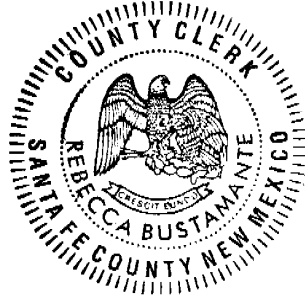


1878739



COUNTY OF SANTA FE  
STATE OF NEW MEXICO 1149 SS 999  
I hereby certify that this instrument was filed  
for record on the 28 day of March, D.  
20 01 at 909 o'clock A.m  
and was duly recorded in book 1878  
page 739 of the records of

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

**SANTA FE**

**BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**February 27, 2001**

reconvened

**March 1, 2001**

- Paul Duran, Chairman
- Paul Campos
- Javier Gonzales [present 2/27/01]
- Jack Sullivan
- Marcos Trujillo

1878739

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

**February 27, 2001**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:55 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

Commissioner Paul Duran, Chairman  
 Commissioner Marcos Trujillo  
 Commissioner Javier Gonzales [present for day 1]  
 Commissioner Paul Campos  
 Commissioner Jack Sullivan

**Members Absent:**

None

**I. APPROVAL OF THE AGENDA**

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**B. Tabled or withdrawn items**

SAMUEL MONTOYA (County Manager): Mr. Chairman, members of the Board, good afternoon. Happy Fat Tuesday. Mr. Chairman, we have one amendment today under Section X. G. 1, under the Matters from the County Manager, a resolution supporting a Santa Fe Regional Juvenile Justice Board initiative to implement a juvenile justice continuum model of services to reduce juvenile delinquency and to proclaim the County of Santa Fe as a "Community that Cares" County. Mr. Chairman, that is the only amendment today other than to mention to the Board that we have several items to cover under the executive session that Counselor Kopelman would like to cover with you. Mr. Chairman, we're asking the Board to consider moving that up early on the agenda.

Also, Mr. Chairman, prior to going to executive, we do have some presentations from

1878739

SFC CLERK RECORDING 08/13/2004

members of the community under Section VII, a presentation by the Airport Advisory Board regarding the reopening of the runway 10-28 and a presentation regarding the United First Nations Assembly, Mr. Chairman. We'd ask that the Board consider hearing those prior to going into executive. I stand for any questions.

CHAIRMAN DURAN: Any questions of Sam?

**Commissioner Gonzales moved approval of the agenda as amended and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.**

**V. APPROVAL OF THE MINUTES : January 30, 2001**

Commissioner Trujillo moved to approve the minutes of the January 30, 2001 meeting as submitted. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

**VI. PRESENTATIONS AND AWARDS**

**A. Presentation by the Airport Advisory Board regarding reopening of Runway 10-28**

COMMISSIONER SULLIVAN: Excuse me, Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Are we going to do those before the Consent Calendar, or are we going to do the Consent Calendar afterwards?

CHAIRMAN DURAN: We're going to do the presentation and awards first, and then go into executive session, and then do the Consent Calendar.

COMMISSIONER SULLIVAN: Okay.

CAROLINE COOK: Mr. Chairman, County Commissioners, my name is Caroline Cook. I'm vice chair of the Airport Advisory Board. And I'm here because I truly hope that the City and the County and the users of the airport can live happily together. My concern is the airspace at the end of runways, the current runways and the runway that is being refinished, refurbished so that it could be used in July. So I have a graphic that I want to show you and it's simple. I'll have to come up there and actually lay it out for you. So may I do that?

CHAIRMAN DURAN: Sure. I tell you what. Why don't you put it on that table and we'll walk down to the table.

[At this point Ms. Cook and the Commissioners discuss the map away from the microphone system]

1878739

SFC CLERK RECORDING 08/13/2004

MS. COOK: Okay, an aerial map is here, and let's orient it so you can see—which way's north here? That way's north. Okay, then north should be right here. This would be Vista line, and this is La Cienega. Okay, so we're going southwest here. Okay, what I've done is to take your zoning, taken your zoning over and made a overlay of the zoning that you have adopted as part of your Code for zoning for residential and non-residential out there. So this is blown up from your Code that you have. So I'm going to take this off now and put the lay out on the runway.

Let's put it around here so it matches the runway. Okay. So this is runway 2-0 going, this is going so when airplanes take off here, then they're going towards Vista Lines and La Cienega. The point I want to make is this zone here is only zoned for the most would be warehouses, some retail, and motels that have a tremendous amount of insulation in them for sound—so this is what's happening now. There are 15 to 20 houses in this area that have been built and that's already done, so we can't do anything about that. This house here is one-half mile off the end of the runway. There are 100 houses—this string is one mile. It's very simple but it does get to the point. This string is one mile long because this runway is over one mile. So this string is one mile long.

And a one-mile diameter of the end of runway 2-0, there are over 100 houses that are really impinged on by pilots coming off and flying here because these have been built. Many of them have been built in the last ten years. My concern is to let you know that we are refurbishing this runway right here. It's to be done by the end of July. We will be flying out this way and this way off this runway. What I would like to see you people seriously consider is that this area one mile off of here is going to be certainly a sound problem for people. This is Tierra Contenta right here.

So straight off the end of runway 10-28, which the contract's out now. The reconstruction will start. This has not been used for years and years and years because it's been in too bad condition. So I'm just asking you to be cognizant of putting houses in this area is going to I feel be a real problem in the future for those people that would be living there and I'd ask you to seriously consider any zoning in this area. Tierra Contenta is going to be—that's going to be a problem anyway. I guess Tierra Contenta is up here. But just so that you got a graphic look of what's happening and what you hopefully can think about in the next—when you're looking at zoning for anything off of the end of this runway. This over here is a mountain, a little hill over there. Any questions?

