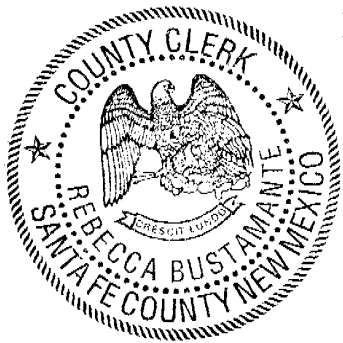


2525501

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

February 25, 2003

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



1265 831
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 16 DAY OF MAY A.D.
2003 AT 8:01 O'CLOCK 8 AM
AND WAS DULY RECORDED IN BOOK 2525
PAGE 501-671 OF THE RECORDS OF
SANTA FE COUNTY

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

Marcella Salazar
DEPUTY

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING

(Administrative Items)

February 25, 2003 - 10:00 a.m.

2525502

Amended Agenda

I. Call to Order

II. Roll Call

III. Pledge of Allegiance ✓

IV. Approval of Agenda

A. Amendments

B. Tabled or Withdrawn Items

V. Approval of Minutes - January 28, 2003

VI. Matters from the Commission

A. Request Authorization to Execute the Certificate of Project Completion and Grant Closeout Agreement for Grant # B-00-SP-NM-0454 with the Department of Housing and Urban Development

VIII-E-B

C: X1-A-1

VII. Matters of Public Concern - Non-Action Items

VIII. Committee Appointments/Reappointments

A. Appointments to the County Development Review Committee (CDRC)

B. Reappointment to the County Open Land and Trails Planning and Advisory Committee (COLTPAC) Paul Rovers; Bassett & Finley

C. Road Advisory Committee Resignation

D. Road Advisory Committee Appointments

E. Resignation of Member from the Health Policy and Planning Commission

IX. Presentations

A. Presentation by the Office of State Engineer on Water Rights and Water Rights Transfers Within the Espanola Basin

B. Presentation by the Santa Fe County Utilities Department on Water Supply to the Year 2010

C. Presentation by the City of Santa Fe and The Lopez-Garcia Group on the Proposed City of Santa Fe Traffic Calming Plan on Sandoval Street, Palace Avenue and Johnson Street

D. Update Presentation on the City of Santa Fe Civic Center Task Force Committee

*moved to
VI - B*

2525503

E. Quarterly Report from Santa Fe Community Partnership, Contract #23-079-CHDD for the Time Period from August 27, 2002 through February 24, 2003

X. Consent Calendar

- A. Resolution No. 2003-²⁶A Resolution Requesting an Increase to the Section 8 Voucher Fund (227) to Budget Additional Subsidy Revenue from the US Department of Housing and Urban Development for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
- 152/11* B. Request Authorization to Accept and Award a Price Agreement to the Highest Qualified Respondent for RFP #23-29 for the Rescue Apparatus for the Santa Fe County Fire Department (Fire Department)
- C. Resolution No. 2003-²⁷A Resolution Requesting a Budget Decrease to the Emergency Medical Services Fund (206)/Rocky Mountain EMS to Adjust to Actual Fiscal Year 2003 EMS Fund Act Allotments Received from the New Mexico Department of Health (Fire Department)
- D. Request Approval of a Memorandum of Understanding for Mutual Aid and/or Automatic Aid for Fire Protection and Emergency Medical Services Among Santa Fe County, Sandoval County and Bernalillo County (Fire Department)
- E. Resolution No. 2003-²⁸A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Fire Impact Fees for Expenditure in Fiscal Year 2003 (Fire Department)
- 152/11* F. Resolution No. 2003-²⁹A³² Resolution Requesting an Increase to the General Fund (101)/Public Works Solid Waste Budget for Prior Year Contractor Settlement Received for Expenditure in Fiscal Year 2003 (Public Works Department)
- G. Resolution No. 2003-²⁹A Resolution Requesting a Decrease to the Road Projects Fund (311)/County Road 73-A for a Reduction in Co-op Agreements Received from the New Mexico State Highway and Transportation Department for Expenditure in Fiscal Year 2003 (Public Works Department)
- H. Resolution No. 2003-³⁰A Resolution Requesting an Increase to the General Fund (101)/Region III HIDTA (High Intensity Drug Trafficking Area) Grant Program to Budget Grant Revenue Received for Expenditure in Fiscal Year 2003 (Sheriff's Office)
- 152/11* I. Resolution No. 2003-³³A Resolution Requesting an Increase to the 1997 General Obligation Bond (GOB) Fund (350)/GOB Water Projects to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Utilities Department)
- J. Resolution No. 2003-³¹A Resolution Requesting an Increase to the Water Enterprise Fund (505)/Water Program to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Utilities Department)

XI. Staff and Elected Officials' Items**A. Community & Health Development Department**

- move to H/c*
1. Consideration and Approval of Health Policy and Planning Commission Recommendations for Community Members for St. Vincent Hospital Board of Trustees

B. Finance Department

1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #23-11 for the Fiscal Agent for Santa Fe County

C. Fire Department

- Done*
1. Request Approval to Declare Santa Fe County Fire Department Apparatus as Surplus for the Purpose of Disposal to Needy New Mexico Fire Departments
 2. Resolution No. 2003 - A Resolution Authorizing Publication of Title and General Summary and Proposing the Adoption of an Ordinance Imposing a Quarter Cent Gross Receipts Excise Tax for Fire Protection in Santa Fe County
 3. Resolution No. 2003³⁴ A Resolution Declaring a State of Emergency in Santa Fe County Due to Extreme Conditions Secondary to Extended Drought Conditions and Beetle Infestation

D. Land Use Department

1. Resolution No. 2003³⁴ A Resolution in Support of House Bill 114, 46th Legislature, State of New Mexico, First Session, 2003. Introduced by Representative Mimi Stewart for the Water and Natural Resources Committee, An Act Relating to Water Quality; Providing for Residential Landscape Use of Gray Water; Amending Sections of the Water Quality Act

E. Public Works Department

1. Request Authorization to Enter into a Funding Agreement with La Tierra Subdivision for Repair and Improvements to County Maintained Roads
2. Request Approval of Resolution Accepting Certain Roads within the Eldorado Subdivision for County Maintenance as Conditioned
3. Discussion and Selection of Road for 2003-2004 New Mexico State Highway and Transportation Department (NMSH&TD) Cooperative Program

F. Sheriff's Office

1. Request Authority to Use Funds Designated for a Federal Lobbyist to Hire a Court Liaison/Advocate to track and Advocate for Expedious Handling of County Inmates Housed at the Santa Fe Adult Detention Facility

G. Matters from the County Manager

- Refiled* 1. Update Presentation on the National Pollution Discharge Elimination System (NPDES), Storm Water Phase II Permit, Mandated by the United States Environmental Protection Agency (USEPA)

H. Matters from the County Attorney

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1. Executive Session:

- a. Limited Personnel Issues – Approval of County Manager Contract
- b. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations
- c. Discussion of Pending or Threatened Litigation
 - i. Hacienda Del Cerezo, Ltd. vs. Public Service Company of New Mexico, the County of Santa Fe Board of County Commissioners, and the United States Bureau of Land Management

XII. 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).

2525506

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 25, 2003

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:25 a.m. by Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

[None]

An invocation was given by Archbishop Richard Gundry from the Catholic Apostolic Church of Antioch.

IV. Approval of the Agenda

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

CHAIRMAN SULLIVAN: Are there changes or tablings, Mr. Gonzalez?
GERALD GONZALEZ (County Manager): Mr. Chairman, we do have some changes from the original agenda that was circulated. There's now a matter A listed under VI, Matters from the Commission. A small change in item IX. E, we've added the date, through February 24, 2003. Under Matters from the County Attorney we've added an executive session to deal with the County Manager contract, and there is a request that item IX. E, which is a quarterly report from the Santa Fe Community Partnership be moved to the beginning of the

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presentations.

CHAIRMAN SULLIVAN: All right. I also have a request that item XI. A be moved up earlier in the presentations. Actually, that's an action item, that it be moved up earlier so that Mr. Estremera Fitzgerald can get back to a hearing in the legislature. I'm not quite sure where we would move that. Do you have a suggestion, Mr. Gonzalez?

MR. GONZALEZ: Mr. Chairman, perhaps we can add it as item B. under Matters from the Commission.

CHAIRMAN SULLIVAN: We can do that. What's the pleasure of the Commission on those two changes. The first one was IX. E, that's Ms. Melanie Darling who's reporting on providing a quarterly report on the Community Partnership. That, she says, will be a short one and the other one is item XI. A which is consideration of recommendations from the Health Policy and Planning Commission regarding community members to be recommended to the St. Vincent Hospital board of trustee.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Why don't we just move both of those items under Matters from the Commission so they would become Matters from the Commission B and C.

CHAIRMAN SULLIVAN: Okay. Does that sound okay?

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

COMMISSIONER DURAN: With that amendment, I'd approve the agenda as amended.

CHAIRMAN SULLIVAN: Okay, there's a motion to approve the agenda as amended. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: I just want to point out that the staff has the item under VI. A that the staff has put under Matters from the Commission was previously XI. E on the regular agenda. It's not a new item, they just moved it up. It was XI. E under your old agenda. As the close-out of a project they felt it better to be under Matters from the Commission, they moved it up under A. So that will delete that item under the old agenda and I assume it's taken out. Yes, it is. So we have a motion and a second to approve the agenda as amended.

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

V. Approval of the Minutes: January 28, 2003

CHAIRMAN SULLIVAN: Are there any changes or corrections by the Commission or the staff?

COMMISSIONER MONTOYA: Mr. Chairman.

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CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I did have some.

CHAIRMAN SULLIVAN: If they're just minor changes do you want to just give them to the recorder?

COMMISSIONER MONTOYA: Sure.

CHAIRMAN SULLIVAN: Any other changes by the Commission or the staff? Hearing none, what's the pleasure of the Commission?

COMMISSIONER MONTOYA: Move for approval as amended.

CHAIRMAN SULLIVAN: Motion for approval as amended by Commissioner Montoya.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Campos.

The motion to approve the minutes of January 28, 2003 as amended passed by unanimous [5-0] voice vote.

VI. Matters from the Commission

- 1. Request authorization to execute the certificate of project completion and grant close-out agreement for grant #B 00-SP-NM-0454 with the Department of Housing and Urban Development**

TONY FLORES (Project Manager): Thank you, Mr. Chairman, members of the board. We bring forward today the project close-out and certificate of project completion for a EDI or Economic Development Initiative program through the Housing and Urban Development Department for a project that Santa Fe County received an award in June of 2000. The project itself was to address needs for the Santa Fe Regional Water Management and River Restoration strategy through our Santa Fe County Utilities Department. The grant has been completed with the required documents with the necessary plan of action put into place and the County has also received the reimbursement for the grant.

The request before you today is merely a formality in some sense that we just finally close out the close-out agreement and the certificate of project completion. And I stand for any questions.

CHAIRMAN SULLIVAN: Questions for staff? I had one, Tony. Again, if the Commissioners need to find this document, as I say, it's in your packets under XI. E. One of the items under the scope of the project, under the seven items, the one I wanted to ask about was number five. One of the things this grant was supposed to do was to assist, to acquire the Valle Vista sewer collection and wastewater system to provide treated wastewater facilities, investigate groundwater supply and return flow characteristics utilizing infiltration basins and/or drainage basin alluvium as methods for aquifer recharge. Have we been doing that and do we have the results of that?

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MR. FLORES: Mr. Chairman, I can tell you what the synopsis of that article or that scope of work is and then I'd defer to Doug Sayre from the Utilities Department to address the second part. Santa Fe County did complete the acquisition of that system. As you know, the Valle Vista systems are located within an affected region for the aquifer recharge pilot project. It is indicated that the system will provide the reclaimed water necessary for any aquifer recharge initiative. And then I'll turn it over to Doug.

DOUG SAYRE (Utilities Department): Thank you, Tony, Chairman Sullivan and Commissioners. We have been looking at some of the alternatives. I don't know if we've come up with any set program at the present time. Mainly the idea came about that that \$100,000 was to acquire the system and that's what we utilized through the HUD grant funds. We are looking at some other programs to look at return flow, possible increases. Right now I think we're really looking at just evaluation of that plant and what it's capable of as far as treatment capabilities and such. But I think we're looking at how could we increase and possibly utilize some of the things that we talked about there.

CHAIRMAN SULLIVAN: Okay, so as a part of this grant, essentially the money was used to purchase or to assist in the purchase of the Valle Vista system but you didn't go forward with any specific field tests of the alluvium or the aquifer or infiltration basins?

MR. SAYRE: No, not presently, no.

CHAIRMAN SULLIVAN: Okay. Any other questions from the Commission. This is a close-out of this grant and this is one I recall that we had to kind of scramble to be sure we didn't lose it. Is that correct?

MR. FLORES: That's correct, Mr. Chairman.

CHAIRMAN SULLIVAN: We had to go back and document some previous actions so that we resuscitated it.

MR. FLORES: That's correct, Mr. Chairman.

CHAIRMAN SULLIVAN: It was near death. Which would have been a loss of how much?

MR. FLORES: \$601,000.

CHAIRMAN SULLIVAN: \$601,000. So we do want to thank the staff for that rescue effort in this regard.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTROYA: Second.

CHAIRMAN SULLIVAN: Motion for approval and a second. Any other discussion?

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

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XI. A. Community & Health Development Department
A. Consideration and approval of Health Policy and Planning
Commission recommendations for community members for St.
Vincent Hospital Board

STEVE SHEPHERD (Health Division Director): Mr. Chairman, Commissioners, at the February 13th meeting the Health Policy and Planning Commission appointed a subcommittee to make recommendations to the BCC of persons that the Board of County Commissioners might recommend for St. Vincent Hospital's board of trustees. And at this time I would like to introduce the chairperson, Mr. Jaime Estremera Fitzgerald who will go over the recommendations that have been forwarded to you.

JAIME ESTREMER-FITZGERALD: Thank you, Mr. Chairman, Commissioners. Good morning. First of all I want to thank you Mr. Chairman, Commissioners, for moving my item up. I appreciate it very much. Unfortunately I do have a hearing that I've got to be at and it happens to be the speaker's bill so I've got to be there.

I wanted you to know that on the 13th we were following first of all, Chairman Sullivan had called me. We had talked. This had been an action item before that a few of the Commissioners had asked as part of the MOA to give recommendations of at least two members to St. Vincent Hospital from the County Commission to sit on the board of directors, and also the possibility, what Chairman Sullivan asked me to do which we complied with as the Health Policy and Planning Commission was to come up with two tiers. [Exhibit 1]

First was two names that from all of the names - you can see the criteria. I'll go through it in just a moment, would be the two that we would recommend to you to recommend to the hospital immediately, but then also to have a pool to draw from if any further need. If for example, one of the recommended individuals from the County Commission was rejected by St. Vincent for any reason there would be a pool of folks to choose from. And I want to apologize this morning to you because there are three resumes that you don't have. That's the resume of Anthony Gonzales, Dale Gentsch and Francis Lane. Unfortunately with trying to accommodate everybody with e-mail and the legislature, so I will stand for any questions in a moment on Mr. Anthony Gonzales.

What we did, the Board of County Commissioners decided to give a subcommittee so that we could comply with the request from the County Commissioners to try to move this at this meeting. We therefore were given direction by the Commission to go ahead. We had looked in general at the names, to go ahead and meet specifically, develop a criteria, look at the resumes and then move the recommendations forward, which is what we've done. So we did meet, spent about six hours meeting together, the four individuals that you see at the top, myself, Dr. Arturo Gonzales, Glenn Wieringa from the Department of Health is also a commissioner representing DWI, and Valery Henderson represents the Public Health Department of the County, of the state, for the County.

And we came up with some definitions. The number one overwhelming criteria is not on here and that was we were committed to find individuals from the community that would be

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able in a positive way to represent not just the community but be able to really bring something to the table to help the hospital in a positive way and especially to perhaps even help the hospital with stronger linkages to the community. So that was the overriding criteria. Then we had eight specific criteria that we thought were crucial. One was time and availability, community assertiveness, be willing to be a spokesperson for the community, to bring the issues forward, familiar with the community, have a level of organization, knowledge of boards and functioning, be able to truly represent the community. And therefore we came up with an arbitrary criteria that they had to at least have lived in the area, in the community, especially in Santa Fe County, for at least five years.

And then this one is a very important one, criteria number six. Have a level of understanding of today's health care issues and challenges, sometimes even from a consumer perspective perhaps, as somebody who uses services. And seven, have no conflict of interest. We wanted somebody that in no shape or form could be conflicted with the Commission, have a conflict of interest with the hospital, just was really someone that could be counted on by the hospital, the community, the Board of County Commissioners, to represent the needs of the community, and lastly, must live in Santa Fe County.

So you have before you the names of Charlotte Roybal, Rebecca Frenkel, Frank Di Luzio, Francisco Rivera, Anthony Gonzales, Dale Gentsch, Francis Lane, Ernestine Lawrence. And the two that, they all fell into the categories, we had many others, by the way, but these were the ones that fell into all the categories. And then of these, it was the unanimous decision to recommend two to move forward immediately as possible recommendations by you to St. Vincent, and the others of course as we said, would be a pool. Those two were Charlotte Roybal and Anthony Gonzales. As I said, I apologize for Anthony Gonzales not having his resume today for you. It was submitted yesterday but we weren't able to get it, but Mr. Gonzales has been in the community for many, many years. Worked as PIO at the State Highway Department, has served the City and the community for many years. Has been on the Development Commission. Is very, very well aware through his own personal experience of health issues and what's happening in today's world of health care, and was someone this committee felt could really be representative of the community to the hospital and be a positive influence.

Charlotte Roybal, the same. Her resume, she's done a tremendous amount of work on health care for the County, so we felt those were the two strongest and as your commissioner and Chair of the commission, these are the names that we bring forth this morning and I will stand for any questions.

CHAIRMAN SULLIVAN: Questions from the Commission? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, Mr. Estremera, how many positions are there on the St. Vincent board?

MR. ESTREMERA FITZGERALD: Mr. Chairman, Commissioner Campos, to be really honest, I've been trying to get the exact number but we haven't. I can only tell you at this point, it looks like there's at least five if we go by their area that they have their board

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listed. It seems to me that there are about five vacancies.

COMMISSIONER CAMPOS: But total. What is the total number of members in the board?

MR. ESTREMER FITZGERALD: I believe that unless it's changed, it's somewhere in the neighborhood of 18 members on the board.

COMMISSIONER CAMPOS: And five vacancies.

MR. ESTREMER FITZGERALD: And I may stand to be corrected if someone else here has it clearer. But I believe that's what it is.

COMMISSIONER CAMPOS: Is there any way you can get us a resume in the near future, today some time, for Anthony Gonzales?

MR. ESTREMER FITZGERALD: We'll have that today.

COMMISSIONER CAMPOS: It's hard to get this at the last moment then have two names. We said that the decision was unanimous. It was unanimous between the four persons that were identified at the top here?

MR. ESTREMER FITZGERALD: Yes.

COMMISSIONER CAMPOS: And would there be a problem if we nominated more than two, since there are five vacancies?

MR. ESTREMER FITZGERALD: Mr. Chairman, Commissioner Campos, our responsibility that I had discussed with Chairman Sullivan was that we would bring forth to - basically I believe the MOA actually specifically called for that. But we would also supply you with additional names, that's what we've done, so that you could make that decision or you could also have names if in case one of the ones that was moved forward for whatever reason was rejected, you would have names that already had been brought forth so the Health Policy and Planning Commission would not have to meet again on it.

COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I've attended the Health Policy and Planning Commission meetings and I appreciate all the people that spend a lot of their time in working on issues in the community. As of Antonio Gonzales, Anthony Gonzales, I know him very well. He's a very distinguished person, gives a lot of his time in the community. So with that, I'd like to make a motion to put Charlotte Roybal and Anthony Gonzales in.

CHAIRMAN SULLIVAN: There's a motion for the two recommendations. Then would your motion also be to forward the others as additional -

COMMISSIONER ANAYA: Yes, sir.

CHAIRMAN SULLIVAN: Forward the others as additional recommendations. All right. That's a motion from Commissioner Anaya. Is there a second? I'll second that for discussion. Let's have discussion on the motion.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I want to see a resume from Mr. Anthony

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Gonzales. I know nothing about him. Really, it's just a name. This is an important decision so I would like to, some time during today, get that information so at least I can look at a resume. I don't feel right making a decision right now without that.

MR. ESTREMER FITZGERALD: Mr. Chairman, perhaps I can help Commissioner Campos. I believe that since I've made my presentation, if you wanted to move this, hold this item for a little while, I can probably have that resume to you all within the next 15 minutes.

COMMISSIONER CAMPOS: That's what I would prefer, and have an opportunity to actually review it for a few minutes at some point today.

CHAIRMAN SULLIVAN: Any problem with that?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER ANAYA: Is this the same Anthony Gonzales that owns the radio station, KSWV?

MR. ESTREMER FITZGERALD: His family.

COMMISSIONER ANAYA: Okay.

MR. ESTREMER FITZGERALD: It's Anthony Gonzales, program director of KSWV.

COMMISSIONER CAMPOS: So this is Javier Gonzales' brother?

MR. ESTREMER FITZGERALD: That's right.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

CHAIRMAN SULLIVAN: I would also like to see his resume. I have a little concern that the four people who made the selection made it without actually looking at his resume.

MR. ESTREMER FITZGERALD: No, we actually looked at his resume, I just couldn't get a copy, unfortunately, to bring it to you today.

COMMISSIONER DURAN: In your review process you had his resume?

MR. ESTREMER FITZGERALD: We didn't have his actual resume, Mr. Chairman, Commissioner Duran. What we had was all of the pieces of his resume because Anthony had been doing his resume for us. But all the four people obviously went through discussion of each individual.

COMMISSIONER DURAN: And I actually think, I would like to see Rebecca Frenkel take the place of either Anthony or Charlotte and the reason for that is that she has been on our Health Policy and Planning Commission for the last three years. Her term expires in April and she's expressed a real desire to serve. She also represents, I think a segment of our community that probably would be well served on this board and she's always been an advocate of health care programs for our community and I would like to have her placed on the recommendation here in place of one of the other two. I would say in place of Anthony, basically.

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CHAIRMAN SULLIVAN: Do you want to make a substitute motion?

COMMISSIONER DURAN: Is that proper?

CHAIRMAN SULLIVAN: We can vote on yours and then vote on the other.

COMMISSIONER DURAN: My substitute motion would be to appoint Charlotte Roybal and Rebecca Frenkel and do it now and not have to wait for any resume to come in.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Okay, we have a motion and a second and discussion on the substitute motion.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I feel that the Health Policy and Planning Commission has already recommended Charlotte Roybal. They've sat down, they've interviewed them, they looked through their resumes and they've even highlighted them there as highly recommended. So with that, I'm going to stick with Antonio Gonzales and Charlotte Roybal. So which motion are we -

CHAIRMAN SULLIVAN: Right now we're discussing the substitute motion. Is there additional discussion from the Commission or questions?

COMMISSIONER DURAN: So the motion is for Charlotte Roybal and -

CHAIRMAN SULLIVAN: Rebecca Frenkel right now.

COMMISSIONER DURAN: Right.

CHAIRMAN SULLIVAN: That's the motion on the floor at the present time and we're discussing that motion. Mr. Estremera Fitzgerald.

MR. ESTREMER FITZGERALD: Mr. Chairman, members of the Commission, just for clarification, just for Commissioner Duran, just so you know, Rebecca Frenkel was really at the top as a female candidate. She was ahead of Charlotte Roybal. What happened was when we had talked with her at our regular Health Policy and Planning Commission meeting she was wanting, at least at that time she was indicating more of a reluctance to be the actual two right now but would like to be a part of the pool. That was the only reason, to be honest with you that she didn't even beat out Charlotte Roybal for us. However, I will say this also, the committee felt that we would like to perhaps have both genders represented and that's the reason we chose Mr. Anthony Gonzales and Charlotte Roybal. That's just for your clarification.

CHAIRMAN SULLIVAN: Okay, we have additional discussion on the substitute motion. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I would just like to say that Charlotte Roybal and Rebecca Frenkel are very strong advocates for the community, very knowledgeable, very articulate and very persistent. I think they would be great. I think that's what we need at St. Vincent Hospital. And these are strong personalities who know the community very well and I think Commissioner Duran's motion is a very good motion.

CHAIRMAN SULLIVAN: Okay, and Commissioner Duran, let me clarify, the

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substitute motion also includes the submittal of all of the other names as well. Is that correct?

COMMISSIONER DURAN: Right.

CHAIRMAN SULLIVAN: Is that understood by the seconder?

COMMISSIONER DURAN: Again, not having Anthony's resume is --

CHAIRMAN SULLIVAN: I understand.

COMMISSIONER DURAN: So it would be submitted along with -- you understand that he would bring his resume for us to look at.

COMMISSIONER CAMPOS: I don't understand it then. What is the motion?

CHAIRMAN SULLIVAN: The motion, his motion was for Charlotte Roybal and Rebecca Frenkel and I was just clarifying that the other six names would also be submitted to St. Vincent's.

COMMISSIONER DURAN: As alternates.

CHAIRMAN SULLIVAN: As alternates, yes. Or as additional persons, since there are five vacancies. There's only two that are identified in the memorandum of agreement.

COMMISSIONER DURAN: That we have the right to appoint.

CHAIRMAN SULLIVAN: Well, that we have the right to recommend.

COMMISSIONER DURAN: Right. So those two names in the motion are the ones that we're recommending.

CHAIRMAN SULLIVAN: Yes.

COMMISSIONER CAMPOS: The top two choices.

CHAIRMAN SULLIVAN: I'm just clarifying that we will, if this motion passes or if Commissioner Anaya's motion passes we would forward the remainder of the names also to St. Vincent's for their consideration because they're all clearly interested and according to your recommendations outstanding candidates. Okay. Further discussion?

The motion to recommend Charlotte Roybal and Rebecca Frenkel for appointment to St. Vincent's board of directors passed by majority [4-1] voice vote with Commissioner Anaya voting against.

CHAIRMAN SULLIVAN: Okay, that's the substitute motion. We still have on the floor the original motion. Is there further discussion on that?

COMMISSIONER CAMPOS: What do you mean? The substitute motion was essentially a motion of Commissioner Anaya --

CHAIRMAN SULLIVAN: No, it was Commissioner Duran's motion.

COMMISSIONER CAMPOS: Commissioner Duran's motion amended Commissioner Anaya's. So we passed that.

CHAIRMAN SULLIVAN: And we don't need to vote -- let me ask our legal beagle.

MR. GONZALEZ: Mr. Chairman, I think technically, from a parliamentary point of view, the substitute motion was actually a motion to amend the original motion. The original motion is now amended but still needs to be voted on by the Commission as a whole,

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as amended.

CHAIRMAN SULLIVAN: But we just voted on the substitute motion.

MR. GONZALEZ: I understand. I'm just telling you procedurally from a parliamentary standpoint you need to vote on the original motion.

CHAIRMAN SULLIVAN: As amended by the substitute motion?

MR. GONZALEZ: As amended by the substitute motion.

CHAIRMAN SULLIVAN: Okay. All those in favor of the original motion as amended by the substitute motion, say "aye."

COMMISSIONER ANAYA: I'm not sure what we're voting on.

COMMISSIONER DURAN: I'm confused.

COMMISSIONER ANAYA: I'm lost.

COMMISSIONER CAMPOS: I'm confused too.

CHAIRMAN SULLIVAN: I thought I understood it until I asked the lawyer and there was my first mistake.

COMMISSIONER CAMPOS: I think we have a motion. We voted on it. It's a decision, it's comprehensive enough. I think we've done the job.

CHAIRMAN SULLIVAN: Now the attorneys are conferring. We'll go to the attorney instead of the County Manager. Maybe he'll have something.

STEVE KOPELMAN (County Attorney): Mr. Chairman, members of the Commission, the motion that was originally on the table was made by Commissioner Anaya and it was seconded by Commissioner Sullivan. That should have been voted on first, I believe, because that was the motion. And then you had a substitute motion, but you never dealt with the first motion, which had a second already. That's my understanding.

COMMISSIONER CAMPOS: There was an amendment, we essentially amended the first motion.

MR. KOPELMAN: I'm not sure how you amend the motion though.

COMMISSIONER CAMPOS: You can always amend the main motion.

MR. KOPELMAN: Well, but the one who makes the motion and the second have to agree to it and I'm not sure that happened.

COMMISSIONER CAMPOS: As a friendly amendment. You can go beyond a friendly amendment and just make a motion to amend.

MR. KOPELMAN: I'm not sure that our rules of order actually allow for that.

CHAIRMAN SULLIVAN: Okay, to be clear then, let's go ahead and vote on Commissioner Anaya's motion and if we need to vote again on any other motion we can do that as well. As I understand Commissioner Anaya's motion, which I seconded for discussion was that the recommendations of Charlotte Roybal and Anthony Gonzales be brought forward as the two with the remainder being brought forward as recommended. All those in favor of that motion say "aye."

The motion to recommend Charlotte Roybal and Anthony Gonzales for appointment to the St. Vincent's board failed by [2-3] voice vote with Commissioners Anaya and Montoya

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voting in favor.

CHAIRMAN SULLIVAN: Do we need to redo the other motion? I don't think so.

COMMISSIONER CAMPOS: Let's move on, guys.

COMMISSIONER DURAN: I think we're done.

COMMISSIONER CAMPOS: I think we're done with this. We've beat this horse into the ground.

MR. ESTREMER FITZGERALD: Thank you, Mr. Chairman, Commissioners.

CHAIRMAN SULLIVAN: Thank you, Mr. Estremera Fitzgerald. And thank you to the Health Policy and Planning Commission for the time they've spent on this and for all these candidates' interest in the health care issues that we have.

IX. E. Quarterly report from the Santa Fe Community Partnership, Contract #23-079-CHDD for the time period from August 27, 2002 through February 24, 2003

MELANIE DARLING: Good morning Mr. Chairman and Commissioners, Thank you very much for moving me up. We're a small non-profit with only two staff people right now so I appreciate your taking the time to move me up. What you see in your packet is our quarterly report. You'll see that we have exceeded expectations actually by three times. So we're very, very proud of that. One of the things that I do want to mention as an update that is not in there is another Guiding Good Choices which was previously Preparing for the Drug-free years, has started to take place, its first session on February 18th. We have contacted the school nurse in Moriarty Elementary School and are working to give our parenting class in Moriarty. So that is in the works.

Our Churches Take a Corner will be taking place in Chimayo and the Board of Chimayo Youth Conservation Corps is going to help lead that and decide at what date that that will be held. So we're doing very well on our parenting classes. The book that you see in front of you that I gave you is actually the book that is given to the parents. We were the first, we had a training of trainers in late January and we were actually the roll-out of this program, Guiding Good Choices. When I say roll-out, I mean across the United States. So we are very fortunate to have the new materials with the new name and to be able to give that to our community here in Santa Fe County before any other community in the United States.

So I just wanted to also thank you very much for your vote of confidence in allowing us to help the community of Santa Fe and open up to any questions that you might have.

CHAIRMAN SULLIVAN: Are there questions for Ms. Darling from the Commission?

COMMISSIONER ANAYA: Mr. Chairman.

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CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: We just appreciate everything that you're doing for the County.

MS. DARLING: Thank you, Commissioner Anaya. Thank you very much.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I too would like to acknowledge the work that you do, Melanie and thank you also.

MS. DARLING: Thank you, Commissioner Montoya.

CHAIRMAN SULLIVAN: I also notice in your report that your total class enrollment was 27 parents, more than double the required minimum of four parents per class.

MS. DARLING: That's correct.

CHAIRMAN SULLIVAN: It would seem to be substantially more than double.

MS. DARLING: Well, we're doing that through a stipend that we're giving our workshop leaders so we're giving them the initiative to go out and really recruit parents and that was our goal and so far we've exceeded that and we hope to continue that in the future.

CHAIRMAN SULLIVAN: Thank you. Other questions? Thank you very much for your report. Okay, we'll finish now Matters from the Commission starting to my right, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, I'd like to thank, congratulate our new County Manager and I'd like to thank Steve Kopelman for being a great acting County Manager and I'd also like to thank all the County employees for doing a great job and I'd hope that the staff people would take it back to the County employees that are out there working hard. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Okay. We'll get to Commissioner Duran when he comes back. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, there's a couple of - I too, before I get started here would also like to thank Steve Kopelman for the work that you did during the interim. I appreciate everything. You were always available and to me that meant a lot because there were lots of issues that came up in the interim. And Gerald, also congratulations and I look forward to working with you as well and also staff for doing your jobs and making it easy I think on everyone. I think this period of transition will be a short one and we'll be able to move on with business as usual.

Mr. Chairman, there is a Lodgers' Tax Advisory Board meeting. It's going to be happening on the 27th and I was curious if any of the other Commissioners were going to be attending that.

CHAIRMAN SULLIVAN: Is that the one out at Sunrise Springs?

COMMISSIONER MONTOYA: Yes, sir.

CHAIRMAN SULLIVAN: I had seen the notice on it but I hadn't planned to attend. Are there any others planning to attend?

COMMISSIONER MONTOYA: It's the Lodgers' Advisory Tax Board. It's going to be all day I think, starting at 9:30.

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COMMISSIONER ANAYA: What day?

COMMISSIONER MONTOYA: It's the 27th, Thursday. So I guess I'll tentatively plan on being there.

CHAIRMAN SULLIVAN: Great. Great. I think they're presenting a new part of their plan. Their new advertising.

COMMISSIONER MONTOYA: Advertising and public relations. Yes.

CHAIRMAN SULLIVAN: That would be good to have some representation there.

COMMISSIONER MONTOYA: Then, Mr. Chairman, we are also invited to the AIAI sustainable charrette, March 12th and 14th. I don't know if there were going to be other Commissioners there. I can't attend the whole time but I may at some point attend. I'm just bringing these matters up, Mr. Chairman. I don't want to have a quorum at any of these meetings. And then the last one. And I'm not sure, Virginia is not here anymore, but regarding Senate Bill 243, and that was the piece of legislation introduced by Senator Campos regarding amending of the liquor excise tax, the local liquor excise tax. Virginia, I was just curious. Do you know where that may be in terms of Senate Bill 243? Have there been any other occurrences since we last spoke?

VIRGINIA VIGIL (Policy Analyst): Mr. Chairman, members of the Board, no, to give you an update. It has been introduced. I haven't seen it at committee assignments at this point in time. What I have seen a lot is separate counties are requesting an amendment to the current bill to get an allocation. There's a couple of hearings coming up with separate counties and of course we've submitted a request to increase our allocation too but it hasn't changed, and I've just reviewed the status of the committee meetings this morning.

COMMISSIONER MONTOYA: Okay. So we haven't been able to get in in terms of a local option for Santa Fe County.

MS. VIGIL: We have. It has been introduced. The bill has not gone through committee hearings and Robert's standing next to me; perhaps he has a better update.

ROBERT ANAYA (CHDD Director): Mr. Chairman, Commissioner Montoya, in discussions with some of the local Santa Fe delegation regarding the liquor excise tax options, one of the things that they brought up to my attention is the fact that over the years, the entire amount of the current liquor excise tax doesn't go to local DWI programs. There's a rather large proportion of that, I think as you know, that goes into the general fund and into other related activities. I will tell you that my sense of the discussions I've had with the delegation is that they, Commissioner Trujillo being one of them, was very concerned with that fact as have been other legislators in the past that those monies that should go more to the local governments are not and that his primary focus and that of some of the other delegation would be to increase that amount to the local governments prior to moving forward on the excise tax option or that we should at least look at that and maximize that amount that's getting diverted into the general fund.

COMMISSIONER MONTOYA: So that is a possibility then that that may occur.

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MR. ANAYA: Mr. Chairman, Commissioner Montoya, there's a couple of bills that we have in the hopper specifically related to our detox CARE Connection assessment center and the direction that the delegation seems to be moving is to increase that allocation of money that we get, the recurring \$300,000, increase that by a fairly substantial amount. So that's the information I have at this time.

MS. VIGIL: And Mr. Chairman, members of the Board, just to get a little more specific on that, on the House side, representative Jim Trujillo did introduce a bill to increase our allocation from \$300,000 to \$600,000 from the current distribution of liquor taxes. On the Senate side, Senator Pete Campos introduced a similar bill to increase from \$300,000 to \$600,000 for the current distribution. There's \$10 million out of the \$35 million that is currently collected for local tax that goes to the general fund. Of that \$10 million we have previously been allocated \$300,000. The bills I just referenced will increase that allocation to \$600,000. The chances of our receiving that are pretty strong. The chances of the legislature voting for the local option seems to be diminishing.

COMMISSIONER CAMPOS: Could you repeat that last statement? What is diminishing?

MS. VIGIL: The chances of the legislature voting for local governments to go to referendum for a local excise option seem to be diminishing. The bills are not moving very fast.

COMMISSIONER MONTOYA: Mr. Chairman and Virginia, thank you. Robert, also thank you for the work that you're doing in trying to bring additional revenues. I think the purpose that I introduced the resolution originally, and thank you Commissioners for approving that overwhelmingly, was this was going to be, again, a bandaid in terms of putting a little bit more into the coffers to help. But there's still other bills out there and Representative Campos [sic] tax bill which I referenced previously is going to require that we provide treatment in the jails and right now, my understanding is that we don't really have that and how are we going to fund that.

So there's other DWI bills out there that are going to impact us fiscally but that additional \$300,000 isn't going to get us very far at all. And I would still encourage and Madame President-elect of the New Mexico Association of Counties, I think we need to look seriously at this as one of our priorities statewide. In terms of allowing counties the option to put it out to the voters as to whether or not they feel they would like to have this additional user fee in terms of letting counties determine how are they going to best spend those dollars. So I would just propose or whatever we need to do or I need to do in order to have the Association of Counties consider that as one of the legislative priorities for next year.

Because I think you're right, Ms. Vigil that it's probably pretty remote now that anything is going to happen regarding a local option and I think if it comes from the Association of Counties we may have a much better change to have our legislators statewide see that. Because this is still a huge problem in this state. It's a huge problem in this county as Mr. Chairman has referenced in the past as well and if we just continue to put bandaids - Governor Richardson, it's one of his priorities now but I think he's got to realize that this will help him in

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terms of getting this done as a priority in a way that's not going to be piecemeal. It can be very much a widespread type of solution. We continue to put bandaids on this huge, gaping wound and I just believe that the local option is still the way that we need to go. That's enough for me, Mr. Chairman. Thank you.

CHAIRMAN SULLIVAN: I certainly agree. I'm sorry to see the legislature not moving forward on that. We're still under Matters from the Commission. Commissioner Campos, then Commissioner Duran.

COMMISSIONER CAMPOS: Mr. Chairman, thank you. I think now we're in a very - as a Commission, as the County government we're in a position to have a new start and I'm glad to see Mr. Gonzalez as our Manager. I think we have a very strong staff. We have some huge issues, some very tough issues that not only water, but structural issues within our government. I'm excited about this opportunity and I would just like to say that we can make a new start, a huge new start and I want to encourage you to think big, to think about the strategic issues and I'll be there to support you. I'd love to sit down and talk to you. I'm sure all the other Commissioners feel that we are in a position to do some very good things that we can, ten, twenty years look back on and say we've done a good job here at the County. And that's why I'm in County government, because I think we need to do some things and we can't just let things go on as they've always gone.

