.

As provided in the resolution of the board under which the bonds are authorized to be issued, the bonds shall:

- β be executed and delivered by the district;
- β be in a form and denomination and include terms and maturities;
- β be subject to optional or mandatory redemption prior to maturity with or without a premium;
- β be in fully registered form or bearer form registrable as to principal or interest or both;
- β bear conversion privileges; (6) be payable in installments and at a time not exceeding forty years from the date of issuance;
- β be payable within or outside the state;
- β have the principal paid in yearly amounts beginning not later than two years from the date of issuance of the bonds;
- β be subject to purchase at the option of the holder or the district;
- β be executed by the officers of the district, including the use of one or more facsimile signatures so long as at least one manual signature appears on the bonds, which signatures may be either of an officer of the district or of an agent authenticating the same;
- β be in the form of coupon bonds that have attached interest coupons bearing a manual or facsimile signature of an officer of the district; and
- β be sold at a net effective interest rate not exceeding the maximum net effective interest rate permitted by the Public Securities Act.

☐ Bonds may be sold at public or private sale at a price, in a manner and at a time determined by the board, and the board may pay all fees, expenses and commissions that it deems necessary or advantageous in connection with the sale of the bonds. The power to fix the date

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of sale of the bonds, receive bids or proposals, award and sell bonds, fix interest rates and take all other action necessary to sell and deliver the bonds may be delegated to an officer or agent of the district. Outstanding bonds may be refunded by the district as provided in the Public Securities Act.

- A resolution authorizing the issuance of bonds may pledge all or a portion of the revenues of the district, may contain a provision for protecting and enforcing the rights and remedies of holders of the bonds as the district deems appropriate, may set forth the rights and remedies of the holders of the bonds and may contain provisions that the district deems appropriate for the security of the holders of the bonds.
- A pledge of revenues or property made by a district or by a person or governmental unit with which a district contracts shall be valid and binding from the time the pledge is made. The revenues or property so pledged shall immediately be subject to the lien of the pledge without a physical delivery or further act, and the lien of the pledge shall be valid and binding against all parties having claims in tort or contract or otherwise against the pledging party, irrespective of whether the claiming party has notice of the lien.
- Neither the directors of the board, employees of the district or a person executing the bonds shall be liable personally on the bonds or subject to personal liability or accountability by reason of the issuance of the bonds.
- A district may purchase its bonds out of available funds and may hold, pledge, cancel or resell the bonds subject to and in accordance with agreements with the holders.
- Bonds shall be payable solely from pledgeable revenue and shall not constitute an indebtedness or general obligation of the district, the state or other political subdivisions of the state.
- The form and terms of bonds shall be approved by the state board of finance before issuance of the bonds.

Cooperative Powers

Are there additional powers of a RTD?

- Accept legitimate contributions or liens securing obligations of the District from persons to finance, construct, operate or maintain regional transit system.
- Enter into contracts regarding the financing, construction operation or maintaining of specified regional transit systems.
- Enter into joint operating agreements concerning regional transit systems.
- Acquire easements or rights of way for regional transit.
- Designate a regional transit system as part of the State, County or Municipal highway system with approval of the applicable jurisdiction.



Governmental Unit Powers

A governmental unit, for the purpose of aiding the financing, construction, operation or maintenance of a regional transit system, may:

- ☐ Sell, lease, donate, transfer or dispose of real or personal proper or interest therein to the RTD.
- ☐ Enter into agreements with a person for the joint financing, construction, operation or maintenance of a regional transit system.
- ☐ Transfer to the District a contract awarded by the governmental units for the construction, operation or maintenance of a regional transit system.

Addition/Withdrawal of Territory

How do governmental units join or withdraw from a RTD?

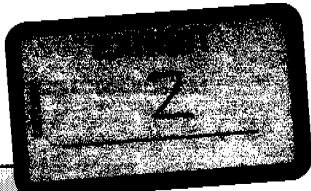
- ☐ Governmental units adjacent to the RTD may join the District and determine the territorial area to be included in the District. The applying governmental units must receive a 2/3 majority vote of the District's Board of Directors to become a member.
- ☐ A governmental unit may withdraw from the District by adopting a resolution to withdraw.
- ☐ Any real property owned within the withdrawing governmental unit shall remain the property of the RTD.
- ☐ Provisions of withdrawal shall be negotiated among the Board, the governmental unit withdrawing, and the Transportation Commission.

Matching Funds

The local government members of a combination shall match at least one dollar for every four dollars provided by the state. Before a District is able to receive state matching funds, it must be certified by the Transportation Commission.