No, but you do have jurisdiction in here. This is your land right here, correct?

COMMISSIONER TRUJILLO: Where's that?

MS. COOK: Well, it's off the end of runway 2. This is 599. I-25's over here. When pilots are taking off down here, and they want to go back and go to Taos, for example, north, they would take off, they would try to get as much as altitude as fast as we can so we'd be coming up like this, but we turn back across this area. So these houses, if we turn across this area, to go to Las Vegas or something like that, then these houses can all be impinged. As I say, this house is one half mile off the end of the runway. It's dangerous for them. It's dangerous if any of us lost our engines taking off. -- This would be possible if there weren't

1878739

SFC CLERK RECORDING 08/13/2004

over 230 flights, operations, in and out of Santa Fe every day. That's the average, I think, is correct. It's because if a plane, if United Express has picked up its passengers at the terminal and it's taxied down here and it's waiting and it's got a schedule to meet, it wants to take off as soon as we can. If a pilot is down there, then they're allowed to take off. They're asked, and FAA asks us to get out of the runway area as quickly as possible so that the next way can take off and for example, airlines really like to keep their schedules.

Well, it certainly could. We just want you to be aware that this is happening. And I don't know whether you're aware that the City has already let the contract out. It's designed, and it is to be, the work is to start on it this spring.

Well, that this land in here won't be zoned for houses a half mile off the runway, while there's—we have just understood there's people asking for houses out in this area, residential out in here. And you have jurisdiction over that, I believe. Maybe you need to educate me on who has jurisdiction over that. Wind. You always take off into the wind and that's FAA rules.

Mostly take off, or else this is southeast. We can take off this way. We take off on all runways except at the present time we're not doing this. The thing is, if you have a crosswind, if you have a strong crosswind this way, then you would be able, if the wind's coming from this direction, you're going to take off. And with flight schools out there, we would hope to use this to go around this way and keep away from these houses down here, because these people are very upset with the noise that's going on.

OMMISSIONER GONZALES: San Juan County, Las Cruces, and all those places have residential areas -- I guess I'm asking are those communities not as concerned as we should be here?

MS. COOK: We are at the present time getting a tremendous amount of neighborhood upset, and they are very vocal and so forth and they'd like the airport to get smaller and smaller and smaller because they don't want the noise. So the closer the houses impinge on the airport, these houses have been moving this way for years, last ten, fifteen years. A lot of houses have been built in here. And therefore, what we're allowing to happen are just problems. A lot of people, this person doesn't complain at all. But the people over here that complain 20 times a day. And so we're trying to work so that can, the airport can be used and we can have air service here in Santa Fe and also help try to alleviate the neighbors' problems.

I guess Albuquerque has managed somehow to say that the airport's going to be here. We're going to fly, and you're aware that the airport is here so if you're noise-sensitive, maybe you need to choose some other area. But the people that have been here, that doesn't satisfy them.

[The Commission reviewed aerial and site maps of the airport and are not audible for this record.]

MS. COOK: Oh, yes. That airport's been here for 61 years, 60 years. Yes. It will take on either way. We will—if the wind's from this direction, then we'll taxi down here and take off this way. If the wind's from this direction, we'll taxi this way. And if there's no wind at all, like sometimes there's like four nautical miles, what we're hoping is that

1878739

the air schools, the flight schools, will be able instead of going around like here and here and driving these people crazy, or this way and this way, and driving three or four people out here crazy, that they could use this runway and go around which is industrial. This is Airport Road, the sewage plant, and be going around like this. But we have to climb to get that. Does that—

Industrial warehouses, if you follow the same Code that this says, where that would be fine, but no residential, please, because that really does, it just sets up a problem that no one can solve afterwards. — Yes, and I can understand why they want to develop because it's, you know. But the situation is, we're just causing a tremendous amount of problems. And I just want you people to know that and I know you want to do the best for everybody. And so, any other questions? Thank you very, very much. I appreciate it.

#### **VII. B. Presentation regarding the United First Nations Assembly**

LOUIS GONZALES: Chairman Duran, fellow Commissioners, my name is Louis Gonzales. This is a project called the United First Nations Assembly. It's just purely information at this time, informative for you. I just want to tell you where the location was and then turn the mike over to Tom Talache who's the founder of this project as well as Paul Rainbird, who's the corporate advisor. This project is within the boundary of the Airport Economic Development District. Everything still have to be defined within that area. If you're familiar with the Caja del Rio Road, it will be west of Caja del Rio and off of the road that goes to the landfill, so it will be just southwest of what is currently the new, I guess it's the Game and Fish Administrative Offices. They just built that out there by the links, Marty Links. So it will just be located real close to there.

I'm donating ten acres to the United First Nations Assembly and it's a project that I think will benefit all of northern New Mexico Assembly and it's a project that I think will benefit all of northern New Mexico as well as Santa Fe and it's a tremendous, tremendous project. I would like to turn the mike over now to Tom Talache.

TOM TALACHE: Good afternoon Commissioner Duran and Commissioners. Thank you for giving me this opportunity this afternoon to share with you my vision and the project that I believe is going to help secure Santa Fe and the state of New Mexico as a national and international destination for many years to come. My vision is to bring a United Nations Center for Indian tribes. We have currently over 500 Indian Nations that are served by the Bureau of Indian Affairs and are recognized at the federal level.

The largest organization that we have that represents Indian interests is called the National Congress of American Indians. Since its inception in the 1950s, they have conducted ongoing meetings to address Native American issues. They have delegations of Indian leaders, business leaders, community leaders from the various tribes that are served by the National Congress that come to these sessions. In 1997, the City of Santa Fe hosted our national session and it was held at the Sweeney Center. And I just want you to picture in your minds having the United States Congress meeting in Santa Fe and welcoming them to Santa Fe to conduct the

1878739

business of the United States government at an old gymnasium like the Sweeney Center. Not that we didn't appreciate the hospitality of the City of Santa Fe. I just believe that Indian leadership, like all leaders that are responsible for the constituents should be elevated to a level that is acceptable.