We are in a position, I think you're the leader that can do that for us and I encourage you to do that. On issues of water, I think we have to start rethinking our utility questions and maybe our pricing as opposed to have Crisis Phase 1, 2, and 3 and maybe start looking at maybe start looking at Phase 3 all year 'round. We looking at water as an issue that is critical, that may not be good. We're looking at our aquifers that are being depleted in a serious way and we can't see water as something in the summer we can turn on the spigots then we've got to turn them off. I would encourage Mr. Gonzalez as Manager to talk to Mr. Roybal and the people in water to start looking at that. We've got to look at water more seriously, not as something that's temporary, not as a bandaid.

Third, I would like to talk about Commissioner Montoya's issue concerning local option. I think that's critical. I think the Commissioners here have to put on their fighting boots, go to the legislature and not let this thing die. I think this is too important to just let the liquor industry come in and tell us what to do year after year after year. And that's what they do. They kill these bills. And it's up to us as County Commissioners to tell people on the Commission how serious this issue is and go there face to face and tell them. So I'm going to encourage all five of us at some point, maybe groups of two, to go down to the legislature and talk to them. This is just too big of an issue and we're just letting it slide for too many years. This has come up year after year and it's always beaten back. So that's what I have to say. Thank you very much. I look forward to working with you very much.

CHAIRMAN SULLIVAN: Thank you, Commissioner. Commissioner Duran.

COMMISSIONER DURAN: Well, believe it or not, I agree with you on every issue. But I would just like to enhance one of your comments and that is, when we start talking about water, Gerald, I really would like for you to help us investigate aquifer injection

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programs, aquifer storage programs. I don't know if you were here when several of us went to Arizona to look at their wastewater facilities and how they were able to inject the aquifer with treated water to increase their return flow credits, and then the aquifer storage programs which allow them to store water in good years. I would just like for you to kind of follow up on that for us. And welcome aboard.

MR. GONZALEZ: Thank you.

COMMISSIONER DURAN: Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: I just had one item and then we'll finish Matters from the Commission. I wanted to get the Commission's feel for the issue of the economic business park that we've been dealing with and that staff is currently, I believe, reviewing a proposal from an applicant. When we were interviewing candidates for the County Manager position, one candidate that we visited with had quite a bit of experience in County government, particularly in county economic development, bringing clean industries into the county and dealing with the capital improvement needs of those industries.

It got me to thinking at least that perhaps we might want to ask the staff to take a look at not only this option that the RFP we put out outlines, which is one of having a private entity manage and promote the business park, but also to bring forward again as an alternative for us to talk about in March, the option of hiring someone. It might be this individual; it might be someone else or at least talking with this individual and getting his thoughts on the program since he's been through it before. I just think that it's been a number of years. We have not had an economic development person full-time in the County. We need to address that issue more than just with the business park, although the business park is a good step and a big part of it.

It just seemed to me that that might be something for the staff to investigate to where we could evaluate, not only do we want a private contractor but what are the pros and cons of having someone on staff who could perform that function and other functions regarding economic development and if anyone on the Commission has any ideas on that. Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner, we need capital. We don't have the capital as a Commission, as a County government. We may need to have another group with the capital come in. It's going to take a lot more money than we have to get this off the ground. We need an expert, I think. We recognized in the past that we don't have internal expertise. So I think that's the discussion.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I agree with you. I think that this gentleman - I forget what his name is.

CHAIRMAN SULLIVAN: Frank Huffless.

COMMISSIONER DURAN: I think that he had some qualities that we should consider taking advantage of, if he's still interested in moving to our community I think we should explore the talents that he might be able to offer our community. He was involved in economic development. He was involved in writing grants and I think that he brings some

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expertise that we have sorely needed down here. We finally have this business park lined up and we don't know what to do with it right now. We have Land Use that's working on it but they don't have the expertise that I think we need to develop this program. So I would definitely like for you to explore that possibility, Gerald, and bring it forward for us to consider.

As for funding, we could talk to him about maybe a term position. We're getting money from Edgewood. We're getting money from – gosh, I forget. I had another one in my mind. But I'm not looking at a long term position unless he proves to be beneficial to the County. But I really think that we have some money that we haven't tagged for anything else that could be used towards entering into some kind of a term contract with them to get this thing off the dime and further explore the other talents that he has relative to getting grants and other funding mechanisms that are available to us that we're not taking advantage of right now.

CHAIRMAN SULLIVAN: Thoughts from any other Commissioners? I just felt since we had the infrastructure essentially in place for the business park that we now have the 99-year lease in place due to the efforts of the staff over the last year that it might be a good target for someone to work on and branch out from there. My suggestion at this point is not one way or the other but it's just to include that in the mix of alternatives that the staff is looking at. I know that it was the prior Commission that went forward on this RFP and the new Commissioners may have some other thoughts on how we should be approaching economic development and that would provide a forum to do that.

MR. GONZALEZ: Mr. Chairman, members of the Commission, I've been taking notes and I'm aware of the concerns of the Commission. I agree that in terms of the development in economic business park we need to have some expertise. I've seen the same kinds of projects on the state side, working with the Board of Finance, those which have the appropriate advice and are shepherded carefully as they go through are the ones that succeed. The ones that are not paid attention to are the ones that tend to fail and we don't want to fail in this instance. I agree with you.

CHAIRMAN SULLIVAN: Do you have something, Commissioner Montoya?

COMMISSIONER MONTOYA: Yes, Mr. Chairman. Thank you. I would tend to agree. One of the questions I had Commissioner Campos asked as well and that's what's the capital going to be required to invest in this type of venture if the County pursues this. And I think that the other is that it would be good, I think if the County did take a look at some sort of economic development department or individual. I don't know if we could have a department but maybe at least start with an individual to look at that to help move the County forward, particularly if we're going to do this business park. Plus, the County is partners, directly or indirectly with some of the other business parks and ventures here in the community. So I think this is something we should look at in terms of economic development and diversity.

CHAIRMAN SULLIVAN: Okay. Let's ask the staff then to take a look at that and to take a look at the capital requirements were the County to move forward with the management of it and how an economic development person would fit into the mix there. Okay, I think that takes care of Matters from the Commission.

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VII. Matters of Public Concern – Non-action Items

CHAIRMAN SULLIVAN: Is there anyone in the audience who would like to come forward and discuss an item of public concern. I see the County Treasurer raising his hand.

COMMISSIONER CAMPOS: He's an elected official. He's not a member of the public.

CHAIRMAN SULLIVAN: Mr. Trujillo.

PHILLIP TRUJILLO (County Treasurer): Chairman Sullivan, members of the Commission, I'm not here in my official capacity as treasurer. There were some people here earlier from the Glorieta area, from my neighborhood, who wanted to come before the Commission, but I understand that they will be coming later on this afternoon under matters from the Fire Department, because it has to do with this chipping project and the fire, the threat of fire in some of the rural areas and all. So I understand that they'll be back later on this afternoon and their presentation will be joined with that of the Fire Chief and the Fire Department.

CHAIRMAN SULLIVAN: Thank you. Any other comments from the public?

VIII. Committee appointments/reappointments

A. Appointments to the County Development Review Committee (CDRC)

ROMAN ABEYTA (Land Use Administrator): Thank you, Mr. Chairman, members of the Commission. There are currently three vacancies on the County Development Review Committee. Two vacancies are at-large positions and one vacancy was created with the expiration of John Paul Romero's term. John Paul Romero was nominated by Commissioner Marcos Trujillo pursuant to Resolution 2001-65, therefore Commissioner Montoya may nominate someone to fill this vacancy.

The Land Use Department received 13 resumes from interested individuals. The names and resumes have been included in your packet. The BCC may appoint three members from the names to serve until 12/31/2004. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Roman, who are the others on the CDRC now?

MR. ABEYTA: The CDRC currently is made up of seven members, Gene Bassett, whose term expired and also has submitted a resume to be reappointed. John Paul Romero, whose term expired and has submitted a resume. Donald Dayton, Louis Gonzales, Kathy Holian and Juan Jose Gonzales. Those are the current members of the CDRC.

CHAIRMAN SULLIVAN: And the one that we just most recently appointed from La Cienega was –

MR. ABEYTA: Juan Jose Gonzales.

CHAIRMAN SULLIVAN: Juan Jose Gonzales.

MR. ABEYTA: Yes, Mr. Chairman.

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CHAIRMAN SULLIVAN: All right. Questions for staff? Commissioner Duran.

COMMISSIONER DURAN: Roman, tell me again, did you say Commissioner Montoya has an appointment?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, yes. Pursuant to the resolution that the Board adopted in 2001, each BCC member may nominate one individual to serve on the CDRC.

COMMISSIONER DURAN: And then the rest are at large.

MR. ABEYTA: And then the other two positions are at large.

COMMISSIONER DURAN: So today we would, Commissioner Montoya would appoint someone to represent his district and then the Board would appoint the other two.

MR. ABEYTA: Two at large.

COMMISSIONER DURAN: Okay. Thank you.

COMMISSIONER CAMPOS: Mr. Chairman, just a point of clarification. It's not appoint; it's nominate. The Commissioner only has the right to nominate, not to appoint.

COMMISSIONER DURAN: Thank you. I stand corrected.

CHAIRMAN SULLIVAN: And it would necessarily have to be from his district. He could nominate anyone in the county that he wanted to. Okay, other questions of staff? I wanted to add, and I mentioned it to some of the other Commissioners that I'd like to see some representation out in the Route 14 area. We've had a great deal of development occurring out there, proposed development and a great deal of problems with water supply and wells and other issues that have been of concern that I think the CDRC needs to focus on. Two of the candidates live in that area, Mr. Hugh Nazor and Ms. Dina Chavez. I just hope at some point we can provide some representation from that area. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I would like to nominate, and I've had discussions with Mr. Abeyta regarding John Paul Romero and he's been an active participant and to me, that was part of the criteria that we discussed how we were going to make these appointments or reappointments that to me it was very important that they're active participants and he has been and I would like to nominate him for the position that I have.

COMMISSIONER DURAN: Second for discussion.

CHAIRMAN SULLIVAN: Okay, we have a motion and a second for John Paul Romero to be Commissioner Montoya's nomination. Discussion. Commissioner Campos.

COMMISSIONER CAMPOS: Question for Mr. Abeyta. Attendance is good?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, yes. His attendance is good.

COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I would just like to say that as we recommend these individuals for their appointment that we do so with the understanding that whoever we

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appoint or recommend have some knowledge of land use issues. My only concern about perhaps appointing some of these people is that they may not have they knowledge that's required to represent the community when it comes to land use issues and I think that whoever we appoint definitely needs to have a good understanding of our Code, what is the vision of this Commission and the vision of the community. But there are some property rights issues that definitely need to be upheld and without a clear understanding of what those rights are as they relate to the Code, I think we would be doing the community a disservice by appointing somebody or recommending someone for this appointment who doesn't possess those kinds of qualities.

COMMISSIONER CAMPOS: Good point.

CHAIRMAN SULLIVAN: Any other discussion on the motion?

The motion to reappoint John Paul Romero to the CDRD passed by unanimous [5-0] voice vote.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to make a motion to keep Gene Bassett. I've also spoken with Roman Abeyta and he's been participating, a good participant and it also gives us somebody from down in the southern part of Santa Fe County. I make a motion to keep Gene Bassett and to also put in Ivan Trujillo, who would be taking my place as a CDRC member. Ivan was on the La Cienega Development Review Committee and he has a good working knowledge. So that would be my motion.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Let's see if we have a second here.

COMMISSIONER CAMPOS: Before there's a second, I'd like to make a comment.

CHAIRMAN SULLIVAN: Why before the second?

COMMISSIONER CAMPOS: Because the motion appoints two and I think each motion should appoint one. We should take one of a time.

COMMISSIONER DURAN: I agree.

COMMISSIONER CAMPOS: No package deals.

CHAIRMAN SULLIVAN: Any problem with one at a time as far as the Commission is concerned?

COMMISSIONER DURAN: I think one at a time is appropriate.

CHAIRMAN SULLIVAN: Commissioner Anaya, we do one at a time?

COMMISSIONER ANAYA: That's fine with me.

CHAIRMAN SULLIVAN: Okay, let's take Gene Bassett. You want to start with Mr. Bassett then.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: So we have a motion and a second. Let's have

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discussion.

COMMISSIONER CAMPOS: Mr. Chairman, Mr. Bassett has been on the CDRC for some time. I kind of see Mr. Bassett and the kind of guy who's rubber-stamping a lot of the decisions and I'd like to have more independent people sitting on this board so I would be inclined to vote no on this.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: As we had discussed several times, actually when we adopted the new rules of appointing members of the CDRC and the other boards we all agreed that those that we appointed were ones that we felt represented our point of view and could serve, would represent that Commissioner who is making the recommendation to appoint to the committee, that they would represent that Commissioner at that level.

CHAIRMAN SULLIVAN: But this is an at-large one. This is not a district appointment.

COMMISSIONER DURAN: Okay, well –

CHAIRMAN SULLIVAN: Excuse me for butting in but I didn't know if you were – these two are at-large.

COMMISSIONER DURAN: These are at-large.

CHAIRMAN SULLIVAN: There's already been, last year then Commissioner Varela Lopez brought forward a recommendation from Commissioner Anaya's district.

COMMISSIONER DURAN: Okay, then never mind.

CHAIRMAN SULLIVAN: And Commissioner Gonzales. That's what I asked you for.

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

COMMISSIONER DURAN: So we already have someone in there that is representative of our point of view.

MR. ABEYTA: Yes, Mr. Chairman.

CHAIRMAN SULLIVAN: So we have two at-large to do now. Excuse me for interrupting. I just wanted to clarify.

COMMISSIONER DURAN: That's fine.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Also, we did have a problem with Mr. Bassett this year on a conflict issue. He did vote on a case where he might have had a conflict and that was inappropriate and it caused some problems for the CDRC and for the County. I think that's a factor we need to keep in mind in voting on Mr. Bassett.

CHAIRMAN SULLIVAN: Other discussion? Hearing none then, we have a motion and a second.

The motion to reappoint Gene Bassett to the CDRC passed by [3-2] voice vote, with Commissioners Sullivan and Campos voting against.

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COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to nominate José Varela López at-large. I think he's a former County Commissioner and has shown a lot of integrity. He's independent. He thinks about his cases carefully and he represents the public interest.

COMMISSIONER DURAN: Second.

COMMISSIONER CAMPOS: That's the kind of candidate we need on the CDRD; not the rubber-stampers.

COMMISSIONER DURAN: Are you suggesting that we have rubber-stampers on there.

COMMISSIONER CAMPOS: Strike that. I'm sorry.

COMMISSIONER DURAN: I withdraw my second for further discussion. No, I agree with José Varela López. I disagree with your rubber-stamping.

COMMISSIONER CAMPOS: I withdrew it, okay? Will you second it?

COMMISSIONER DURAN: Yes, I second it.

CHAIRMAN SULLIVAN: Okay, we have a motion and a second. Discussion on José Varela López. I guess, let me add to the discussion, I think Mr. Varela López did an excellent job as a County Commissioner and the only issues I would have, as with Mr. Trujillo, we already have representation from the La Cienega, La Cieneguilla area on the CDRC and I think we need some broader representation. We have people such as Mary Helen Follingstad, such as John Reger. And the two that I mentioned before. Certainly Mary Louise Williams has done extremely well during her term on the COLTPAC committee, who are all, I think countywide candidate who would be I think a real asset to the CDRC.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER MONTOYA: If I could just add to that, it was a very, very difficult decision for me to come up with a recommendation between John Paul Romero and Mary Louise Williams who is in the district that I represent as well because of the work that she did do previously in COLTPAC. I just wanted to mention that for the record.

CHAIRMAN SULLIVAN: So I agree that Mr. Varela López had served admirably and seemed to have a good grasp of the issues and certainly did his homework but I do feel we need, and only for that reason, that we need a broader representation in the County than having two from La Cienega.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think that if was someone other than José Varela López that your concern would be valid. I think that since he served on this Board that he's very familiar with the overall impact of the decisions that he's going to be asked to make at this committee level and I think he would look at them from the point of view of how this would impact the community as a whole and not just the area that he was from.

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CHAIRMAN SULLIVAN: Okay. Further discussion?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Is he serving on any other board at this time?

CHAIRMAN SULLIVAN: Roman, is he still one the La Cienega Review Committee?

MR. ABEYTA: Mr. Chairman, Commissioner Anaya, all the terms of the La Cienega Review Committee, those terms have expired so technically, he's not. We're going to bring forward names to the Board, new names to the Board for the Board to consider for the La Cienega Review Committee.

CHAIRMAN SULLIVAN: Other questions?

The motion to appoint José Varela López to the CDRC passed by majority [4-1] voice vote with Chair Sullivan voting against.

VIII. B. Reappoint to the County Open Land and Trails Planning Committee (COLTPAC)

PAUL OLAFSON (Open Space and Trails Program Manager): Mr. Chairman, Commissioners, I'm Paul Olafson, Open Space and Trails Program Manager. Today we have a request for reappointment or new appointment to the County Open Land and Trails Planning and Advisory Committee. The term for Mr. Robert Findling, his first of two potential terms is expiring at the end of March and he has requested reappointment. For your additional consideration, we've also included applications that were presented last month for the other positions for COLTPAC. There were approximately 10 other individuals who had applied for the central region appointment. Again, Mr. Findling has requested reappointment for a second term. He is eligible for that term and we've included the letters of interest and resumes for all of the individuals. And I would stand for any questions.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Olafson, it seems that staff is recommending the reappointment of Mr. Findling from what I read here. "Action requested: Staff is recommending Board reappointment."

MR. OLAFSON: I feel that Mr. Findling is very qualified. I don't know if I'd want to get into individuals.

COMMISSIONER CAMPOS: I appreciate that. Has he shown up at the meetings?

MR. OLAFSON: Yes, sir.

COMMISSIONER CAMPOS: Attended regularly?

MR. OLAFSON: Yes, sir.

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COMMISSIONER CAMPOS: What is his background?

MR. OLAFSON: He worked in the State Parks for about 20 years as a park planner and he's also a landscape architect. And he currently works with the Nature Conservancy in doing statewide projects. He also helped develop the Santa Fe River Preserve just south of the Audubon Center, or adjacent to the Audubon Center.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Mr. Chairman, I'd like the Board to consider Tamara Baer. We are now, we just started collecting the quarter percent gross receipts tax increase that the community approved last year, and part of that increase was an agreement between the City and County to work cooperatively on regional issues. Tamara used to work for the City and maybe perhaps still does. Does she still work there? No? But she has I think a good working knowledge of the issues that the City is faced with and I think that we should try to incorporate that knowledge that she has in our COLTPAC program. I'd like to suggest that we consider her.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: You know, we have Mr. Findling who is a member and we have lost a lot of people with experience and it seems that we should keep as many as possible. I think Tamara Baer is an excellent recommendation. Perhaps she could be a substitute, and then, as vacancies occur, we could bring her in as a regular member. Because she is also, I understand a landscape architect and has a good knowledge of some of these issues.

COMMISSIONER DURAN: This isn't rocket science you know. It's open space.

CHAIRMAN SULLIVAN: Correct me if I'm wrong, Mr. Olafson -

COMMISSIONER CAMPOS: It's important. There's some knowledge there, though, Commissioner that is very pertinent. I think Mr. Findling has been an outstanding member and I think deserves a reappointment.

COMMISSIONER DURAN: I'm not saying that he hasn't.

COMMISSIONER CAMPOS: That's all.

CHAIRMAN SULLIVAN: We went through this reappointment a couple of months ago and didn't we generally decide that we would limit the renewals to one time. The appointments go for two years and then one renewal. Is that correct?

MR. OLAFSON: Mr. Chairman, the way the COLTPAC resolution that forms the committee stands, and this is unique for COLTPAC I believe within the County, there is a four-year limit and terms are for two years, and someone may be appointed to COLTPAC no more than four years. So it ends up being two terms.

CHAIRMAN SULLIVAN: And the question was brought up, should we make a change to that and we felt that the four years was the limit, but we also, we reappointed everyone, did we not, who was in a two-year position and had requested to serve for another two years?

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MR. OLAFSON: Mr. Chairman, that's correct. And I believe the argument was similar to the experience and the turnover.

CHAIRMAN SULLIVAN: So Mr. Findling has served two years and is requesting to serve again the two years.

MR. OLAFSON: Correct.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: I'd like to make a motion that we appoint Tamara Baer to the vacancy.

CHAIRMAN SULLIVAN: Is there a second?

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to make a motion to reappoint Robert Findling for a second term as a COLTPAC member.

CHAIRMAN SULLIVAN: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Second. Is there discussion?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Olafson, just in terms of cross representation, because the applicants certainly have their strengths, in terms of what Mr. Findling brings to the COLTPAC, is it representative? Is it different than what someone else may bring to the table?

MR. OLAFSON: Mr. Chairman, Commissioner Montoya, that's a kind of complex question. I think that he brings very strong skills. He has lobbying experience. He has statewide planning experience and development of a program from a small program to a larger program and in that sense he brings some very specific skills and qualities that would be of interest to the COLTPAC program in its current status. I think other individuals also bring unique qualities and characteristics that are also valuable. So it's difficult to say this is more valuable than that. I think the fact that Mr. Findling does have two years experience and understanding of the program to date and how it's evolved supports his understanding of being able to help it continue forward. Again, the term limits determine how long that would be.

COMMISSIONER MONTOYA: And is that something that you need now in terms of the consistency?

MR. OLAFSON: Mr. Chairman, Commissioner Montoya, I believe yes, that would be an asset that is valuable for the committee, having that consistency and that institutional memory bringing forward, especially as the program is transitioning from acquisition focus more into management focus.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: The reason that I actually Ms. Baer to be appointed was not only of the experience she brings from the City but out of, there are only three women on the board, on that COLTPAC and I think that there are just too many men on

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there. I think we need another woman in there to help us weed through all these issues. This is not a vote of no-confidence in Mr. Findling. It's my effort to strive for some balance and a different kind of experience as we move into this new phase of our open space program using the quarter percent increase in tax revenues based on regional planning as part of the emphasis. So I would still suggest that we appoint Tamara Baer.

CHAIRMAN SULLIVAN: Other discussion?

The motion to reappoint Robert Findling to COLTPAC passed by majority [4-1] voice vote with Commissioner Duran voting against.

COMMISSIONER CAMPOS: A question for Mr. Olafson. How about substitute members? Are we in need of substitutes at this point or are we fully –

CHAIRMAN SULLIVAN: I think we're full on the two alternates.

MR. OLAFSON: Mr. Chairman, we're full at that moment.

CHAIRMAN SULLIVAN: Okay, good.

COMMISSIONER CAMPOS: I think she would be a great choice as soon as there's an opening.

COMMISSIONER DURAN: Well, thank you.

MR. OLAFSON: If I might just briefly, we have also asked that the people who have applied for or sent letters of interest to COLTPAC, we've also sent them letters saying we'd like you to keep engaged in the program whether it's an appointed member or as participating in projects and helping the program develop. So to touch on both of your interests I think it's possible to maybe develop an outside cadre of volunteers that are helping us as we evolve the program.

CHAIRMAN SULLIVAN: In particular, Mr. Olafson, at some point in time we were having some problem with several members not attending. Are we still having that? Because if we have a number of qualified people, as ten of them listed here who are interested, it would seem that very quickly we'd want to ask those others to resign and allow someone to take their place who has the time. Are we in that situation?

MR. OLAFSON: Mr. Chairman, since I've begun attending or took the position and attending meetings from September of last year on, we have had consistent attendance. And there's people that have to miss for one meeting or another, but consistently, most of the members or all the members have been attending except for unique circumstances. In fact we're maybe going to have to move rooms because we're running out of space.

CHAIRMAN SULLIVAN: Okay. That's good to hear because at some point there was difficulty even in getting a quorum on occasion, so keep that in front of them, that they either show up or we have a number of qualified individuals who are willing to take their place.

MR. OLAFSON: We'll keep that in the fore.

CHAIRMAN SULLIVAN: Good.

COMMISSIONER DURAN: Mr. Chairman.

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CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Just one quick one. Are we going to break for lunch at 12:00?

CHAIRMAN SULLIVAN: We're going to break for lunch whenever we like, about 12:00.

COMMISSIONER DURAN: Okay. Because I think we have time for only one more.

CHAIRMAN SULLIVAN: I think we can get through the appointments.

COMMISSIONER DURAN: Okay. I just wanted to see if we were going to break at 12:00, that's all.

CHAIRMAN SULLIVAN: Does the Commission want to break at 12:00? Okay.

VIII. C. Road Advisory Committee

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, Larry DesJarlais has been representing Area 9 of the Road Advisory Committee for the last six years. Mr. DesJarlais is in the process of moving from this area and has submitted a letter of resignation. Public Works recommends the acceptance of Mr. DesJarlais resignation.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Discussion?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, I'd like to thank Larry DesJarlais for all the years that he served on the Road Advisory Committee and I guess he's moving into another district. He's staying in Santa Fe County?

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, he is moving into the area that is represented by Area 12, which is the Ojo de la Vaca area. He has stated that after he gets settled in he may want to consider being appointed to that vacant position.

COMMISSIONER ANAYA: I personally wanted to thank him for all of his time.

CHAIRMAN SULLIVAN: We have a motion and a second.

The motion to accept Larry DesJarlais' resignation passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: We do have some folks up front. Are you all here for the State Engineer presentation? Maybe we can fit that in before lunch if that's okay with the Commission because we do have some people here and we'd like to not make them have to

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come back for that and we appreciate their time and attendance. These other two items will be very quick because Robert's that way. He's succinct and to the point.

VIII. D. Road Advisory Committee appointments

MR. MARTINEZ: Mr. Chairman, we have three positions that we'd like to make appointments. Area 4, which is within Commission District 1 represents the communities of Chupadero, Rio en Medio, Tesuque and Hyde Park Estates. Ms. Keitha Leonard has volunteered to fill the vacant alternate position. In Road Advisory Area 8, this position lies within Commission Districts 2 and 3. This area encompasses the Agua Fria, Piñon Hills, Puesta del Sol and Remuda Ridge and Rancho de la Luna subdivisions. Ms. Anne Probst has volunteered to fill the vacant alternate member position for this area. And in Area 9 which became vacant due to Mr. DesJarlais resignation, Mr. Paul Montoya has volunteered to fill the vacant member position for this area. This area is in the La Cienega/La Cieneguilla areas. Public Works recommends the appointments to Ms. Keitha Leonard to Area 4, alternate, Ms. Anne Probst to Area 8, alternate, and Mr. Paul Montoya as Area 9 member.

COMMISSIONER CAMPOS: So moved.

CHAIRMAN SULLIVAN: Let's not all second at once now. I'll determine that that second came from Commissioner Duran. Is there further discussion?

The motion to appoint members to the Road Advisory Committee as recommended by staff passed by unanimous [5-0] voice vote.

VIII. E. Resignation from the Health Policy and Planning Commission

MR. SHEPHERD: Mr. Chairman, Commissioners, Fred Sandoval from the City of Santa Fe resigned his Health Policy and Planning Commission post as he was appointed by Governor Richardson to the Department of Health, Behavioral Health Services Division. Upon your acceptance of his resignation we'll send a letter to the City requesting an appointment from them.

COMMISSIONER CAMPOS: Move to accept the resignation.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Motion and a second. Is there discussion or questions?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: My understanding now, Mr. Shepherd is that he's actually the Deputy Secretary of Programs.

MR. SHEPHERD: I had heard that he might have gotten another job but I didn't know what it was.

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COMMISSIONER MONTOYA: So he's moved up in a real short period of time and he did a great job for us on the Health Policy and Planning Commission and thank him for us on our behalf.

MR. SHEPHERD: I certainly will. We'll miss him but we look forward to working with him on the state level as well.

The motion to accept Fred Sandoval's resignation from the Health Policy and Planning Commission passed by unanimous [5-0] voice vote.

XI. Presentations

A. Presentation by the Office of the State Engineer on water rights and water rights transfers within the Española Basin

GARY ROYBAL (Utilities Director): Good morning, Mr. Chairman, members of the Board. At the previous meeting Commissioner Duran requested that the water rights issue be brought up for discussion. I had requested staff from the Office of the State Engineer to come before the Board and just give a water rights presentation. It's a crash course on Water Rights 101. Mr. Paul Saavedra, the Water Rights Division Director with the Office of the State Engineer is here. Mary Young, who is the Northern Rio Grande Basin Supervisor is also here and Tom Morrison, Bureau Chief of Hydrology of the Office of State Engineer is here. And with that, I'll turn it over to Mr. Saavedra.

CHAIRMAN SULLIVAN: Very well. Thank you all for being here, Mr. Saavedra. We have some heavy hitters here. I'm sure the first thing you'll tell us where the Española Basin is because it's not just in Española.

PAUL SAAVEDRA: Mr. Chairman, members of the Commission, good morning. Probably the best presentation we could give is just to stand here and let you ask us questions for half an hour. Those are usually our best presentations. But what I want to do here is just kind of give you, I'll go through it real quick, what I lovingly call Water Rights 101. It's sort of a generic presentation. I gave it to our attorneys the other day and it was amazing that they learned something.

CHAIRMAN SULLIVAN: Do you want to explain that? I guess not.

MR. SAAVEDRA: Mr. Chairman, no I won't. Mr. Chairman, the history of water law, in order to give you a quick presentation I've got to start at the beginning, unfortunately. I hope this isn't too trivial. I'll run through it real quick and we'll get right up to Santa Fe and Santa Fe County and we'll be glad to answer your questions but to lead into Santa Fe and Santa Fe County I have to start at the beginning. Spanish law and custom have influenced water in the state of New Mexico, especially the acequias. The acequias have influenced water law in the state of New Mexico. It can be traced back to the Islamic influence. Obviously, the Mexican-American war in 1846, Treaty of Guadalupe Hidalgo in 1848. The Kearny code, after the Treaty of Guadalupe Hidalgo, Kearny came into New Mexico. He was

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here for six weeks. He combined Mexican and American law and we still use that law today. He recognized the acequia laws, but he also transferred authority to the counties.

The Territorial Supreme Court adopted the doctrine of prior appropriation in 1898. As you know, under New Mexico the doctrine of prior appropriation is the law that we use right now. The Territorial Engineer was created in 1905, surface water code created in 1907. This is the doctrine of prior appropriation. The unappropriated water of every natural stream, perennial or torrential, belongs to the public and is subject to the appropriation in accordance with the laws of the state. Beneficial use, that's important, beneficial use shall be the basis, the measure and the limit of the right to the use of water and priority of time of appropriation shall give the better right. In other words, a senior water use is better than a junior water user.

Okay, surface water law. There are in fact over I believe 110,000 square miles in the state of New Mexico. Only 250 of them have surface water. So it is very much less than one percent. The statute, New Mexico statutes that apply to surface water law are Section 72-5. Essentially all surface water in the state of New Mexico is appropriated.

The magic date, the Territorial Engineer of the state of New Mexico established on March 19, 1907 the surface water law. It's what I call the magic date. What that means is that they grandfathered all uses of surface water prior to March 19, 1907 as a water right. Anything after March 19, 1907, you need a permit from the State Engineer to use surface water. So March 19, 1907 is the magic date for surface water. If you use surface water prior to March 19, 1907 you would file what we call a declaration. It is a claim of a water right, a claim that you used surface water all the way back to prior to March 19, 1907.

As I said, all surface water in the state of New Mexico is essentially appropriated. The only thing we do now is change point of diversions, place and purpose of use. In other words, moving around surface water to different places of use. In order to do that, you'd have to file an application with the State Engineer's Office, be advertised as to what you want to do, if you want to move your point of diversion, change your place of use, change your purpose of use. File an application. We advertise once a week in the newspaper for three consecutive weeks. Protest period ends ten days after that last advertisement. If it's protested, we go to hearing. If it's not protested, we will evaluate the application. We evaluate applications based on three specific things: impairment of existing water rights, conservation of water in New Mexico, and the public welfare of water in the state of New Mexico.

That's a quick overview of surface water. Groundwater. Essentially groundwater law in New Mexico began in 1927 by some very smart individuals in the Roswell area. In 1927 we changed the groundwater law to the doctrine of prior appropriation, which was basically a surface water law. The statutes for groundwater law, New Mexico Statutes, are Section 72-12. The first groundwater basin was declared on July 29, 1931. It is the Mimbres Basin. Deming, Luna County and the Roswell-Artesian Basin was declared 22 days later. Now, this is important too. For instance, on the Mimbres Basin, the magic date - the magic date is July 29, 1931, the day that that basin was declared. If you had a well and you were using water prior to July 29, 1931 you were grandfathered in. If you wanted to drill a well after that date, you need to file an application with the State Engineer Office.

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The magic date for the Rio Grande Basin which Santa Fe is in and which Santa Fe County is in is the biggest groundwater basin is November 29, 1956. So in the Santa Fe area, in Santa Fe County area, if you had a well and you were using water prior to November 29, 1956, you could be grandfathered in. If you wanted to drill a well after that date, November 29, 1956, you need a permit from the State Engineer Office. If you're using water before that date you can file, again, what we call a declaration. A declaration is a claim of water rights. You would have to claim that you were using water prior to November 29, 1956. If you wanted to use water after that date, you would have to file an application with the State Engineer Office.

Again, this is kind of a little unfocused but the Rio Grande Basin is the biggest basin. It stretches from Colorado pretty much down to Elephant Butte Reservoir. Santa Fe and Santa Fe County is included in that. We have added certain sections onto the Rio Grande Basin. Some of those are in and around Santa Fe. I believe up in the Nambe area. We added a section to the Rio Grande Basin on December 31, 1970. So that would be the same thing. If you were in that area prior to December 31, 1970 and you used water rights, you can file a declaration. If you wanted to use water rights after that date, you need to file an application with the State Engineer Office.

Permit process for groundwater is essentially the same as it is for surface water. You need to file an application. We would require advertisement in a newspaper once a week for three weeks. Protest period ends ten days after the last publication. If it's protested we'll have an administrative hearing on it. If it's not protested we will evaluate it. We will evaluate it for the same reasons: impairment of existing water rights, conservation of water and the public welfare.

The State Engineer, that's surface water and groundwater. What the State Engineer does now is we administer groundwater and surface water together. Pretty much in the Rio Grande Basin, if you drill a well, you're going to affect the Rio Grande. We will allow you to drill that well as long as you acquire water rights to offset the effects to the Rio Grande. Again, surface water is pretty much fully appropriated. Any well you drill is going to affect that surface water and that's what we try to protect. We call it conjunctive management.

Again, I tried to run through quickly. I don't want to go into other details about the Interstate Stream Commission. I would like to focus on Santa Fe and Santa Fe County. I know you have some questions, possibly concerning Buckman or moving around water rights. I have Tom Morrison here who is the head of the hydrology division who deals in a lot of the evaluations of wells. We have Mary Young who is our basin supervisor for the northern Rio Grande Basin who basically deals with Santa Fe and north. So if you have any questions we'll be glad to try and answer.

CHAIRMAN SULLIVAN: Thank you, Mr. Saavedra. Are there questions of the State Engineer's staff? Commissioner Duran.

COMMISSIONER DURAN: Mr. Saavedra, I was wondering if you might be able to give us some information concerning how healthy or productive our aquifer is here in Santa Fe, specifically the Tesuque Basin. I know that we have a lot of wells out in the State

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Road 14 area that are going dry. They have to drill deeper. But we are really trying to make an impact on how much water is actually drawn from the aquifer and now that it seems that we might have another drought year I'm wondering how fragile is that aquifer based on the recent snowfall and the potential for more snow coming in the next 45 days or so? Because there's a lot of growth taking place in that aquifer that drains down under the city and I'm just wondering how fragile it is, if you have any information on that.

MR. SAAVEDRA: Mr. Chairman, I'll have Mr. Morrison speak to that, our hydrologist.

TOM MORRISON: Mr. Chairman, members of the Commission, the Española Basin is basically a trough that's filled up with sands, gravels, silts and clays. The productivity varies widely through the basin. As you - the thickest part is near Santa Fe and northward up to San Juan Pueblo. As you go to the south towards La Cienega and south 14 the aquifer starts thinning out. You end up with a very thick formation. The Santa Fe group, what the aquifer is called is made up of two made units, the Tesuque and the Ancha formation. As you get further south, the Ancha formation is the primary, most productive aquifer. When the recent Rancho Viejo well was drilled we were surprised that the Ancha formation was completely dewatered. That's very alarming. There was no water in the most productive formation.

We have numerous problems in the south 14 area, La Cienega area. The aquifer is thinning out. You have igneous rocks that are rising up. You have a lot of complexity, lot of faulting. There's a lot of uncertainty about drilling wells in that area.

As far as drought conditions, the Buckman wells are producing probably very old water, thousands of years old. Our deep wells in the basin are not influenced by drought conditions. If you have a prolonged drought it might make a difference but it would have to be a very, very long drought. The wells which are most sensitive to drought conditions are the wells are depleted up in the mountains or are getting very shallow water from a streambed, like Eldorado has a well right near, in the Lamy, right next to the Galisteo. And when the Galisteo isn't running, that well runs dry. A lot of our mountainous areas have that same problem where wells are getting water from recent recharge, so when you do have a drought it affects those wells. A lot of those wells are also very marginal to begin with. South 14, that is the situation. You can have dry holes. You can have low-yielding wells. You have mutual well interference where wells affect each other, and then you have the conditions of drought.

You lump all those factors together into an area like south 14 and you have a real problem. Recently, Cerrillos' groundwater, they've had to haul in water. Cerrillos gets its water from a spring. It's a shallow gallery. Definitely that spring is influenced by the drought and it's also influenced by all the wells that are upstream.

COMMISSIONER DURAN: I just had one last question. We're in the process of acquiring the Hagerman well and there's been some discussion that that particular well is drawing water from an aquifer that's detached from the aquifer that is north of the well.

MR. MORRISON: We have no proof of that and we don't believe that. We've done numerous studies with the US Geological Survey. The aquifer is continuous from what we understand. We're always happy to see more data collection but it's very unusual to find a well

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which is hydrologically isolated from other parts of the aquifer. We have many reliable measurements throughout the basin and it indicates that the water is flowing from the Sangre de Cristos out southwestward towards the Rio Grande. If you do have an isolated aquifer the water levels are totally different than all the surrounding wells. It sticks out like a sore thumb. We haven't seen that in this area. There's always the possibility, but as far as the Hagerman well goes, it's probably, it is connected to La Cienega and any well in that area we would be looking at the affects upon La Cienega's springs to protect the acequias. We'd also be looking at the affects on all nearby wells including domestic wells. That's our standard practice in any water rights application.

COMMISSIONER DURAN: Just so I'm clear, so the State Engineer is of the opinion that there is no evidence to support the claim that the Hagerman well is deriving water from an aquifer detached from the area north. So what you're saying is that it's thick like in the northwest quadrant of the Tesuque area and as you go south it gets narrower and it's still the same aquifer?

MR. MORRISON: Yes, that's correct. Water has to flow somewhere. It enters the mountain front and if it's dammed up a lake builds up. You can understand that.

COMMISSIONER DURAN: Right.