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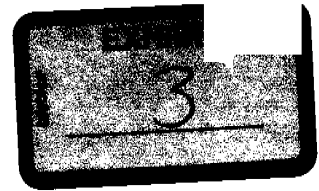




<i>City of Santa Fe</i>				
Rail Line Acquisition				
			In Kind Match	
Value of Rail Line ROW w/in Rail Yard			2,783,000	
TOTAL				2,783,000
Purchase of Rail Line			FTA Share	Local In-Kind
TOTAL NEEDED			10,000,000	2,783,000 14,000,000
FTA Grant NM-03-0034			4,429,201	1,107,301 5,536,502
BALANCE NEEDED			5,570,799	1,675,699 8,463,498
FTA Grant: NM-70-2003			993,500	0 993,500
Total Obligated			5,422,701	1,675,699 7,469,998
BALANCE NEEDED			4,577,299	
State of NM Grant			4,600,000	
BALANCE - For Project Related Expenses			+22,701	
In Kind Match Drawdown				
TOTAL AVAILABLE			2,783,000	
NM-03-0034 Match			1,107,301	
BALANCE				1,675,699
NM-70-2003			0	
BALANCE				1,675,699
State of NM grant			0	
BALANCE				1,675,699

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Briefing Paper
State of New Mexico ex rel State Engineer v. Aamodt
2/2/04



Disclaimer: It is expressly understood that the governing bodies or authorities of the proposed signatories have not yet approved the proposed settlement. This Briefing Paper is provided for information and discussion purposes only.

This memo summarizes a proposed global settlement of the Rio Pojoaque Basin water rights adjudication that began in 1966, including all water rights claims in the Basin of the Indian Pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque ("the *Aamodt* case"). The proposed settlement is the result of more than three years of negotiations before a court-appointed mediator. Attorneys for each of the Pueblos, the United States through the Departments of Justice and the Interior, the State of New Mexico through the State Engineer, the County of Santa Fe, the City of Santa Fe, and more than 1,000 non-Pueblo defendants have participated actively in the mediation.

I. FACTUAL BACKGROUND

The foundation of the proposed settlement is the development of a Regional Water System to serve the Pojoaque Basin and deliver additional water to the Santa Fe Basin, immediately south. For centuries Pueblo and non-Pueblo water users have used the stream flows in the Pojoaque Basin for irrigation. The demand for such water far exceeds the divertible supply, however. On average the historically available supply satisfies only 50% of annual irrigation demand and in drought years, far less. Up to the present, domestic and commercial water users in both the Pojoaque Basin and the Santa Fe Basin have depended on ground water from the same underground aquifer. The diversion of such ground water hydrologically affects the surface flows in the Pojoaque Basin, further depleting the already fully appropriated stream system. One result has been that all new domestic well permits issued in the Pojoaque Basin since 1983 have, except for a partial settlement, been subject to an injunction entered in the *Aamodt* case restricting the use of ground water to indoor use only. Because the Pojoaque Basin is so water short, the very substantial water rights claims of the Pueblos have met with sustained opposition for 38 years by the State and non-Pueblo defendants. In support of mediation of the *Aamodt* case, Congress appropriated \$1.5 million to evaluate the feasibility and cost of a proposed Regional Water System to resolve the Pueblos' water rights claims, and the Bureau of Reclamation has completed a final draft of the study. The total cost of the proposed settlement is estimated to be \$280 million. To effect the proposed settlement, the mediation parties contemplate that the State of New Mexico, the County of Santa Fe, the City of Santa Fe, the Pueblos and the Federal Government will enter into a cost-sharing agreement. Subject to negotiation and approval of such an agreement, the non-federal parties to the mediation estimate that the Federal Government's share of the total cost of the settlement will be approximately \$212 million.

II. PUEBLO WATER RIGHTS

The proposed settlement will adjudicate all Pueblo water rights in the Pojoaque Basin, protect all existing Pueblo water uses and provide for future development of Pueblo water use as follows:

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A. Using the Court's rulings in the *Aamodt* case as a starting point, the first priority water rights of each Pueblo have been specifically agreed upon and quantified as follows: Nambe Pueblo, 1459 acre-feet per year ("AFY"); Pueblo of Pojoaque, 236 AFY; San Ildefonso Pueblo, 1246 AFY; and Tesuque Pueblo, 719 AFY; total first priority rights, 3660 AFY.

B. Each Pueblo will be entitled to assert its first priority to secure the full amount of the existing use portion of its first priority water rights, quantified as follows: Nambe Pueblo, 522 AFY; Pueblo of Pojoaque, 236 AFY; San Ildefonso Pueblo, 288 AFY; and Tesuque Pueblo, 345 AFY; total existing use water rights, 1391 AFY.