What I want to bring is a United Nations Center, similar to the United Nations Center in New York City. I'm a ten-year veteran of the United States Navy. I've seen the embassies around the world, and I've served on board an aircraft carrier that was an instrument of US diplomacy and US foreign policy. And I've seen the way governments work with other governments. And I just want to bring an elevated level of visibility and capability to the Indian tribes of this continent.

In front of me on this podium is a representation of the Indian peoples that have inhabited this hemisphere for many centuries. Our history predates—for instance, my tribe of Nambe is 700 years old. That's our written history. And our prehistory goes beyond that. Currently, our tribes are considered sovereign nations. Still, the tribe of Nambe, like the tribe of San I where Paul Rainbird is from, we don't have a seat on the United Nations. Our representation comes by way of the US government. But we want to elevate tribes to help them be successful into the 21<sup>st</sup> century, both politically and economically.

I want to share with you a folder that has our prospective summary. In there is a rendering of this project as well as some other ancillary projects that will come from establishing this national facility. I guess the real good part of this project will be the national assembly. We want to fly all the flags of all the Indian Nations, which currently, there are about 100 tribes that have flags that represent their people and their nations. We want to establish a trade center to help tribes be successful in economic development and the pursuit both nationally and internationally in business.

Currently we have a number of tribes even locally that are just beginning to pursue business development. We have tribes that are pursuing gaming and retail establishments and their sophistication for business is increasing. And we want to establish something that will help increase that sophistication and capability both nationally and internationally.

I want to establish a national gallery. Currently, a lot of our art is presented in non-Indian galleries, museums. A lot of the representation is local or regional, but I want to bring a national sense to this facility and begin to represent the artisans from around the country. And when I talk about the indigenous community, I want to not just restrict it to the borders of the United States, because in our pre-history, we had no borders, and there's evidence of ancient ruins that exist even here in New Mexico where there was trade and commerce that took place with many people from around the region, actually in the hemisphere, north, south, west and east.

So what we're proposing to bring to the County of Santa Fe and to the northern New Mexico region is nothing that hasn't been done before, I can tell you. It's just new leadership, my generation of leadership, recreating what was here in our pre-history, our ancestors dealt in commerce long before our generation. We just want to reestablish that.

I want to establish a Jim Thorpe Sports Center. Jim Thorpe was a famous olympian.

1878739

He won 12 gold medals and from this facility we will begin to host gaming events amongst the tribes, and there's a lot of traditional games that I'm sure all of you will enjoy seeing at some point in the future.

We want to establish a Veterans' Memorial also for our Indian Nations. Again, we have warriors that predate the history of the United States and there's warriors that are in the oral history that we need to recognize. Popee is one of them from the pueblos. Very recently, 50 years after our contribution, as far as the Native contribution to the World War II, the doll company that creates GI Joe began to recognize the Navajo contribution and introduced a Navajo Code Talker. So this is 50 years after the fact, but at least it happened. I'm glad to see it.

But there's other Indian Nations that need to be recognized for their contributions, including the Hopi. The Hopi Code Talkers were instrumental in helping the Allied Forces during World War II. So those are the things that we want to focus on.

Another focus for this is—I want to keep this very positive and very focused. Not to romanticize our history but to keep things in prospective. I want to bring about an opportunity where we can reflect on the positive contributions that we've made as a people throughout our history. I also want to not focus so much on the past 500 years that has really taken up a lot of our focus as Indian leaders. We focus on, for the most part, we're moving away from that for the most part. For many centuries or for many decades of our tribal government, we've been dealing with the federal government, state government and we've often times we've been dealt with as victims and we haven't moved—like I said, we're moving beyond that.

And I want to start focusing on pre-history and start focusing on the positive elements of our pre-history. Very recently, one of the successes that we've seen so far with this project is a the Sacred Seed Botanic Garden. We have a collaborative partnership with a group out of Washington and very recently, we got a contribution of \$100,000 worth of plants from the US Botanic Garden. They're currently sitting in Virginia. We weren't able to bring them here to New Mexico before the frost came in, but they're still they're waiting for us. And I have two host tribes, that's Tesuque and San Juan Pueblo who will become the greenhouse locations until we have our facility up and running.

We want to recognize just the plant world and that's something that's sacred to us as Indian people, focus on the plants, the medicines that have helped bring preservation to our people. I also want to establish a bison ranch, which is something that's been recently introduced back into the pueblo communities, back into the Indian Nations through the collaborative efforts of the Bison Cooperative, which is a federal, or national organization that has introduced bison of buffalo back into Indian reservations. The pueblo of Nambe had 20 heads of cattle last count that I knew of and other northern pueblos had heads of cattle or heads of bison in the counts.

Paul will speak about the Kokopelli Communications Center and the First Nations Telecom components of our facility. Before I turn the mike over to him, I just want to present one last project under this umbrella. We're going to establish a company called Rez. Rez is short for reservation and if you talk to Indian people, a lot of them will tell you, I'm from the



1878739

Rez or back at the Rez, or come have some frybread at the Rez and have a happy Fat Tuesday on your Rez. But we want to establish a line of clothing called Rez Gear, which will be in competition with lines of clothing like Nike, Ubu, Tommy Hilfinger, just be an athletic line of clothing but will have a Native label.

We want to create a label called Rez Records. Very recently again, another first as far as recognition, very recently the Grammy Institute began to recognize the Native American music category. And very recently, in this last Grammy Awards, Tom Biot of Albuquerque was the recipient of that award. And that was the first time that it's happened in music history. So we want to create a label called Rez Records and start working with other talents that exist in the music world.