MR. MORRISON: So it has to flow somewhere and if it's in an isolated system then where is it getting its recharge from? That isolated system would probably dry up fairly quickly. Like I said, when you look at water levels it really kind of tells you that, yes, all our wells are basically connected to the same system. There may be discrete zones of sands and gravels that may be separated by clays that may give you partial separation but in the long run it's all connected to the same system.

COMMISSIONER DURAN: Just one last question. I'm sorry. So is it your opinion that the County's geo-hydro process to prove a 100-year water supply for growth in the County, is it adequate, is that an adequate process right now for us to have in our Code or do you think we need to change that somewhat?

MR. MORRISON: I'm not sure what your process is. Can you describe that a little bit?

COMMISSIONER DURAN: Well, in order to have development or large scale subdivisions, they need to - actually, I don't even think it's large scale, I think it's after four, they have to prove that there's adequate water and they have to have a well onsite. They pump that well and they have to prove that the aquifer in that particular area is adequate to sustain a water supply for that development for the next 100 years. If you're not that familiar with it -

MR. MORRISON: Yes, I am. The first hurdle is when you transfer water rights, are they valid? We have numerous water rights which haven't been exercised, so the Office of the State Engineer needs to review those water rights to make sure that they're valid. You cannot transfer water rights if they're not valid.

COMMISSIONER DURAN: I'm not talking about water rights transfer, it's just a geo-hydro test.

MR. MORRISON: It really depends on who's doing the test and the quality of

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work. We've seen a wide variety of hydrologic reports and it really depends on who's doing the work, how much money is applied, how much care you take in doing the work. In areas that are very complex it's very expensive to mark the area to really know what's going to happen. It really depends on who's doing the work and the situation that you're in.

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

CHAIRMAN SULLIVAN: Just one question I wanted to follow up on with, Mr. Morrison is in the Rancho Viejo area you had mentioned the Ancha formation as not being, I guess, demonstrated in that well. Were there any other formations -

MR. MORRISON: The well is producing from the underlying Tesuque formation which produces much less water than the Ancha, typically. So it is getting water but it's from a less productive aquifer and that's kind of a concern to us because we thought the Ancha was saturated in that area.

CHAIRMAN SULLIVAN: It turned out not to be.

MR. MORRISON: It turned out it wasn't there.

CHAIRMAN SULLIVAN: Is the Ancha above the Tesuque or vice -

MR. MORRISON: Yes it is.

CHAIRMAN SULLIVAN: So the first one that you would hit would be the Ancha and you didn't find it in that case.

MR. MORRISON: Right.

CHAIRMAN SULLIVAN: And you did find the Tesuque.

MR. MORRISON: They did find water in the Tesuque.

CHAIRMAN SULLIVAN: They found some in the Tesuque. I'm asking you, I'm not telling you.

MR. MORRISON: Yes, it's in the Tesuque formation.

CHAIRMAN SULLIVAN: And where does that Tesuque formation go? Does it go to Tesuque?

MR. MORRISON: No. It's in this big trough that's filled with sands, clays and gravels and it pinches out as you go towards the south. As you see the Cerrillos Hills, the rock, the mountainous areas around La Cienega, those are all intrusives which sort of pinch out the Santa Fe group. As you drive from Eldorado over to Lamy, you notice how the geology changes. You're leaving the Santa Fe group, which is sands and gravels and you're entering into a basin with more sandstones, silt stones, those kind of rocks. Likewise when you drive down to Cerrillos you see the same thing. All those pretty rock formations there is an indicator that you're leaving the Española Basin and you're entering a totally different basin, the Galisteo Basin.

CHAIRMAN SULLIVAN: So then if you move north into Santa Fe, if you drill a well in Santa Fe you can expect to find both the Ancha formation and the Tesuque formation?

MR. MORRISON: There available, sometimes both of them are available and other times, depends on the locale, only the Tesuque formation is available.

CHAIRMAN SULLIVAN: And when you go further north then to the

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Buckman wells, are they primarily on the Ancha formation? Or are they -

MR. MORRISON: I'm not totally sure.

CHAIRMAN SULLIVAN: Okay, are there questions of the State Engineer?
Commissioner Campos.

COMMISSIONER CAMPOS: A quick question. The City now has permits to drill new Buckman wells, what are called the new Buckman wells. Do you have any concerns about that?

MR. MORRISON: A process like that, like any other application, the new Buckman wells are supplemental to the existing wellfields so we will process the application. Since it's pending litigation I can't discuss that.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, what are the long-term plans in terms of some sort of statewide water plan? What's forthcoming in terms of the discussion that's been going on from the Office of the State Engineer?

MR. SAAVEDRA: Mr. Chairman, Commissioner Montoya, we've always had plans for a state water plan. I believe the state was divided up into 16 different sections, geographic areas and money was made available to each of these area to develop state water plans, regional water plans. Right now, only four of those regions have submitted water plans and I believe three or four more are on the verge of submitting. The plan was always to get those regional water plans and create a state water plan. Now with the new governor, I believe one of his campaign promises was to try and get a state water plan within a year, which would be very difficult the way the past history of the state water plan has been going. There's been various bills introduced in the state legislature this year too that deal with the state water plan.

Right now we're going to do everything we can to come up with something in a year that looks like a state water plan and maybe try and tweak and make it better as we go along. We're going to try and do everything we can to meet the governor's campaign promise and have some sort of state water plan within a year.

COMMISSIONER MONTOYA: Mr. Chairman, Mr. Saavedra, what is our role in terms of being a part of that plan. What do we need to contribute?

MR. SAAVEDRA: Mr. Chairman, Commissioner Montoya, you are part of one of the regions too and I believe the region is somewhat big. It may even go up into the Española area. I am not aware of the status of your regional water plan. Maybe someone else here is.

CHAIRMAN SULLIVAN: I believe Katherine Yuhas serves on that committee or attends the meetings, don't you Katherine?

KATHERINE YUHAS (County Hydrologist): Mr. Chairman, Commissioner Montoya, you'll actually be hearing a presentation regarding our regional water plan that is pretty much complete, asking you to adopt some of the recommendations, I think at the March meeting. I think at the March administrative meeting I'll make that presentation.

COMMISSIONER MONTOYA: Mr. Chairman, Ms. Yuhas, this will then be

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given to the State Engineer as what will become their overall state plan?

MR. SAAVEDRA: Mr. Chairman, Commissioner Montoya, probably Santa Fe is one of the ones on the verge of submitting their water plan, there are three or four regional water plans, and yes, actually, it's the Interstate Stream Commission that runs that program for the state water plan.

CHAIRMAN SULLIVAN: That's the Jemez y Sangre plan that Katherine's been working on.

MS. YUHAS: Mr. Chairman, Commissioner Montoya, adoption by this County Board will be part of what needs to happen in order for them to submit it to the Interstate Stream Commission. That's part of their package.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Any other questions of the State Engineer's Office? Did - I forget the other lady who is with you.

MR. SAAVEDRA: Mary Young. She's our basin supervisor.

CHAIRMAN SULLIVAN: Did she want to make any comments?

MR. SAAVEDRA: She whispered in our ears.

CHAIRMAN SULLIVAN: She gave you the right answers. Okay, those kind of people I need with me.

MR. MORRISON: Excuse me, Mr. Chairman, Commissioners, I would like to inform you that we have a technical program underway now. It's called the Española Basin Technical Advisory Group and we're doing technical studies in the Española Basin. Ms. Yuhas is attending those meetings. We are working with the US Geological Survey, New Mexico Bureau of Mines to do studies to help understand the Española Basin better. This year we're doing a lot of data collection, water quality data collection, numerous other activities. We had over \$400,000 that we're applying to those studies this year and we're hoping to make this a very detailed, aggressive attempt to understand this basin and we appreciate the County's involvement in that process.

CHAIRMAN SULLIVAN: We appreciate the State Engineer's involvement in it as well and Katherine I know is a real active participant in that and one of the things that I wanted to add was at some point in time and perhaps the results of this study will help us do that, we need to revisit our own sub-basin boundaries. We have boundaries that are called fringe zones and mountain zones and what are the other ones, Katherine?

MS. YUHAS: Homestead.

CHAIRMAN SULLIVAN: Homestead. And those were developed as a part, I believe of a Lee Wilson study 20-some years ago and we have more data now. We have more population now. We need to revisit where our zones are given our best data now because a lot of our land use code relates around what can be built in those particular zones. But there's a question of really, do we have the latest information on what those zones are. So I'm hoping that one of the things Ms. Yuhas can bring out of this is some information on how we revisit those zones so we're confident that when we're approving development that there is water for that development. Any other questions from the Commission? Okay, well thank you very

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much. I guess Gary, we'll do your presentation after lunch. You don't need the State Engineer folks for your presentation? All right. Good. Then we'll recess until 1:30 for lunch. Thank you for your participation.

[The Commission recessed from 12:20 to 1:45.]

CHAIRMAN SULLIVAN: Let's call this meeting back to order please. I'd like to continue with a brief presentation by the Santa Fe County Utilities Department on water supply to the year 2010.

IX. B. Presentation by the Santa Fe County Utilities Department on water supply to the year 2010

CHAIRMAN SULLIVAN: Gary, is this the same presentation that you made to the Regional Planning Authority?

MR. ROYBAL: Mr. Chairman, pretty much. I did add a couple of slides to this presentation and I did make an amendment to the water supply availability and I'll turn to that page right now. It's actually the fifth page of the presentation. [Exhibit 2] It's the water rights summary sheet. Subsequent to the presentation that I gave to the Regional Planning Authority we received the Office of the State Engineer's decision on the water rights transfer of the Socorro rights that we had under County ownership. The County had anticipated having transferred approximately 71 acre-feet of consumptive rights from Socorro up to the Buckman area.

The Office of the State Engineer issued a decision that only provided for 11 acre-feet to be transferred from Socorro up to the Buckman wellfield. So that was 60 acre-feet less than what we had anticipated. So I amended the summary data to reflect that, so the 1719.52 acre-feet is the most recent number on the available water rights that we have, either under our ownership or under contract.

The other sheet that I added to this presentation is the next sheet and that's page 6 and that supply sustainability. One of the issues that has been discussed and deliberated is supply sustainability. And I gave a shot to try and give my understanding of what I think supply sustainability is from a utility perspective and in the area providing water service to customers on the utility system. And the way I've defined supply sustainability is in two parts. The first part is to furnish and maintain sufficient facilities to provide a continuous and adequate supply of water. The second part is that the total supply system capacity shall meet the daily design maximum peak demand and shall meet the design average day demand with the largest supply source out of service.

And what this basically means is that we need to develop a supply portfolio that looks at both groundwater and surface water supplies. Right now, we are currently a sole source for all practical purposes. We're a sole source utility. We receive the majority of our water from the

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City of Santa Fe through three master meters at three different locations in our service area. We also own the Valle Vista wells and those wells are isolated specifically to the Valle Vista Subdivision to provide water service to those. So from my perspective, we're basically a sole source supply utility.

I would like to turn to the -

CHAIRMAN SULLIVAN: Gary, let me ask you a quick question on that one. Why would we peg it to a supply source? Normally, to handle peak day demand it's done through storage. In other words, if you have enough storage to handle your peak day demand it doesn't matter if one of your wells is out or not. It seems like if you're saying we need to design what the largest supply source out on the average day, that implies - well, what I'm getting at is it's easier to store water than to find water and supply water. So why wouldn't you just increase the capacity of your storage to handle that outage?

MR. ROYBAL: Mr. Chairman, the reason you would want to have more than one supply source is what if the supply source, for instance we have a surface supply source. And we can just look at that City of Santa Fe. The Canyon Road reservoir, the surface supply, was no longer usable. They lost that source of supply. They had to depend on the Buckman wells. Storage wasn't adequate to meet the long-term out of service requirement of that supply source. So what you would look at from a supply perspective is to look at a conjunctive use of your supply, both surface and groundwater supply. If we were solely reliant on say, the Rio Grande for a source of supply and we go through a drought situation as of today, I don't know if we would have adequate storage to meet our average peak day demand on a sustained basis.

So when I talk about a sustainable source, I'm talking about a long-term supply source that would maintain the average day supply for the system until that source either comes back on line or an alternate source is put in place for service.

CHAIRMAN SULLIVAN: See, my problem is that if you followed this tenant it would mean that you would have to replicate the total City supply. Let's say that we're operating at 375 acre-feet a year, which is whatever gallons it is a day, we're up to the total through the wheeling agreement. To follow this, just in order to take care of an outage on a maximum day, you'd have to have a whole other well system that supplied 375 acre-feet per year, whereas you could handle this problem simply by increasing your storage by a couple million gallons some place without replicating an entire supply system.

MR. ROYBAL: Mr. Chairman, I'll use the City as an example, because I think this is a classic example. It is a classic example. Right now, they're looking at developing wells 1- through 13 at the Buckman area. The reason those wells are being developed is to help supplement the supply that was lost from the surface water from the Canyon Road reservoir. So if the Canyon Road reservoir, or the McClure Reservoir, that surface water source of supply is out of service, those four wells should be able to make up that source of supply. There is redundancy that is required for a sustainable source and that's where I'm going to with these definitions here, is if you lose a source it's not for one day. I'm looking at an out of service source for an extended period of time.

Another example that just recently comes to mind is the Cerrillos issue where they have

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a single source that's a sub-surface infiltration gallery. When that source went dry, they had no other back-up source. They have storage but they didn't have adequate storage. So there is redundancy that's required from a service perspective to provide service to the customers they do require some redundancy. This is why I've broken this up into two parts. You've got to have the physical facilities, of which storage is one of them, and then you have to have the source of supply diversity where you could, if you lost that source of supply, you would be able to go to your other source, may it be groundwater or surface water, to be able to meet your average day demand for your service customers.

CHAIRMAN SULLIVAN: Okay. Thank you. Go ahead.

MR. ROYBAL: The other area I want to touch on is on the last page of this presentation. And it goes very much to the questions, Mr. Chairman, that you were just asking. And that's conjunctive use. Our water management objectives which were spelled out in the 40-year water plan that was approved by the Commission last year, part of the water management objective is to use conjunctive use of surface and groundwater supplies. And this is what we're looking at for a sustainable source to have two sources of supply, a surface water diversion, which right now is the Buckman diversion project which is going through the NEPA process, and the other one is the development of a wellfield within our service areas.

Presently we have the Valle Vista wells which is our only source of groundwater at this point in time. We also have the Hagerman well which we have under contract, which we hope to bring on line here relatively soon, and I'll get to where we are on that initiative. We are also looking at leasing the state penitentiary wells. There's three wells there and there's 375 acre-feet of water rights associated with those wells, of which 230 would be dedicated to penitentiary use. Looking at the water management objectives, there's also another objective which we look at and that's use of reclaimed water. Reclaimed water can be used for landscape irrigation which would offset the use of potable water in our system. There's artificial recharge of the aquifer for which reclaimed water could be used and also return flow credits.

Other tools are aquifer storage and recovery, and conservation. And this Commission did adopt a conservation rule which will be subsumed into the utility rules for implementation. Right now, the water utility is under a stage 3 restriction use which is consistent with what the City does and this Commission will move forward on any release of that. I believe Commissioner Campos mentioned that we should have those restrictions in place all the time. We have had some internal discussions on how we can develop a rate structure that would look at using rates as a method of conserving water.

The initiative, there's one initiative that the Utility Department has undertaken this month. On February 5th we released an RFP to do an aquifer testing project. This RFP will be, is for the purpose of looking and testing at the Hagerman well, to look at the sustainable yield that the Hagerman well can produce, to look at that effects on the aquifer and to look at the effects on other surrounding wells and on the La Cienega and La Cieneguilla springs. We also included in that, pump testing of one of the Valle Vista wells and also one of the penitentiary wells to do the same thing. What's the sustainable yield, what's the long term sustainable yield of these wells, the effect on the springs and the effect on surrounding wells.

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Part of that RFP also included the Rancho Viejo well. We would like to test that well to look at that sustainable yield of that well and look at the effects. Last year Rancho Viejo volunteered to allow the County to use that well on an emergency basis for the drought. One of the issues that came up was what is the effect of that well on surrounding wells and on the aquifer. There had been some tests done by hydrologists, however, we believe that an independent test by the County would be more appropriate to determine what the effects are. And in developing that, and in using any of these groundwater sources, we must also look at mitigation of any effects on any domestic wells or on the springs. Once we determine if there are any adverse effects then we would look at mitigation of that.

That RFP, as I said, was released February 5th. I believe submittals are due next week. We will review them within a week and within sometime I believe in the second meeting in March, administrative meeting in March of the BCC we will be presenting the BCC with a recommendation on who we think the contractor should be to perform these tests. After this test is done and we get out studies, we plan on doing another RFP to do a preliminary engineering study, feasibility study for the Community College District area to see how we can best utilize and manage these resources and how to develop and mitigate any impacts on the surrounding wells and on the springs. This could include hooking up people on to a central water system, on to a central sewer system, the costs of that. We would look at doing a five-year construction plan to get this thing accomplished and we would be looking at other long-term projects that would facilitate that process.

And what I also have included in this package is just information on the demand of what we expect in our service areas and also the available water rights. And with that, I stand for questions.

CHAIRMAN SULLIVAN: Questions for Mr. Roybal.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Gary, I think that you brought this up because there was some - I had some discussion with you concerning the direction that we had given you relative to developing different points of diversion, to provide the County with the needed water to manage our growth. I know that at several, at the EZA and here at the BCC we have approved development with the condition that the Buckman system be the only point of diversion. I thought that we had - I forget which one it was, maybe you could help me, but I thought that we had talked about the Gardner project, that it was allowed to get their water from areas other than the Buckman, provided that it was a point of diversion approved by the County.

So I have a couple questions. One of them is are we relying solely on the Buckman diversion project to provide water for our growth management plans? And the second one is how does the Hagerman well play into that and then the other well we've talked about on 599. Those were other points of diversion. Points of diversion that we had talked about. How does that play into the direction that this Commission has given relative to using the Buckman system as the only point to provide water to the community.

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MR. ROYBAL: Mr. Chairman, Commissioner Duran, when I presented two water service agreements to the BCC for approval, the Board gave me direction that all water rights that are brought into the County should be placed or should be transferred to the Buckman well area. So at the present time, it is the policy of the Board to move any water rights that come into the County to the Buckman wellfield right now at this point. The Hagerman well is a joint ownership well with the horse park that the County owns 75 percent; the horse park owns 25 percent. We have been in discussions with the City of Santa Fe to connect that well up to their system and use that this summer as an emergency source of water for the City. This is one of the reasons why this RFP went out and we're trying to expedite it so we can test it to see what the effects are to assure that we can mitigate any of those effects. And we're not only testing the sustainability and the effects but we're also testing to assure that the quality of that water meets ED standards.

The 599 well, the Utility Department is in discussions with Public Works. Public Works was going to drill a domestic well to meet their needs and as we've been discussing, that might be a good location for a production well. It is just west of the frontage road and that is where one of the legs of the Buckman transmission line will be coming down. So it would be readily accessible for connection into the system once the Buckman lines were in. I think those were the three sources.

COMMISSIONER DURAN: So relative to the 599 well, is there any work being done in that area to determine whether or not the aquifer is adequate to be used as a major point of diversion? Not major but a point of diversion?

MR. ROYBAL: Mr. Chairman, Commissioner Duran, that's what this RFP will do. We have requested that they not only test these wells but set up monitoring wells and do some exploratory well drilling also.

COMMISSIONER DURAN: In that area too?

MR. ROYBAL: In that area also. So the Hagerman well is in the same area. We are looking at also exploratory wells. We may have to replace the Hagerman well also. It's a shallow well and we may have to replace it, depending on what the test results show, or just based on information I have I think it's going to have to be replaced or redrilled at another location.

COMMISSIONER DURAN: At another location. Okay.

MR. ROYBAL: It could be at another location close by or maybe even at 599. Maybe we'll use those water rights at 599. But that's what this RFP will do is give us that information that we need to move forward on developing a ground water supply.

COMMISSIONER DURAN: Okay. Then just one last point of clarification and that concerns the Valle Vista well. Right now we have 77.5 acre-feet of water available to us to be drawn from that well and we bought that with the understanding that we had a diminishing right at that location. And I know there's been some discussion at some of the public hearings about perhaps transferring some of, or allowing the community or development that has been approved to transfer some of their water rights to the Valle Vista system which would replace - I'm not talking about increasing the number of water rights that come out of that well but

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maintaining that 77.5 acre-foot consumptive right at that location.

And as the water rights diminish at that location we could allow growth in that particular area, the Community College District to transfer water rights to this well so that we maintain it at that same level. And I know that we've had some discussion at the Commission level and I think there's been some – I think the direction is to not use that and to allow it to diminish in its usage and I just would like to have some discussion with the Commission relative to that policy. Perhaps allow staff to use this well at the level that it's at right now.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: When you say allowed to diminish, what do you mean?

COMMISSIONER DURAN: Well, right now we have 77.5 acre-feet and that right that we have reduces on a yearly basis. Is that right, Gary? Can you explain it?

MR. ROYBAL: On page 5 of the presentation it shows that it will reduce down to 60 acre-feet in 2004, 48 acre-feet in 2019 and finally, 36.9 in the year 2020. So the water rights that would be available from those wells diminishes over time.

COMMISSIONER ANAYA: Say that again.

MR. ROYBAL: Right now there are currently 77.5 acre-feet permitted. There's actually nine wells out there but only six are in operation. They're shallow wells. And associated with those wells is 77.5 acre-feet of consumptive or diversion rights. The 77.5 acre-feet will decline to 60 acre-feet in 2004, to 48 acre-feet in 2019.

COMMISSIONER ANAYA: Which page are you on?

MR. ROYBAL: I'm on page 5 of this presentation. It's the water rights summary table, and it's under the comments section on the very top.

COMMISSIONER ANAYA: Oh, right here. Okay.

MR. ROYBAL: So by the year 2004 we'll only be able to divert from those wells only 60 acre-feet. By the year 2019 that goes down to 48 acre-feet and by the year 2020 we'll only be able to divert 36.9 acre-feet under the existing permit. Now that doesn't mean that we cannot divert more if we had more water rights transferred and permitted in those wells.

COMMISSIONER DURAN: But the direction the Commission has given lately has been to not allow any transfer of those rights there.

MR. ROYBAL: Mr. Chairman, Commissioner Duran, that's correct. All the water rights that are coming in from third parties to the County are being transferred, or at least the water service agreement requires them to transfer them to the Buckman wellfield. I would add on there that the County does have water rights itself from the La Cienega area. We're also acquiring water rights from the residential customers that we're hooking up in the La Cienega area. They are domestic rights, and we will be moving those into the Valle Vista because that is the only groundwater diversion point that the County has at this point. So we are moving our own water rights into that area.

COMMISSIONER DURAN: Okay.

COMMISSIONER ANAYA: Mr. Chairman, how many acre-feet are you

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moving to Valle Vista?

MR. ROYBAL: This is just an approximation. It's probably right around 12 to 13 acre-feet. We have about 50 connections up there and I'm looking at about a quarter acre-foot per connection. So it's right around 12 to 13 acre-feet and we also have 21 acre-feet, or 42 acre-feet of diversion rights that were contributed by Las Lagunitas Subdivision to the County which need to be transferred into a point of diversion. As I said this is the only groundwater point of diversion the County has presently. So we are looking at moving those water rights also into the Valle Vista wells permit.

COMMISSIONER ANAYA: Mr. Chairman, one more question. I guess the previous Commission approved transfer of water rights only to the Buckman area. Why did they want to do that instead of transferring them to the Valle Vista?

CHAIRMAN SULLIVAN: Let me comment on that, Commissioner Anaya. There's a difference between transferring water rights into Valle Vista in order to maintain the residents who are there. Transferring the 12 or 13 acre-feet to maintain the pumping that's there is one thing. If we transfer 120 are-feet or 50 acre-feet or whatever to Valle Vista as a result of a development, such as the one the EZA approved the other night, then that means those wells will be pumped more. It's not a matter or making up for the declining water rights, it's a matter of as soon as a developer transfers water for 80 houses or whatever it may be, then those wells have to be pumped more to supply those 80 houses. So it's one thing, the Commission in its prior wisdom bought those wells in that system with those declining water rights. So at some point in time there has to be enough water rights to serve the people in Valle Vista. That's one issue. So you need to replace water rights to do that. But to replace them to what they were before for the purpose of supplying another development means you have to supply Valle Vista and you have to pump those wells more to supply the Gardner Subdivision or whatever other subdivisions you're pumping. So there's two different things.

And the area, the Buckman area that the Commission designated is not just the Buckman wells, it's the Buckman area. It's the San Juan/Chama diversion. It's the area that the State Engineer's representative told us just this morning is where the most plentiful water supplies exist. So we're not trying to prevent the people from Valle Vista from getting water, but we're questioning whether the extended pumping of Valle Vista would be beneficial.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER ANAYA: I guess after the RFPs go out and we get somebody to test these wells then we'll be able to find out if we can pump these wells more or not, correct?

MR. ROYBAL: Mr. Chairman, Commissioner Anaya, yes. And I think what we have to look at is just beyond the Valle Vista wells. What we're trying to do is develop a wellfield and different sources of diversion so the entire impact of pumping is not at one location. By looking at the 599 well, looking at the Rancho Viejo well, you could use those wells as supplemental wells to pump all the water rights that go into these sources. So you may have - let's take for instance, let's say there were 100 acre-feet of water rights available at

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Valle Vista and we had the 599 well. I'll call it the 599 well. That well could be supplemental to the Valle Vista wells and we could pump water, using the water rights from the Valle Vista wells and pump them from the 599 well and the impact would be different.

So what we're looking at is looking at a groundwater management tool to be able to manage these and be able to mitigate and minimize any impact on the surrounding area and on the aquifer. And just taking it a step further, when you have conjunctive use of surface water and ground water, you would not always be pumping your groundwater. If we had sufficient water rights from the surface diversion project to meet our needs, we would be using that during wet years and during the drought years we could always go back to our ground water and use that also. And the way I look at this is if you have 1000 acre-feet of water rights at the surface diversion project and you have 700 acre-feet of groundwater rights associated with your wells, you don't necessarily have 1700 acre-feet of water rights available for use; what you have is a combination of those two.

So if you've lost your diversion project or you lost a majority of it, you still have sufficient water rights to meet your average day demand and that's why we go to this largest source out of service for a sustainable source. So there is redundancy in this.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: One thing to keep in mind also is we were approving some very major developments in the Community College District the Commission made a commitment to the people who lived around there, a lot of them in District 3 that we would bring water into the area because there was a lot of concern about wells drying up in that area. There's a huge concern. A lot of people showed up at the hearings and the Commission did make those decisions in light of that concern.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I'm sorry if I got everybody confused here. I didn't mean to indicate that I was supporting increasing the number of water rights coming out of the Valle Vista well. I was trying to bring up the fact that it's diminishing over time and that if we were pumping 77.5 acre-feet of water and in the year 2020 it's cut in half, that we maintain the level that we're using now in the future. By no means was I suggesting that we renege on the commitment we made to the Valle Vista people and the people in that neighborhood that development in that area get water from someplace other than that fragile aquifer. So I think that we're all pretty much on board about preserving the aquifer out there. I was only trying to make a point that if we have a diminishing water right that we should try to maintain that level and actually, in listening to you about the people that you're hooking up to the water system and the water rights that they're giving you for that right, it seems to me that we don't have to worry about this thing because you're pretty much going to take care of the decline that we're going to experience in 2004 for some time and perhaps in 2019 you might even be able to transfer more water rights there that the County is going to own and not allow

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development to go there. I just thought that it would be appropriate to have that level of diversion maintained.

CHAIRMAN SULLIVAN: Gary, question. How much are we pumping at Valle Vista now to maintain the residents of Valle Vista?

MR. ROYBAL: Mr. Chairman, if you look on the back of your package I actually did a spreadsheet that says 2002 consumptive acre-feet. On there, based on 2002 consumptive numbers, we're looking at approximately 61.1 acre-feet that are being currently consumed at the Valle Vista Subdivision, which includes County housing.

CHAIRMAN SULLIVAN: Okay, so you need to maintain that 61 acre-feet to supply the existing people there. If you transfer 13 acre-feet in or so forth then that will take care of the 61, because you say it declines to 48 acre-feet to the year 2019, correct?

MR. ROYBAL: Mr. Chairman, yes, that's correct.

CHAIRMAN SULLIVAN: So if you, if my arithmetic is correct, if you move 13 acre-feet into Valle Vista as a result of the La Cienega well rights accumulations, you'll then have 61 acre-feet. And that's enough to supply Valle Vista. And you're okay on your water rights in Valle Vista then until 2019. Is that correct?

MR. ROYBAL: Mr. Chairman, that's correct under today's demand. Under 2002 demand, yes.

CHAIRMAN SULLIVAN: The number people that are in Valle Vista now, plus the public housing, the County's housing and so forth.

MR. ROYBAL: And I would add that I believe that County housing is not complete. I think there's about 30 units that are not filled. There's some vacancies there, so this just reflects the current usage.

CHAIRMAN SULLIVAN: Right. There may be some minor changes to it but one acre-foot takes care of four houses so it may go up and down a little. So it seems to, give or take a few acre-feet, with those transfers that you're making we've got Valle Vista taken care of until 2019, at which time it reduces down to about 37 acre-feet. So we're down to about 11 acre-feet, we're then about 11 acre-feet short in 2020. So we have to have some replacement water rights at that point in time. Anything beyond what you're transferring now that isn't needed for Valle Vista is going to be needed for the Gardner Subdivision or for Rancho Viejo or whoever else is going to want to pump there. So that's the ultimate purpose here, is it not? Is to find a pumping source for future development in that area?

MR. GONZALEZ: Mr. Chairman.

CHAIRMAN SULLIVAN: Let me ask Mr. Roybal to answer the question. Why else would you be transferring water rights there? You're taking care of Valle Vista to 2019 now. Why else would you transfer water rights?

MR. ROYBAL: Mr. Chairman, and I'm not looking at this just from a Valle Vista perspective. As I mentioned earlier in the presentation, we're looking at doing a water supply management scenario where Valle Vista would be a place holder for the water rights. As we develop additional diversion points, for instance the Hagerman well. If we redrilled that well, it's a high producing well, the water rights that are associated or put into Valle Vista

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could then be used at the Hagerman well. We could transfer those water rights or we could use it as a supplemental.

We're looking at a groundwater management strategy, not just a strategy for Valle Vista in and of itself.

CHAIRMAN SULLIVAN: But you could also pump Valle Vista into the County system. The County system is tied into Valle Vista, correct?

MR. ROYBAL: That's correct.

CHAIRMAN SULLIVAN: But right now, it's valved off. Right now, what you pump out of Valle Vista stays in Valle Vista. Is that correct?

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

CHAIRMAN SULLIVAN: So once you transfer more water rights than you need, i.e., 61 acre-feet into Valle Vista, you can then open the valve and pump water into the Santa Fe County water system to supply water to other developments. Is that correct?

MR. ROYBAL: Mr. Chairman, that's partially correct but that's not something that the utility would do. We would continue to receive our water from the City through the master meters to provide that service to anybody that comes on board.

CHAIRMAN SULLIVAN: Okay, but once we've run out of the water from the City, whether it's 500 acre-feet or 375 acre-feet, and we now need water, let's say for the Gardner Subdivision or some other subdivision. Then you open the valve and if you have more than 61 acre-feet of water rights, you pump out of the Valle Vista wells into the Santa Fe County system and deliver water to that subdivision, don't you?

MR. ROYBAL: Mr. Chairman, if that were the only source of supply, groundwater source of supply that we had and we had an obligation to provide that service, you're correct.

CHAIRMAN SULLIVAN: Okay. So the purpose of moving water rights to the Valle Vista well can be two-fold. One, as you say, is to hold the water rights in place, but if push comes to shove, you'll open the valve and out it will go and you'll increase the pumping in order to supply that subdivision if you have no other source.

MR. ROYBAL: Mr. Chairman, you're correct, if we had no other source. That's correct.

CHAIRMAN SULLIVAN: And Valle Vista becomes the mother well to supply the new subdivisions.

COMMISSIONER DURAN: Up to 77.5 acre-feet.

CHAIRMAN SULLIVAN: Up to how many ever they transfer. If they transfer 120 acre-feet to Valle Vista they can pump 120 acre-feet. It's how many -

COMMISSIONER DURAN: I don't who has suggested that much.

CHAIRMAN SULLIVAN: I don't know who has suggested that we pump it any more to be honest with you. I think the testimony of the State Engineer is quite clear and the people that have come to this Commission that the wells are going dry on Route 14 and we're out there trying to transfer more water rights not only to hold them but to provide subdivision water that the Commission has clearly made the direction to the staff that this is

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supposed to be sustainable sources outside the Community College District. I don't know how long the staff wants to advocate for this but we continually have to make the point that you can't get water out of a stone. And we have a stone here.

Now let me add one other comment. I'm not at all supportive of our spending money on testing the Rancho Viejo well and I would like the legal staff to give us a written opinion as to whether doing that violates the state anti-donation clause. That is a private well. We have no interest in it. We do have a contractual interest in the Hagerman well. We do have an ownership interest in the Valle Vista well. We have absolutely no interest in the Rancho Viejo well. That is owned by a private entity.

MR. KOPELMAN: Mr. Chairman, I think there's one really important point as to why staff is recommending this. The wheeling agreement with the City expires, terminates in about a year and a half. And we don't have an ownership interest in the Buckman wells. So I think that to be prudent and to just make sure that we're not going to be left in a situation where we're high and dry. It makes sense and it's logical to at least look into these issues because we own a utility. If we didn't own a utility it's not an issue but we own the utility. We have an obligation to provide water to our customers and I think it behooves us to look into options down the road. It doesn't mean we're ever going to use them but I think we have to do this testing because we are a utility and the County owns the water utility. I think it's imperative.

CHAIRMAN SULLIVAN: From a policy standpoint I understand that the County utility wants to go find more water to keep itself in business. But my question is more narrow than that. To give you an analogy, we've just recently been through issues where we've said we cannot put County money onto roads that aren't County roads, regardless of the issue. That is placing money into private coffers. Now, Rancho Viejo's well, which is an exploratory hole and not a well, is a private well. Whatever this, first of all I think it's not good policy to do it. We just heard from the experts from the State Engineer's Office this morning that when they tested the well there was no evidence of the Ancha formation, which surprised them but which indicated it wasn't a good producing well. So we're throwing apparently good money after bad. But secondly, the fact of the matter is that whatever tests you do there benefit a private company, in specific, Rancho Viejo and we cannot use County funds -

COMMISSIONER DURAN: Mr. Chairman, I protest, please.

CHAIRMAN SULLIVAN: You can protest all you want but -

COMMISSIONER DURAN: Why don't you get to the point? You're the Chairman. You're supposed to be running this meeting. You've asked the same question four different times.

CHAIRMAN SULLIVAN: I'm not asking the question, I'm asking the staff to make a written opinion and give them time to do it. We don't have to decide it today. I think it's totally inappropriate for us to put County money towards a private developer's interest.

COMMISSIONER DURAN: That makes five times.

CHAIRMAN SULLIVAN: Now you would want to make your point again, Commissioner Duran.

COMMISSIONER DURAN: I think that we have belabored this point long

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enough. I think that –

CHAIRMAN SULLIVAN: Well, you've deliberated your point long enough perhaps.

COMMISSIONER DURAN: Well, I think I got to the point.

CHAIRMAN SULLIVAN: Would you like to comment on anything else?

COMMISSIONER DURAN: Again, I think that –

CHAIRMAN SULLIVAN: Okay, how many times is that?

COMMISSIONER DURAN: I have nothing further to say.

CHAIRMAN SULLIVAN: Is there any other Commissioner that would like to have questions of the staff?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Maybe the well that we're talking about, I'm sure they've already pump tested it and I'm sure there's documentation that is out there. Maybe we can look at that and go from there instead of using our money to pump test that well again.

MR. ROYBAL: Mr. Chairman, Commissioner Anaya, this issue came up last summer when Rancho Viejo volunteered to let the County use the well at no charge and it was the Commission's direction at that point that the study that was done was not an independent study. This was the reason why I felt it would be appropriate to do an independent study to determine what the effects were. The Ballew Hydrology did do the studies. They showed that there was no adverse impact to the surrounding area. However, that was not acceptable to the Board and we felt that it would be appropriate to see this. It is a source of supply that is out there. I don't see how it benefits Rancho Viejo. This information would be used by the County to make a determination on what's out there and whether there is an adequate source of groundwater supply. From an engineering perspective I believe it's an appropriate study to do.

COMMISSIONER ANAYA: I agree with you.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER DURAN: I think it's obvious that you are very concerned about development in your neighborhood. All I'm asking this Commission is to keep an open mind and consider staff's recommendation as they go forward in trying to protect the community, the county out there where it comes time to, when our wheeling agreement terminates and the City then holds us up and we have allocated 500 acre-feet of water out there and we haven't done our homework to protect those people that are relying on us to provide them water because the City determines that they're not going to extend the wheeling agreement. So I would just ask that the Commission keep an open mind and as Gary comes forward, the Utility Department comes forward with recommendations that we support them in their effort.

I don't think that they are suggesting that we help Rancho Viejo or any developer out there get water. It's commitments that we've made and commitments we need to live up to and planning that needs to take place.

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CHAIRMAN SULLIVAN: Question, Gary, on the RFP. I wasn't quite clear on what the other RFP was about. What was the other RFP about? You were then going to decide how Rancho Viejo could get more water?

MR. ROYBAL: Mr. Chairman, the other RFP will be looking at an engineering feasibility study to see how we tie in our water resources and our wastewater resources to serve the community with a central water and wastewater system.

CHAIRMAN SULLIVAN: Which community?

MR. ROYBAL: Within our service area. The Community College District, also within the Airport District, we would be looking at those areas. We have GRT funding that's specific to wastewater and water projects. We are looking at developing a five-year working plan so that we can start utilizing those funds so that we can bring service to the community on a central water system and a central wastewater system. We operate the penitentiary wastewater system. We operate the Valle Vista water system. There are many residents out there on septic tanks, on domestic wells. We should be looking at those residences and hooking them up into a central water system so that the aquifer can begin to recharge, so that contamination can be mitigated by using a central water system, so that we can reclaim that effluent and use it as a resource in our water management. We need to be planning this thing five, ten, twenty years ahead.

The issue of the wheeling agreement came up. We need to be planning for this. We don't know what's going to happen in a year, a year and a half and we do have water service commitments up to 500 acre-feet. So we must plan to get that accomplished and provide this service that the County has committed to provide to these customers and who have been paying money for that water service commitment since they signed those agreements with the County.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos. On this issue though, would you make a copy of that RFP available to the Commission before you sent it out please so the Commission can review it?

MR. ROYBAL: Most definitely, Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Roybal, has the County actively been looking at aquifer recharge, because to me, that's the most important component. Where are we there?

MR. ROYBAL: Mr. Chairman, Commissioner Campos, that RFP that we put out for the preliminary engineering study will include a provision that we look and start to study where the best location is for this type of a management initiative. The RFP that we just released now will give us more information on the aquifer, the water resource available in the aquifer and we will use this data to be able to move forward on some of these other initiatives such as aquifer recharge and aquifer storage also.

COMMISSIONER CAMPOS: If the tests are positive, how long would it take us to move forward with those initiatives?

MR. ROYBAL: Mr. Chairman, Commissioner Campos, I couldn't give you a

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time line. I think aquifer recharge, you need to do a pilot project first, so you could be looking at anywhere from five to ten years before you could get a fully developed aquifer recharge program.