C. Each Pueblo possessing currently unexercised first priority rights will be entitled to develop new water uses up to the limit of those rights. Such future basin use first priority rights have been quantified as follows: Nambe Pueblo, 937 AFY; San Ildefonso Pueblo, 958 AFY; and Tesuque Pueblo, 374 AFY; total future basin use water rights, 2269 AFY. The Pueblos will be permitted to develop such new water uses subject in certain circumstances to the obligations (a) to offset increased depletions in the surface flows of the Pojoaque Basin stream system, and (b) to avoid impairment of existing ground water diversions in the Pojoaque Basin. Such obligations are intended to protect existing Pueblo and non-Pueblo surface and ground water uses.

D. To settle all remaining Pueblo water rights claims, an additional 2500 AFY of water will be acquired. Of that quantity, 475 AFY will be allocated to the Pueblo of Pojoaque to supply a Supplemental Pueblo Water Right, 525 AFY will be allocated to the Pueblos for agreed economic development purposes, and 1500 AFY will be allocated in equal shares of 375 AFY to each Pueblo for unrestricted use within the Regional Water System.

E. Subject to conditions, the proposed settlement provides federal reserved water rights as follows: Nambe Pueblo, 302 AFY, 1902 priority; and San Ildefonso Pueblo, 4.82 AFY, 1939 priority.

III. NON-PUEBLO WATER RIGHTS

The proposed settlement will recognize the priority and quantity of all non-Pueblo surface and ground water rights in the Pojoaque Basin, subject to *inter se* challenges among certain non-Pueblo defendants. Non-Pueblo water rights will be subject to priority call by the Pueblos only for the 1391 AFY existing use portion of the Pueblos' first priority rights. Subject to conditions, the Pueblos will forbear, that is refrain, from making priority calls against non-Pueblo water rights for of the Pueblos' future basin use first priority rights, totaling 2269 AFY. Non-Pueblo water rights will lose the benefit of such Pueblo forbearance in the event of non-use of the non-Pueblo right for a period of five years or upon certain transfers of the non-Pueblo right. New non-Pueblo ground water appropriations in the Pojoaque Basin generally will be prohibited.

IV. REGIONAL WATER SYSTEM

The proposed settlement seeks to facilitate development of the Pueblos' future basin use first priority water rights, promote Pueblo economic development and resolution of remaining Pueblo claims through use of the 2500 AFY of acquired water, and protect non-Pueblo water rights against impairment from such new Pueblo water uses. To accomplish these objectives, the proposed settlement contemplates that the Regional Water System will operate as follows:

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A. The Regional Water System will consist of diversion, water treatment and transportation facilities owned and operated by a new not-for-profit corporation. Upon construction of the System, non-Pueblo domestic ground water well users in the Pojoaque Basin will disconnect their wells from the aquifer. Non-Pueblo commercial well users also will disconnect their wells, unless agreement is reached with affected Pueblos authorizing continued use. Such non-Pueblo ground water rights will be conveyed to Santa Fe County and become the core supply of a County water utility that will serve non-Pueblo domestic and commercial water users in the Pojoaque Basin. The Regional Water System will divert, treat and transport such water, delivering it to a County water utility distribution system that will be built to serve non-Pueblo water users. The point of diversion of the disconnected non-Pueblo well rights will be transferred to one or more locations in the Basin where diversion by the Regional Water System will not deplete the surface flows of the stream system. To meet the County water utility's future demands, an additional 750 AFY of water rights will be acquired. The disconnection of non-Pueblo ground water wells, conveyance to the County and change in the point of diversion of such water rights are intended to mitigate the hydrological effect on surface and ground water of existing non-Pueblo ground water diversions in the Basin, thereby enabling the Pueblos to develop use of their 2269 AFY of currently unexercised first priority water rights, and, at the same time, provide reliable, safe, permanent and cost-effective water utility service to non-Pueblo domestic and commercial water users.

B. The Regional Water System also will divert the 2500 AFY of water acquired for the Pueblos. That supply likely will be surface water, imported into the Pojoaque Basin for diversion by the Regional Water System at or near the Rio Grande. As part of the System, a raw water pipeline will be built to transport untreated water from the point of diversion to one or more Pueblos for non-potable water use, such as golf course irrigation. For potable water use, following diversion of the acquired supply, the Regional Water System will treat it to the extent necessary, and then transport it to the Pueblos via the same backbone pipeline that will supply the County water utility. The Pueblos' community water distribution systems will be rehabilitated to adequately serve Pueblo water users.

C. As part of the Regional Water System, infrastructure will be constructed to divert and transport up to 15,000 AFY of additional imported water. Such additional water will be transported by pipeline from the point of diversion in the Pojoaque Basin to the Santa Fe Basin for delivery to the City and County of Santa Fe for use by Santa Fe Basin water utility customers. Connection of the Santa Fe Basin to the Regional Water System will benefit the Pueblos by enabling the City and the County to increase their use of imported surface water supplies, thereby reducing City and County demands on ground water otherwise diverted from the same aquifer on which the Pueblos rely and which depletes the surface flows in the Pojoaque Basin stream system.