I currently am the president of the Rez Crew, where I work with young break dancers from the various pueblos and that's why they're called the Rez Crew. There's currently seven members of the Rez Crew and we put on different performances at different public events, and I just work with young people break dancing. I started break dancing when I was a teenager and I just never stopped doing it. It something I find very helpful when I start becoming too stressed out with business issues, I break dance. It's like therapy for me. And I enjoy working with our young people. It keeps them away from the drugs and it keeps them thinking about their athletic abilities and we drink a lot of Gatorade instead of Cokes and it keeps them going a little bit.

My last part, the last component of the Rez Company will be the Rez Studios. We want to start working with our film producers, working with the creative talent that exists in the film industry. And we're going to feature those films at an IMAX here that we're going to have at the complex here in Santa Fe. So that's just a little bit of my presentation. I'll turn it over to Paul and he'll talk to you about our telecommunications component. Thank you, gentlemen. Thank you, Chairman.

COMMISSIONER TRUJILLO: Thank you.

PAUL RAINBIRD: Mr. Chairman, County Commissioners, thank you for the opportunity to visit with you this afternoon. I'll try and make this brief with your busy schedule. Just to recap what Tom has covered, the importance of this center will not only have a great impact on the national indigenous community, but obviously and more importantly it will have a tremendous economic development impact on the City of Santa Fe, the County of Santa Fe and northern New Mexico. And I think that that's really the kind of effort we want to put forth here is something that's collaborative with the communities, not just focusing on Indian issues and the Indian community, but of benefit to everyone.

Just as something like Indian Market certainly has benefited the entire state of New Mexico, in terms of focus of national and international focus, we believe that this facility will also accomplish the same types of goals. For instance, if you can imagine that around the country, there are many national Indian organizations, and they spend millions of dollars to go to different cities around the country to conduct their national conferences. If this center becomes well known as we believe it will be, not only for the National Congress of American Indians to conduct business, but all the other national Indian organizations, and then opening

1878739

SFC CLERK RECORDING 08/13/2004

our doors up to the Canadian and to south of our continent in this whole hemisphere, you can see where the City of Santa Fe and the County and certainly northern New Mexico would benefit from having an ongoing relationship with national organizations that come here specifically to conduct their national conferences.

And I can guarantee you there are so many national Indian organizations that if you could capture one of them a month to come here, this town and this county would really benefit greatly from that.

In the area of telecommunications, we met a gentleman out of California who has made very many interesting connections with philanthropists all over the country. And one of his goals is to connect the Indian community via satellite through a telecommunications system. And he has asked that we consider the United First Nations Assembly as the central clearinghouse for that communications center. He is presently looking for funding. He has a foundation that he's already established. He has an initial investor, a philanthropist out of Philadelphia who is very interested in this project, and if you can imagine the benefit to this state by having a state of the art telecommunications system centered right here in northern New Mexico, in Santa Fe County.

The benefit is it's a non-polluting industry, it's something that will tie us into the world communications center and everyone will benefit from it because we plan on allowing the facility to have—for everyone to have access to it. In other words, it's not a limited access facility. We want and encourage the community of northern New Mexico to participate in the use of that facility. This will become a national clearinghouse, something that the Indian community has been looking for for many, many years, because the relationship in Washington is always strained. There's always a lot of suspicion about whether the government would be reliable enough to take care of certain things that tribes want to preserve.

For instance, there's a big push for language and cultural preservation. And this site would also encompass archival information, a lot of photographic information, things that tribes decide they want to put on archival storage and have available to the rest of the world community.

The third part of this is an economic development center, sort of like a commerce center, where the world can do business with us and we can do business with the world in an open atmosphere that's not really overlooked by Washington, DC. You are all aware that New Mexico is one of the most welcoming states in the United States for Indian tribes. I guarantee you that all you have to do is look at the Gathering of Nations in Albuquerque, probably the largest pow-wow in the country, and over a period of time, the people who come to this community, come to this state from other indigenous communities, always feel that they're welcome here. They don't feel that—how do you put it? That same kind of tension you might feel like if you were in Georgia or if you were in Dade County, Florida. Or some other area where you don't feel quite as welcome. New Mexico seems to the community, seems to be the place where Indian people come here and they feel welcome, and they feel certainly a sense that that welcome feels more comfortable about doing business here. And I guarantee you that this kind of a center will accomplish those kinds of things, not only for the Indian communities, but

1878739

SFC CLERK RECORDING 08/13/2004

also for the benefit of northern New Mexico and the County.

So we're real excited about the fact that Santa Fe is the site that we're looking at. We've looked at a number of sites, including areas in California, in Oklahoma. We've been invited to come up into the Minneapolis area, but really, we were looking at Santa Fe as one of our first selections, because it has all the ideal situations that would make this a successful project. We hope that not only you will embrace this project as being something we can all be proud of, but also that perhaps you would consider passing a resolution that would support this project so that the National Congress of American Indians, who has passed a resolution at their national convention supporting this, will know that the local community is behind us. Thank you. And at this time we will field any questions you may have.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: This facility will be one of a kind?

MR. RAINBIRD: Absolutely one of a kind.

COMMISSIONER TRUJILLO: So the destination would be to this facility to do whatever you were talking about.