COMMISSIONER CAMPOS: And storage?

MR. ROYBAL: Probably the same.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Other questions for Mr. Roybal?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Roybal, this study that was done by – what was the name of the firm again?

MR. ROYBAL: Ballew.

COMMISSIONER MONTOYA: Are they a reputable firm? What do we know about them?

MR. ROYBAL: They're a very reputable firm.

COMMISSIONER MONTOYA: Have they done studies for other state organizations or county governments?

MR. ROYBAL: Mr. Chairman, Commissioner Montoya, yes. They've also done studies for the Aamodt settlement that's taking place. Ms. Katherine Yuhas, our County Hydrologist has worked very close with them and she could give you her professional opinion on the credibility of this firm but I believe it's a very credible firm and one of the bigger firms in New Mexico.

COMMISSIONER MONTOYA: Oh, they are. Out of Albuquerque, or –

MR. ROYBAL: Mr. Chairman and Commissioner Montoya, yes.

COMMISSIONER MONTOYA: All right. Thank you, Mr. Chairman. Thank you, Mr. Roybal.

CHAIRMAN SULLIVAN: Any other questions of Mr. Roybal. All right. Thank you, Mr. Roybal. And I look forward to seeing that legal opinion prior to the contract that's coming forward.

IX. C. Presentation by the City of Santa Fe and the LopezGarcia Group on the proposed City of Santa Fe traffic calming plan on Sandoval Street, Palace Avenue and Johnson Street

CORKY OJINAGA (Projects Management Director): Mr. Chairman, members of the Commission, the City of Santa Fe is currently developing plans for the Grant Avenue, West Palace Avenue, Sandoval Street improvements. These improvements are intended to calm the traffic along the project routes and increase pedestrian safety. As part of the process to develop the construction, the City has conducted numerous public presentations. On January 29 of 2003, the City met with staff and our County Clerk to

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discuss these plans. After the review of these proposals, staff and our elected official had a question in regards to the parking spaces in front of the administration building. So at this time I would like to just turn it over to Mike Gomez, with the LopezGarcia Group, and Rick Devine from the City of Santa Fe, to give a brief presentation of this project.

MIKE GOMEZ: Mr. Chairman, members of the Commission, my name is Mike Gomez. I work for Jerry LopezGarcia Group. We've been hired by the City of Santa Fe Traffic Division to go ahead and review alternatives, and to go ahead and come up with plans to improve the safety of pedestrians at the intersection of Grant Avenue and Palace Avenue. Basically, what we're talking about is the area right in front of the County building. And I have a photograph right in the front of the podium right here that reflects the area that we're working within.

The purpose of this presentation is to get input from the Board, and to let you know where we are on this project. This is a very important project which has direct impacts on the operation of Santa Fe County at this location. I'd like to go ahead and let you know that at this point in time no decisions have been made. In fact, this package in this presentation that we're presenting to you here has not been seen by the City Council yet. Our next steps are to go before the City Public Works Committee and then on to the City Council, where they will go ahead and make recommendations, and we will go forward into the final design.

Some of the highlights, where we've been so far, is on December 4th we had a public presentation where we went ahead and advertised in the newspapers. We had handouts that we took door to door to all the businesses within like a two block radius of this area. And we had a meeting where we looked at all kinds of different alternatives that could be used to improve the safety of pedestrians, and traffic safety in general in this area. Based upon that meeting, we distilled the input into two basic alternatives that we've included in this packet. And we've passed out to you a set of plans, and a memorandum of the results of that public hearing. This packet— we arranged the sheets so that alternative 1, sheet 1-3 and sheet 1-4 have been moved to the back of the order, just so that we can go through our presentation and then show you the alternatives and why we got to where we were going.

The first thing is on sheet 1-2 is the vicinity map. And this shows the area of concern, the attractions and the destinations of pedestrians and traffic in the area. We have immediately to the north of this building the O'Keeffe Museum. And this is generating quite a bit of pedestrian traffic to and from the plaza area. South of this building, we have the Sandoval garage and other parking facilities, which generate pedestrians moving through Burro Alley towards the courthouse and towards the plaza area. Also, there's a later presentation, to the north of this building also is the Sweeney Convention Center, which is going through a process of being studied for possible upgrading. But our focus is the immediate area in the front of this building on Grant and Palace Avenue.

The next sheet, on sheet 1-5, shows traffic volumes that we measured out in front of this building in August of this year. There are three different numbers, along with the

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arrowheads, indicating, during the peak hour, the traffic flows. The first one would be am peak. For instance, from West Palace or Sandoval Avenue, making a left turn north onto Grant, that's 202 vehicles from the a.m. peak hour, 314 vehicles in the noon peak hour, and 247 vehicles during the p.m. peak hour. Down at the bottom of the page it shows the actual peak hours that were measured.

Items to note, on the Grant avenue leg of the intersection, southbound, it should be making a right and making a left, we see very high traffic volumes on that. But during the pm peak hour, we see 502 vehicles making a right turn at that location. This is also the location, as you look at the photograph below the podium right there, where cars are parking in front of the building, having to back up to get out, and other vehicles going northbound, making U-turns to try to go ahead and get into these parking spaces. There are a tremendous number of conflicts, and looking at all these traffic volumes that were measured out there, this leg carries the most traffic volumes and has the most traffic conflicts.

Now, John Nitzel at the City of Santa Fe, the City Traffic Engineer, has conducted an accident study of the downtown area. And he has indicated that this area right here has the highest traffic accident rates of any location in the downtown area of Santa Fe. We pulled the accident data, and during the year 2001, there were 12 accidents that were reported in this area. Many of them, about half of them, involved making illegal U-turns. Encroachments, there were other accidents that included encroachments into other lanes, in other words vehicles being pushed over too far and sideswipe accidents, and also a number of pedestrian accidents.

So this was our first thing, as we looked at the traffic counts. Then we went out and we did pedestrian counts. And if you'll flip over to sheet 1-6. This sheet shows the pedestrian counts going across the crosswalk from Burro Alley towards the courthouse building. And it measures traffic in both directions. The X-axis there, that's labeled pedestrian, that indicates the number of pedestrians. In the Y-axis, that shows the time factor. We measured it in 15-minute increments so we could capture the peak movements through this intersection. The blue cross-hatching in there indicates southbound movements, where people were walking southbound, and then the green cross-hatch is northbound, so we captured which directions they were going in.

Starting in the morning, at 7:30 a.m., we see very few pedestrians using this crosswalk. As we get close to the 8 o'clock hour, probably a lot of people going to work at the County, we see a jump-up like to 18 during a 15-minute increment. With all that green-hatching in there, we see that these are people going northbound into the County building or into this area. As we go through the day, we see various peaks and lulls, with the highest peaks occurring around noon-time or 1 o'clock p.m. movement. At this location -- I might also add that this was counted in November, on a cold windy day, as I recall. If we were measuring during the summer, or during our tourist season, we could easily see double or triple these amounts of pedestrians. But at this one crosswalk on that November day, we measured 708 pedestrians using that one crosswalk right there.

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The next page over there shows the other crosswalks that lead to the County Courthouse building and towards the plaza. The second one crosses Grant Avenue. That one, we had a total of 368 pedestrians crossing at the date. The bars in there show you the relative number of pedestrians compared to the other location. This crosswalk has less traffic.

The third sheet, 1-8, shows the crosswalk that's fairly visible, it's out there, it's painted, although the paint is worn out, crossing West Palace from Grant Avenue on the other side of the intersection. We had 147 pedestrians on that one. And you can see it was much less utilized than the one from Burro Alley.

Sheet 1-9 shows the crossing on Grant Street towards Johnson. This crosswalk, we think, shows a lot of the traffic, the pedestrian traffic going to the Georgia O'Keeffe Museum. In there, you can see some major spikes, like between 10 and 10:15 there were 64 pedestrians who crossed during that period of time. And what happened at that time was that there was a tour bus that was on Grant Street that went ahead and unloaded the bus, and all the people walked across the street in kind of like a platoon fashion. And we had 657, which is slightly less than what was recorded on the Burro Alley leg.

Then sheet 1-10 is the counts into the old County Courthouse, that one there also reflects a significant amount of pedestrian traffic, 435 pedestrians on that day in November. And the reason we're looking at these pedestrian counts is we want to go ahead and do improvements that'll be utilized by the pedestrians. One of the things about this is that pedestrians are subject, in an accident condition, to very unfavorable circumstances. In the United States as a whole, 12 percent of all fatalities in accidents are pedestrian fatalities, but yet less than 5 percent are the ones that are on the trips. So even they're a very small segment of the travelling population, they're over-represented in fatalities.

So after our public hearing, we talked about all these things, we talked about a number of different ways to go ahead and increase pedestrian safety. We came up with two alternatives, and they're shown on the last two sheets of your packet there. Alternative number 1 is a plan that basically eliminates the angled parking in front of the County Courthouse building. Alternative number 2, just so you know the differences right up front, maintains the parking, except to go ahead and add ADA accessible parking spaces, but it includes the addition of a median. And the median is an important part of this plan if parking is maintained, to try to reduce the number of accidents caused by people making U-turns to get into the parking spaces in front of the Commission building.

There's a whole host of features that can be mixed and matched between them. On the Johnson street crosswalk crossing Grant, on that leg, we're planning - this is a critical location because it's a non-controlled access point. In other words, there's no stop signs, there's no traffic signals. So we're proposing in that area to use in-pavement raised markers with light-emitting diode lights set into the pavement. These have been used at other locations within New Mexico. They're activated by a pressure plate or a button, and when a pedestrian hits the button or steps on the pressure plate, lights in the pavement go on, and it helps to go ahead and increase the visibility at that location on the intersection.

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The other thing that we've incorporated into the plans are bulb-outs. At as many locations as possible where we have pedestrians crossing, we're trying to narrow the asphalt and reduce the amount of time that a pedestrian is in conflict with a vehicle. So at a lot of these locations on the ends of the intersections, we've tried to go ahead and reduce the pavement width as much as possible. This is also a feature that many people are using nowadays called "traffic calming." There have been numerous studies that show that when you go ahead and reduce the width of the travelling route, the people, the drivers slow down and they take extra care in their driving through these areas.

There was some talk about combining this location, since it has such a high pedestrian count, with a raised table type situation. The City of Santa Fe has installed a number of these traffic calming measures, including raised tables, at a number of places including Avenida de Las Campanas, just so you know what we're talking about in that area. Also included in this plan is a new luminaire at that one particular location. At nighttime, that area appears to be extremely dark, and it could use some additional lighting.

Now alternative number 1, with the elimination of the angled parking, we would have green space, or space to go ahead and put to more pedestrian friendly type uses. There could be benches or plantings or artwork within this area. During the public hearing, we actually had a lot of people who commented on the beauty of the architecture of this building, and how it could be enhanced by something like this.

Going on over to the south side of the intersection over there, our concentration is to go ahead and build ADA specified pedestrian crossings. Right now in this area, it's very tight and very difficult, and we're not sure that all these crosswalks meet ADA requirements.

The issues are the parking, we think, and we met with Mr. Ojinaga and the County Clerk, and they recommended that we come to you to get your input. And as we said, at this point in time there have been no decisions made. This has not even gone through the City Council. But we wanted to make sure that when we do go to the Public Works Committee and the City Council that we can tell them what the Board of County Commissioners feels in this regard.

Also here today is Rick Devine. If you wish to go ahead and pose any questions to him or of me, we stand ready for questions.

CHAIRMAN SULLIVAN: Thank you. Are there questions from the Commission?

COMMISSIONER CAMPOS: Mr. Chairman?

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Mr. Ojinaga from the County. I want the County perspective. We're losing some parking spaces. I mean, it does seem that we're improving safety considerably, and maybe making it aesthetically more pleasing, but what negative impacts does it have on the County, if any?

MR. OJINAGA: Mr. Chairman, Commissioners, I don't believe Santa Fe

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County is opposed to this traffic calming plan. Our concern was is the parking up front of the County Courthouse. Again, we have some concerns of providing the parking to the public that uses this on a daily basis. And that was the purpose for this presentation. With their plan of, I believe, reducing it from 11 spaces to 9 to address the handicapped ramp, I think the position or our recommendation is that we could live with that proposal.

COMMISSIONER CAMPOS: You're looking at alternative 2?

MR. OJINAGA: That's correct.

COMMISSIONER CAMPOS: Is that the preferred County alternative?

MR. OJINAGA: That is preferred from staff.

COMMISSIONER CAMPOS: Okay.

MR. GONZALEZ: Mr. Chairman?

CHAIRMAN SULLIVAN: Who said "Mister Chair?" Oh, there he is, Gerald Gonzalez.

MR. GONZALEZ: Part of a response to the question, I think we also have some concerns from the elected officials as well as staff.

CHAIRMAN SULLIVAN: We don't park in the front. Who parks in the front?

COMMISSIONER ANAYA: Clients. Mr. Chairman.

CHAIRMAN SULLIVAN: Oh. Commissioner Anaya and then Commissioner Montoya.

COMMISSIONER ANAYA: Who owns that piece of property right now?

MR. KOPELMAN: Mr. Chairman, Commissioner Anaya, the county is in the process of having a survey finalized, and we were hoping that it would be done for this meeting, but it probably will be done by the end of the week. So we can't tell you definitively where the County's property line is, and where the City's begins, but we will have an answer for you shortly.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, so the main difference then between one and two is one we get rid of a whole lot of parking and don't have a median, and two we keep most of the parking and have a median. Is that correct?

MR. OJINAGA: Mr. Chairman, Commissioner, that's correct.

COMMISSIONER MONTOYA: And would one lend itself to a median as well, or by eliminating the parking you're pretty much eliminating the median?

BECKY BUSTAMANTE (County Clerk): By the eliminating the median?

COMMISSIONER MONTOYA: Yes, would alternative one lend itself to a median, is my question.

MR. OJINAGA: I think the engineer recommended that, or they could mix or do whatever we need to do, have a median, not have a median, different alternatives.

COMMISSIONER MONTOYA: Okay.

MS. BUSTAMANTE: Mr. Chairman, as an elected official, I would like to

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address the Commission if I may.

CHAIRMAN SULLIVAN: Ms. Bustamante.

MS. BUSTAMANTE: One of the concerns that we had, that I had, as the engineers and City has indicated to you, that they posted notices, they did advertise in the newspaper – I didn't see it. But they said they went to the neighbors and they actually gave notices. But they did agree in that meeting that they did not come to us here in the County and let us know of those meetings. They did not give us any indication of a meeting being held. Because I can assure you that I would have been there, and I would have gotten some people who are poll workers. As you know, during the elections we use this building – and right now we're holding an election where people come in and they vote. It creates a real problem for the voters if they don't have a place to park to come in. Also, when we have elections, all of my poll workers are older and they need to come in and pick up their supplies. They can't come from Sandoval parking or out in Sweeney parking to pick up theirs.

We also have – this building is used by many residents in Santa Fe County. They use it for buying marriage licenses, they come in to pick up their permits for refuse in the Finance Department, a lot of people come in and pay their tax bills personally. And they use the parking up front. To do away with the parking is really doing a disservice to the citizens of Santa Fe County.

I agree that there is some problems as far as traffic problems, but as I indicated to the City, is that they could do away with a right turn on red on the corner of Sandoval or Palace and Grant. They have done it in other places in the city, nobody can turn on a red light. That has caused a lot of the problems, when they're turning on red and pedestrians are crossing over. If they did away with that and did not allow any kind of a right-turn on red, I think that would alleviate some of the traffic problems. Also, if they put a stop sign right on the corner where the Georgia O'Keeffe Museum is, if they put a stop sign there, that would have the people stop and take a few minutes and see if anybody's coming out of the parking lot. I think there are certainly some things that the City hasn't tried, and just to do away with the parking, I think it's just really not fair to the citizens of Santa Fe County who use this courthouse, and there are a lot of people who do. And for us not to be given notice that these public hearings were going to be held, I think that also is very unfair, because I think we should have had the opportunity, just like the O'Keeffe people or the people, businesses around here, to attend those public meetings. Thank you.

CHAIRMAN SULLIVAN: Thank you, Ms. Bustamante. I had a question for someone from the design team. Do we have handicapped spaces out there now on the angled parking?

MR. GOMEZ: Yes.

CHAIRMAN SULLIVAN: How many do we have?

MR. GOMEZ: There's two out there.

CHAIRMAN SULLIVAN: There's two out there now?

MR. GOMEZ: That's right.

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CHAIRMAN SULLIVAN: So the only thing you're adding - is there space in between the two the way you've shown on alternate two?

MR. GOMEZ: We're making them into proper dimensions, and to go ahead and add the spacing there so that they comply with the ADA laws.

CHAIRMAN SULLIVAN: So after you do that, the net loss or the total loss is two spaces, is that correct?

MR. GOMEZ: I believe that's right.

CHAIRMAN SULLIVAN: And most of it seems to be in this green island on the north here.

MR. GOMEZ: That's right.

CHAIRMAN SULLIVAN: And what purpose does that serve?

MR. GOMEZ: That's to go ahead and funnel the traffic into this tight difficult area, and to go ahead and channelize the traffic. Let me point out to you, Mr. Chairman, that these are conceptual plans. Once we get a direction from the Council as to which alternative to go to, there is a possibility that we can squeeze another space out of this area right there and not have to eliminate two spaces.

CHAIRMAN SULLIVAN: Okay, thank you. I believe Mr. Trujillo, looking out your window you see all this.

MR. TRUJILLO: I most certainly do. Commissioner Sullivan, members of the County Commission, first of all let me say that I really sympathize with the City and certainly with this engineering firm here who are trying to come up with some kind of plan that would be a safe plan for pedestrians. We are all aware of the two tragic accidents that happened recently, and I'm sure that everyone feels badly about that. And I'm glad I'm not in their shoes, because I don't know what I would do. But let me assure you that if anyone knows about the parking demands from the standpoint of the constituency and the public, I certainly do.

I've been in this building, been working here for nearly 25 years, and historically people have expected, taxpayers have expected, the constituency has expected to be able to come here and there are so few people that live within walking distance that people drive. The peak times of my office are November, December and April and May. We have done everything we possibly can in my office to try and encourage people not to have to come in person. Over the years, we've instituted the lockbox system in paying taxes, which we're very proud of. People receive their tax bills, their admittance envelopes, they pay their bill, they mail it and it gets taken care of. But we still have a small percentage. But that small percentage might very well be several hundred people that want to come here, and want to find a place to park. The ongoing complaint that my office has received over the years is the fact that people come here and they cannot find a place to park. Now, we cannot accommodate everyone that asks, but to have a few spaces in front of the building where people can attempt to find parking certainly can be done in some safe manner.

I know the dilemma of the City in trying to keep the downtown area safe but

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historically, people have driven to this building and it's always been a place that you can reach in traffic. I don't know. I'm just very distraught to find out that they're going to propose, one of the plans is to get rid of the parking all together. And we need parking in front of the building. There are three offices in this building that are very what I call traffic intensive, and that is the office of the County Clerk, I certainly can't add any more to what my counterpart, County Clerk Bustamante has already said, Benito Martinez, our County Assessor is over at the legislature this afternoon. I'm sure that he would have wanted to be here, and my office.

Those three offices. We deal with the taxpayer face to face, nose to nose. There are some offices in government that work for the taxpayer but don't necessarily deal with them directly. We do. People come into my office. They want to come in and sit down with me. They need my attention and many of these people drive here and want to find a place to park. And I certainly hope that there's some compromise that can be made in the plan that the City is going to propose completely eradicating the parking. Thank you, Commissioner Sullivan.

CHAIRMAN SULLIVAN: Mr. Trujillo, a question. Suppose the City went forward with alternate 2 and we were to lose two spaces, because that I think looks a lot more desirable than alternate one, where we lose everything or very close to it, two or three spaces is all we have left. What's the parking time limit on the parking in front there not. Do you know or does somebody know?

MR. TRUJILLO: I don't know.

MS. BUSTAMANTE: One hour.

CHAIRMAN SULLIVAN: One hour. Okay. What if part of our recommendation might be on those spaces across Grant Avenue, and I'm talking about these down here on the other side.

MR. LOPEZ: On the east side.

CHAIRMAN SULLIVAN: If those were limited to half hour parking, or even 15 minute but I think probably it takes someone half an hour to do their business with the County and so forth and that would be a shorter period of time. If someone is going shopping they usually need more than half an hour. Or they could even be designated for County, with a sign designated for County use or for County patrons, let's say. It doesn't mean necessarily that everybody would abide by the sign but if it was a half hour parking and if there were good enforcement then people would begin to get tickets.

That would add five more spaces, giving us a net gain of essentially three perhaps. Would that, does that sound do-able?

MR. TRUJILLO: Chairman Sullivan, members of the Commission, I certainly am not opposed to any type of plan or alternative to provide parking, whether it's short-term parking or whatever it might be. My concern is just the complete eradication of parking all together from the front of the building. It would hurt our service and it would be a disservice to the constituents. So absolutely. I would certainly ask the engineers to look at that and propose that perhaps as an alternative to the City. But I think all of the

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people in this building, all of the elected officials and hopefully the Commission is certainly open to any other types of other alternatives to the parking.

CHAIRMAN SULLIVAN: Ms. Bustamante, how would that work for you?

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, I met with them and I really do feel we have to come into compliance with ADA and I think that second one is the best alternative. I really do feel we need to keep the parking in the front because we need it for our elderly people who come and use it. I do think, I agree with them that we have to come into compliance with the ADA and I think if we had to give up two spaces we were willing to do that, because we do have to come in compliance with the ADA, but just to eradicate the entire parking was just not acceptable to me in providing the services that I feel I was elected to do.

CHAIRMAN SULLIVAN: So you could live with alternative two.

MS. BUSTAMANTE: I could live with alternative two.

CHAIRMAN SULLIVAN: But you don't like alternative one.

MS. BUSTAMANTE: No, I don't like it because I don't think the people that we serve are being well served by eradicating it.

CHAIRMAN SULLIVAN: I understand. Okay. Good. Thank you. Other questions or comments from the Commission? Commissioner Campos.

COMMISSIONER CAMPOS: Question for Mr. Kopelman. I suppose we're being asked for a recommendation today. Should we delay that recommendation based on the fact the survey has not been done?

MR. KOPELMAN: Mr. Chairman, Commissioner, I think the reason behind Corky's wanting to bring this forward was really informational.

COMMISSIONER CAMPOS: Only?

MR. KOPELMAN: I don't think we need to get any - I think clearly if the Commission feels that alternative one is unacceptable it's probably a good idea to let the engineers know that know rather than later. But in terms of a concrete recommendation it is not an action item per se.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I just want to say that I think alternative one is completely unacceptable as far as I'm concerned.

CHAIRMAN SULLIVAN: What's your feeling, Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chairman, I'm going to agree with Mr. Trujillo and Becky Bustamante. Parking, we need to supply some sort of parking in the front there, so alternative number two. And I'd like to also maybe make a recommendation to put in front of each of those parking spots maybe something to do with "for County use only" and that might eliminate some people parking there for a long period of time and then just keep running in and feeding the meter. That's all I had, Mr. Chairman.

CHAIRMAN SULLIVAN: Okay. Thank you, Commissioner Anaya. Is there any other way, just a question for the engineers, to solve or to mitigate the backing

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out conflict?

MR. GOMEZ: We have left a space behind the parking space. I don't know what it is currently but I think we left about a six-foot space behind the vehicle right there. If we could widen that out, that would certainly help to go ahead and mitigate that. But on the other hand the median was something that everybody seemed to like and it could be incorporated into either alternative. We were trying to work between the two curb and gutters and not have to do any actual street widening in there. So maximizing the space behind the angled parking would help if we had more room to do that.

CHAIRMAN SULLIVAN: What about no left turn?

MR. GOMEZ: You're talking about the right turn on red?

CHAIRMAN SULLIVAN: No, I'm talking about eliminating the left turn from Grant Avenue onto Palace Avenue, making that an illegal motion. So you would then have one lane would turn you right onto Palace and you would give yourself some more space for backing up.

MR. GOMEZ: That's an interesting alternative there. That's something that has not come out at this point in time. Our mission here is to gain input so that's something that we will go ahead and bounce off.

CHAIRMAN SULLIVAN: I think most of the cars, I think from your traffic counts at that point are turning right, they're not turning left.

MR. GOMEZ: That's true. That's true. So if we limited that to one lane and had no left turn, we don't want more cars down on the plaza anyway. By the time they get down to the County Courthouse we want to get them out of town.

MR. GOMEZ: You're correct, and also with the plaza issue, this whole area is in a state of flux as far as what's going to happen to through traffic out there. Rick, do you want to comment on that idea at all that was just brought up.

RICK DEVINE (City Traffic Division): Mr. Chairman, Commissioners, my name is Rick Devine. I'm representing the City today. We appreciate all the input. The left turn suggestion is something we can look at. As you've pointed out, that's the least traveled movement at that intersection. It's something we can look at that would gain us a significant amount of space. So it's something that we will look at.

CHAIRMAN SULLIVAN: Okay. I think that plus reducing the time on the meters on both sides to perhaps a half an hour rather than an hour might – and perhaps signing that these spaces are for County patrons, even though we can't really enforce or track that but nonetheless people would be notified. I think that might help. But I think the biggest help would be if we could eliminate the left turns onto Palace. Any other suggestions, questions? I think you have your direction. I appreciate your presentation and your comments.

MR. GOMEZ: Thank you.

CHAIRMAN SULLIVAN: Thank you, Corky, for bringing that forward for us.

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IX. D. Update presentation on the City of Santa Fe Civic Center Task Force Committee

MR. OJINAGA: Mr. Chairman, we want to be real brief on this presentation.

CHAIRMAN SULLIVAN: That's what you said last time.

MR. OJINAGA: David Barker had to leave. He couldn't attend this afternoon. But we have today Wayne Lloyd, the consultant for this particular project here to kind of give a brief update on this particular project. Wayne Lloyd.

WAYNE LLOYD: Thank you, Corky. I will try to be as brief as possible and allow you guys to ask questions if I haven't been thorough enough. I have brought a small drawing along. We started working on the Civic Center feasibility study in September. We are pretty far along. We've got several options before the task force but all of the options include 600 cars under the Civic Center, and that has been held onto regardless of the optional square feet above the - for the actual Civic Center itself.

The courthouse is shown on that site plan. We analyzed parking underground and above grade for the courthouse. We also analyzed looking at going under Grant Avenue and connecting the possible underground parking at the courthouse to the underground parking at the Civic Center. Utilities run through Grant Avenue. It would cost a fortune to relocate all of those utilities in Grant Avenue. It simply does not make economic sense to try to connect underground parking to the Civic Center and underground parking in the courthouse building.

The courthouse parking lot layout is very inefficient to put underground parking in it. So it would cost a lot of money. To put one level of underground parking in, which would not get you 135 spaces would cost more than riding along with the City's 600 spaces and paying a pro rata share of that cost and getting 135 spaces across the street. It doesn't address this problem and that's a whole different issue I think for temporary parking. But once people do learn that there's a Sandoval parking garage or as they have learned that there's a Sandoval parking garage, I think they'll learn that there's another parking garage a block away and that will go a long way to alleviating I think a long-term or greater parking requirement in terms of more than a half an hour. So I think it's very beneficial and I guess at this point we're not looking for a vote but we are far enough along on the - HVS out of Chicago is doing our financials on this, has done a financing package and we have included some money. We've just made some assumptions.

So we've assumed that the County would be interested and they would kick in a pro rata share for 135 spaces. If that's not the case, we're probably a month and a half from making our final recommendation to the task force and to the City Council and we could redo the financing package to not include any money from the County. But we are looking for direction of your interest. Thank you.

CHAIRMAN SULLIVAN: Questions for Mr. Lloyd. Commissioner.

COMMISSIONER DURAN: Just to be clear. So the gray area shown on

this would be the newly configured parking around the courthouse?

MR. LLOYD: That was underground. Yes.

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COMMISSIONER DURAN: Oh, this is underground.

MR. LLOYD: That's underground and it's not efficient.

COMMISSIONER DURAN: So you're suggesting that this would be the configuration above ground.

MR. LLOYD: Above ground. And do no underground parking at all. We can put 600 cars under this in two levels and that takes up this entire area, right over to Federal Place. We've even been asked to look at going under Federal Place, to expand that footprint. But again, there's utilities on Grant Avenue. There's utilities at Federal Place and when we start relocating all of those utilities it very quickly adds hundreds of thousands of dollars to the cost of this. We're already looking at \$11 million for parking for those 600 cars.

COMMISSIONER DURAN: And the buildings are in addition to that.

MR. LLOYD: The building is in addition to that.

COMMISSIONER DURAN: So you're going to tear down Sweeney Center?

MR. LLOYD: Yes. And it becomes more cost-effective to tear it down because if we keep the existing building, now we can only do an underground parking in an L-shape and to get 600 cars in that we have to go four levels below ground. That compounds the cost of the underground park space cost.

COMMISSIONER DURAN: How about - I know the water is pretty low around here.

MR. LLOYD: We've done soil borings already and unfortunately we haven't hit water.

COMMISSIONER DURAN: Oh, good.

CHAIRMAN SULLIVAN: That's this year.

COMMISSIONER DURAN: This year. That's right.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: So where the County Courthouse is now, will that just be the way it is now?

MR. LLOYD: Yes. And we would try to secure, we've looked at doing secured parking for the judges so they would come into an area that would be fenced or walled off and they could go directly into the building from there. We've worked with Judge Hall on what their secure parking might be and we think we can accomplish that without going underground.

COMMISSIONER DURAN: This isn't the configuration right now.

MR. LLOYD: No, actually they park all the way out into this corner so this comes all the way down here.

COMMISSIONER DURAN: Oh, okay.

MR. LLOYD: This was one option where we looked at underground

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parking, underground and at grade. And quite frankly, a structure above that but connecting that to the existing courthouse was a very esthetically displeasing prospect.

COMMISSIONER DURAN: Have you talked to the Seville Apartments people?

MR. LLOYD: We've tried to keep in touch with what they're doing.

COMMISSIONER DURAN: I think they're doing - I've seen their plans their doing -

MR. LLOYD: Underground.

COMMISSIONER DURAN: But not all underground. I think they're, and the reason they're not doing all of it is, I think what I heard is because of the financial finances involved.

MR. LLOYD: It's expensive to go underground.

COMMISSIONER DURAN: But maybe, I guess what I'm thinking is maybe if we could tie into them to get the secured parking for the judges in the area that they're not going to do and they you could do a little underground thing.

MR. LLOYD: Again, we've got utilities to deal with but maybe pedestrian is not as bad if we did a tunnel. We're also going underground parking at Los Alamos National Bank.

COMMISSIONER DURAN: Oh, the bank is doing that.

MR. LLOYD: They'll have 81 spaces underground.

CHAIRMAN SULLIVAN: And why, let me ask Wayne, and why does the County want 135 spaces for the courthouse.

MR. LLOYD: That number was given to us by the County in terms of what they needed for the courthouse and Corky, you can answer that better than I can, whether any of that requirement was for staff at this building.

MR. OJINAGA: Mr. Chairman, members of the Commission, that was basically a number that was discussed with the courts itself for their staff and the amount of jurors that they get. Strictly for judicial purposes.

CHAIRMAN SULLIVAN: Does that include the wrap-around parking as well as underground parking or is that just new underground parking?

MR. OJINAGA: I believe it was 135 total.

CHAIRMAN SULLIVAN: And how many spaces are available now circling around the courthouse?

MR. OJINAGA: I believes there's approximately 80.

CHAIRMAN SULLIVAN: Eighty.

MR. OJINAGA: Eighty spaces.

CHAIRMAN SULLIVAN: So we would pick up another 55 spaces underground for use by the courts.

MR. OJINAGA: At the Sweeney Convention site.

CHAIRMAN SULLIVAN: And that would cost us 25 percent or so of 11 million dollars, which would be two or three million dollars. Is that the plan?

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MR. LLOYD: Yes.

CHAIRMAN SULLIVAN: And Corky, where do we get two or three million dollars. I see our financial officer is here, seriously, where are we going to get two or three million dollars?

MS. MILLER: Mr. Chairman, Commissioners, evidently, there is a financial plan but we have not been presented that at least in finance as to what that financial plan is and whether we would be able to share in the revenues from that facility or anything. At the moment we don't have two, three million dollars for parking. So it would have to be incorporated into a capital improvements plan for the entire county along with that and then look for sources for it. We probably have a few sources. We could tap into some funds but not to that degree.

CHAIRMAN SULLIVAN: I understand all of this is going to come from lodgers' tax revenues. Is that correct?

MR. LLOYD: Yes. There are other contingencies or other pieces of this puzzle that haven't been put together yet, but there is a bill before the legislature to increase lodgers' tax by one percent which would fully cover the cost of Sweeney Center and to a large degree, the cost of the parking. We're still expecting to hit the parking enterprise from the City for their bonding capacity on the underground parking at the Civic Center. But lodgers' tax and parking enterprise would finance the entire thing. The HVS Consultants are updating how to finance this report and we will very soon, probably within the next week, not only be able to give the County a copy of that but have it on our website. At present, all of the feasibility reports are on the website for everyone to look at.

Just to give you an idea, the Sandoval parking garage is 400 cars. We're proposing to do 600 under the Civic Center.

CHAIRMAN SULLIVAN: Okay. Other questions? Looks like there are not. Thank you very much. We'll call you as soon as we have the \$3 million.

MR. LLOYD: Okay. What could we take back to the task force? There's no interest? There is a continued interest? There is -

CHAIRMAN SULLIVAN: What about the office of the courts? Is there any legislation in that would provide money that you know of Gerald, to help with the parking there?

MR. GONZALEZ: Mr. Chairman, not that I'm aware of now but we can take a look at that and see if there has been a bill introduced that we didn't catch.

CHAIRMAN SULLIVAN: Because our arrangement is that we provide the facility, we maintain the facility. The courts do not pay us rent, is that correct?

MR. GONZALEZ: That's correct.

CHAIRMAN SULLIVAN: So are we obligated by state law to provide more parking? What's our obligation here?

MR. GONZALEZ: The obligation is to the extent of what's reasonable within the resources of the County.

CHAIRMAN SULLIVAN: So it's in our lap, regardless but if the judges

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were out there doing some lobbying for parking that might help the situation.

MR. GONZALEZ: It's in our lap but only to the extent that we have resources available for it. Katherine may have a comment on that.

MS. MILLER: Mr. Chairman, we did request that the courts and the judges look for funding for parking because what we have tried is to house them and parking around that facility, but additional parking, we've indicated to them that we don't have the resources for that right now and if they could access funds for parking just as we do, out of our general funds, we pay the City for additional parking spaces as well for our staff, if they could look into that avenue. We've also gone to the lodgers' tax, our Lodgers' Tax Advisory Board, and seen what kind of interest from their recommendation from our lodgers' tax fund, if they would consider it to be a reasonable amount for tourists coming, staying at our lodging facilities but coming into town and having access to things in town as a recommendation for some funds for it. But those are the only sources that we really have available at the moment.

MR. OJINAGA: Mr. Chairman, if I could just add one more. We did include in our ICIP \$1 million for a parking structure in Santa Fe County. That's before the legislature under our capital outlay.

CHAIRMAN SULLIVAN: And that would be this structure?

MR. OJINAGA: It could be -

CHAIRMAN SULLIVAN: It could be anywhere. Is this the study we contributed \$100,000 to? The parking study? Or was it \$50,000.

MR. OJINAGA: Forty or fifty thousand dollars.

CHAIRMAN SULLIVAN: But was it this study, part of the convention center study or was it a different study?

MR. OJINAGA: No, it's the same study.

CHAIRMAN SULLIVAN: So we've been participating with our money on this, I think.

MR. LLOYD: I've had mixed reports on that. I've had the City tell me there has been no funds from the County.

MR. OJINAGA: I don't recall the date but the County Commission did approve, I believe \$40,000 for the study.

CHAIRMAN SULLIVAN: I remember that. We'll set the City straight.

COMMISSIONER MONTROYA: But have we paid them?

COMMISSIONER DURAN: I don't think so. I think Katherine doesn't remember paying them.

MS. MILLER: Mr. Chairman, Commissioners, we have made no payment to the City and I don't know if it's a matter of at the time there was an indication to support this. They've not presented any type of agreement as far as their contract or anything to my knowledge to anybody at the County in order for us to pay them.

CHAIRMAN SULLIVAN: So they haven't billed us.

MS. MILLER: And no money was actually budgeted or allocated for it to

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my knowledge.

CHAIRMAN SULLIVAN: We did, I thought, last year, agree to allocate, I thought the number was \$50,000 or something like that as a part of that study and to be involved in that study and I think we have been, have we not, Corky, been involved in the study and a participant in it.

MS. MILLER: I'll have to go dig up some money then because it wasn't in the budget. And I don't know from where it would have been allocated but I'll look into that.

CHAIRMAN SULLIVAN: Well maybe we can tactfully renege on it now. Any other questions of the staff. Thank you very much.

COMMISSIONER CAMPOS: Mr. Chairman, I think the question posed is do we have any interest in pursuing this? A little interest, a lot of interest, no interest?

COMMISSIONER DURAN: I think we have interest.

CHAIRMAN SULLIVAN: I think we need to pursue it. I don't know where in the world we're going to get \$3 million but I think perhaps there's some mechanism where we can use our bonding authority in conjunction with or in lieu of the City's that may be at a lower rate because we have higher quality bonds than the City does.

COMMISSIONER CAMPOS: You're bragging, Jack.

CHAIRMAN SULLIVAN: We've got AAA.

MR. LLOYD: Certainly if the Council decides to go forward and take this out of a feasibility study and actually make it a real project, they've been talking about that for 12 years, that won't happen until probably the end of April. We will be in the drawing phase for at least a year after that before construction could begin. So we're probably, the earliest probable construction date is close to a year and a half away. However, if the legislature approves this one percent lodgers' tax increase then kind of the only unknown revenue to fund this will be whether the County wants to participate or not. And that should resolve itself in the next two or three months.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: If I recall, Corky, the reason this whole thing came up about us wanting to participate or perhaps wanting to participate was based on the judges wanting to number one, have a new judicial complex built for them or if they couldn't get the money to do that, that's what we decided back I forgot when. The other idea was to try and expand on the existing building into the parking area. And if we did that we would need to try and participate. The thought was that we would participate with the City in the underground parking structure so that it would allow us then to expand into our existing parking area and the judges and the public would park in the City's parking lot. And that I thought was determined to be a cheaper or a less expensive process than asking the community to approve bonds in excess of \$15, \$20 million to build a new judicial complex. Wasn't that how this whole thing started?

MR. OJINAGA: Mr. Chairman, Commissioner Duran, that is correct. We were trying to figure out a way to provide the courts with additional space at that time.

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Since then a judge has been moved to I believe Rio Arriba County so as far as space right now goes I think we're okay, but that's definitely short term.

COMMISSIONER DURAN: That okay is short term?

MR. OJINAGA: Yes.

COMMISSIONER DURAN: So we still might need to look at increasing the size of - their space need might be greater in the years to come than what it is right now?

MR. OJINAGA: That is correct, yes.

COMMISSIONER DURAN: So then we still would want to maybe look at this thing from the standpoint of expanding the existing building into the parking areas, which would be a much - wouldn't be as expensive as building a whole new judicial complex.

MR. OJINAGA: That's true. Definitely.

COMMISSIONER DURAN: Okay. So that was kind of the history of why we wanted to do that. But the judges haven't been hammering on the two new Commissioners lately have they? As long as they've been hammering on the rest of us. About new space and the judicial complex and all that.

COMMISSIONER ANAYA: Not at all.

CHAIRMAN SULLIVAN: Wait until you get your notices for jury duty.

COMMISSIONER ANAYA: Mr. Chairman, I know parking is a big issue and I'd like to see the County participate in anything we can do to help out parking.

CHAIRMAN SULLIVAN: But that's true, that building is a big issue too. And we're trying to think of some way to expand that existing facility and I suggested moving it out of downtown Santa Fe and I almost got run out of town on a rail.

COMMISSIONER DURAN: You almost went to jail.

CHAIRMAN SULLIVAN: The next day I got jury duty. I did, I had to serve.

COMMISSIONER CAMPOS: But that's not rightly so, Jack.

CHAIRMAN SULLIVAN: So that's something I think is still on our plate and Mr. Lloyd is - which maybe means we need 150 spaces instead of 135 but something has to give in that building. It's overcrowded.

MR. LLOYD: When we met with Judge Hall he certainly indicated that they had a greater space need over the next five or ten years. My friend Judge Herrera always had in mind moving to the railyard property but those plans probably can't exist based on the railyard's master plan.

CHAIRMAN SULLIVAN: Their biggest space need is toilets over there. I don't know about the judges' offices because I haven't toured those but I can guarantee you that they're inadequate in terms of toilet facilities and ADA compliance.

COMMISSIONER DURAN: Is that from experience?

CHAIRMAN SULLIVAN: That's from experience. It is.

COMMISSIONER CAMPOS: Mr. Chairman, just one comment.

CHAIRMAN SULLIVAN: Last comment.

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COMMISSIONER CAMPOS: This plays into the whole issue of our own space needs downtown. I think it's something Mr. Ojinaga has been talking to us for a long time. It's something we have to seriously look at in the very near term. It's something that we've had information about but we're not doing very much about. That's part of the strategic thinking I've been bugging you guys about. I think all these things, the parking, the City expansion, this building, the courthouse, they're all connected. We need to make some pretty big decisions and find some money pretty soon.

CHAIRMAN SULLIVAN: Okay. Thank you. Let's move into the Consent Calendar.

MR. GONZALEZ: Mr. Chairman.

CHAIRMAN SULLIVAN: Mr. Gonzalez.

MR. GONZALEZ: As we move into the Consent Calendar, just two observations. In the interests of time, depending on what the Commission does with the Consent Calendar, we've prioritized the remaining items in the interests of time and identified those which are essential to be decided this afternoon and the remainder could be eliminated from the action items list. The other thing is that Commissioner Anaya will be recusing himself from the decision on item A on the Consent Calendar.

CHAIRMAN SULLIVAN: Okay, let's get through the Consent Calendar and then we'll hit your prioritization items from the Staff and Elected Officials' Items. Are there items that the Commissioners would like to withdraw or pull for discussion from the Consent Calendar? I have three that I would like to ask brief questions about. Those are B and F and I. Are there any others?

X. Consent Calendar

- A. Resolution No. 2003-26. A Resolution Requesting an Increase to the Section 8 Voucher Fund (227) to Budget Additional Subsidy Revenue from the US Department of Housing and Urban Development for Expenditure in Fiscal Year 2003 (Community & Health Development Department)**
- B. Request Authorization to Accept and Award a Price Agreement to the Highest Qualified Respondent for RFP #23-29 for the Rescue Apparatus for the Santa Fe County Fire Department (Fire Department)**
- C. Resolution No. 2003-27. A Resolution Requesting a Budget Decrease to the Emergency Medical Services Fund (206)/Rocky Mountain EMS to Adjust to Actual Fiscal Year 2003 EMS Fund Act Allotments Received from the New Mexico Department of Health (Fire Department)**
- D. Request Approval of a Memorandum of Understanding for Mutual Aid and/or Automatic Aid for Fire Protection and Emergency Medical Services Among Santa Fe County, Sandoval County and Bernalillo County (Fire Department)**

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- E. **Resolution No. 2003-28. A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Fire Impact Fees for Expenditure in Fiscal Year 2003 (Fire Department)**
- F. **Resolution No. 2003-32. A Resolution Requesting an Increase to the General Fund (101)/Public Works Solid Waste Budget for Prior Year Contractor Settlement Received for Expenditure in Fiscal Year 2003 (Public Works Department)**
- G. **Resolution No. 2003-29. A Resolution Requesting a Decrease to the Road Projects Fund (311)/County Road 73-A for a Reduction in Co-op Agreements Received from the New Mexico State Highway and Transportation Department for Expenditure in Fiscal Year 2003 (Public Works Department)**
- H. **Resolution No. 2003-30. A Resolution Requesting an Increase to the General Fund (101)/Region III HIDTA (High Intensity Drug Trafficking Area) Grant Program to Budget Grant Revenue Received for Expenditure in Fiscal Year 2003 (Sheriff's Office)**
- I. **Resolution No. 2003-33. A Resolution Requesting an Increase to the 1997 General Obligation Bond (GOB) Fund (350)/GOB Water Projects to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Utilities Department)**
- J. **Resolution No. 2003-31. A Resolution Requesting an Increase to the Water Enterprise Fund (505)/Water Program to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Utilities Department)**

COMMISSIONER DURAN: Mr. Chairman, I'd like to make a motion that we approve the Consent Calendar with the exceptions of B, F and I.

COMMISSIONER CAMPOS: Second.

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

The motion to approve the Consent Calendar with the exception of items B, F and I passed by unanimous [5-0] voice vote. [Commissioner Anaya recused himself from voting on item X. A.]

- X. **B. Request Authorization to Accept and Award a Price Agreement to the Highest Qualified Respondent for RFP #23-29 for the Rescue Apparatus for the Santa Fe County Fire Department (Fire Department)**

CHAIRMAN SULLIVAN: Mr. Holden, I had two questions on this. I noticed

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in your specifications that you require formed sheet metal for this apparatus and the bidder that you're recommending, Horton, indicates that they take exception with that. What's the issue behind that? Does that present a problem or why did we specify that?

STAN HOLDEN (Fire Chief): Mr. Chairman, members of the Commission, it does not present a problem. Horton Industries provided a satisfiable solution to the formed metal. They use aluminum and the manufacturing process we feel is equal to what we actually expect. Again, this was not a bid. This was a request for proposals. It's the first time that we've done it. It was a great opportunity to work with a number of vendors on this vehicle that we had sort of conceptualized and provided a list of specs for, and then we were able to meet with interested vendors who helped us really design this vehicle and in the end, we think we wound up with a better vehicle and saved about \$38,000 in the process.

CHAIRMAN SULLIVAN: Okay, then my other question was, you indicate in your report that Horton was the second lowest proposed price of the vehicles that met the required specifications. So could you explain why we're taking the second lowest as opposed to the lowest price that met the specifications?

CHIEF HOLDEN: I don't believe that that -

CHAIRMAN SULLIVAN: I'm just reading from the County's memorandum on the second page.

MS. MILLER: Mr. Chairman, Commissioners, the reason the lowest priced proponent actually had too long of a cab and whatnot. As Stan said, this is kind of unique procurement and it will use more than just price as a factor. The way the memo might be written is possibly a little misleading. They were the lowest of the qualified respondents to the critical specifications. So Horton had the lowest price apparatus. The only one that was lower was one that actually had too long of a cab and chassis for fitting in our facility. So they could not be considered as responsive to the critical requirements. But overall, and I think what was trying to be indicated there is that their price is extremely competitive and reasonable price for the apparatus as well as one that meets our specifications.

CHAIRMAN SULLIVAN: And why are we allowed to accept these without bids?

MS. MILLER: Mr. Chairman, the statutes as far as the procurement code state that we're to use the bidding process except where it's determined by the Central Purchasing Officer that it is in our best interest to go through the RFP or negotiated process, and in this particular case, because it was a unique design, something that's not standard, we thought it was best and so did the proponents, thought this was a really good way to get the item that we needed and have them propose the technical solution to our problem, as well as incorporate it in a price specification.

CHAIRMAN SULLIVAN: So in terms, Mr. Kopelman, in terms of legal we're on solid footing on this request for equipment?

MR. KOPELMAN: Mr. Chairman, members of the Commission, it's our view that we are - that this was done appropriately in accordance with state law.

CHAIRMAN SULLIVAN: Okay. Any questions from -

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COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: There's a motion and a second from Commissioner Montoya. Any further discussion?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Just a question to clarify. I have four different contracts and I didn't read verbatim through each one but was there anything different from one contract to the other?

CHIEF HOLDEN: Mr. Chairman, Commissioner Montoya, I'll let the finance answer that question. There should have been only one contract in the packet.

MS. MILLER: Mr. Chairman, Commissioner Montoya, there should only be – we only gave one contract to the Manager's office for reproduction. There's the bid package and specifications but there's four contracts in your packet?

COMMISSIONER MONTOYA: Yes.

MS. MILLER: There's only one that we're asking approval. I'm not sure what was copied in your packet.

CHIEF HOLDEN: Commissioner Montoya, do they all look the same?

COMMISSIONER MONTOYA: They pretty much all look the same.

CHIEF HOLDEN: Then they just duplicated them and put too many of them in your packet.

MR. KOPELMAN: They are the same.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: We just got extras. No wonder the packet was so big. You can have them for future use in lighting your fire. The one I have has two signatures on it. One by the County Attorney and one by Katherine Miller dated 2/17 and 2/19. Is that the operable contract?

MR. KOPELMAN: Mr. Chairman, that is the operable contract.

CHAIRMAN SULLIVAN: Okay. Further discussion on the motion.

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

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X. F. Resolution No. 2003-32. A Resolution Requesting an Increase to the General Fund (101)/Public Works Solid Waste Budget for Prior Year Contractor Settlement Received for Expenditure in Fiscal Year 2003 (Public Works Department)

CHAIRMAN SULLIVAN: Could you explain what this settlement is about? I was a little confused on this.

JILL HOLBERT (Solid Waste Manager): Mr. Commissioner, when we originally did the design of the Eldorado transfer station the design included 13 percent slopes entering the building and that was completely unacceptable. We went ahead and built it that way due to time constraints and not interrupting service, but at the same time we negotiated with the design firm that we would go back and remediate that situation. The settlement is basically \$19,000 to remediate that situation.

CHAIRMAN SULLIVAN: So \$19,000 from this firm you're going to use to do what with?

MS. HOLBERT: Mr. Chairman, the remediation has already taken place. It was done in-house by County staff, so this money is after the fact. We've already fixed the problem. What we'd like to use the money for is to continue the pavement at the Eldorado transfer station. If you've been out there you notice you start driving a loop and then the pavement abruptly ends then you're on basecourse. So we'd like to use the \$19,000 for in-house staff to finish the pavement at the transfer station.

CHAIRMAN SULLIVAN: But the County Public Works staff remediated the problem. They made the slopes more gentle?

MS. HOLBERT: Yes, Mr. Chairman. We did. In-house we did that work but we did have to buy materials, rip-rap and basecourse and asphalt. So we basically split the cost of remediation with the contractor. However, all of that money has been expended in the previous fiscal year. We now have a check from the contractor and we'd like to put it toward asphalt for this current fiscal year.

CHAIRMAN SULLIVAN: When you say a check from the contractor, you mean from the design firm?

MS. HOLBERT: Yes, sir, the design firm.

CHAIRMAN SULLIVAN: Okay. So have we paid back Public Works for the work that they did?

MS. HOLBERT: The money that we used would have finished the asphalt. So we just ended the asphalt and hoped to finish that project this year. We would have put the money that we used for rip-rap and asphalt in remediating the slopes into finishing the loop, but we didn't. We ended the loop because we didn't have enough money.

CHAIRMAN SULLIVAN: Okay, so the \$19,000 that you now have a check for will complete the asphalt of the loop?

MS. HOLBERT: Yes, sir.

CHAIRMAN SULLIVAN: Other questions?

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COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: It looks a lot better and it's a lot nicer when you back in there. It's not so steep. Especially if you had some icy spots or snow. So it was a good improvement. With that, I'd make a motion to approve.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Motion and second by Commissioner Duran. Any further discussion?

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

X. I. Resolution No. 2003-33. A Resolution Requesting an Increase to the 1997 General Obligation Bond (GOB) Fund (350)/GOB Water Projects to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Utilities Department)

CHAIRMAN SULLIVAN: My basic question here, Mr. Roybal was that, is this the end of the general obligation bond monies? And secondly, this is quite a bit of money that looks like we're transferring from capital improvements into the purchase of water rights. Could you give us the background on that?

MR. ROYBAL: Mr. Chairman, in answer to your first question, yes, this will end our GOB, our bonds. To your second question, the remaining balance or the balance will be used for three items. The first item is approximately \$250,000 will be used for the meter replacement program that we're undertaking at Valle Vista and at Rancho Viejo to upgrade our existing meters from manual-read to radio-read. The Valle Vista system is way outdated and will require significant construction and rehabilitation of the meter vaults and the meters. And at the Rancho Viejo Subdivision or development it will be just a meter replacement program to go to all radio-read so that we will be completely radio-read after we complete that project.

The next amount, the \$244,000, will be used to offset the interest expense for the Top of the World water rights that we're under contract for. We have one major payment this year and we'll have the final payment next year. And the remaining will be used to acquire water rights that have been brought to the County for purchase.

CHAIRMAN SULLIVAN: I was confused about the last page entitled HUD grant analysis. Was there Housing and Urban Development funds intertwined with the general obligation bond?

MR. ROYBAL: Mr. Chairman, as part of the funds that were used to do some of the construction projects under the HUD grant, which came out of the GOB. When we received the funds back from HUD, those were placed back into the GOB and Katherine and her staff did whatever magic they do to accounting to put them back in there.

CHAIRMAN SULLIVAN: Okay, because I see a number, \$430,362 available

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cash balance and the projects that you've outlined here seem to total more to the tune of about \$900,000.

MS. MILLER: Mr. Chairman, if you look on that last sheet, we have a total balance in the general obligation bond fund of \$2.3 million. Of that, \$1.7 million is already encumbered against things like the Hagerman and Top of the World, although it's not expended. One of the things that we're trying to do through this budget resolution is actually expend those funds so that bond proceeds are not just sitting in our account, something that the IRS frowns upon that we sit on tax-exempt bond proceeds. So, the other amount, the \$263,000 that you see available budget unencumbered, we've actually already budgeted those funds, but they have not been allocated to a specific project. So if you take the \$430,000 and the \$263,000, what we're actually trying to do is put them towards the items that are commented on in the other part of the budget adjustment, on number five where it says \$250,000, \$245,000 and \$400,000. I realize they don't add up exactly. We're just trying to indicate the items that we're looking to expend these funds on as soon as possible.

CHAIRMAN SULLIVAN: That would be about \$670,000 and these items are about \$900,000. So where does the difference come from?

MS. MILLER: The difference will come from other areas that have already been budgeted, either through the capital County outlay or capital reserves. But the amount that we're just asking that you budget today is the \$430,000 of available cash balance. Those items under number five were merely to indicate the areas that we're going to allocate it in kind of a first-come, first-served as far as expending the funds.

CHAIRMAN SULLIVAN: Okay. Thank you. Other questions for Katherine or Gary?

COMMISSIONER MONTOYA: Mr. Chairman, move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Montoya, second from Commissioner Anaya. Any further discussion?

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

COMMISSIONER DURAN: So Katherine, that was magic, not smoke and mirrors, right?

CHAIRMAN SULLIVAN: Somehow we turned \$700,000 into \$900,000 and keep her right where she is. Now she wants \$3 million for the parking lot. I know. We all do. We're moving onto item XI. It's quarter of four. We may be able to finish these and we may not, but go ahead, Mr. Gonzalez and tell us what your priorities are.

MR. GONZALEZ: The priorities, Mr. Chairman, would be items B. 1, C. 3, D. 1, E. 2 and 3, F. 1 and H. 1.

CHAIRMAN SULLIVAN: Which is the executive session so you can get a contract. Okay.

COMMISSIONER DURAN: Do we need a motion, Mr. Chairman, to address

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those ones and then go back to the agenda after we've finished?

CHAIRMAN SULLIVAN: Actually, I wonder how long, Stan, these Fire Department items would take. Are they very long? We have a publication of title and general summary and declaring surplus for the needy. Are those lengthy things?

CHIEF HOLDEN: Mr. Chairman, item C. 1 should not take very long if you would like to consider that. Item C. 3 we would like to go ahead and have B. 1 heard first. We have members of the public who we sent home and told them we would call them if it appeared like we were going to get back on the agenda time table and we've just made those phone calls so they're on their way back.

CHAIRMAN SULLIVAN: Did you say B. 1 or C. 1?

CHIEF HOLDEN: I'm sorry, sir. B. 1 I think is Finance Department which is one of the items the County Manager wanted to hear first.

CHAIRMAN SULLIVAN: I think that has to do with the bank you're going to use.

CHIEF HOLDEN: That's correct.

CHAIRMAN SULLIVAN: Oh, you've got people that are interested in that?

CHIEF HOLDEN: No, no, sir. C. 3 is the one that we had members of the public that want to be here. C. 1 would not take very long but it can also be delayed until next month.

CHAIRMAN SULLIVAN: Okay, what's the wishes of the Commission? Do we want to just keep chopping away here or do we want to isolate these items?

COMMISSIONER CAMPOS: Mr. Chairman, let's go to priorities and then come right back. I think we can finish this by five if we really -

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER DURAN: I agree.

XI. B. Finance Department

1. Request authorization to accept and award a professional services agreement to the highest rated offeror for RFP #23-11 for the fiscal agent for Santa Fe County

MS. MILLER: Mr. Chairman, Commissioners, I'll make this really quick. We're requesting approval of the attached contract for fiscal agent services, which are banking services, essentially our checking account with First State Bank. And I stand for any questions.

COMMISSIONER CAMPOS: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay, there's a motion for approval to utilize First State Bank and a second. Katherine, this is for a period of one year. Is that correct?

MS. MILLER: Mr. Chairman, it's for a period of one year with options to extend in one-year increments for a maximum of four years.

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COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Are they a local bank?

MS. MILLER: Mr. Chairman, Commissioner Montoya, yes they are.

COMMISSIONER MONTOYA: They are?

The motion to approve First State Bank as fiscal agent passed by unanimous [5-0] voice vote.

XI. D. Land Use Department

- 1. Resolution No. 2003-34. A resolution in support of House Bill 114, 46th legislature, State of New Mexico, first session, 2003; introduced by Representative Mimi Stewart for the Water and Natural Resources Committee, an act relating to water quality; providing for residential landscape use of graywater; amending sections of the Water Quality Act**

MS. YUHAS: Mr. Chairman, Commissioners, what you have in front of you is a resolution to support House Bill 114, which will allow up to 250 gallons of graywater use at a residence without a permit. Graywater is the water from your shower, from sinks that don't have, bathrooms sinks, not sinks that have a garbage disposal attached to them, and also washing machines that are not used to wash any fabric that contains human waste. Right now, the way the Water Quality Control Commission views graywater is the same as blackwater. So in order to reuse graywater right now you have to put in very expensive treatment systems. This would allow people to not have to do that expensive treatment.

This bill has already passed the House and it's going to be heard in the Senate within the next couple of weeks. This is an opportunity for us to support this. If it passes, we could look at passing a resolution to have all new residences in Santa Fe County utilize this type of technology. You could really save a lot of water by having 250 gallons of water available to irrigate your landscaping. That could take care of a lot of people's entire landscaping needs.

CHAIRMAN SULLIVAN: Questions for Ms. Yuhas.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: There's a motion and a second by Commissioner Duran. I have a question, Katherine. Number one, I'm concerned, I've seen a lot of these systems that are designed and implemented by so-called experts. Homegrown types of folks that have a sincere desire to utilize graywater which is certainly a good thing to do. I'm concerned about the health and safety issues of this and I feel that we need to indicate somewhere in the

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resolution that the designs have to be performed by a licensed professional, either an architect or an engineer or someone that can take and assume responsibility for these designs. There's just been too many potential disasters that could occur here and I see in the summary that no outside pooling is allowed and things like that, but it may happen and we may not know about it and we need someone to go back to if a homeowner utilizes a particular system and it doesn't work. Someone that has some professional liability in this matter. So that would be one concern that I would think would be important to have in the bill.

And the second was, how do we enforce this? I think that if the legislature passes this, we need somebody on our staff that will go out and check these systems, particularly because they're new. So I think it's fine to say let's do it, but our Code enforcement need to enforce that. Is there any funding mechanisms for counties to enforce and oversee these installations?

MS. YUHAS: Mr. Chairman, I don't know of any funding mechanisms. I can certainly add into our resolution about the licensed and professional engineers. We could also adopt a County ordinance is this passes saying that any graywater system used with Santa Fe County has to be designed by a PE and have a stamp on it.

CHAIRMAN SULLIVAN: It wouldn't necessarily have to be an engineer. An architect, someone - and it wouldn't have to be for every house. If a particular professional designed a system and that system was operable and acceptable to us and that system was used in multiple houses, that would be okay too.

MS. YUHAS: Any use of this system would come under the review of the Land Use Department when all of the housing design was looked at. So it's not as though people could just willy-nilly go put them in.

CHAIRMAN SULLIVAN: Could we also add a provision in our resolution recommending that the bill include funding to counties to provide oversight and enforcement of this?

MS. YUHAS: Sure. I think it say that.

CHAIRMAN SULLIVAN: I mean, they won't do it.

COMMISSIONER DURAN: You could say it and then they wouldn't pass the bill.

CHAIRMAN SULLIVAN: Questions from Commissioner Duran.

COMMISSIONER DURAN: Oh, no. I don't have any questions.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: That was exactly my - because I didn't see any capital in the bill mentioned anywhere. So it doesn't appear that the County will be having anything to do except possibly construct under number one this graywater distribution system. Would that be something our County utility would be responsible for?

MS. YUHAS: No, this would be at an individual residence. So the way it would be designed is that at your individual residence, your graywater system, should it overflow, would overflow into your sewer line that goes to the main sewer line. That's the provision.

COMMISSIONER MONTOYA: Okay. So would there be any expenditures

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that the homeowner would have additional to what they may have put in in the first place?

MS. YUHAS: I think a graywater system could cost a little more, but the way this is written is this is an optional thing. You can put it in or you can not. I don't have a number for you on how much a graywater system costs. I don't think it's a whole lot though. I think you could do something for \$5,000, \$10,000.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Right now, I think the ED Department goes and inspects septic systems. I would think that this would fall right under the ED Department where they would also inspect this graywater system. No?

MS. YUHAS: This is exempting this provision from their regulations. This is actually adding onto the Water Quality Control Commission regulations and saying that up to 250 gallons a day can be used without a permit. So I don't think they would be doing those inspections.

COMMISSIONER ANAYA: Okay.

CHAIRMAN SULLIVAN: Any my concern too, typically the County gets the call. If someone's graywater is ponding next to somebody's house, Charlie Gonzales' group gets the call and we have to go out and determine if it's a Code violation or if it's an Environment Department issue and that's time consuming. So that's why I felt there needed to be some compensation to the counties to provide that oversight. Other questions? Comments? I'd like to suggest that our motion include a recommendation to the legislature that funds be provided for enforcement and that designs of these systems be by a registered architect or engineer. Is that acceptable to the maker? Who made it? Commissioner Anaya? We haven't voted yet.

COMMISSIONER ANAYA: Mr. Chairman, I'd like to see it get approved first and then we can probably talk about that once it comes back before us.

COMMISSIONER CAMPOS: What does that mean? Comes back before us?

CHAIRMAN SULLIVAN: When it comes back before the Board.

COMMISSIONER DURAN: When it comes back as an ordinance. A resolution doesn't do anything. It just says we're supporting it.

COMMISSIONER CAMPOS: But it does raise the issue for the legislature of enforcement and the necessary professional certifications that these things are built correctly. And I think those are important issues that should be raised to the legislature at this time.

MS. YUHAS: The legislature may vote next week so there won't really be another opportunity to have an ordinance that you could take to them. This is -

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

The motion to approve Resolution 2002-34 passed by majority [3-2] voice vote, with Commissioner Sullivan and Commissioner Campos voting against..

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CHAIRMAN SULLIVAN: I think those provisions are important.

COMMISSIONER CAMPOS: I think you're right, Mr. Chairman. Those two provisions are essential to communicate to the legislature what we think is important. I think graywater is important but just to say it in a very broad, with a broad brush and not have the input that you've raised here is not the right way to go.

CHAIRMAN SULLIVAN: Commissioner Duran, then Commissioner Anaya.

COMMISSIONER DURAN: I agree with both of you entirely but I don't think we need to do it right now.

COMMISSIONER CAMPOS: Let's do it now.

COMMISSIONER ANAYA: I agree with both of you entirely. I just don't want to miss out on the opportunity to let this slide. Graywater is very important and we need to I think continue it.

CHAIRMAN SULLIVAN: Okay, that motion passed 3-2.

COMMISSIONER CAMPOS: Can we move right now to amend that motion?
Is that what you're saying?

COMMISSIONER DURAN: No.

COMMISSIONER CAMPOS: No. Okay.

CHAIRMAN SULLIVAN: I asked him to amend his motion and -

COMMISSIONER CAMPOS: I understood that but I thought he'd had a change of heart subsequent. No?

COMMISSIONER DURAN: We have no heart.

COMMISSIONER CAMPOS: We'll find you a heart, Mr. Tinman.

XI. E. Public Works

1. Request authorization to enter into a funding agreement with La Tierra Subdivision for repair and improvements to County maintained roads

MR. MARTINEZ: Mr. Chairman, Commissioners, the La Tierra Homeowners Association is willing to contribute \$172,000 over the next two years to improve 4.1 miles of County maintained roads within their subdivision. I stand for questions.

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

COMMISSIONER MONTOYA: Second.

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

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: This raises the same question that we have all the time about roads. We simply don't have the resources and we have homeowners coming up with a little money every once in a while to fix them up and that really calls for that discussion I asked for a couple of weeks ago at the last meeting about having a policy of accepting roads.

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It's going to come up again with Eldorado. We're just not – we don't have a really well thought out program on how to do this. That's it. That's what I have to say.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: The roads out in La Tierra are hazardous and – not hazardous entirely but there are some areas that if a car navigates incorrectly at certain points they're into the ditch and I think we have some major liability there. Especially due to the fact that we have, over the last four or five years, worked with that community and they've contributed to the maintenance of the roads. We've contributed the work or the equipment and I think it's been – actually I think that that particular subdivision, this particular road probably could serve as a blueprint for what we do in the future with other communities that have the same kind of problems.

CHAIRMAN SULLIVAN: My understanding is they're coming up with \$172,000 to participate in a chip seal project. Is that correct, Robert?

MR. MARTINEZ: Mr. Chairman, that is correct, and other maintenance needs within their subdivision.

CHAIRMAN SULLIVAN: And will that pay the cost of Public Works to do that work?

MR. MARTINEZ: Mr. Chairman, that is just for equipment and materials that the County would have to purchase. The labor and equipment that the County currently has would be of no cost to the association. Because these are existing County roads.

COMMISSIONER CAMPOS: What would it cost the County, Mr. Martinez?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, it would cost the County for labor.

COMMISSIONER CAMPOS: For labor and our own equipment.

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, it's probably twice the amount that La Tierra has offered to contribute.

COMMISSIONER CAMPOS: So we're talking two dollars for every dollar they put in?

MR. MARTINEZ: I'm sorry. It would probably be an additional \$172,000.

COMMISSIONER CAMPOS: Okay. That's where the policy comes in, guys.

COMMISSIONER DURAN: These are County roads.

COMMISSIONER CAMPOS: We're accepting roads without having researched them.

COMMISSIONER DURAN: No, no, no, no, no. They are County roads.

COMMISSIONER CAMPOS: I said we have accepted County roads and we continue to do so without having the resource base.

COMMISSIONER DURAN: But we're not accepting County roads right now.

COMMISSIONER CAMPOS: Not today, but this reflects on the policy.

CHAIRMAN SULLIVAN: One other question, Robert. By chip-sealing these, would these reduce the County's maintenance costs on these roads?

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MR. MARTINEZ: Mr. Chairman, these roads are currently chip-sealed. We are proposing to rechip-seal them.

CHAIRMAN SULLIVAN: I see. How long does the – when were they last chip-sealed? How long does that last?

MR. MARTINEZ: These particular roads that we have in Exhibit A have probably not been done in a period of about ten years or so.

CHAIRMAN SULLIVAN: Okay. Other questions.

COMMISSIONER DURAN: Mr. Chairman, I have one.

CHAIRMAN SULLIVAN: Excuse me, Commissioner Duran.

COMMISSIONER DURAN: There is a development that's circulating through the Land Use Department. I don't know where it is right now but I've received a lot of letters from people who live out there that are concerned about this road that's going to go to I guess Zani Garcia's property that's going to be – I don't know how lots. Have you heard about that at all, Robert?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, I have not.

COMMISSIONER DURAN: Because before we actually spend this money, as a condition of approval, if that's what happens on this Zani Garcia thing, require that they improve a section of the road. And the road that they're talking about would be from Camino La Tierra out to the tennis courts.

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, you're thinking of Paseo La Tierra. And that road does need some improvements. But the La Tierra Association has been specific as to not improving that section of road because it services other subdivision.

COMMISSIONER DURAN: Okay, so you're talking about just the interior roads of the subdivision.

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, that is correct.

COMMISSIONER DURAN: Okay. Thank you. Never mind.

CHAIRMAN SULLIVAN: Okay, I don't see it on the list. I see it as a beginning and end but I don't see Paseo La Tierra as one of the roads.

MR. MARTINEZ: Mr. Chairman, Paseo La Tierra is not one of the roads that they want to improve with their homeowners association dues.

CHAIRMAN SULLIVAN: Okay. Other discussion?

The motion to approve the agreement with La Tierra passed by unanimous [4-0] voice vote. [Commissioner Campos did not vote on this action.]

XI. E. 2. Resolution No. 2003-35. A resolution requesting acceptance of certain roads within the Eldorado Subdivision for County maintenance as conditioned

MR. MARTINEZ: Mr. Chairman, the Eldorado at Santa Fe Subdivision is

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requesting for the Board to accept 2.73 miles of roads within the subdivision, which is shown on a map attached as Exhibit A. The roads on Exhibit A that are being considered for acceptance are the ones on the south side that are darker in color. The County currently has an existing agreement with Eldorado at Santa Fe which is Exhibit B, which states that after these roads are built to County standards that were set for at the time when Eldorado at Santa Fe was approved, that the Commission would accept these roads for maintenance.

The County currently maintains 77 miles of roads within the Eldorado Subdivision and these 2.73 miles will finalize the roads that are under this agreement in Exhibit B.

CHAIRMAN SULLIVAN: Questions for Mr. Martinez?

COMMISSIONER CAMPOS: Question.

CHAIRMAN SULLIVAN: Mr. Martinez, is the Association at Eldorado paying for any of these maintenance costs? Do they have a regular, do they contribute to the County for maintenance of these 77+ miles?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, the ECIA Homeowners Association has contributed in the past for paving improvements to roads within the Eldorado Subdivision, mainly the major arterials.

COMMISSIONER CAMPOS: For the capital outlay. Maintenance is always County?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, that is correct. Just capital.

COMMISSIONER CAMPOS: Now, as far as the history here. I'm not sure if I understand this correctly, but when this subdivision was approved, most of these roads were private. Is that true?

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

COMMISSIONER CAMPOS: And the association was going to pay for all these roads at one point and maintenance construction. Is that about right?

MR. MARTINEZ: That is correct.

COMMISSIONER CAMPOS: So what happened then? When did they become public?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, I do not, I cannot recall specifically, but they've been on our road inventory list since the mid-eighties.

COMMISSIONER CAMPOS: And that's what happens. Subdivisions come in here and say we're going to do our own roads. We'll pay for them, and in a few years, there's more people living out there and politically come in and tell the Commission that they want County roads.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think you're wrong in that regard. This particular subdivision had a provision in the approval process that if the brought the roads up to County standards, correct me if I'm wrong, because I can remember having this discussion with Larry Velasquez years ago, and he was trying to prevent too many roads coming on line all at

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once because we couldn't afford it. But the fact of the matter is, the way I understand it is there's a provision in the approval that requires the County to accept the roads. We agreed to accept the roads if they were brought up to County standards. Isn't that correct?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, that is correct.

Exhibit B is the agreement that you're referring to that states that the County would take over these roads after they were built to County standards.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya, then Commissioner

Montoya.

COMMISSIONER ANAYA: So all of those roads are up to County standards right now?

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, that is correct. Public Works and Land Use did a final inspection.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, Mr. Martinez, approximately what will be the cost, the additional cost of adding additional miles to our maintenance list?

MR. MARTINEZ: Mr. Chairman, Commissioner Montoya, these are all basecoursed roads. It currently costs Public Works on an average about \$1900 per year per mile to maintain a basecoursed road.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I guess my concern is we won't see any graders in the southern part of Santa Fe County if we adopt these roads.

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, the Eldorado Subdivision is serviced by Maintenance District 2 which ends at the Galisteo and Cerrillos area.

COMMISSIONER ANAYA: So this won't have any effect on District 1, District 2 roads, do you think?

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, it will have an impact on Commission District 1, Commission District 2 and Commission District 4, and parts of 5.

COMMISSIONER ANAYA: But not 3.

CHAIRMAN SULLIVAN: You still owe us, Edgewood, you all still owe us for that snowstorm two years ago.

COMMISSIONER ANAYA: They're going to pay it.

CHAIRMAN SULLIVAN: Not for the snowstorm. That was \$129,000 we thought we were going to get from Emergency Management and we didn't get zero.

COMMISSIONER ANAYA: So are we going to - right now we have how many graders in that area, in the Eldorado area?

MR. MARTINEZ: Mr. Chairman, Commissioner Anaya, not just in the Eldorado area but in Road Maintenance District 2 we have three motor graders for roughly, approximately 200 miles of dirt road, or basecoursed road.

COMMISSIONER ANAYA: Two hundred miles in District 2?

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MR. MARTINEZ: Maintenance District 2.

COMMISSIONER ANAYA: And how many miles do we have in District 3?

MR. MARTINEZ: Dirt?

COMMISSIONER ANAYA: Dirt.

MR. MARTINEZ: Approximately 160 miles.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Steve, Mr. Kopelman, what is our exposure if for some reason we decide not to adopt these roads after having spent the last four or five years working with the community to get them up to County standards? What's our exposure if we don't accept them today?

MR. KOPELMAN: Mr. Chairman, Commissioner Duran, I would think that in all likelihood the other party of the contract would probably sue us in district court for breach of contract and we would have to then try to argue that somehow the contract isn't a valid one, even though there's been performance all the way up until present. And I believe, Robert, correct me if I'm wrong, this is the last set of roads under this agreement.

MR. MARTINEZ: That is correct.

MR. KOPELMAN: So this contract has been going on, this is a long-term contract that goes back to the 1980s I believe.

COMMISSIONER DURAN: Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Any other questions of staff? Did we have a motion?

COMMISSIONER DURAN: I'll make a motion to approve Resolution No. 2003-35. I'll second that motion also.

CHAIRMAN SULLIVAN: I'll second the motion for discussion. I was just looking for the resolution. There it is.

CHAIRMAN SULLIVAN: Okay, we have a motion and a second. Further discussion?

The motion to approve Resolution 2003-35 passed by unanimous [5-0] voice vote.

XI. E. 3. Discussion and selection of road for the 2003-2004 New Mexico State Highway and Transportation Department (NMSH&TD) cooperative program

MR. MARTINEZ: Mr. Chairman, the New Mexico State Highway and Transportation Department is requesting for the 2003-2004 co-op program proposals be submitted to their office by March 15. This program provides funding for local governments to improve school bus routes under their jurisdiction. Basically, this program has funded projects

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up to \$325,000 and has required a 25 percent match from the County.

The first list of roads you see from 1994 to 2002 are roads that we've done in the past with this cooperative program. I've also shown what Commission districts they are in, what projects and what the total cost was. On the second page are projects that the Public Works Department and the County currently have on their ICIP. These projects are either partially funded or unfunded at that time. So basically, we would like for the Commission to consider their selection based on those eight or nine roads that are on that second list.

In the past we've had staff and Road Advisory Committee make this selection but the Commission has suggested that they would like some input on this selection process.

CHAIRMAN SULLIVAN: Questions for Robert?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER DURAN: Robert, where is County Road 88?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, that is in La Puebla.
That is La Puebla Road.

COMMISSIONER DURAN: Then County Road 86?

MR. MARTINEZ: That is in Arroyo Seco. That's Arroyo Seco Circle.

COMMISSIONER DURAN: And then Calle Enrique?

MR. MARTINEZ: That is in the Piñon Hills Subdivision.

COMMISSIONER DURAN: And CR 16?

MR. MARTINEZ: That is Frost Road. Portions of Frost Road are still, we're not sure if Edgewood is going to be taking over part of that road or not.

CHAIRMAN SULLIVAN: I thought that's why we held off on Frost Road last year.

MR. MARTINEZ: Mr. Chairman, we do have some legislative appropriation and we are going to start with the overlay on 16 starting with the portion that still belongs to Santa Fe County.

COMMISSIONER DURAN: And then Monte Alto, obviously that's in Eldorado, but why is that so much?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, that's for paving of two miles of road.

COMMISSIONER DURAN: And that's not part of what we just did before?

MR. MARTINEZ: No.

COMMISSIONER DURAN: County Road 60?

MR. MARTINEZ: Sixty is Nine-mile Road in Seton Village. All of these roads have been submitted to the legislature for funding so there may be some additional funding on these roads at a later date.

COMMISSIONER DURAN: So this has already been submitted to the legislature for approval?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, that is correct. In the event that you do pick a road that we only need \$325,000 to build the project, and there is

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legislative appropriation funded we can always go back and amend the language for that new appropriation for a name change for another road.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER DURAN: I would just like to see if we might be able to include the South Meadows Extension. I don't know if you all have been up and down Agua Fria Street or Alameda at peak times of the day but boy, that place, we really need a connector road to 599 to alleviate the traffic that has to take those roads to get north. If we were to add one -

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, the requirement is that it is a current school bus route. And South Meadows Road is not a road that is built yet that is not currently a school bus route. So that would not qualify under this program.

COMMISSIONER DURAN: So next year when we go then to create our ICIP list can we incorporate it into our request under a different program?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, we can. As a matter of fact I believe we are requesting more money this year from the legislature for the bridge for South Meadows which is somewhere around a million dollars.

COMMISSIONER DURAN: Right. Okay.

CHAIRMAN SULLIVAN: Robert, I have a question. I'm kind of confused. These roads have already been designated on the ICIP that we did last year, right? For this year's request to the legislature.

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

CHAIRMAN SULLIVAN: And what are you asking us to do now?

MR. MARTINEZ: Mr. Chairman, these lists of roads that we have presented to you are currently on our five-year plan or our ICIP plan, whatever you want to call it that are existing school bus routes that this cooperative program could be used for.

CHAIRMAN SULLIVAN: And you're asking us to suggest additional ones that we might want to include in the future?