MR. RAINBIRD: Yes, and as Tom explained, the first part, the first phase in our eyes is more of a visual center, something that is a symbol that Indian tribes are alive and well and doing well. But that center will also be a convention center. So it will serve two purposes. Visually, people will want to come here just to see that. And if you look in your folder there are numerous conceptual drawings of how this facility will look and you know that all over the country, architectural renderings of great facilities are worth going to see just on their own merit, but in connection with also being where we can have convention activities open to the community. You can see where that kind of facility will benefit everyone.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Just a quick comment, just to commend Paul and Tom. Paul, I certainly know your work and you've demonstrated enormous credibility and commitment to our communities here in northern Santa Fe County. I want to thank you for your guidance in this. Tom I don't know as well but the way you described your vision I'm really excited about this. It seems like an amazing opportunity, not only for the Native American communities of this community but both the Hispanic and the Anglo communities and all communities to learn, to understand, to accept, to further the fact that we peacefully coexist and we cherish each others values and traditions.

And to have this symbol in our community, to have the strength and the unification that you will offer through this enterprise is amazing and I just appreciate the fact that you're considering Santa Fe County, because I know that there's lots of counties and places around this country that would love to have this landmark, which it will become, if you get that opportunity. I certainly stand ready to support whatever efforts that you'd like to see the County perform in this area and as for a resolution, Paul, I'd be very happy to bring something like that forward or cosponsor it with any one of my colleagues or all my colleagues in

1878739

SFC CLERK RECORDING 08/13/2004

generating our support for this vision that you have.

So congratulations and I hope to see this a reality not only for my kids but that everyone's children to be a part of. So thank you.

MR. RAINBIRD: Thank you, Mr. Chairman, Commissioner Gonzales.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: What's the time table? What are you looking at?

MR. RAINBIRD: Within this year we will appropriate the legal documents to cover the land and the use of the land, business plan and a marketing plan. We have the preliminary drawings. We would hope that by the end of the year we would have full renderings and even if funding moves according to our calendar, we could break ground as early as late fall. But if weather became a factor, we probably would have to go into next spring, but we'd love to be able to break ground this year.

COMMISSIONER CAMPOS: Have you had contact with the County Planning staff? Made presentations, even preliminary?

MR. RAINBIRD: No, we haven't.

MR. GONZALES: Commissioner Campos, we've just started doing the submittals and it's going to be part of a project called 599 Summit. And we've just started the submittal process. So we just started working with the staff at this point.

COMMISSIONER CAMPOS: When do you think staff will have a pretty good idea of what you're planning and the details?

MR. GONZALES: We already did our first submittals, but we were working on infrastructure regarding water issues and the sewage issues as well as the zoning issues regarding the Airport Economic Development District, and we're all in the process of doing that as well.

COMMISSIONER CAMPOS: Thank you very much.

MR. GONZALES: Thank you.

CHAIRMAN DURAN: I just had one comment on that. The Airport Economic Development District really hasn't—you're submittals are being made but there really isn't a plan in place yet and that's one of the things that we've discussed recently, I've discussed with Sam about getting a planner on board to help us with that economic development district and the 80 acres that we have out on State Road 14.

MR. GONZALES: That's correct, Chair Duran.

CHAIRMAN DURAN: But the big issue out there is we don't have a plan in place or ordinances yet for development to occur and I think that, my understanding is that this presentation was made to us so that we could recognize, we will need to recognize the need to get that kind of zoning or those ordinances in place in order to allow your facility to be built at this location.

MR. GONZALES: That's true, Chair Duran.

1878739

SFC CLERK RECORDING 08/13/2004

CHAIRMAN DURAN: Any questions? Sounds like a great project. If we can help in any way, please let us know.

MR. GONZALES: Thank you for your time.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Okay, I guess the manager requested that we stray a little bit from what we approved on the agenda so that staff can make their presentations and get back to work.

MR. MONTOYA: Mr. Chairman, I was recommending to the Board that we go to item VIII. and then to item IX., do the Consent Calendar and then go to executive session.

CHAIRMAN DURAN: Is that okay with the Board?

COMMISSIONER TRUJILLO: Yes.

#### VII. CONSENT CALENDAR

CHAIRMAN DURAN: Why don't the Commissioners take a few moments and if there are some resolutions or items on the Consent Calendar that they would like to isolate for further discussion we can do so and then I'd entertain a motion for blanket approval on those items that are not isolated. And maybe you want to discuss all of them. Whatever you all want to do.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just have a couple that I have brief questions on. C, as in Charlie, G as in Golf, M as in Mike and N as in November. And it's just one item in N. Those are the land use case summaries, 6-N.

CHAIRMAN DURAN: Okay. Commissioner Sullivan, did you have any that you wanted to discuss or did you want to discuss all of them. Again, it's whatever you'd like to do.

COMMISSIONER SULLIVAN: Do you want to discuss them, or if anyone else has any that they want to pull off. Do you want to approve the ones that are—

CHAIRMAN DURAN: Let's see which ones the Commission would like to pull off for further discussion and then we'll have a blanket approval of the remaining. Do you have any you want to isolate, Commissioner Campos?

COMMISSIONER CAMPOS: No.

COMMISSIONER TRUJILLO: I don't either, Mr. Chairman.

CHAIRMAN DURAN: I don't either.