MR. MARTINEZ: No, Mr. Chairman. I believe it was your recommendation to come to you for input on this. So basically, what we are asking for is some guidance on these eight roads that we have submitted to you on the ICIP plan to submit for our cooperative program proposal.

CHAIRMAN SULLIVAN: Okay, and the cooperative program obviously couldn't fund all of these in one year.

MR. MARTINEZ: That is correct.

CHAIRMAN SULLIVAN: You want us to somehow prioritize within these for the co-op program.

MR. MARTINEZ: Mr. Chairman, or at least give us one road.

CHAIRMAN SULLIVAN: Oh, one road.

MR. MARTINEZ: Like I said, in the past, Public Works staff and the Road Advisory Committee made this selection based on maintenance issues and existing conditions.

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CHAIRMAN SULLIVAN: And what – I only see one in District 5, so I feel slighted here, but aside from that, what would be the staff's recommendation as to the road that is in most need of improvement?

MR. MARTINEZ: Mr. Chairman, staff's recommendation would be County Road 8. About two years ago there was a school bus that overturned on County Road 8 because of the existing road conditions.

CHAIRMAN SULLIVAN: And where is County Road d8?

MR. MARTINEZ: It is between Edgewood and Stanley.

COMMISSIONER ANAYA: That's my district.

CHAIRMAN SULLIVAN: So I've heard. And the current funding, you say that already has funding or is that the request?

MR. MARTINEZ: Mr. Chairman, it currently has \$40,000. Like I said, it's on our ICIP plan. We may get some additional funding this year but we will basically improve the length of the roadway as what we have funding for.

CHAIRMAN SULLIVAN: It's currently a dirt road or a gravel road?

MR. MARTINEZ: Mr. Chairman, it is paved on both ends with approximately six miles of dirt road in between. And it is a major road that connects State Road 41 to State Road 344.

CHAIRMAN SULLIVAN: Okay, other questions for Mr. Martinez?
Commissioner Campos.

COMMISSIONER CAMPOS: I don't think I have enough information to make a decision today. I don't think you've provided us with enough information as to priorities or conditions. And what is the deadline for making a decision?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, the deadline is approximately two weeks away.

COMMISSIONER CAMPOS: You're looking at about how much? Last year we got \$325,000? Is that right?

MR. MARTINEZ: Mr. Chairman, last year we got approximately around \$240,000 because the County's match is 25 percent.

COMMISSIONER CAMPOS: And how much do you think we're going to get this year? Any idea?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, we are told that it will still remain around the neighborhood of \$325,000.

COMMISSIONER CAMPOS: That we will get?

MR. MARTINEZ: For the total project, excluding the County's 25 percent.

COMMISSIONER CAMPOS: \$325,000 –

MR. MARTINEZ: Excluding the County's 25 percent. So roughly around \$240,000.

COMMISSIONER CAMPOS: Same as last year. Not a lot of money. And to make a priority decision, it's kind of impossible with the information that we have, I think.

CHAIRMAN SULLIVAN: I would support Commissioner Anaya's County

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Road 8 if he would support some money from Monte Alto Road. There has been a serious accident on Monte Alto Road. In fact there was a death out there, was there not?

MR. MARTINEZ: Mr. Chairman, I believe it was a couple years ago there was a fatality.

CHAIRMAN SULLIVAN: There was a fatality out there. How serious –

MR. MARTINEZ: But I believe that was on the intersection, mainly due to Vista Grande.

CHAIRMAN SULLIVAN: Yes.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Then I'd like to make a motion to approve this with County Road 8 being number one and Monte Alto being number two and any other comments that you might have.

COMMISSIONER MONTOYA: County Road 88 being number three.

COMMISSIONER CAMPOS: What about District 4? District 4 has never gotten any money for roads.

CHAIRMAN SULLIVAN: All of your roads are paved.

COMMISSIONER CAMPOS: We have the Nine-mile Road here that needs money and we've never gotten any money in District 4 for anything from this Commission. So that should be number one.

CHAIRMAN SULLIVAN: We can put that number four.

COMMISSIONER ANAYA: We can County Road 60 –

COMMISSIONER CAMPOS: Nine-mile Road, badly in need of paving, this district has never gotten any money from this Commission. Never, I don't think.

CHAIRMAN SULLIVAN: Out of the co-op program. Since 1994.

COMMISSIONER ANAYA: County Road 86 is five. County Road 16 is six. Agua Fria is seven and Calle Enrique is eight. That's my motion.

COMMISSIONER CAMPOS: That's not fair. Where's County Road 60 again? Four. District Number 1 has gotten all the money for all the paving projects in the last eight years. I think maybe we should change that.

CHAIRMAN SULLIVAN: That's why we put them in three this time.

COMMISSIONER CAMPOS: Let's put them in four. Gets all the money.

CHAIRMAN SULLIVAN: Okay, we have a motion but I think we need a second. Do we have a second.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: There's a motion and a second. Any further discussion on the motion for prioritizing those eight roads on your list for co-op application. Are you going to submit, Robert, one, or multiple co-op applications?

MR. MARTINEZ: Mr. Chairman, we will submit one road.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

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COMMISSIONER MONTOYA: I guess this just to me illustrates that once we get that ten percent for the GRT that we really, seriously look at putting it, the majority of it, like 99 percent anyway, into roads because that's the number one concern that I have, even if District 1 has gotten it for the past eight years, that's still the number one concern that I have from the constituents and I really would advocate that we look seriously. It says roads and others, other things -

COMMISSIONER CAMPOS: The legislative intent was to divide it like 50/50 at least.

COMMISSIONER MONTOYA: Okay. I'm just advocating. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Okay. So let me just clarify. In terms of the staff's evaluation of these roads, you feel that County Road 8 is the most seriously deficient.

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

CHAIRMAN SULLIVAN: I think we need to look at safety issues.

COMMISSIONER CAMPOS: If we really going to go for one road, we're not prepared to make a decision today. We don't have enough information.

CHAIRMAN SULLIVAN: I think you have a March 15th deadline.

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

COMMISSIONER ANAYA: I think that the Road Advisory Committee which is made up of 15 members made the decision that County Road 8 is high on priority. So I'm looking at those members -

COMMISSIONER CAMPOS: Have they? I haven't heard that or I haven't registered that information.

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, County Road 8, I can't be specific as to where it lies on their priorities but it is towards the top.

COMMISSIONER CAMPOS: The representation was made that it was the top and that's not necessarily so.

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, I said it was the top for Public Works staff, County Road 8.

COMMISSIONER CAMPOS: That's what I'm saying. Just a clarification.

CHAIRMAN SULLIVAN: Let me ask Robert, did the Road Advisory Committee prioritize or set a top on or did they just come out with some for each of their districts?

MR. MARTINEZ: Mr. Chairman, the Road Advisory Committee prioritized all of the roads that were on the road list that were submitted for the ICIP, not just these ones that were on the school bus route. So naturally the ones that were on their priority that are not school bus routes were eliminated from this list. So I can't tell you - I'm fairly confident in saying that County Road 8 was in the top three.

MR. MARTINEZ: But was it at the top of the ones when you are only considering the school bus routes?

MR. MARTINEZ: Mr. Chairman, it's in the top. I can't tell you it is the top

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but it's in the top.

COMMISSIONER CAMPOS: Our next BCC meeting is on March 11, isn't it? The second Tuesday in March. And the deadline is the 14th?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, the deadline is March 15th.

COMMISSIONER CAMPOS: So we still have another BCC meeting where we could get some more information where we could actually make a logical decision on what is the number one priority because that's all we're going to get. One shot, that's it.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I think this is a logical decision.

COMMISSIONER CAMPOS: We don't have information. This report does not provide us very good information to make that decision.

CHAIRMAN SULLIVAN: There's only going to be one applicant. The Highway Department only permits one application or that's just your normal policy?

MR. MARTINEZ: Mr. Chairman, as you can see on the first page, earlier, in '94 and '95 and also in '99 we split it up among two different roads. If that's your preference we can do that. I'm sure that's still acceptable.

CHAIRMAN SULLIVAN: That may get another vote here. I sure would like to do something on Monte Alto.

COMMISSIONER CAMPOS: Mr. Chairman, I would move to table this to the next BCC meeting of March 11th. That gives us still four days to get to the legislature and it gives us more time to get more information.

MR. GONZALEZ: Mr. Chairman, I think there's a motion on the table.

COMMISSIONER CAMPOS: Motion to table supercedes.

CHAIRMAN SULLIVAN: There's a motion to table. Those in favor of the motion to table say "aye."

COMMISSIONER CAMPOS: There has to be a second first.

CHAIRMAN SULLIVAN: There's no second. I'm still negotiating with Commissioner Anaya. I would like him to revise his motion to request that two applications be put in.

COMMISSIONER ANAYA: I'll revise it so that two applications be put in.

CHAIRMAN SULLIVAN: Okay. Will the seconder accept that revision? Weren't you the seconder?

COMMISSIONER CAMPOS: I won't accept that.

CHAIRMAN SULLIVAN: No, no. Commissioner Montoya was the seconder, weren't you? Yes, says the recorder. The revision was to put in two co-op applications this year, in the priority order that Commissioner Anaya listed.

COMMISSIONER ANAYA: And that would be County Road 8 and County Road 88.

COMMISSIONER CAMPOS: District 1 and District 3.

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CHAIRMAN SULLIVAN: Wait a minute.

COMMISSIONER CAMPOS: Commissioners, wake up here guys.

MR. MARTINEZ: Mr. Chairman, may I add something?

CHAIRMAN SULLIVAN: Robert.

MR. MARTINEZ: We get more bang for our buck by doing one project. I know it would be great to split it up amongst three or four but we get more bang for our buck. There's less mobilization costs that are involved so it would be preferred to have one project, just for that reason. And this is an annual program.

CHAIRMAN SULLIVAN: I understand, however. Now we had a motion and we were talking to the seconder.

COMMISSIONER MONTOYA: I would go with the recommendation of staff.

CHAIRMAN SULLIVAN: Okay, so they're not going to accept that. The seconder is not going to accept the change that was accepted. So we're back to the original motion which was to prioritize the roads as follows. Do you want to repeat those again, Robert?

MR. MARTINEZ: Mr. Chairman, County Road 8 is number one, Monte Alto is number 2, County Road 88 is number 3, County Road 60 is number 4, County Road 86 is number 5, County Road 16 is number 6, Agua Fria Phase 3 is number 7, and Calle Enrique is number 8.

CHAIRMAN SULLIVAN: And with the understanding that staff will be submitting only one application for co-op funds and we can anticipate a total project cost of somewhere in the neighborhood of \$325,000, which of course doesn't do all of County Road 8 which is estimated at \$960,000. So that's the current motion and second. Is there further discussion? Commissioner Duran.

COMMISSIONER DURAN: Robert, on Agua Fria Phase 3, what if Senator Rodriguez who is the Senator for that area tried to get money for that particular project and it's specific to that? Does she have the ability to do that?

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, yes, she has the ability to introduce a bill for a particular project. Is that your question?

COMMISSIONER DURAN: Right.

MR. MARTINEZ: Yes, she does.

COMMISSIONER DURAN: And she hasn't, to your knowledge, to date.

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, I believe a million dollars on both the Senate side and the Representative side has been introduced for Agua Fria Phase 3 for a total of \$2million.

COMMISSIONER DURAN: And how does that interplay with this being number 7 on our list.

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, it has no impact on this list. If we get funding for that road we will spend it on that road.

COMMISSIONER DURAN: Okay, good. Thank you.

CHAIRMAN SULLIVAN: This is a co-op road list. Just for co-op submittals.

MR. MARTINEZ: That is correct.

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CHAIRMAN SULLIVAN: So would that mean that next year, provided we have the same Commission that Monte Alto would be first.

COMMISSIONER CAMPOS: Dubious.

CHAIRMAN SULLIVAN: That's dubious.

COMMISSIONER DURAN: It all depends on how well you behave.

CHAIRMAN SULLIVAN: I realize that. Any further discussion?

The motion to approve County Road 8 as the co-op application passed by majority [4-1] voice vote with Commissioner Campos voting against.

XI. C. Fire Department

3. Resolution No. 2003-36. A Resolution Declaring a State of Emergency in Santa Fe County Due to Extreme Conditions Secondary to Extended Drought Conditions and Beetle Infestation

HANK BLACKWELL (Fire Marshal): Mr. Chairman, members of the Commission, thank you for moving us up on the agenda. We have a few of our neighborhood participants that would like to speak briefly about a part of this declaration. To try to summarize what we're trying to do, first I want to make clear that this is not our emergency ordinance that we bring forward to you most every year regarding burn restrictions and fireworks restrictions. This is not that ordinance. This actually is a resolution to declare a state of emergency here in Santa Fe County for four or five different reasons and I'll try to summarize briefly and then let some of the people in the audience comment on what they've come here for if I may.

First, this declaration will help us greatly in preparedness. Even though we've had some moisture in the past few weeks, all the indices actually point to the fact that we're going to have a potentially extreme fire season as well. Even with continued moisture the window may be smaller but it's still going to be reasonably extreme. We're still in the sixth or seventh year of a drought cycle so some of this moisture may help but it won't undo that drought or the dryness in our wildland areas, or especially in our urban interface areas where there are a lot of homes as well.

Consequently, one of the things that we're looking at, just in terms of fire danger, and compounded with the drought and with the beetle kill and a lot of that fuel available, one of the points, the accomplishments of this declaration is going to be preparedness from a County standpoint. If indeed we have in terms of fire, and I'll get into the biomass issue in just a few minutes. But in terms of catastrophic fire management, as things become more extreme every year, this declaration does a few things for us in our opinion, the Fire Department. First, it really enhances our level of preparedness. And in terms of that, what that might do is it will help us activate state and federal resources more readily because we'll not only be more prepared on the operational side and the response side, but we can also already be pre-prepared

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if you will on the policy side so that there are issues of delegation of authority. There are issues of multi-agency response that will already be in the works, if you will because this declaration stands. So that if we have something quick or fast-moving, where we've got to effect evacuations, where we've got to have evacuation shelters or what have you, this will help us in terms of that level of efficiency to do that so that we don't have to convene a special session of the Commission or what have you.

It also helps us in terms of an operations plan that we're putting together with the Forest Service and with the City of Santa Fe that we'll bring to you next month that actually is a Santa Fe area wildfire operations plan and in there is a delegation of authority that we're going to request that you all approve and sign that allows the state or the federal government to actually come in and assume responsibility for a large type 1 or type 2 fire if it happens to be in Santa Fe County or in the city limits. So we're trying actually to just improve our readiness through this declaration.

Fire conditions I think clearly are another reason why we're looking at this as an emergency situation because of the potential. The third reason why has to do really with the beetle kill situation. As you know, in portions of the county we're looking at anywhere from a 20 to maybe a 40 or 50 percent fatality rate in our piñones now. In some of these areas we have people that are estimating a 90 percent fatality rate in the next year or two with our piñones if this drought continues and the piñones remain under this kind of stress.

This level of emergency has to do with the additive in terms of that level of extreme fire danger that they add. But second and even as important is the huge amount of biomass that these dead piñones are going to have in terms of their influence on the County. We've got about eight or nine neighborhoods now that are participating in these fire-wise communities in fuel mitigation projects, and they're incredibly labor intensive and the neighbors do an incredible amount of work and they'll speak to that. This weekend just in one small community in Glorieta Estates, they cut over 180 truck and trailer loads of slash and we chipped them in one day. Because these communities are starting to do this for fire protection and also to get rid of the beetle kill, we're going to have more biomass than the County is capable. It far exceeds our resources in terms of personnel, in terms of equipment and machinery. So this declaration of emergency I think is something we need to look at with solid waste and as a county and with our constituents start thinking out of the box and looking at federal funding, state funding, other types of revenue sources, other types of programs that might be legitimized by this Commission here that will enable us to look at what we do with that biomass.

If it's just chipped and it's maintained in terms of that chipping, even if it's very slow and methodical as it is now, the demand will far exceed our capabilities. There's a potential of filling up our landfills with this biomass in the next few years. And we've worked closely with Public Works and with Solid Waste and they have been participants in these chipper days at their own expense and have been wonderful support for the Fire Department. But again, the machinery and the personnel is not there to meet the need of this huge biomass. We need to start looking now through a committee or through a group under your guidance to look again, at federal funding. As a declared state of emergency county we get up on top of the list in terms

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of priorities for the availability of any severity funds that might come through during this fire season because we've said that we are in a state of emergency. So it may help us in terms of the availability of some of those revenue sources.

Secondly, we may be able to look at grants, we may be able to look at assistance from this Commission in terms of larger machinery, air curtain burners and tub grinders and horizontal grinders that we can actually place in position at our landfills. Maybe other machinery would be used to pick up some of this slash so it's not handled three or four or five times before it's chipped and moved. So these are all some of the alternatives we're looking at in terms of this ordinance.

And lastly, I think it continues to increase awareness. Our public education programs, our interface code as well as declarations like this have really helped the community understand the risk and the severity of the problem. The community, our constituents are pulling together, they're working and I think it's time for us to look at seriously that we meet them halfway. I think that's an obligation of this government and so that's part of this declaration too.

So it will facilitate a lot of that. We need capital. We need machinery. We need personnel. We need programs. How do we do that? Potential thoughts that we might have is a grant, maybe even a contract grant administrator. Some who could full-time look for the money that's out there now. I think a position like that to focus on it would pay for the position as well as infuse money into these programs into the County very quickly, very rapidly. To have a committee or a coalition that actually is under the tutelage and the guidance of this Commission, a citizens group with some staff involved to start brainstorming in term of what they can do. Maybe the creation of a volunteer corps that deals specifically with wildland issues, because we have one of the highest risks of any county in the state of New Mexico, in terms of loss of property, loss of houses and potential loss of life.

And again, your participation as the Commission in a number of areas. Those are just some suggestions. And that's really why we're before you today in terms of this declaration. With that I'll be happy to either stand for questions or I'll be happy to let some of these other members comment briefly. Whatever you choose.

CHAIRMAN SULLIVAN: What other members do you have here?

MR. BLACKWELL: I've got, I think there are six individuals from two or three of our fire-wise communities to talk to you about the magnitude of the problem and what they're doing. Their comments will be brief. I think it will help you understand what we're doing at the community level and how powerful that is but these are people willing to commit and other neighborhoods as well, to commit to this process and to work with you or work with County in terms of looking at this. If we don't, I think it three or four years or even sooner, this will be a problem that will be way ahead of us, especially, not only in terms of fire danger but just in terms of the biomass with the beetle kill.

CHAIRMAN SULLIVAN: Okay. Could we hear from them quickly? This isn't a public hearing but we're always glad to hear from people, but we have another item from the Sheriff's Department that is also important that we need to consider and there is an EZA meeting coming up behind us here. And then we'll go to Commission questions. So you've got

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someone who can be representative of the groups or group?

PEG NELSON: I'll start off as a representative. I'm Peg Nelson. I'm holding a plaque that we're very proud of at Hyde Park Estates. We won this for our efforts in the Fire-wise program. This is a subject, this impending fire season that is so important to you all and everyone in the county. We are fortunate in Hyde Park Estates because we have a jump on everyone. We've been working for two years and I can say that our education, our interest and our participation has grown tremendously with each of our efforts.

This is because our friends and neighbors have begun, and I'm going to emphasize begun, to recognize the seriousness of our problem and the fact that we face risk every single day living in this beautiful but catastrophic environment that we live in. Fire-wise was a way of thinking when we first started and now Fire-wise is a lifestyle for many of us. With support from the Forestry Service and from the County Fire Marshal, we've struggled and taken little tiny steps in order to make our homes and our lands safer in case of catastrophic fire. We're now at a crossroads. We have the potential of having the most devastating fire season that we've ever seen come upon us this summer or having already started.

We need your support for our community because we have put so much effort and we're kind of at a place where you've got to help us keep going and go further. We need public education. We need training for persons who are actually willing to help do the physical labor of some of the County personnel. We need help in making the endless task of making our land healthy and more realistic in this environment that we live in. We need help from the County in not subjecting us to unreasonable danger by doing county land projects. And we need help on these long-term solutions as far as getting rid of the biomass and so on, which a small community like ours can't possibly tackle along.

We've been willing to assume the responsibility for our own homes and our own properties because we own it. But now we think that it's time for you to be our partners in this project so that number one, you might help make it a little less expensive for our community but we also think that it has to be a total responsibility of all of the people who live around us in order for us all to be safe. Hyde Park Estates is an island or can be an island and we can create our own safety, but if there's no safety around us, the fire is going to devastate us along with the persons who haven't been cooperative or along with the persons who haven't received the help and the care that they need to confront all of these issues.

I'm proud of our community and I'm really proud of what we've done. We've taken a very diverse group of people and we've started pulling together. And I think that you should be proud of us and I hope we can be proud of you, because I'd like for you to offer us some help and some cooperation so that we can move forward and make this a big, good project for the entire county. Thank you. And, by the way, we're having a chipper day on March 29th. That's in Hyde Park Estates and you can come and see us in action.

CHAIRMAN SULLIVAN: We have one other who'd like to speak?

NEIL SCHAEFFER: Chairman Sullivan and the Commission, I'm Neil Schaeffer. I'm a signatory on this first letter that you have here in this information package. [Exhibit 3] I wanted to make five points, brief and quick. First I want to acknowledge your

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help, the Commission's help and the help of the County staff in our chipper days. We've had two now. They've been very successful and we've had a lot of success in our community with public education. I especially wanted to acknowledge the help of Hank and Justin Stockdale. I'd like to pass around some photographs I wasn't able to reproduce. You'll see Hank and Justin hard at it there in the very first photograph.

The next point I'd like to make is the material gains we had to our community. We removed 181 truckloads of slash. I'll take issue with one thing that Hank said. We don't have to wait a few years to get behind the curve on this. I think we already are.

The third point I'd like to make here is that this was a very community-building exercise and I want to thank the County staff for the way that they allowed us to do this in a community-building manner. Of 48 homes, 29, fully 60 percent actively participated by removing slash from their properties. We had only 19 that did not and of those some live in meadow areas where they didn't need to remove any slash. Others had already done some thinning. We had 43 individuals involved and in your information package, you'll see signatures of those folks. This was very much a community effort.

The fourth point that I'd like to make that this is just the beginning. At the end of chipper day when we were very tired and sore, we took a drive around the community, kind of a victory drive, but it wasn't really a whole lot of a victory because all we saw was all the slash that still needs to be cut. This is a huge effort, even for our small community. We also recognize that this work has an influence on our decreasing water tables. We're approaching water harvesting. We're concerned about soil health and erosion control. But one thing I'm really concerned about is we're shut down now for the summer because we're unwilling to create more chips that scream to the bark beetles that there are stressed trees around. We don't want to do any more chipping for the summer now because we don't have a lot of bug kill in our neighborhood and we don't want to attract it to our neighborhood.

I'd like to conclude that we enjoy living in Glorieta in part because we have a government that supports our community, that supports these community-building activities. You can see the photographs and what we were up to. I'd ask for continued support for Mr. Blackwell's efforts here. I included a fax at the end of the package from Hank and I wanted to point out, draw your attention to when that fax was written. It was written at 9:30 in the evening when most of us are thinking more about finding our toothbrush and leaving the day behind. And that's all I had to say. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Schaeffer. Any others, Mr. Blackwell?

ED SCOTT: My name is Ed Scott. I'm also a resident of Hyde Park Estates. We earned this. Not only because of where we live and the danger, but we rolled up our sleeves and we got the job done. And we're not really looking for a handout. What I would like to emphasize is training, because I think if there's some people that are certified that can work with Hank's crews we can save money in the long run because these people will be certified and they'll be competent to work around some of this equipment. And the other thing is not just a handout with the money, but maybe think about some feasibility studies. And maybe like

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Milwaukee did with malorganite and their sewage treatment plant. Maybe we can get some money coming back for a small amount of money that's invested.

And something that Hank surprised all of with a couple weeks ago is we have no tanker coverage in the southwest this summer. With the declaration of a state of emergency, we do have, and correct me if I'm wrong, but I think we've got three National Guard helicopters with pilots that have already been trained. If we can get this declaration of a state of emergency, we can get their coverage. Is that correct, Hank? So we need it.

CHAIRMAN SULLIVAN: Thank you. And your name was -

MR. SCOTT: My name is Ed Scott.

BARBARA BRILL: I'm Barbara Brill, one of the chippers. We've looked around and seen these fires surrounding us and the smoke gets closer. We are going into the third year of work on this and we feel that we're very vulnerable. Everybody else is in Santa Fe City and County. But we've had, as we've heard before, we've had a great deal of cooperative, marvelous help on weekends and nights and other occasions when we were having meetings and trying to learn what we could about being foresters in a very, very short time. So we know we have a long way to go on this and that a fire in our area is likely, they told us. It's not unlikely. Let's put it that way. To be in a situation where there's only one road in and the same one out, which will be participating with big fire equipment, it's a sort of nerve-wracking situation and it's much more real than it used to be.

So we hope that this can turn into an emergency from your point of view. It is an emergency from our point of view and thanks for listening to us and thanks for helping if you can. More cooperation I suppose is one of the things that we're looking for, Thank you.

CHAIRMAN SULLIVAN: Thank you very much. Questions of Mr. Blackwell. I have two, Hank. Number one, is this appropriating monies, this resolution? I don't see it here.

MR. BLACKWELL: Mr. Chairman, members of the Commission, no sir. It does not right now. It's mainly a declaration so that it might enable us to look at some kind of revenue or appropriation but there's no appropriation from the County at this time.

CHAIRMAN SULLIVAN: Okay.

CHIEF HOLDEN: Mr. Chairman, if I could. The idea is that we will use this declaration perhaps in concert with surrounding counties, Sandoval, San Miguel, Rio Arriba County, and use it to leverage our Washington delegation to try to receive some federal fundings to mitigate some of these problems that Chief Blackwell addressed earlier.

CHAIRMAN SULLIVAN: My other question was, item one on the list on the second page says that it enables the County to impose necessary restrictions. That seems to be fairly broad. What restrictions are we authorizing you here to impose?

MR. BLACKWELL: All that does, Mr. Chairman, is it may make, in the case of an emergency, it may make, if we had to convene this Commission, due to a state of emergency because of a wildfire, by having this declaration it should really make more efficient anything that we had to bring before you to say that we need an emergency declaration whether it be an evacuation center or enacting the Stafford Act or declaring a state of emergency

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through the governor's office, all this does is it just helps make that a more efficient process. Other than that, anything that we did in terms of restrictions, like our fireworks restriction, would still have to come back to this body in a public forum and you would have to vote on it. But it just pre-positions. We may want to pre-position federal resources if we have a fast-moving fire. We may want to enable the National Guard with those three helicopters to actually use for bucket drops. They are not available unless a request is made through the office of the governor. So this declaration will just foreshorten that process so we can move more quickly in case we need to.

CHAIRMAN SULLIVAN: It wouldn't authorize you to impose restrictions other than those that are currently in the urban wildfire interface code, right?

MR. BLACKWELL: Absolutely, Mr. Chairman. There's nothing further. Anything beyond that would have to come through this Commission. Commissioner Campos had a question.

COMMISSIONER CAMPOS: Just a question for Mr. Blackwell. It seems that we're continuing to approve subdivisions in dangerous areas. A lot of people here have built their homes in dangerous areas and now certainly they're getting into deeper trouble everyday with the drought. But should we consider any regulations that would preclude further development in the forest? You start building in the forest, then you've got to spend a billion dollars to save people in the forest and this is a huge national problem. There's only so many resources to go around. I don't think the feds are really inclined to spend a lot of money on thinning. We certainly have priorities like the watershed where we really are dependent on water. The community is totally dependent and we haven't even gotten 200, 300 acres thinned out there. It seems that we have to be looking at this problem from many perspectives. One is not approving any more development in the forested areas, because they're hugely dangerous. People should not be encouraged to move into hugely dangerous areas where it's going to cost billions of dollars to save, and after you've thinned you've got to keep thinning every five years, because you've got to protect the houses. You can't let nature take it's course after you do a natural thinning in an area without development. So we're getting deeper and deeper into the hole here. That's just my comment.

CHAIRMAN SULLIVAN: Did you have a response, Mr. Blackwell? Okay, Commissioner Anaya and then, did you have your hand up, Commissioner Duran?

COMMISSIONER ANAYA: I'm glad to see that the County Fire Department is on top of this and working hard with all the communities out there or most of the communities out there to improve the public education and improve the readiness. It's good to see that some of the public people, that the people are here from the public talking in favor of this. I think it's very important and it sets a good example for Santa Fe County and it gets us in line for federal funding and state funding. I appreciate what you all are doing in the County Fire Department and I appreciate the people in the small communities that are working together. When I see this picture up here, all these people working together, that means a lot to me. And the pictures that were passed around, I see people that I know in there and I appreciate that very much. So thank you.

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CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I would also like to thank you Stan and your department, Hank, for all the hard work you've done. I'm not sure that - the ordinance that you have worked with us on adopting that require homes that are built in high forest fire areas, areas where forest fire is a potential, we've required them to sprinkle the houses, we've required them to have fire protection adequate to take care of any threat or any possibility of a fire. So I'd like to thank you for that. I'm not sure that just saying that we should prohibit growth at all in the forest is an appropriate thing to do, unless of course we want to adopt some ordinances that prevent that. But until we do that, I think that all the hard work that you've done and your efforts, I commend you on that and hopefully, until we reach that point where we adopt an ordinance that prevents development in the forest from occurring that you continue to help us deal with the issues as they exist today. Thanks.

MR. BLACKWELL: Thank you, Commissioners.

CHAIRMAN SULLIVAN: Other questions or comments from the Commission?

COMMISSIONER CAMPOS: One other question, Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Fiscal implications, you said there are none right now on the table but eventually I would assume you're going to come to the County Commission and ask for some money to get the ball rolling. Hire someone to go out and look for grants, things like that. Have you talked to Katherine Miller about the fiscal implications? If we have the resources?

MR. BLACKWELL: Mr. Chairman, Commissioner Campos, Katherine who?

COMMISSIONER CAMPOS: Miller. The lady with the money. She's not here.

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, we've had some brief discussions regarding a grants writer previously, not only as a Fire Department with previous County Managers but also with the Commission. I think it's been discussed and we're simply trying to heighten the awareness that from our perspective we need somebody. It may not need to be somebody that's specific to the Fire Department to write grants just for us, but for the County as a whole I think that we have enough issues and certainly within the Fire Department we have enough issues that we need somebody to assist us in grant writing and going after some of these federal funds, because we know they're out there. But we're overstressed and overworked as it is and I think the comment that was made earlier by the gentleman from Glorieta, I believe it was about Hank working and sending faxes at 9:30 at night, that's very commonplace. The amount of work that's produced out of the office far exceeds the budget that we have allocated for the department, I can tell you that, and mostly it's because of the dedication of the people in the office. So we need some help. We certainly wouldn't turn away any help.

COMMISSIONER CAMPOS: I guess you will be coming during the next budget cycle and asking for some money. That's what I'm asking.

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CHIEF HOLDEN: That's correct.

COMMISSIONER CAMPOS: Okay. Just so that we know we're going to be paying \$50,000, \$100,00 just to get the ball rolling, maybe more.

COMMISSIONER DURAN: They always come to ask for money.

CHAIRMAN SULLIVAN: And we don't always give it to them. Are there other questions or comments of Chief Blackwell or staff? Hearing none, we have Resolution No. 2003-36 in front of us, what's the pleasure of the Commission?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Motion for approval. Is there a second?

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: And there's a second. Is there further discussion on the resolution?

The motion to approve Resolution 2003-36 passed by unanimous [5-0] voice vote.

MR. BLACKWELL: Mr. Chairman, Commissioners, thank you for your support.

CHAIRMAN SULLIVAN: Thank you for your work. It's late or I would continue with the accolades. But you know that you have my support.

XI. F. Sheriff's Office

- 1. Request authority to use funds designated for a federal lobbyist to hire a court liaison/advocate to track and advocate for expeditious handling of county inmates housed at the Santa Fe Adult Detention Facility**

CHAIRMAN SULLIVAN: In my book it's out of order but you may find it at the end of your books. That's where mine is. From the Sheriff's Department. I see the Sheriff here.

GREG SOLANO (County Sheriff): Thank you, Mr. Chairman, Commissioners. Four years ago, when I first ran for Sheriff, the jail was the number one issue that I got calls and concerns about. It moved a little bit down, it's still number one but I got definitely less calls this time. It's still the number one issue that I got calls and concerns about. So as I came in I began looking at several issues in jail, both criminal and law enforcement issues as well as civil rights and financial issues.

As we looked at this, myself and the former County Manager Estevan, Steve Kopelman, Katherine and Greg Parrish and I all met together and started looking at several issues in the jail. One of the things that we found was that there are numerous inmates that are

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staying for what I feel and I think we all felt protracted lengths of time due to them just falling through cracks in the system. In a perfect world we could probably go to the judges and the district attorneys and say, you know, we need to get these cases moved through more expeditiously and leave it to them to do it but I don't think that's going to happen. So what we proposed together in our discussions was that what we really needed was a case manager who works for the County.

We do have case managers at the jail right now that help move the inmates through the system and take care of their needs and handle plenty of things for all the inmates in the facility. However, we felt that we really need somebody who has the County's interest at heart as we look at the inmates and will handle the portion of the inmates that are specifically billed and handled by the County which is right now at about 300. So right now we have about 300 inmates that the County pays for on a daily basis, at a cost of about \$50 to \$60 per day that we're paying. We found that we had numerous inmates that were staying, that were currently in there, anywhere from 200, 300 days all the way up to one that was there for over 900 days. We feel, in all our discussions that what we needed to do was get somebody in there who could track these inmates that have been in there a long time and eventually, when we get those down, then work on the rest of the inmates keeping there from being in there this length of time.

So this is how this came about. I went to Katherine. We asked about funding and how we could fund a person to take care of this. It was brought up that there were some funds that were unused for a federal lobbyist and perhaps we could ask that those funds be transferred to take care of this position. That's basically what I'm doing here today is I'm asking that we have these funds transferred and allow us to use them for this position. My feeling is that once we get this person in there the savings to the County of them moving these inmates through much quicker would offset the funds that we're going to spend to have this position.

CHAIRMAN SULLIVAN: Question. I don't see any funding transfer sheets from Katherine here. Is there an amount, and is this a term position? Is it a full-time position and how much are we going to spend and how much is left of the funds that were allocated for the federal lobbyist?

MS. MILLER: Mr. Chairman, we have \$50,000 available in the budget for this initiative.

CHAIRMAN SULLIVAN: So is this a contract person then that then is terminated when the money runs out?

SHERIFF SOLANO: What we were looking at is we had two options that we're looking at. Well, I'll actually put it to four options. The two options is first of all, who would we hire. One of the options we're looking at is perhaps hiring an attorney to do this and asking the District Attorney's office to possibly commission them for limited purposes which will allow them to get some of these hearings and things scheduled and sent through under that commission. And that that would not only help the DA's office but help us get somebody who actually had some authority to move these cases through.

The other one would be a person that was not necessarily an attorney but a person who

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has some experience in either the DA's office, probation and parole of the court systems that would have some experience and help move these things through. So those are the first two options on what type of person we would get in.

The other two options we're looking at is whether or not it would be a term position or a contract position and we really haven't made those decisions yet and I'll tell you why too. We wanted to make sure that some funding was available and how much funding. Then we would base those decisions on what the allocation of money we had was. But those are the options we're looking at. I'm scheduling a meeting with Henry Valdez and I was going to schedule last week but with the flood in his office and all I decided to give him a break, and soon so we can discuss whether or not the attorney position is a viable option. Then we were hoping to finalize all those decisions based on whether or not we did come up with the funding.

CHAIRMAN SULLIVAN: Commissioner Duran, you had a question?

COMMISSIONER DURAN: Did I?

CHAIRMAN SULLIVAN: Okay, Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I guess I'll ask this question of Gerald. Is there still a need for a federal lobbyist or what was that for previously?

MR. GONZALEZ: Mr. Chairman, Commissioner Montoya, that was a decision that was made some time ago by a prior Commission. However, I personally do not believe that a federal lobbyist is necessary. In fact, during my recent conversation with Congressman Udall, I think that was on Friday, he actually congratulated the Commission for considering not allocating that money because from his standpoint in my experience working in his office, it probably would have been money that could have been much better spent. And this is an ideal expenditure I believe.

There may be a need to look down the road at how we look for federal funding and other kinds of funds but that's another question for another day. But for today, this is a totally appropriate expenditure I believe.

CHAIRMAN SULLIVAN: Katherine, is this all the money that's left in the budget item for the federal lobbyist?

MS. MILLER: Mr. Chairman, Commissioners, what happened in the last budget cycle, if you recall, we did a reorganization under Sam Montoya as County Manager and that was the lobbying money. So in fiscal year 2003 we did not put any money in for a lobbyist but we had put \$50,000 in for homeland security. When the issue of looking for a lobbyist again came up, the funds that were offered up were the \$50,000 that had been allocated for home security since we didn't have any specific funding that we were going to target and leverage that with. So it's that \$50,000. And it was not initially designated for a lobbyist; it was for homeland security and then was designated for a lobbyist, but we did not contract with one.

CHAIRMAN SULLIVAN: The only thing I was concerned about is that if we are interested in doing an economic development person, be it for the business park or for assisting in grant writing and some of those other issues that we talked about earlier in the meeting today, this was some of the funds that I was possibly thinking about but hopefully you can find some more money because I think -

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MS. MILLER: Do I have to pay the City \$40,000?

CHAIRMAN SULLIVAN: This is one of the issues that we've been discussing and complaining about in the jail for a long time, not just from a fiscal standpoint but from a human standpoint that people disappear into the system and don't see the light of day for - it's supposed to be ten days and there's an indication here that sometimes it's running into the hundreds of days.

MS. MILLER: Mr. Chairman, just a couple items. We do have some funds allocated in the budget for economic development and those have not all been expended. And I can verify what's left on those. I don't know them off the top of my head but there are some funds available for that.

CHAIRMAN SULLIVAN: Good.

MS. MILLER: And some additional contractual service funds for consulting that we could also use for economic development. That would not in any way impact this \$50,000. The other thing that we wanted to do was track the performance of this position, kind of based on shortening the number of days that somebody stays, so we'd be able to see how effective these funds are, hopefully, we'd be able to see a reduction in the length of stay, average length of stay of the inmates as well.

CHAIRMAN SULLIVAN: Super. Other questions from Katherine?

COMMISSIONER MONTOYA: Mr. Chairman, I had some questions.

CHAIRMAN SULLIVAN: Oh, I'm sorry. I interrupted you, Commissioner Montoya. Go ahead.

COMMISSIONER MONTOYA: Sheriff, it sounds like these will be recurring costs.

SHERIFF SOLANO: Well, right now, we're looking at getting this position, tracking it, seeing how well it works and then if it does work we would come back and ask to continue this position.

COMMISSIONER MONTOYA: Okay. Then has there been any study or analysis done as to what the savings would be by moving these inmates on and out of the jail?

MS. MILLER: Mr. Chairman, Commissioner Montoya, everyday that they're not in there that's \$41 a day less that we have to pay our contractor, plus other associated costs that the County incurs.

COMMISSIONER MONTOYA: So out of that \$41 a day, how many do you think could be moved out of the system? In other words, from not housing that many?