#### VI. A. Resolution No. 2001-19. A resolution requesting an increase to the State Special Appropriations Fund (318) to budget a 2000 New Mexico Legislative Special Appropriations Project (SAP) grant received for

1878739

SFC CLERK RECORDING 08/13/2004

- expenditure in fiscal year 2001
- B. Resolution No. 2001-20. A resolution requesting a budget transfer from the general fund (101)/Finance Department fiscal year 2001 budget to various departments to cover the January 1, 2001, implementation of the three percent salary increase for Santa Fe County employees (excluding CWA union employees and elected officials)
  - D. Resolution No. 2001-22. A resolution requesting an increase to the general fund (101)/Region III grant program for an amendment to the federal grant received for expenditure in fiscal year 2001
  - E. Resolution No. 2001-23. A resolution requesting an increase to the Law Enforcement Protection Fund (211) for additional revenues received from the New Mexico State Highway and Transportation Department for expenditure in fiscal year 2001
  - F. Resolution No. 2001-24. A resolution requesting an increase to general fund (101)/Fire Administration to budget Cerro Grande fire reimbursement revenue for expenditure in fiscal year 2001
  - H. Resolution No. 2001-26. A resolution requesting an increase to the general fund (101)/ Solid Waste Program to budget a grant received from the New Mexico Environment Department for expenditure in fiscal year 2001
  - I. Resolution No. 2001-27. A resolution requesting a budget decrease to the State Special Appropriations Fund (318) to realign the fiscal year 2001 budget with the remaining fiscal year 2000 cash balance
  - J. Resolution No. 2001-28. A resolution requesting an increase to the general fund (101)/Maternal and Child Health Care Program to budget prior year cash balance for expenditure in fiscal year 2001
  - K. Resolution No. 2001-29. A resolution authorizing individuals to act on behalf of the plan with American General Financial Group Company and the Bank of Santa Fe
  - L. Request approval of actual travel expenses for the County Assessor
  - N. Request adoption of findings of fact and conclusions of law for the following land use cases:
    - 1. EZ Case #DL 00-4770, Felix and Sadie dePaula
    - 2. CDRC Case #V 00-5945, Augustin Roybal
    - 3. CDRC Case #V 00-5680, Miguel Coblentz
    - 4. AFDRC Case #V 00-5710, Lázaro Mata
    - 5. CDRC Case #V 00-5860, Barbara Zavada
    - 7. CDRC Case #MIS 00-5531, Vista Clara Ranch Liquor License
    - 8. CDRC Case #M 00-5620, Lafarge Mine Zone Creation
    - 9. CDRC Case #Z 00-5870, C de Baca Master Plan

1878739

SFC CLERK RECORDING 08/13/2004

CHAIRMAN DURAN: So I'll entertain a motion for blanket approval of the Consent Calendar except for items C, G, M, N-6.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

**VI. C. Resolution No. 2001-21. A resolution requesting an increase to the general fund (101) to establish a budget for the Regional Planning Authority for expenditure in fiscal year 2001.**

COMMISSIONER SULLIVAN: Mr. Chairman, my question, just a minute if I can find it. Item C is a resolution requesting an increase to the general fund to establish a budget for the Regional Planning Authority. I'm a little confused, and maybe someone can clear it up real quickly. We're requesting an increase of \$180,000 and a decrease of \$100,000. And this is just the beginning of the Regional Planning Authority. So I'm just a little confused about that budget and maybe somebody could help me understand that.

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioner Sullivan, when we changed to, I'll go back just a little, both the City and the County appropriated \$100,000 each for the Regional Planning Authority, and back last month, the RPA plus the Commission and the City Council changed the JPA to read that we would be the fiscal agent. So the decrease that you see of \$100,000, we had appropriated \$100,000 in the land use budget. Now we're moving all of this to one cost center for the RPA and bringing over \$80,000. So we're moving it out of one section of the land use budget into a cost center for the RPA. That's the \$100,000 decrease.

Then you'll see a \$100,000 increase in that cost, plus the \$80,000 from the City, which is their \$100,000 less \$20,000 that was set aside by the RPA for the expenses for the legislative coordinator, the RPA coordinator position, which is Juan Rios' position over at the City. Because there was an appropriation made by the RPA for \$20,000 and the City is going to keep track of that since Juan is a City employee. So we're budgeting the other \$180,000.

COMMISSIONER SULLIVAN: So our total operational funds for the RPA then is \$180,000, \$80,000 of which comes from the City?

MS. MILLER: Commissioner Sullivan, that's fairly correct. There is, from what I understand, a few expenses that the City did incur, and I'm getting an accounting of that. We will have to decrease the budget by that amount. I think it was for the broadcasting of the RPA meeting prior to us being a fiscal agent and prior to them being held over here. I think it's around \$2,000 to \$3,000. We are splitting all costs evenly and so at the end of the year, after everything has been, whatever has been expended, we'll do an entire accounting of it and all costs between the City and the County, whatever was incurred, will be split evenly. But

1878739

SFC CLERK RECORDING 08/13/2004

the budget as it's been approved by both the City, the County and the RPA is a total of \$200,000, \$180,000 of which we will be accountable for keeping records on.

COMMISSIONER SULLIVAN: Okay. Thank you.

**VI. G. Resolution No. 2001-25. A resolution requesting an increase to the Fire Protection Fund (209)/various fire districts to budget Cerro Grande fire reimbursement revenue for expenditure in fiscal year 2001**

COMMISSIONER SULLIVAN: Mr. Chairman, item G, again, give me a moment to get to it. They're not tabbed so—this is a resolution requesting an increase to the Fire Protection Fund (209)/various fire districts to budget Cerro Grande fire reimbursement revenue. And my question on this issue, in the detailed justification it says this request is to budget Cerro Grande forest fire reimbursement for expenditure in fiscal year 2001. The funds will be used to pay volunteers which responded, repair and replace items damaged or lost at the fire, and to use towards fire districts operations and capital purchases. These are monies, I assume that are coming from the feds to reimburse us for our participation in the firefighting. But what caught my eye was paying volunteers. That makes them employees, I assume, or contractors. Do we pay volunteers? If so, why are they called volunteers?

STAN HOLDEN (Fire Chief): Mr. Chairman, Commissioner Sullivan, these funds that are paid to volunteers are for their services that were rendered during the Cerro Grande fire and the funds come directly from FEMA. The volunteers are volunteers from Santa Fe County. We do not pay them, but the federal government can pay them under these types of situations.

COMMISSIONER SULLIVAN: What status do they then have when they, when we are paying them through using federal funds? Are they employees? Are they contractors? What's their legal status with Santa Fe County?