MS. MILLER: Mr. Chairman, Commissioner Montoya, what we're looking at is how we would judge the effectiveness or determine the effectiveness of these funds is if we are able to reduce the average length of stay, we can directly determine how much that saves us and whether that position actually pays for itself. That's our whole - obviously, there'll be other factors that we have to consider that this position won't be able to account for but we do hope to actually measure the effectiveness and whether it returns more than we're spending on it.

MR. GONZALEZ: Mr. Chairman, Commissioner Montoya, just in response to

2525610

that question, Greg Parrish pointed out, just one situation that alone, if we had had somebody to intervene would have more than saved the amount that we're talking about expending for this one contract.

CHAIRMAN SULLIVAN: More questions, Commissioner Montoya?

COMMISSIONER MONTOYA: No. That's all. Thank you.

CHAIRMAN SULLIVAN: I just did a quick calculation and if 30 inmates - if we were able to reduce the time that inmates are in by 30 days, it would only take 40 of them to make up the \$50,000. In other words, we'd have to save about 1200 person-days. So if we said we could cut 30 days off someone's incarceration that didn't need to be there it would only take 40 of them out of the I think some 700 that are in the jail, that we would make up our \$50,000. It doesn't mean that we're going to achieve that but that would be a goal.

MS. MILLER: Mr. Chairman, to add to that, we've pretty much paid for about 11,000 man-days to 12,000 man-days a month. So it would be about 10 percent in one month is all we would have to.

CHAIRMAN SULLIVAN: 11,000 to 12,000 person-days.

Km : We call them man-days or inmate days.

CHAIRMAN SULLIVAN: Well, there's women in that facility.

MS. MILLER: Inmate days per month.

CHAIRMAN SULLIVAN: That's per month.

MS. MILLER: Per month.

CHAIRMAN SULLIVAN: I'm talking about per this \$50,000. So you're saying if we could save 10 percent of the incarceration time in one month then we would pay for the \$50,000.

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

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: There's a motion and a second from Commissioner Campos. Another second from Commissioner Anaya.

The motion to approve the request to use the lobbyist funds for a prisoner advocate passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

CHAIRMAN SULLIVAN: Good luck on your program.

COMMISSIONER CAMPOS: Thank you, Sheriff.

CHAIRMAN SULLIVAN: Great idea. And let me just add one thing. I don't know whether this individual - I marked it down there, I don't know whether this individual can participate in this but I was hopeful that perhaps they could participate in this issue of the transportation upon release situation where we talked about highway transport, many cases being an issue of being able to notify the relatives and that type of thing. I don't know whether that's in your thoughts but I know you were going to come back later and report to us on that.

SHERIFF SOLANO: Yes, Mr. Chairman. I think Mr. Parrish has spent

2525611

numerous man-hours on that issue also.

CHAIRMAN SULLIVAN: That's coming up, I think he told me next month. Fine. Thank you. We skipped two items that we'll leave for next time and the only other item we need to handle – we skipped three items. We skipped (XI.) C.1, C.2 and G.1. We need to have a brief executive session. Is that correct, Mr. Kopelman.

MR. KOPELMAN: Mr. Chairman, we're going to eliminate b. and we just have 1.a which is limited personnel issues, approval of the County Manager Contract, and c, Pending or threatened litigation. I don't think we should be in there for more than 10 or 15 minutes.

CHAIRMAN SULLIVAN: Okay, so executive session will for items 1.a and 1.c. Is that correct?

MR. KOPELMAN: Yes.

COMMISSIONER CAMPOS: Should we table the other items?

CHAIRMAN SULLIVAN: Do you want to table them until the next meeting?

MR. KOPELMAN: Mr. Chairman, that's a good idea, yes.

CHAIRMAN SULLIVAN: Okay. So we'll entertain a motion to table items XI. C. 1 and 2, and XI. G.1. Do we need to table executive – executive items we kind of do at any time.

MR. KOPELMAN: Mr. Chairman, we can bring that back next time.

CHAIRMAN SULLIVAN: We do those as needed.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: There's a motion and a second to table those three items.

The motion to table items XI. C. 1 and 2, and XI. G.1 passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

X. Matters from the County Attorney

1. Executive session

a. Limited personnel issues – approval of County Manager contract

c. Discussion of pending or threatened litigation

i. *Hacienda del Cerezo, Ltd., v. Public Service Company of New Mexico, the County of Santa Fe Board of County Commissioners, and the United States Bureau of Land Management*

Commissioner Anaya moved to go into executive session pursuant to NMSA Sections 10-15-1 (2 & 7) to discuss the matters delineated above. Commissioner Montoya seconded the motion which passed upon unanimous roll call vote with

2525612

Commissioners Anaya, Campos, Montoya and Sullivan all voting in the affirmative.
[Commissioner Duran was not present for this action.]


[The Commission met in executive session from 5:20 to 5:40.]

Commissioner Montoya moved to come out of executive session having discussed only the matters outlined in the agenda and having approved the contract for the County Manager. Commissioner Anaya seconded. The motion passed by unanimous voice vote.

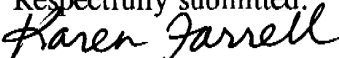
ADJOURNMENT

Chairman Sullivan declared this meeting adjourned at approximately 5:40 p.m.


Approved by:



Board of County Commissioners
Jack Sullivan, Chairman

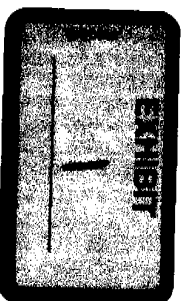
Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:



REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK





Recommendations from the SF Health Planning and Policy Commission

Selection Committee for St. Vincent Hospital Board

Commissioners at the Meeting, 2/19/03

- Jamie Estremera-Fitzgerald
- Arturo Gonzales
- Glenn Wieringa
- Valery Henderson

Definitions of the Criteria

- 1 Time and Availability
- 2 Community Assertiveness
- 3 Familiar with the Communities
- 4 Level of Organization, Knowledge of Boards, and functioning
- 5 Representative of the Community, has lived here for 5 years
- 6 Level of Understanding of today's Health Care Issues and Challenges
- 7 Not a Conflict of Interest
- 8 Must live in Santa Fe County

	Criteria	1	2	3	4	5	6	7	8	
Candidates										
Charlotte Roybal	yes	yes	yes	yes	yes	yes	yes	yes	yes	Recommended
Rebecca Frankel	yes	yes	yes	yes	yes	yes	yes	yes	yes	
Frank De Luzio	yes	yes	yes	yes	yes	yes	yes	yes	yes	
Francisco Rivera	yes	yes	yes	yes	yes	yes	yes	yes	yes	
Anthony Gonzales	yes	yes	yes	yes	yes	yes	yes	yes	yes	Recommended
Dale Gentsch	yes	yes	yes	yes	yes	yes	yes	yes	yes	
Francis Lane	yes	yes	yes	yes	yes	yes	yes	yes	yes	
Ernestine Lawrence	yes	yes	yes	yes	yes	yes	yes	yes	yes	

2525613

Charlotte Roybal
27 Calle Varada
Santa Fe, New Mexico 87507
(505) 438-0563

HYPERLINK mailto:Croybal@aol.com
Croybal@aol.com

SUMMARY OF QUALIFICATIONS

(Planning, program development and evaluation (Marketing and advertising
(Grant writing and administration of grants (Public and media relations
(Foundation management (Budget development and management
(Lobbying (Administration of federal, state
(Planning and managing political campaigns private finds
(Policy and program analysis (Supervision of employees
(Community organizing and community leadership

2525614

EXPERIENCE

(Private Consultant, 1989 to present (see contract list)

St. Vincent Hospital, Santa Fe, New Mexico, 1980 to 1989

Director, Development and Public Relations, 1988 to 1989

In addition to those duties listed below, responsible for the development and implementation of marketing and advertising plans, as well as serving as media liaison.

Director, Planning and Development, and Director SVH Foundation, 1981 to 1988
Responsible for development of recommendations and implementation of policies of Hospital Foundation Board including: capital campaigns and annual appeal campaigns, solicitation of private business and community donor groups; organization and coordination of special events; proposal development for private foundation grants; disbursement of grants; and development and implementation of board investment policies. Additional responsibilities included: institutional planning with review and improvement of existing services and recommendations for new programs; maintenance of regulatory functions; administration of auxiliary volunteer program; and implementation of community and government relations projects.

Community Relations Specialist, 1980 to 1981

Responsible for staffing Foundation Board and committees; prospect list development and maintenance; public information program; coordination of annual benefit art sales and tennis tournament; and Foundation community liaison.

YOUTH RESOURCE CENTER, Office of the Governor, State of New
Mexico

Planner, January through September, 1980

Responsible for the compilation of a youth resource directory; provide staff support to the New Mexico International Year of the Child Committee; preparation of a monthly newsletter; and the development of linkages of youth-oriented programs throughout New Mexico.

NEW MEXICO HEALTH AND ENVIRONMENT DEPARTMENT, State of
New Mexico,

2525615

Health Planner 1, 2, 3, 4, 1971- 1979

Responsible for the development and administration of the New Mexico State Health Plan and the Medical Facilities Plan, analysis of health-related legislation, policies, plans and programs; staffing of the Interim Health and Aging Study Committee; preparation and administration of federal grant application. Responsible for the administration of the A-95 review program for proposals for federal funds; negotiation and maintenance of all contracts; administrative activities of Federal Manpower Shortage Area Designation Program; provided staff support to the Governor's Statewide Health Coordinating Council.

MEMBERSHIPS

Trustee, (2002- present) Con Alma Health Foundation
(Steering Committee Member, 1999-present), Human Needs Coordinating Council
(Board Member, (1999-2002), Las Adelitas
(Commissioner, (1996-98), County Development Review Commission
(Trustee, (1991-1996), Children's Trust Fund
(Member, (1994), Superintendent's Search Committee, Santa Fe Public Schools
(Member, (1991-1994), Financial Access Task Force, Health Policy Commission
(Board Member, (1990-1992), Santa Fe Community Housing Trust
(Member, (1991-1994), Management Team, Comunidad Y Cultura
(Board Member, (1990-1992), Leadership Santa Fe
(Commissioner, (1987-1990), Santa Fe Planning Commission
(Board Member, (1987-1990), Santa Fe Chamber of Commerce
(Board Member, (1982-1986), United Way of Santa Fe County
(Commissioner, (1980-1984), and Chairman, Santa Fe County Housing Authority
(Board Member, (1977-1986), Vice President (1980-1982), Maternal and Child Health Center
(Board Member, (1976-1978), La Familia Medical Center
(Board Member, (1976-1980), Chairman (1979), Santa Fe Community Development Commission

EDUCATION

(Master's Degree candidate in Public Administration, University of New Mexico
(B.A. University Studies, Sociology; University of New Mexico, 1972
(University of California, Santa Cruz, 1971
(Vista Training, Norman Oklahoma, 1968
(Bowling Green University, Bowling Green, Ohio, 1966-1968

REFERENCES FURNISHED UPON REQUEST

ROYBAL CONSULTING CONTRACT LIST 1989-2002

2525616

Santa Fe Community College: development, implementation, and analysis of two surveys.

Southwest Consulting Group: policy analysis and recommendations of developmental disabilities system in New Mexico for the Developmental Disabilities Planning Council.

Southwest Consulting Group: community development activities (in Northeastern New Mexico) related to drug prevention for the Regional Empowerment Program.

Department of Health, Behavior Health Services Division/Substance Abuse: wrote and published 28 issues of THE CONNECTION, a monthly drug abuse prevention newsletter.

Department of Finance and Administration: policy analysis of proposed health legislation, and program review and recommendations concerning federal grant review and tracking system.

Santa Fe Community Needs Assessment: (sponsored by the United Way of Santa Fe County, Santa Fe Community Foundation, and the City and County of Santa Fe); development and implementation of a needs assessment process for the identification of health and human service needs in Santa Fe. Produced tabloid report for the community.

New Mexico AIDS Services: wrote grant application for state funding and received grant for \$387,000.

Albuquerque/Bernalillo County Economic Opportunity Board: wrote grant application for Head Start/Target Cities drug prevention and treatment program and received grant for \$300,000.

Guadalupe Historic Foundation: wrote grant application for three years to the Santa Fe Arts Commission and received \$37,000 each year.

Santa Fe County Commission: development of a Maternal and Child Health Plan, staffing of the Santa Fe Maternal and Child Health Planning Council, and writing of grant application for state funding; plan approved by the state and received grant for \$165,000. On second contract served as health educator in which I developed health education promotional materials.

Los Alamos County Council: development of Los Alamos County Maternal and Child Health Plan and staffing of Los Alamos Maternal and Child Health Council.

Los Alamos County Council: developed an assessment of the Los Alamos County Public Health Department and presented organizational and funding recommendations.

Las Campanas: developed community and public relations recommendations.

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Maternal and Child Health Center: served as Acting Director for two months until new director hired. On-going fund-raising and grant development and received \$440,000 in grants.

New Vistas: developed and published annual report for 1991-1992.

Department of Health, Health Promotion Bureau: researched, developed and published first Injury Prevention Report, 1993.

Academic Counseling Services: development of a marketing plan and advertising for a college counseling business.

Safer New Mexico Now: development of a seat belt campaign for high school students, and for pick-up trucks.

La Nueva Vida: provided management training for Comunidad y Cultura Project.

Department of Health, Office of Rural Health: developed and implemented planning groups and interviews with rural practice providers, in order to determine technical assistance needs. Assisted in the development of a technical assistance grant application to Robert Wood Johnson and received \$2 million.

Big Brothers/Big Sisters of Santa Fe County: developed state and city grant applications for the program and received \$200,000.

Kitchen Angels: wrote grant applications and received \$57,000.

Parent Assistance Center: provided consultation with regard to development plans for organization.

Earl Potter for State Democratic Chair: served as Campaign Coordinator for State Democratic Chair.

Democratic Party of New Mexico: served as Interim Director for Party and developed draft Coordinated Campaign Plan for Victory 1996.

Resources for Change: provided campaign consulting for progressive candidates.

Capital Government Reports: legislative analyst and health issues reporter for political publication.

2525618

EMILY's LIST: organized two events in New Mexico for national PAC.

County of Santa Fe: development of a health policy for Santa Fe County with community input.

New Mexico Arts: developed a self-assessment process for arts organizations statewide; implemented assessment; and provided training in areas identified as needed.

Progressive Alliance for Community Empowerment (PACE): served as lead lobbyist during 1998 session on Campaign Finance Reform and Corporate Welfare issues.

Health Centers of Northern New Mexico: developed and implemented a development and community outreach program in Northern New Mexico.

Coalition To Save Our Health Resources: served as Coordinator of a grass roots coalition of 23 labor, advocacy and religious groups that filed as an intervening party in regulatory process in the sale and conversion of Blue Cross Blue Shield of New Mexico. As coordinator, was responsible for organizing citizens across the state to participate in public hearings and voicing concerns.

Governor's Concerns on the Handicapped: researched and developed a draft plan in response to the Olmstead decision. Made recommendations to the interim Health and Human Service Legislative Committee.

Common Cause New Mexico: coordinator for the Free Air Time Campaign for New Mexico. Organized a public forum and educated the public on the issue.

Rebecca Frenkel
1252 Vallecita Drive
Santa Fe, NM 97501
505 984-2520

RESUME'

2525619

PERSONAL HISTORY:

I am married to Jack Frenkel, a retired university professor. We have three children and six grandchildren. After frequent travels from Kansas to Santa Fe between 1955 and 1981, we decided to make Santa Fe our permanent residence after retirement. In 1981 we purchased property in Santa Fe and after retiring in 1991, moved here.

During the 1960's we lived in Mexico City, Costa Rica, Colombia, S.A. and in Germany in 1978.

EDUCATION:

BA in psychology, BSN in nursing and 26 hours graduate credit.

PROFESSIONAL

1953-2000: Registered nurse.

1953-96: Employed in a variety of nursing positions including 5 years as a clinical director of community health nursing. From 1991 to 1996 I worked as a visiting nurse in Santa Fe.

Member of Sigma Theta Tau National Honorary Nursing Society.

Registered nurse in New Mexico, Kansas and Missouri (non-active) until retirement in 1996.

COMMUNITY INVOLVEMENT:

1960-70: A member of the League of Women Voters of Shawnee Mission, Kansas, serving in various positions on the Board of Directors.

1973-75: Member of the Board of Education of the Linwood School District.

1975-77: Member of the Board of Education of the Shawnee Mission Unified School District

1991-present: Member of the League of Women Voters of Santa Fe County, and a member of the Board of Directors 1993-2000.

1997-99: Teacher of English as a second language.

1998-00: President, League of Women Voters of Santa Fe County.

1998-2000: Member of the Board of Directors of Northeast Neighborhood Assoc.

1998-present: Member of the Board of Directors of the Old Santa Fe Association.

1999-2003: Member and Treasurer of the Board of Directors of the Placitas Miramonte & Geriza Condominium Assoc.

1999-present: Appointed as a member of the Santa Fe County Health Planning Commission. Term expires, April, 2003.

2001-present: Member of the Community Services Network Advisory Committee to St. Vincent's Hospital.

2002-present: Member of the City of Santa Fe Policy and Planning Commission.

In 2001 as a member of the S.Fe. County Health Planning Commission, I researched and authored the *Santa Fe County Youth Health Care Plan*.

As a part of my community service for the League of Women Voters of Santa Fe County I have been an observer of both City and County government, attended many meetings of planning commissions, the EZA, the Santa Fe City Council and the Board of County Commissioners.

Frank C. Di Luzio
69-B Calle Enrique
Santa Fe, NM 87507
(505) 471-8680
fdiluzio@earthlink.net

Objective:

To join the St. Vincent Hospital Board as a community member.

2525620

Summary:

Thirty-year resident of Santa Fe. Extensive experience in local government including delivery of social services and health care. Involvement with local non-profit board as well as national organization.

Professional Experience:

Operations Advisor: (October 2001 to Present)

Working on a wide range of tasks for the Federal Emergency Management Agency's Office of Cerro Grande Fire Claims. Performed audit functions on individual and small business claims to assure compliance with applicable federal regulations and equitable compensation for losses. Also serving as the point of contact and claim reviewer for tribal and local government claimants. Developed the scope of work standards for, and administered contracts for claim review services. Managed community mitigation plans and project development for four counties, two municipalities and four pueblos totaling up-to \$30M. Also, worked as a member of the transition team in preparation for the Office of Cerro Grande Fire Claims' relocation to FEMA Region 6 in Denton, Texas at the end of calendar year 2002. Continue to work on an intermittent basis at the FEMA Regional office.

City Manager (January 2000 to February 2001)

Worked as the Chief Administrative Officer for an organization of 1,500 employees serving the citizens of Santa Fe. Developed and implemented an annual budget of \$150M. Worked closely with City staff and elected officials to develop and implement responses to a severe wild land fire season, severe drought, and long-term financial shortfalls. Worked on implementing new organization-wide computer and phone systems. Developed new and innovative ways to improve communication with the public as well as provide more effective response to citizen complaints.

Fire Chief (January 1994 to January 2000)

Served as a member of the City's executive staff. The Fire Department employed 115 firefighters, paramedics, and support personnel. The department's operating budget was \$6.9M. Had overall responsibility for all aspects of the department's operation and long range planning.

As a member of the management team negotiated the first three collective bargaining agreements between the city and the three unions representing employees.

Served as Acting City Manager at the request of the city manager as well as being appointed by the Governing Body to serve as Interim City Manager pursuant to the Santa Fe City Code.

Deputy Fire Chief (March 1990 to January 1994)

Served as the Fire Department's second in command. Directly responsible for the day-to-day operations of the Fire Prevention Division including fire prevention, arson investigation and public education. The Emergency Services Division Chief and Training Division Chief reported directly to me.

Regularly served as Acting Fire Chief in the Fire Chief's absence.

Division Chief, Emergency Services (July 1989 to March 1990)

Managed the daily operations of the City's emergency medical services and fire suppression delivery system. In addition, it was my responsibility to establish and maintain the department's contracts for medical direction and pharmacy services. I also managed purchasing and inventory control for medical supplies.

2525621

Maintained the licensing and training records for the Fire Department's Emergency Medical Technicians and coordinated their licensing with the State of New Mexico.

Captain, Emergency Medical Services (July 1987 to July 1989)

Served as the City's liaison to St. Vincent Hospital, the State of New Mexico, the University of New Mexico and the American Heart Association. Developed. Delivered emergency medical training programs to the Department's EMT's to meet State licensing requirements.

2525622

Lieutenant (July 1983 to July 1987)

Served as the shift commander for on duty firefighters and Emergency Medical Technicians. Was responsible for the supervision, coordination and direction of these personnel as well as the maintaining of equipment and facilities throughout the city. Routinely commanded a wide variety of emergency incidents as well as conducting training drills.

Firefighter/Paramedic (March 1979 to July 1983)

Participated in fire fighting, rescue, extrication and 9-1-1 dispatching activities in addition to treating patients with a wide variety of acute illnesses and injuries. Responsible for operating a wide range of fire apparatus, ambulances, rescue trucks and all associated equipment.

Key Skills:

Able to Manage Multiple Demands and Tight Timelines

Excellent Listening and Problem Solving Skills

Experienced Negotiator

Competent Public Speaker

Skilled Instructor

Extensive Experience in Researching a Wide Range of Topics

Familiar With Grant Research and Writing

Knowledgeable in a Wide Range of Federal, State and Local Laws

Education:

- 1990 National Fire Academy; Emmitsburg, Maryland
Completed Executive Fire Officer Program
- 1989 Completed Nine Credit Hours Toward Masters of Public
Administration, University of New Mexico
- 1984 College of Santa Fe, Santa Fe, New Mexico
Bachelor of Arts, Public Administration

Professional Associations:

- National Society of Executive Fire Officers, Past Board Member
- American Society for Public Administration
- Santa Fe Crime Stoppers, Board Member
- Unite Way of Santa Fe County, Member of the 2-1-1 Planning Committee

2525623

Frank Di Luzio
69-B Calle Enrique
Santa Fe, NM 87507

Santa Fe County
Health Policy & Planning Commission

2525624

Dear Commissioners,

Please accept my resume for consideration as a potential member of the Board of Directors for Saint Vincent Hospital. During my many years of public service I have always had a keen interest in the health care needs of our community. I believe I can bring to the Board a perspective encompassing an understanding of the diverse community unique to northern New Mexico and an appreciation for the complexities that come with health care delivery. As Santa Fe's only full-service community hospital, Saint Vincent faces many challenges. I would like to be a part of charting the organization's course in meeting these head-on.

Thank you for the opportunity to be considered for this vital position.

Sincerely,

Frank Di Luzio

Frank Di Luzio
69-B Calle Enrique
Santa Fe, NM 87507

Saint Vincent Hospital
Board of Board of Directors

2525625

Dear Board Members

Please accept my resume for consideration as a potential member of the Board of Directors for Saint Vincent Hospital. During my many years of public service I have always had a keen interest in the health care needs of our community. I believe I can bring to the Board a perspective encompassing an understanding of the diverse community unique to northern New Mexico and an appreciation for the complexities that come with health care delivery. As Santa Fe's only full-service community hospital, Saint Vincent faces many challenges. I would like to be a part of charting the organization's course in meeting these head-on.

Thank you for the opportunity to be considered for this vital position.

Sincerely,

Frank Di Luzio

653 W. San Francisco (505) 989-4420
Santa Fe, NM 87501

Francisco J. Rivera

- Objective** Serve as a member of the St. Vincent's Board of Trustees. 2525626
- Experience** 1992-2000 (Retired) City of Santa Fe Santa Fe, NM
Community Services Department Director
- Develop and maintain programs that improve quality of life for the citizens of Santa Fe in the areas of Housing, Economic Development, Youth Services, Human Services, Arts, Senior Program and Library Services.
 - Manage and oversee the department budget of approximately eight million dollars and ensure that all personnel policies of the city of Santa Fe are followed.
 - Ensure that the goals of each division and sections are met, attain adequate funding and staffing levels.
 - Communicate with the Governing Body, City Manager and Department Directors to successfully implement policies.
 - Work with general public and non-profit community to effectively advocate for unmet needs in the community.
- 1988-1992 City of Santa Fe Santa Fe, NM
Community Development Director
- Responsible for overall management of the Community Development Block Grant Program.
 - Implemented the Affordable Housing Program.
 - Oversaw the Economic Development Initiatives including developing an economic plan for the city.
 - Oversaw the Human Services section including developing a comprehensive human services plan and maintaining the grants program.
 - Implemented the Children and Youth Program including the long-range plan.
- 1975-1988 City of Santa Fe Santa Fe, NM
Evaluation Officer-Budget/Grants Analyst
- Develop, review and maintain grant evaluation methodology, design and techniques for the City program and distribute reports.
 - Assisted in submission of reports to non-profit agencies.
 - Ensured contract compliance and surveyed grant inquiries.
 - Assisted human services agencies in their search for funding. Served as staff liaison to Human Services Committee.
 - Analyzed budgets for non-profits as well as city departments.
- Education** 1975 College of Santa Fe Santa Fe, NM
- B.S., Social Work.
- Interests** Reading running, golf and tennis.
- Currently a board member of the Community Development Commission.

ERNESTINE IVY LAWRENCE
107 Placita Halcon
Santa Fe, N.M. 87505
(505) 986-8351

2525627

July 1996 to
Present

Consultant, Head Start Program Performance Reviews
American Indian & Migrant Branches; Regions 4, 6 & 9

As part of the Program Review Team, provide monitoring reports on individual Head Start Program compliance with Program Performance Standards and fiscal audits. This requires familiarity with current applicable Federal, State and Tribal regulations, funding resources and their constraints. I have reviewed programs in Alaska, California, Washington, Oregon, Nebraska, New Mexico, Texas, South Dakota, North and South Carolina, and Florida.

April 1991 to
June 30, 1995.

Executive Director, Women's Health Services, Family
Care and Counseling Center, Inc.
141 Paseo De Peralta
Santa Fe, New Mexico 87501

Responsible to the Board of Directors for planning, conducting and evaluating the administrative functions of a private, non-profit Center which provides primary medical care, health education, acupuncture, massage therapy and mental health counseling services. Supervision of eight staff and eleven contractors; budget of \$600,000. Three-quarter time position.

Accomplishments: Fund raising through grant writing which diversified income from \$17,000 annually in public funds to \$370,000 annually, in support of low income patient services. Doubled service capacity through development of new facility.

1976 to 1990: Program Manager II,
Maternal, Child and Adolescent Health,
Public Health Medical Services,
Santa Clara County Health Department,
2220 Moorpark Avenue
San Jose, CA. 95128

Responsible for planning, directing, and evaluating the administrative operations of the California Children Services Program, Comprehensive Perinatal Services Program, and the Child Health and Disability Prevention Program; and providing management support to the County Health Officer. Program scope: 56 staff positions and \$4 million budget.

Accomplishments:

2525628

. Successful administration of Maternal and Child Health Services, including supervision of medical, social and financial eligibility functions; provision of specialty medical services, physical and occupation therapy for disabled children; facilitation of managed care and claims payments, negotiation of interagency agreements with State and local agencies.

. Staffed the County Maternal, Child and Adolescent Health Board, whose responsibility was to oversee the status of community health in a county population of 1,500,000.

. Planned, staffed and implemented the Comprehensive Perinatal Service Program; recruited physician and clinic participation; planned and delivered training for nutrition, social service, and health education staff to enable provision of patient assessments and interventions.

1975 to 1976: Business Manager,
Santa Clara County Girl Scout Council

Responsible for direction of business and personnel services for countywide program.

1968 to 1975: Director, Project Head Start
Santa Clara County Office of Education

Responsible for planning, organizing, directing and evaluating a multi-funded child development program.

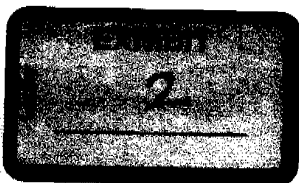
Accomplishments:

. Wrote a combination of successful grants from State, City, and Federal sources which funded child development, job training and parent education programs, over a seven-year period.

. Developed a successful Community Policy Board. Implemented a comprehensive staff development program

. Provided program performance evaluations in California and Navajo Nation Head Start programs as consultant team participant.

Education: BS, Human Relations and Organizational Behavior
University of San Francisco
Graduate work in Management, University of Redlands



2525629



**WATER SUPPLY AND DEMAND
FOR
SANTA FE COUNTY WATER
UTILITY**

2525630

**Santa Fe County Utilities Department
Gary G. Roybal, Director**

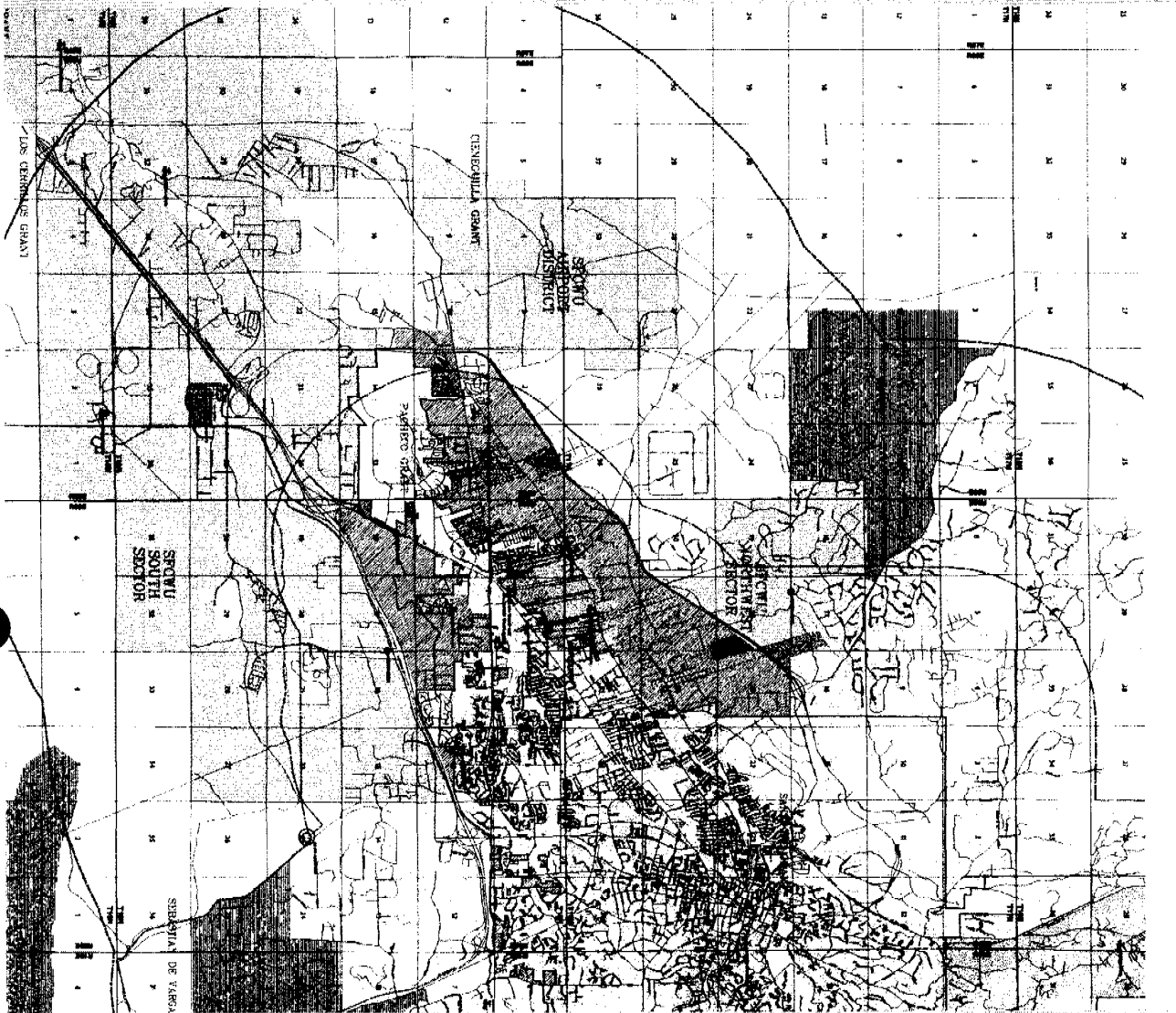


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SANTA FE COUNTY
SERVICE AREAS



2525632



2525633

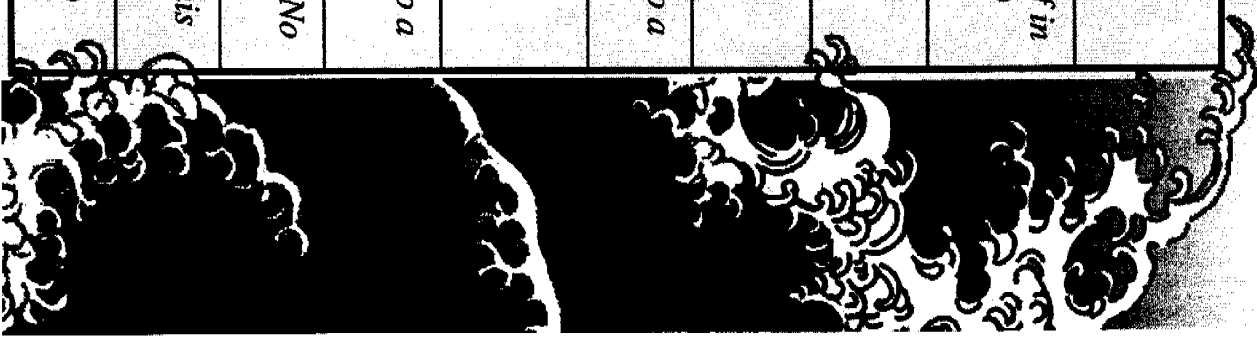
DEMAND SUMMARY (ac-ft/yr)

YEAR	SOUTH SECTOR	AIRPORT DISTRICT	N.W. SECTOR	EL DORADO	RESERVE CAPACITY	TOTAL
2004	815	0	27	300	228	1,370
2010	1305	100	46	300	350	2,101
2020	1705	225	146	300	515	3,091
2030	2205	350	246	300	680	4,081
2040	2385	500	346	300	782	4,691



WATER RIGHTS SUMMARY

DESCRIPTION	AVAILABLE CONSUMPTIVE AC-FT	TRANSFER TO POINT OF DIVERSION	UNDER CONTRACT	COMMENTS
2525634 VALLE VISTA	77.5			WR decline to: 60af in 2004; 48 af in 2019 and 36.9 af in 2020
STATE PENITENTIARY			387.0	Currently usable at Pen use only
HAGERMAN WELL			87.4	Represents 75% of total WR available
LA CIENEGA		21.0		To be transferred to a point of diversion.
SAN JUAN CHAMA	375			Undisputed amt. greater allocation possible
TOP OF THE WORLD		274.4	313.6	To be transferred to a point of diversion.
SOCORRO	11.07			Application filed – No protests
MISCELLANEOUS		172.55		Rancho Viejo, Komis and La Cienega
TOTAL	463.57	467.95	788.0	1719.52



SUPPLY SUSTAINABILITY

- *Furnish and maintain sufficient facilities to provide a continuous and adequate supply of water.*
- *Total supply system capacity shall meet the daily design maximum peak demand and shall meet the design average-day demand with the largest supply source out of service.*



CURRENT WATER SUPPLY SOURCES

- **500 Acre-Foot "Wheeled" by City**
 - ➔ **3 Delivery Points to County System**
- **Valle Vista Wells (6 wells)**
 - ➔ **77+ acre-foot production capability**



252563
**WATER SUPPLY SOURCES IN
DEVELOPMENT**

● **Hagerman Well**

- ➔ 116.55 acre-feet available
- ➔ County has 75% interest (87.4 ac-ft)

● **Buckman Diversion Project**

- ➔ 1,700 acre-feet diversion capacity
- ➔ Estimated time of operation – 2007
- ➔ Meet County Demand to 2010



2525638

WATER SUPPLY SOURCES IN DEVELOPMENT

- *State Penitentiary Wells*
 - ➔ *Three (3) Wells*
 - ➔ *Production Capability – 387 ac-ft / yr*



WATER SUPPLY SOURCES IN DEVELOPMENT

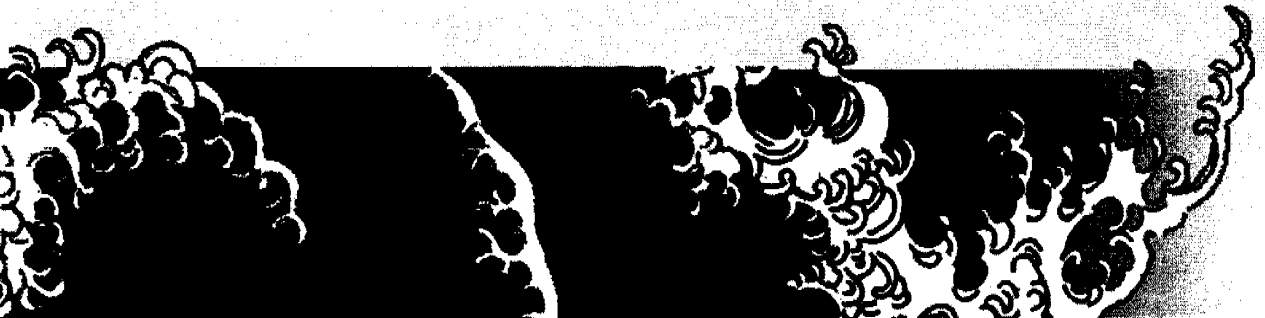
- *San Ildenfonso Collector Well Project*
 - ➔ *Pilot Project Completed – Summer 2002*
 - ➔ *Tribal Council and Governor have expressed willingness to begin discussions on permanent large scale facilities if project proves to be economically and technically feasible and project poses no adverse impacts to cultural and environmental concerns of the Pueblo.*



2525640

FUTURE WATER SUPPLY SOURCES

- *Well Field Development*
- *Additional Surface Diversion Points
along Rio Grande*
- *Importation of Desalinated Water*



FUTURE WATER RIGHTS SOURCES

- *Return Flow Credits associated with San Juan/Chama Permit*
- *Native Middle Rio Grande Water Rights*
- *Basin Water Rights*
- *Long-Term Leasing of available San Juan/Chama Water from other Contractors*



WATER MANAGEMENT OBJECTIVES

- *Conjunctive use of Surface Water and Ground Water*
- *Use of Reclaimed Water for:*
 - ➔ *Landscape Irrigation*
 - ➔ *Artificial Recharge of Aquifer*
 - ➔ *Return Flow Credits*
- *Aquifer Storage and Recovery*
- *Conservation*



**AMENDMENT #1 TO
AGREEMENT TO DELIVER WATER**

THIS AMENDMENT #1 (the "Amendment") to the AGREEMENT TO DELIVER WATER, dated August 10, 1994 (the "Agreement"), is between the City of Santa Fe, New Mexico, acting by and through its Governing Body (the "City"), the County of Santa Fe, New Mexico, acting by and through its Board of County Commissioners ("the County"), and the Santa Fe County Water Company, a New Mexico non-profit corporation ("the Company"). Capitalized terms used, but not defined by this Amendment, have the meanings given to them in the Agreement.