CHIEF HOLDEN: They are not contractors for Santa Fe County. They are contractors for the federal government. So the government is the one that reimburses them, their expenses. That's basically the way the federal government sees it. They're reimbursing their expenses and their losses secondary to fighting the fire. In other words, as an engineer, Mr. Sullivan, if we used you for three days on the Cerro Grande fire, and you were away from your work on those three days, the federal government is reimbursing you for your lost wages as a result of the work that you did on that fire.

COMMISSIONER SULLIVAN: But actually, the federal government is reimbursing us, correct? By this budget adjustment, and we reimburse the "volunteers." Is that correct? Or does the check come from the federal government?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, the check comes directly to Santa Fe County because the federal government needs a fiscal agent to disperse the money.

COMMISSIONER SULLIVAN: Then perhaps, Mr. Kopelman, you can respond. What status does that give these "paid volunteers?" Are they contractors? Are they



1878739

SFC CLERK RECORDING 08/13/2004

employees?

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner, it's my understanding this is part of a comprehensive federal program that's done throughout the country. And it's my understanding that these are not employees. Again, they're not being paid a salary at all from the County and so it's my legal opinion they are not employees of the County. They remain volunteers. And again, this is a federal, special policy, federal program that's somewhat unique and unusual and this is the way that they see fit in order to help entice volunteers throughout the country to work in these major federal fires.

COMMISSIONER SULLIVAN: Does the County have a release of liability or any form of indemnification in this type of case?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, there is no indemnification per se. The volunteers, when we have volunteers they basically come in—we do have some responsibility for actions of volunteers but as a general rule there would be no reimbursement to the federal government or indemnification.

COMMISSIONER SULLIVAN: If these volunteers were acting in Santa Fe County, responding to an emergency in Santa Fe County, they would be covered by Santa Fe County's liability policy, would they not?

CHIEF HOLDEN: Mr. Sullivan, that is correct. They would, as long as they were under the jurisdiction and authority of a Santa Fe County officer. These same volunteers could be pulled up under the Resource Mobilization Plan under the state of New Mexico and they are oftentimes pulled up under the Resource Mobilization Plan and reimbursed by the state of New Mexico for similar type projects. For instance, last summer, we also had a wildfire in Baca south of Belen. [audio difficulties] reimburses the same type of work even though they are activated under Santa Fe County.

I understand your concern. I'm not sure that there is any other way that we could reimburse the volunteers for the work that they were called up to do. [audio difficulties] face the fact that we have 400 volunteers in Santa Fe County and approximately 30 state employees, there's no way [audio difficulties]

COMMISSIONER GONZALES: Could I ask a question?

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: When a volunteer signs up to go fight something like the Cerro Grande, I'm assuming that there's some paperwork that's done. That's how you register their name and their social security, which I'm assuming we forward to the FEMA officials. At that point though, who's held responsible for the volunteer in case of a volunteer or an injury or something that may happen to the volunteer during the fighting of a fire. And then my second question is, when we disburse this check, do we have withholdings? Are we responsible for that or was it done like some type of contracting plan. I'm thinking of these employees or these individuals very similar to how we use our poll workers. We issue a check to them for coming in and volunteering to work and I don't think we withhold any money or anything. We just give them a set rate for the hours. Would this disbursement be done the same way where they actually got a gross amount and the County wasn't responsible

1878739

SFC CLERK RECORDING 08/13/2004

for withholding or anything of that nature?

So they're contractors for the federal government. The federal government won't hold them as contractors unless there's a local fiscal agent in place to actual pay them.

CHIEF HOLDEN: That's right. [audio difficulties]

COMMISSIONER GONZALES: But when that happens, more to my first point, who holds the insurance on the volunteers when they're fighting or who's responsible from an insurance standpoint for the volunteers?

[The remainder of this discussion was not audible due to technical problems.]

**VI. M. Request authorization to accept and award a price agreement to the lowest responsive bidder, IFB #21-42, for the printing and mailing of the notice of valuation forms**

COMMISSIONER SULLIVAN: Item M is a quick one, Mr. Chairman. Just wanted to clarify that we did not pay Ink Impressions \$14,403,000 for the printing of the mailing of the valuations. And it's probably \$14,000. Okay. So the amount to be approved in this one is not \$14,403,000. It's \$14,403.64. Okay. All right fine.

CHAIRMAN DURAN: Don't let it happen again.

**VI. N. 6. CDRC Case #V 5600, AT&T Wireless**

COMMISSIONER SULLIVAN: The question I had on item N, Mr. Chairman, was—and this I guess is a question for Mr. Kopelman. In preparing the findings of facts and conclusions, I noticed in this particular case, which was the AT&T Tower, that none of the conditions in that approval were included in the findings of facts and conditions. I noticed in some other, for example in Case 00-4770, Felix and Sadie dePaula, that in that case the conditions of the approval were included. It would seem like it would be a good idea to have them in there so you have all those items in one place when someone makes reference to the case they know what the findings of facts were and what the wishes were and I just wondered what the policy was.

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Sullivan, technically, the conditions don't need to be in the order. The order really is what the statute contemplates as the basis for the decision, which is to grant the variance. I agree with you; it certainly can't hurt to have the conditions in and I think that's something we can see is included in the future.

COMMISSIONER SULLIVAN: I just saw in this particular case and the following one the various conditions about the acre-feet of water and the rural addressing so it's all included. But the AT&T one, they weren't and one of the conditions that I recall we discussed and they agreed to was to repaint the tower.

MR. KOPELMAN: Yes. Again, Mr. Chairman, Commissioner, the point of

the written decision is just the basis of the Board of County Commissioners decision. Why it reached the decision it did. Okay? The minutes really stand on their own in terms of all the conditions and what was approved. The order is really saying from a legal standpoint these were the basic findings. This is the reason we reached the conclusions that we do.