For good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the City, the County and the Company agree as follows:

1. Paragraph 3 of the Agreement is amended to increase the points of delivery of the water to the Company, from two points to three points, so that Paragraph 3 reads in its entirety as follows:

3. In addition to the Large Commercial Rate delivery charge set forth in Paragraph 2 of this Agreement, the Company also agrees to pay to the City a monthly rental charge for the Company's pro rata use of the water storage and transmission facilities that constitute additions to the present SDCW water utility system to the extent those additional facilities are necessary to deliver the water to the Company at the two points provided for in the Report and Recommendations, and the third point set forth on the attached Exhibit "A", once these additional facilities have been constructed and are in place, and the parties agree that this Agreement shall be amended to reflect the agreed upon rental charge once such facilities have been constructed and are in place and available for use by the Company.

2. Paragraph 4 of the Agreement is amended to increase the points of delivery described on page 5 of the Report and Recommendations, from two points to three points, so that Paragraph 4 reads in its entirety as follows:

4. The Company shall be fully responsible for construction of facilities to take delivery of water from the City at two delivery points described on page 5 of the Report and Recommendations, and the third point as set forth on the attached Exhibit "A", and for installation of master meters to measure the water delivered at such points, and such facilities shall be constructed in accordance with standards compatible with those of the City water utility.

2525644

3. Paragraph 5 of the Agreement is amended to increase the designated delivery points wherein the City shall furnish water, from two designated delivery points to three designated delivery points, so that Paragraph 5 reads in its entirety as follows:

5. The City shall furnish water at a reasonably constant pressure at the three designated delivery points. If a different pressure than that normally available at the point of delivery is required by the Company, the cost of providing such different pressure shall be borne by the Company. Emergency failures of pressure or supply due to main supply breaks, power failure, flood fire, and use of water to fight fire, earthquake or other catastrophe shall excuse the City from this provision for such reasonable period of time as may be necessary to restore service.

4. Paragraph 10 of the Agreement is amended to incorporate the Report and Recommendations as Exhibit "B" to the Agreement, instead of by reference, such Exhibit "B" is also attached to this Amendment. Accordingly, Paragraph 10 is amended to read in its entirety as follows:

10. In all other respects, the Contractual Conditions contained in the Report and Recommendations are reaffirmed and hereby incorporated herein and referred to as Exhibit "B", and the Company agrees that any and all obligations of the County thereunder are equally obligations of the Company.

5. AGREEMENT IN FULL FORCE. Except as specifically provided in this Amendment, the Agreement remains and shall remain in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment #1 to the AGREEMENT TO DELIVER WATER effective this 12th day of July, 1995.

CITY OF SANTA FE:

Debbie Jaramillo
DEBBIE JARAMILLO, MAYOR

ATTEST:

Yolanda Y. Vigil
YOLANDA Y. VIGIL, CITY CLERK

2525645

APPROVED AS TO FORM:

Maryliz Geffert
MARYLIZ GEFPERT, DEPUTY CITY ATTORNEY

COUNTY OF SANTA FE

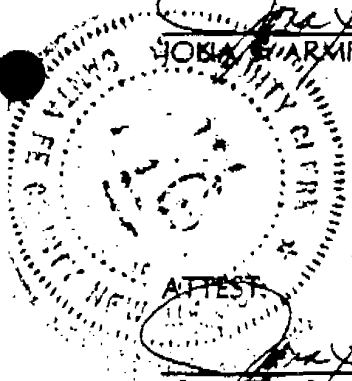
Richard D. Arnes
CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS 9/12-95

ATTEST:

Jonas Armijo
JONAS ARMIIJO, COUNTY CLERK

SANTA FE COUNTY WATER CO.

W. P. Gorman
CHAIRMAN, BOARD OF DIRECTORS



ATTEST:

Jonas Armijo
JONAS ARMIIJO, COUNTY CLERK

APPROVED AS TO FORM:

Stephen Kopelman
STEPHEN KOPELMAN, COUNTY ATTORNEY

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AGREEMENT TO DELIVER WATER

2525646

This ~~Agreement~~ is entered into by and between the City of Santa Fe, New Mexico, acting by and through its City Council ("the City"), the County of Santa Fe, New Mexico, acting by and through its Board of County Commissioners ("the County"), and the Santa Fe County Water Company, a New Mexico non-profit corporation (~~the~~ Company"), this 10 day of August, 1994.

WHEREAS, the City is in the process of acquiring the assets and business of Sangre de Cristo Water Company ("SDCW"), constituting the water utility that serves the City of ~~Santa~~ Fe and certain adjacent areas; and

WHEREAS, the Company is a private, non-profit corporation organized by the County exclusively for the public benefit, and is not a governmental entity or political subdivision of the State of New Mexico; and

WHEREAS, the County has established the Company as a water utility to serve an area located south of the City, and possibly other areas; and

WHEREAS, at the outset of its operations, the Company will not have an independent source of supply for the water to be delivered to its customers, but the County and the Company will exercise diligent efforts to establish an independent source of supply within ten years; and

WHEREAS, the City and the County, by a document entitled "City and County Negotiating Committee Report and Recommendations for Extension of Water Service and Water Delivery," dated December 15, 1993 ("Report and Recommendations"), which Report and Recommendations were approved and adopted by the County on December 14, 1993, and by the City on February 23, 1994, have agreed that the City

will deliver water to a County water utility through the SDCW water system when such system is owned by the City at two delivery points, subject to certain Contractual Conditions for Delivery of Water set forth in the Report and Recommendations at pp. 7-8 ("the Contractual Conditions"); and

2525647

WHEREAS, the City has accepted that the Company is the County water utility referred to in the Report and Recommendations;

NOW THEREFORE, the parties hereto hereby agree as follows:

1. The City and the County agree that the Company shall share fully all of the rights and obligations of the County under the Report and Recommendations, including the Contractual Conditions thereof, and that any action by or directed to the Company shall constitute such action by or directed to the County for purposes of such Agreement, provided, that in the event the Company defaults in any respect, the City shall have the option to exercise any remedies it may have against either the County or the Company or both, at the City's option.

2. The parties agree that the Company shall pay a delivery charge in accordance with the terms of the rate provided for in SDCW's 3rd Revised Rate No. 6 denominated "Large Commercial Service" ("Large Commercial Rate") and that the Large Commercial Rate constitutes a fair and reasonable charge for delivery of water by the City to the Company at the delivery points set forth in the Report and Recommendations, and the Company agrees to pay the amounts required under the Large Commercial Rate, for all water delivered as shown by master meters installed at the delivery points, monthly, on receipt of invoices from the City. The City

reserves the right to review the delivery charge specified in this Agreement at any time after the first five (5) years of this Agreement.

3. In addition to the Large Commercial Rate delivery charge set forth in Paragraph 2 of this agreement, the Company also agrees to pay to the City a monthly rental charge for the Company's pro rata use of the water storage and transmission facilities that constitute additions to the present SDCW water utility system to the extent those additional facilities are necessary to deliver the water to the Company at the two points provided for in the Report and Recommendations once these additional facilities have been constructed and are in place, and the parties agree that this Agreement shall be amended to reflect the agreed upon rental charge once such facilities have been constructed and are in place and available for use by the Company.

4. The Company shall be fully responsible for construction of facilities to take delivery of water from the City at two delivery points described on page 5 of the Report and Recommendations, and for installation of master meters to measure the water delivered at such points, and such facilities shall be constructed in accordance with standards compatible with those of the City water utility.

5. The City shall furnish water at a reasonably constant pressure at the two designated delivery points. If a different pressure than that normally available at the point of delivery is required by the Company, the cost of providing such different pressure shall be borne by the Company. Emergency failures of pressure or supply due to main supply breaks, power failure, flood fire, and use of water to fight fire,

earthquake or other catastrophe shall excuse the City from this provision for such reasonable period of time as may be necessary to restore service.

2525649

6. Upon installation of master meters and related equipment by the Company in a manner acceptable by the City, the City shall maintain the meters and related equipment for properly measuring the quantity of water delivered to the Company and shall calibrate such measuring equipment whenever requested by the Company but not more frequently than once every twelve (12) months. A meter registering not more than two percent (2%) above or below the test result shall be deemed to be accurate. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the appropriate months previous to such test in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water delivered in the corresponding period immediately prior to the failure, unless the City and the Company shall agree upon a different amount. The metering equipment shall be read on a monthly basis. An appropriate official of the Company at all reasonable times shall have access to the meters for the purpose of verifying its readings.

7. The City shall, at all times, operate and maintain its system in an efficient manner and shall take such action as may be necessary to furnish the Company with quantities of water required by the Company. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water, or the supply of water available to the City is otherwise diminished

over an extended period of time, the supply of water to the Company shall be reduced or diminished in the same ratio or proportion as the supply to the City's other consumers is reduced or diminished.

2525650

8. The Company shall notify the City in writing, no less than 90 days prior to the date on which the Company desires delivery of water to commence under the provisions of this Agreement, and shall specify the quantity of water expected to be required on a daily, weekly and monthly basis for the first six months of contemplated deliveries. Thereafter, the Company shall notify the City at least 30 days in advance of any anticipated change in required monthly deliveries amounting to ten (10) percent or more of the highest monthly delivery levels occurring prior to the date upon which notification is received by the City.

9. In the event the City's acquisition of the SDCW water utility system has not been concluded by April 1, 1995, and the City has not abandoned its efforts to acquire SDCW's water utility system, the City shall utilize its best efforts to obtain from SDCW agreement to provide delivery of water under the terms set forth herein.

10. In all other respects, the Contractual Conditions contained in the Report and Recommendations are reaffirmed and hereby incorporated herein by this reference, and the Company agrees that any and all obligations of the County thereunder are equally obligations of the Company.

11. The City, County and Company agree that the provisions of paragraphs 2 through 8 shall apply only after the City has obtained the necessary approvals from the New Mexico Public Utility Commission and completed its acquisition of SDCW's

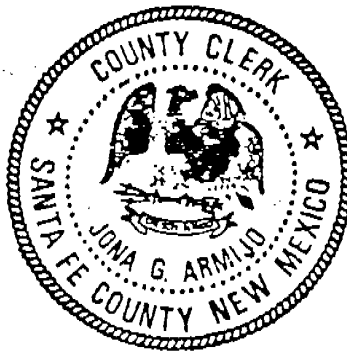
water utility assets.

12. The term of this agreement shall be for ten (10) years from the date that the City has obtained necessary approvals from the New Mexico Public Utility Commission and has closed the acquisition of SDCW's water utility assets.

2525651

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COUNTY OF SANTA FE ⁸⁸³⁻⁰³¹ ss
 STATE OF NEW MEXICO
 I hereby certify that this instrument was filed for record on the 27th day of October, A.D. 1994, at 11:27 o'clock A.m. and was duly recorded in book 1108 page 803 of the records of Santa Fe County.
 806 Witness my Hand and Seal of Office
 Jona G. Armijo
 County Clerk, Santa Fe County, N.M.
Jerraine Valencia
 Deputy



1108806

CITY OF SANTA FE

By: *Ricardo Armijo*
Mayor

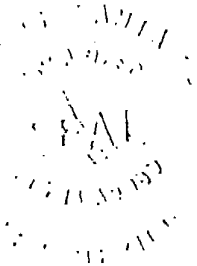
APPROVED AS TO FORM:

2525652

Gerald Gonzalez
GERALD GONZALEZ
City Attorney

ATTEST:

Frances Romero Griffin
FRANCES ROMERO GRIFFIN
City Clerk



COUNTY OF SANTA FE

By: *Linda Brice*
CHAIRPERSON, BOARD OF COUNTY
COMMISSIONERS

SANTA FE COUNTY WATER COMPANY

By: *Luzmaria M. Chavez*
CHAIRMAN, BOARD OF DIRECTORS

GTEG1K-CT*CTY.WT8



Attest
Jose P. Gomez 9-15-94
County Clerk

1113296

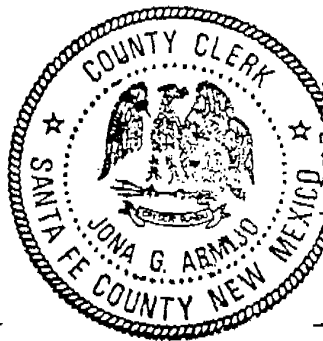
**SANTA FE COUNTY
WATER COMPANY**

**P.O. Box 276
Santa Fe, New Mexico
87504-0276**

2525653

October 13, 1994

Board of County Commissioners
County of Santa Fe
Post Office Box 276
Santa Fe, New Mexico 87504-0276



884,640
COUNTY OF SANTA FE
STATE OF NEW MEXICO)S9
I hereby certify that this instrument was filed for
record on the 14 day of Nov A.D.
94 at 11:20 o'clock a.m. and
was duly recorded in book 1113 page
276 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, NM
Veronica Clayton
Deputy

Re: Letter of Acceptance

Dear County Commissioners:

On behalf of the Santa Fe County Water Company, and in accordance with Section 24 of the Santa Fe County Water Company Franchise Ordinance, Ordinance No. 1994-5, adopted by the Board of County Commissioners on September 13, 1994, I am writing to inform you that the Board of Directors of the Santa Fe County Water Company accepts the Franchise Ordinance as adopted by the Board of County Commissioners, as a contract by and between the Board and the Company.

Sincerely yours,

Raymond Chavez, Chairman
Board of Directors
Santa Fe County Water Company



OFFICIAL SEAL
VIRGINIA G. VALDEZ
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires 3-18-95

3737/JRWH0260

The foregoing Instrument was acknowledged before me this 14th day of Nov. 1994
By Raymond Chavez Board of Directors.

December 15, 1993

CITY AND COUNTY NEGOTIATING COMMITTEE REPORT
AND RECOMMENDATIONS FOR
EXTENSION OF WATER SERVICE AND WATER DELIVERY

2525654

PREAMBLE

It is the City's position that the water system presently serving the Santa Fe area is one which has physical limits and which is dealing with a finite natural resource. These physical limitations may be overcome in time.

Nevertheless, it is the intent of the City to manage the water system so that long-term commitments to provide water service within a given geographical area are consistent with the physical limitations of the system.

Therefore, expansion of the geographic service area (regardless of how distribution occurs) must be accompanied with evidence that the source of supply, transmission, treatment and distribution elements of the water system are adequate or will be made adequate to meet the additional long-term requirements brought on by expansion.

It is the City's intent to create a management system that incorporates, at a minimum, representation from the City and County.

WATER EXTENSIONS

2525655

POLICY OBJECTIVE FOR WATER EXTENSIONS

This policy affects how the City shall deal with requests for extensions of the municipal water system beyond the system's present limits. The City would extend service in a form that is substantially equal or similar to that provided within the present service limits.

PRESENT LIMITS OF THE WATER SYSTEM

The present limits of the water system are recognized to be a composite of the following:

1. The entire area within the corporate limits as they exist today or may be changed in the future.
2. The area described as Southwest Sector Stage One in the Southwest Sector Plan. This area is generally bounded on the north by the Santa Fe River, the west by San Felipe Road, the east by Richards Avenue and the south by the City's Urban Area Boundary (also known as the gravity sewer service area boundary). The area specifically excludes an area identified as Agua Fria Village.
3. The 19 water service area boundary extensions which have been approved to-date by the City and the County.

AREA FOR EXTENSION OF CITY SERVICE

The City's current General Plan envisions the potential for urban type densities and services (including utility services) within an area described as the Urban Area. This Urban Area is defined by the gravity sewer boundary of the Airport Treatment Plant. Generally, the approved water service extensions exist within that Urban Area.

The City recognizes that it is reasonable to provide service within the Urban Area boundary to those areas not already within the Service Area described above. It is within this larger area that the City would consider extensions of water service.

CONDITIONS FOR EXTENSIONS OF CITY WATER SERVICE

The City would favorably consider the extension of water service under the following conditions:

1. The applicant provides permanent consumptive water rights dedicated to the City for the purpose of meeting the projected demand at full development.
2. The extension of service is economically feasible and can pay its own way in accordance with adopted City regulations. At a minimum, the applicant would be required to pay the following:
 - A. All costs of extension beyond the point of connection to the City system; and
 - B. Any initial capital cost for retrofitting of the core system that may be necessary to deliver additional quantities of water at a point on the periphery of the City system.
3. In developments where water service is extended, real estate covenants are adopted which shall prohibit the use of private wells drilled after water service has been provided by the City. (It is also recommended that the City examine adopting ordinances requiring similar covenants within the City boundaries.)
4. The area requesting service shall be contiguous to the existing service area.
5. For bona fide affordable housing projects with income standards at or below the City's income standards, the City may not only choose to grant priority but may also provide water rights held or obtained by the City.
6. Priority for water service extensions will be given to developments which demonstrate substantial addition to the community's economic base, including but not limited to, the following areas:
 - A. Manufacturing
 - B. Science and technology
 - C. Traditional and artistic crafts
 - D. Accredited educational institutions
7. Water service may be extended where the development uses water conservation principles and demonstrates environmental sensitivity including but not limited to preservation of ridgetops and drainageways.
8. Water service may be extended to areas contiguous to the present service areas where there are demonstrable environ-

2525657

mental hazards to water.

9. The extension of service under these criteria is embodied in a development agreement adopted by the City's Governing Body.

APPROVAL PROCESS

The approval process shall be similar to that used for water service area boundary extensions (WSABEs) as follows:

1. The applicant shall consult with the City's water utility concerning the availability of service in the area desired.
2. The applicant shall then request concept approval by the City's Governing Body for the extension based on the preliminary analysis of the City's water utility.
3. The applicant shall then obtain the requisite land use approvals from the Extraterritorial Zoning Commission and, if necessary, the Extraterritorial Zoning Authority and/or the Board of County Commissioners, as appropriate.
4. The applicant shall then return to the City's water utility with the land use approvals and request adoption of a development agreement with the City that incorporates all applicable terms and conditions concerning the provision of City services including the extension of water.

WATER DELIVERY

POLICY OBJECTIVE FOR DELIVERED WATER

This policy affects how the City shall deal with requests for delivery of water through a temporary contract arrangement in anticipation of Santa Fe County's plan to develop an independent water utility. Service by the City would be in a form that is substantially different from that provided within the present service limits.

CITY CONSIDERATIONS

There are practical limitations to the expansion of the present City water system. The City supports the creation of a County water utility system so long as the County water system development is not at the cost of City tax or ratepayers.

The City is concerned that a temporary arrangement for water service can easily become a permanent one by default. This risk is especially exacerbated when the nature of the total demand or the time period involved is unknown or undefined.

The City supports the County of Santa Fe in its efforts to immediately begin to create a water utility. With this understanding the City would entertain requests received solely from a County utility operated by the County (directly or through a contractual relationship with a private non-profit corporation) to enter special contractual arrangements with the City for supply and delivery of water at certain points and for a specified period of time.

The City is concerned with ultimate liability for delivery of water and it desires to avoid leapfrog development of the City's water utility outside the existing service area until a County utility is formed that can meet and sustain development demands for water service outside the present City water service area.

COUNTY CONSIDERATIONS

The County desires its water be delivered at two points. The two locations are generally in the vicinity of the IAIA and NM-14 at I-25 and within the area depicted in the Molzen Corbin design concept graphic depiction denominated "Attachment 2: Initial Phase Water System" and annexed to this document. The amount of water requested, including the balance of the County's San Juan-Chama water, is not to exceed 500 acre feet for a period of 5 years with

a County right of renewal for an additional 5 years.

The County intends to begin development of the system in the areas of the east-west line depicted by "Attachment 2: Initial Phase Water System" and annexed to this document.

The County believes it will become the owner of the north-south line along NM-14 that has been funded by the State to serve the Department of Corrections and the National Guard facility.

The County maintains there is no statutory limit as to where its San Juan-Chama water can be used and requests that the City respect County sovereignty on this issue. The County, however, will agree to the use of San Juan-Chama water in the northern portion of the South Sector service area but not limited to the EZ boundary.

The County will be able to serve customers in the vicinity of east-west or north-south alignments that have met all of the County's criteria of its approval process and can reasonably be served.

AREA FOR DELIVERED WATER SERVICE

Upon approval of this report and recommendations by both the City and the County and acquisition of the Sangre de Cristo Water Company's water system by the City, the City shall provide delivered water service as follows:

1. The City shall deliver water to a County utility operated by the County (directly or through a contractual relationship with a private non-profit corporation) at two points for use within that portion of the County system depicted in "Attachment 2: Initial Phase Water System". The following conditions shall apply until there is in place a looped delivery system between those points that is operated by the County utility and until the County has developed substantial plans for creating a separate source of supply and delivery:

A. County water rights equal to the contracted supply shall be held in escrow for the City's use and benefit in supplying water to the two points of use; and

B. The County shall provide water service through the two points only for the area north of the east-west line depicted in "Attachment 2: Initial Phase Water System".

2. If, at or before the end of ten years, the County has created a looped delivery system within the area depicted in "Attachment 2: Initial Phase Water System", then:

A. The City shall also relinquish to the County water rights (including San Juan-Chama and other encumbered water rights) in an amount equal to the annualized water

rights being used to serve IAIA, the National Guard and the Department of Corrections at the time of the City's relinquishment; and

B. The City shall relinquish to the County, at no additional cost to either the City or County, the facilities for serving water extensions required to be made by the City in response to the lawful orders of state regulatory bodies to areas outside the Extraterritorial Zone but within the area depicted in "Attachment 2: Initial Phase Water System" (such as extensions to IAIA, the National Guard and the Department of Corrections).

3. When the County has created a source of supply to serve its customers within the area depicted in "Attachment 2: Initial Phase Water System", then:

A. The water rights necessary to serve those customers shall be released from escrow to the County;

B. The City's obligation to provide delivered water service to serve those customers served by the County utility system shall cease; and

C. And in no case shall the City's obligations to provide delivered water service extend beyond ten years.

CONTRACTUAL CONDITIONS FOR DELIVERY OF WATER

The contractual arrangements would be for a specific term and would require the following:

1. The County have a work program and schedule for completing its own separate supply and delivery system and make good faith efforts to accomplish the schedule.

2. Water rights equal to total contracted water diversion be transferred by the County to the City from the inception of the contract for the term of the contract or until the County creates its own separate supply and delivery system and ceases connection to the City system; provided, however, that if, at the end of ten years, the County has not created a looped delivery system within the area depicted in "Attachment 2: Initial Phase Water System", the water rights necessary to serve the current hookups to which the County utility had been providing service, as well as any approved developments, shall be released to the City.

3. The County pay for all costs of extensions at and beyond the point of connection to the City system.


4. The County pay on an annual basis for any initial capital cost for any retrofitting of the core system that may be reasonably necessary to deliver the additional quantities of water to the County's two points of use.
5. The County shall pay for delivery of water pursuant to an appropriate tariff incorporating all incremental costs for delivering the water to the County; provided, however, that the tariff shall be designed by a qualified independent rate design consultant, the cost of which consultant shall be borne equally by the City and the County.
6. Any flow charge associated with the contractual arrangement shall include the amount attributed to the differential charge calculations including differential costs of supply and treatment.
7. Provision shall be made for equitable reduction of flow in the event of a water shortage.
8. The City shall be explicitly released from any liability for providing water beyond the term of the contract.
9. The interim nature of this water arrangement be explicitly recognized in any land use approvals that may follow.
10. The delivery system using water supplied by the City shall be constructed to standards compatible with that of the City water utility.

2525662

COUNTY OF SANTA FE AD 40.00

ATTACHMENT 2
INITIAL PHASE WATER SYSTEM

SOUTH FORK SANTA FE RIVER



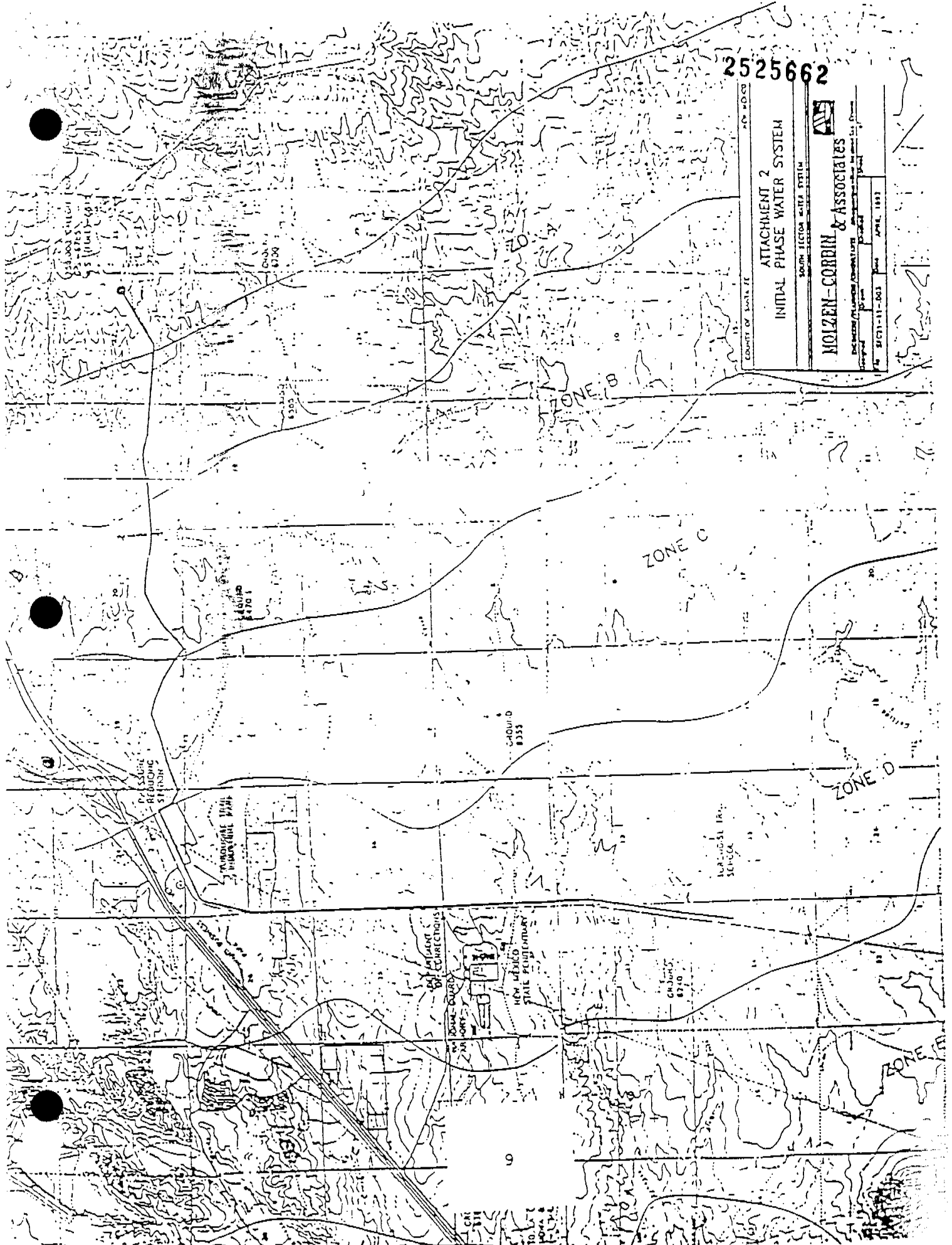
MOLZEN-CORBIN & ASSOCIATES

ENGINEER/PLANNING/CONSULTANT

PROJECT: SOUTH FORK SANTA FE RIVER WATER SYSTEM

DATE: APRIL 1981

BY: [Signature]



2002 CONSUMPTION (ACRE - FOOT)

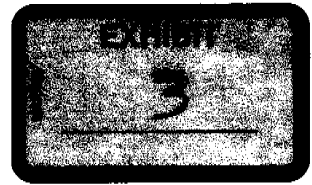
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SOUTH SECTOR		USEAGE				
		ACRE - FEET				
ALLSUPS		1.00				
BROWNCastle		3.00				
IAIA		0.00	(Consumption not included because IAIA			
COUNTY JAIL/MTC		56.20	is a temporary customer of the County.)			
LAS LAGUNITAS		2.90				
NATIONAL GUARD/DEPT MILT.		16.60				
PNM ELECTRIC		7.90				
RANCHLAND UTILITY		1.00				
RANCHO VIEJO - COMM.		12.80				
RANCHO VIEJO - RESD.		58.60				
TRAVEL TOWN		0.50				
TOTAL		160.50				
NORTHWEST SECTOR						
BUCKNER		0.60				
EL PRADO		2.00				
LA VIDA		0.00				
LA SERENA		4.20				
LOS SUENOS		36.20				
SONRISA		3.50				
TOTAL		46.50				
VALLE VISTA						
RESIDENTIAL		36.20				
COMMERCIAL		0.50				
SFCO HOUSING		24.40				
PUEBLO GARCIA HEIGHTS		0.00				
TOTAL		61.10				
GRAND TOTAL		268.10				

SANTA FE COUNTY WATER RIGHTS ALLOCATIONS

Customer	Allocation Acre feet/year
Rancho Viejo	168.00
Greer	51.90
Taurus	3.00
Beaty, et al	25.00
Berridge	10.00
NMDC & NMNG	6.00
PNM Electric	3.00
Mowery	1.50
Warren	2.00
Terrell	1.00
Browncastle	5.58
Capitol Ford	0.31
Khalexico	0.31
Boylan	1.86
Jones	0.31
Traveltown	0.31
Seaman	0.93
Santa Fe Brewing Co.	1.00
Wolf Canyon	1.00
Allsup	0.67
Las Lagunitas	42.00
Hurlocker, et al	30.38
Fallows (El Prado)	4.96
State Land Office	22.00
Elmer Garcia	3.00
Sena	18.00
Sub Total	404.02
COUNTY PROJECTS	
Detention Facility	55.00
Affordable Housing	4.00
Economic Dev. Park	25.00
Public Safety Complex	7.00
Other	4.98
Sub Total	95.98
TOTAL	500.00

2525664



February 24, 2003

Commissioner Jack Sullivan, Chairman
Board of County Commission
Santa Fe County
Santa Fe, New Mexico 87501

2525665

Dear Chairman Sullivan,

It is with great excitement and appreciation that I write this letter in behalf of the many residents of the Glorieta area to inform you of the most successful community program that took place this last Saturday, February 22, 2003.

Under the direction of County Fire Marshall Hank Blackwell, and with the assistance of Training Captain Bill McSweeney and his wife Jane, two large industrial chippers were used from 8:00 A.M. until 4:00 P.M. The Glorieta area residents had prepared for many weeks to clear dry trees, branches, brush and other vegetation that was a potential fire hazard especially in these resent times of the tragic forest fires and the continuing drought and lack of precipitation.

As you are well aware, Glorieta, Glorieta Estates, and many residences beyond are in a forest area and surrounded by tall ponderosa pine, pinon and juniper trees. On Saturday, 181 truckloads were taken to the "Chipper Site". The trucks ranged from pick-ups to ton and one half ton with sideboards and tandem wheels. These were private vehicles from the community. Residents volunteered their time and energy as well as tools, food, drink and refreshments in order to make the effort a success. We have attached several photos for your review and a list of the many residents who participated in the "Chipper Day".

I also would like to inform you that I recently took Mr. James Martinez, Fire Prevention Specialist with the United States Forest Service, Pecos District, on tour of the area. We discussed a number of community wide fire strategies and our concern to provide "defensible space" for individual homes. We appreciate his time and interest and that of his superior, Mr. Duane Archuleta, Pecos District Fire Management Officer.

Our concerns here in Glorieta go beyond the fear of fire hazard. We are also investigating ecological concerns, water harvesting and more recently the problem of the infestation of the bark beetle.

It is imperative that the County of Santa Fe and the County Commissioners continue to support these efforts. Fire Prevention in rural heavy wooded areas is of grave importance to us all.

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At this time the community wishes to express their heartfelt thanks to the following individuals

- Santa Fe County Commission
- Ms. Claudia Standish
Wild Land Urban Interface Specialist
Santa Fe National Forest
United States Forest Service
- Stan Holden, Fire Chief Santa Fe County
- Hank Blackwell, Santa Fe County Fire Marshall
- James Lujan, Director of Public Works Santa Fe County
- Jill Holbert, Solid Waste Division Director, Santa Fe County
- Justin Stockdale, Solid Waste Division, Santa Fe County
- The many residents of the Glorieta area who cared enough to be involved and offered their labors, vehicles and tools.

Thank you Commissioner Sullivan for your kind attention and continued support of this most important work.

Very truly yours,



Mr. Neal Schaffer



Ms. Beth Hughes

Co-Chairs

Glorieta Neighborhood Watch

2525666

David & Gayle Silverman

Bob Smith

Raphael K

Marion O. Narbonne

Mikki Anaya

Ann McSwaney

Lynn Cagg

Billy Anderson

Eleonore L. Kestherode

Rogell Stone

Michael Stone

Paul Eastman

Robert Alvarado

Anna S. Hamilton

Philip L. Sylls

Tom Atalla

Barbara Mayfield

Doug & Shane Kang

Blaine Stenzle

Dora Capozzi

Marion Markham

Gail Bryant

Rosita E. Trajillo

Beth Hughes

Gary A. Hughes

Jane M. McSwaney

Chris Padell

Lee A. Casias

Harlow Boone

Reta + W.D. Sanders

Thomas B. Hart

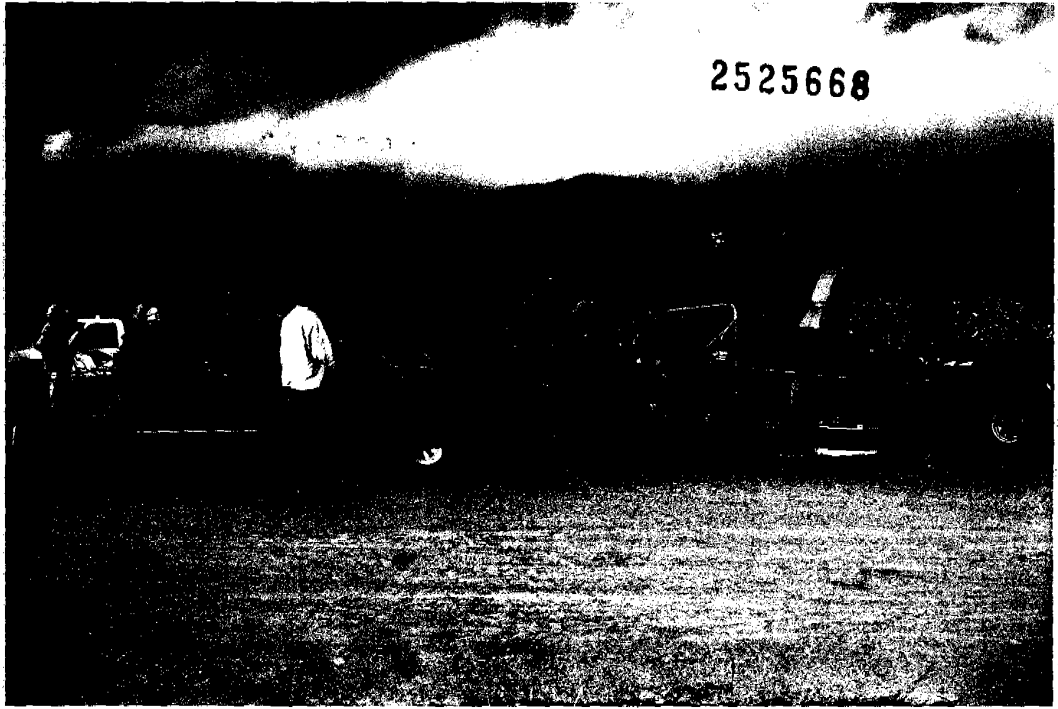
Maureen R. Costello

Ron & Gloria Valdez

Mary Taylor

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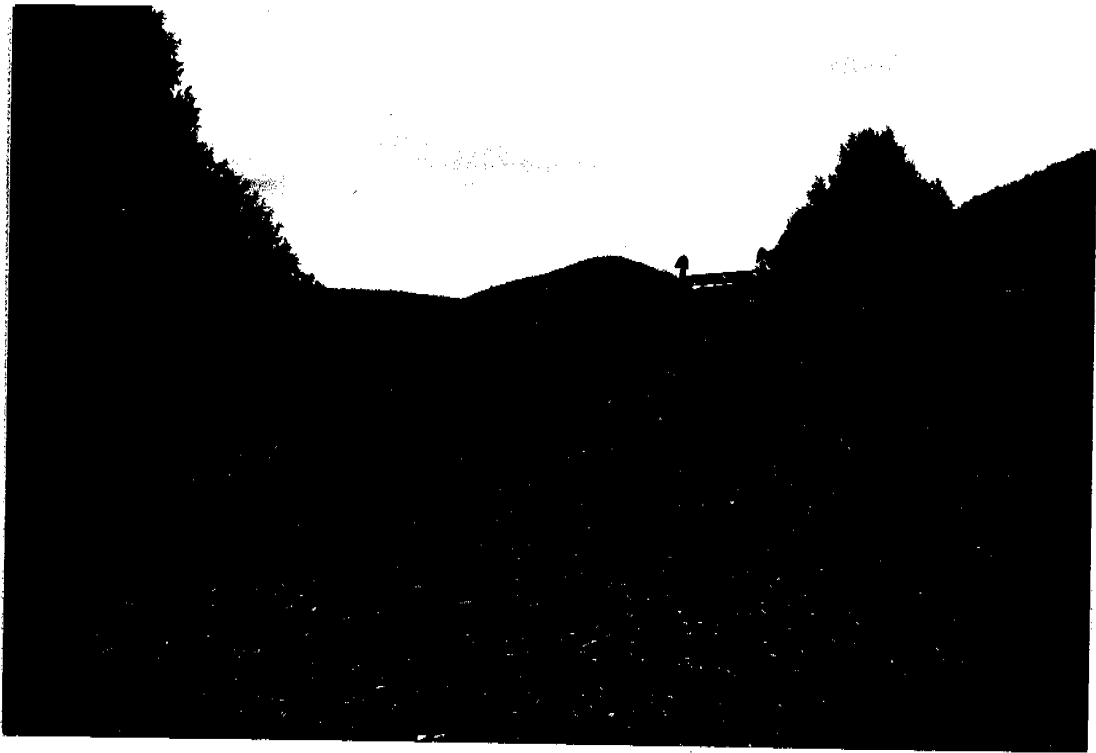
Hal Meyer
D. R. Haud
Mama Arj



2525669



2525670



Subject: Re: more chipper
From: Hank Blackwell <hblkwell@co.santa-fe.nm.us>
Date: Wed, 05 Feb 2003 21:37:20 -0700
To: Neal Schaeffer <neal_schaeffer@nmenv.state.nm.us>

2525671

Neal;

We're working on two chippers already for your weekend. We might also want to talk about your estimated quantities as we might also be able to bring the large tub grinder. It takes a different strategy to use in a neighborhood environment, but let's talk in the next day or two about this additional feasibility.

Thanks for all the organization and assistance!!

hb

Neal Schaeffer wrote:

Two other things:

- You might consider setting up slightly different, as last time you were down-wind of the dust. Maybe a little further back but away from the fence, so you could blow more toward the freeway rather than straight back (upwind)?

- I'm serious about the volume. We might want to just schedule another chipper day for April or so, partly to take care of anything we can't get chipped on the 22nd. (I'm speculating, based on what's already cut and how much more we expect). If my damn magic wand would start working again, we'd be running two chippers side-by-side.....

(Folks are on notice that if they cut a bunch on chipper day, there's no guarantee that we'll deal with it. We're trying to have all the cutting done ahead of time, in part to have more folks hauling/helping.)

--
Neal