COMMISSIONER SULLIVAN: But then for convenience of locating, for those that are approved, can we put the conditions in there in the findings of fact?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, we'll do that in the future.

**Commissioner Sullivan moved to approve Consent Calendar items VI. C, G, M. and N-6. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.**

### **VIII. ADMINISTRATIVE ITEMS**

#### **A. Committee expirations, resignations and vacancies**

MR. MONTOYA: Mr. Chairman, we do not have any items under item VIII.

A.

CHAIRMAN DURAN: Maybe we should go into executive session and they can fix this system. Is that okay with the Commission? So I'd entertain a motion to go into executive session where we will be discussing pending or threatened litigation, discussion of possible purchase, acquisition or disposal of real property or water rights, and limited personnel matters.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

COMMISSIONER SULLIVAN: It went away.

CHAIRMAN DURAN: Okay, then we'll scratch that motion.

COMMISSIONER SULLIVAN: I think it's working better now.

#### **VIII. B. Committee appointments:**

##### **1. Bennie J. Chavez Community Center**

VINCENT OJINAGA (Resource Development Director): Mr. Chairman, Commissioners, you have in front of you the Bennie J. Chavez Community Center. The nominee below has been contacted and is willing to serve if appointed for a term of two years. Lucille Velasquez, Ms. Velasquez is a substitute teacher who has lived in the community all her life and is willing to serve.

CHAIRMAN DURAN: Any questions of Corky?

COMMISSIONER CAMPOS: I have a question, Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Ojinaga, has Lucille served in a board

before, in this board before?

MR. OJINAGA: Mr. Chairman, Commissioner Campos, she has not.

COMMISSIONER CAMPOS: And these nominations are made by the Commission in the district?

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

COMMISSIONER TRUJILLO: This is a recommendation that was brought forth to me by the board, by the existing board, and this individual is willing to serve on this board so I acquiesce with that recommendation.

COMMISSIONER CAMPOS: Thank you sir.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second to approve Lucille Velasquez to the Bennie J. Chavez Community Center. Any further discussion? Those in favor, signify by saying "aye." [Unanimous.] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

So Sam, now we go into executive session. Is that what you wanted to do?

MR. MONTOYA: Mr. Chairman, I would ask that the department be allowed to make its presentation and they can use this microphone, Mr. Chairman and then we could go to executive.

## **IX. STAFF REPORT**

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

ROBERT ANAYA (CHEDD Director): Mr. Chairman, Commissioners I want to thank you first of all of all for giving us the opportunity to go through this presentation. Mr. Chairman, Commissioners, we had planned to have each of the individual division heads get up and give their respective division presentation, but I think in consideration of the current situation we'd like to go ahead, I'll go ahead and go through those divisions, and then once I've gone through the entire presentation then any questions you might have we can direct those specifically at those division heads.

Before going any further, Commissioners, I would also like to acknowledge that the success of this department is hinged on your direction and also the efforts and daily work ethic of the individuals you see before you and all those individuals that weren't able to attend today.

Mr. Chairman, our mission, based on the direction of the Board of County Commissioners, is to provide programs and services to Santa Fe County citizens in a comprehensive, timely and effective manner. The divisions that are included in the department include the Indigent Fund, Maternal and Child Health, the Driving While Intoxicated Program, the CRAFT program, our Housing Authority, capital projects and economic development and

1878739

SFC CLERK RECORDING 08/13/2004

the Santa Fe County Fair in collaboration and coordination with the Extension Center.

Mr. Chairman, Commissioners, the advisory boards and actual boards that the Commission is part of include the Health Planning Commission, our Indigent Fund Board, our Maternal and Child Health Planning Council, DWI Planning Council and our Housing Board, which will be initiated in April and our County Fair Board. Mr. Chairman, Commissioners, the Indigent Fund was established in 1969 and as you know this program provides financial assistance to the indigent residents in Santa Fe County in need of medical care. The services provided include the following: inpatient care, primary health care, mental health care, ambulance services, nursing home care, hospice care, and home health care.

In addition, we also work, as you're aware, with our Sole Community Program through coordination with the other hospitals in the region including St. Vincents. Our primary health care providers are Health Centers of northern New Mexico, Hope Medical Center in Estancia, La Familia Medical Center here in Santa Fe, Oñate Dental Clinic, Ortiz Mountain Clinic in Cerrillos, and the Pecos Valley Medical Center Women's Health Services as well.

Approved providers for alcohol and substance abuse include Ayudantes, that serve Santa Fe, Española and Las Vegas, the Hoy Alcoholism Program in Española and up north, Millennium Treatment Services, RAP, or Recovery of Alcoholics Program here in Santa Fe, and Rio Grande Treatment Center in Embudo. Approved providers for mental health treatment include Presbyterian Medical Services Community Guidance Center, Las Vegas Regional Hospital, Santa Fe Community Guidance Center, Santa Fe Family Center, and St. Vincent Hospital Mental Health.

In order to qualify, applicants must have been in the county in residence for three months prior to the date of service, provide proof of income and assets, and ownership of more than one piece of real estate will disqualify an applicant. Services that are not covered: medical costs determined by New Mexico Health and Human Services to be eligible for Medicaid, claims that can be paid by insurance, same-day surgery procedures that are provided by a non-hospital for-profit provider. It is important to note, Mr. Chairman, Commissioners, that the services that we provide revenue to are non-profit entities only. Elective or cosmetic surgery and work-related injuries.

In addition, within the Health Division, we also work with the Maternal and Child Health Care Program, which was initiated in 1991 by the New Mexico State Legislature and is regulated and funded through the Department of Health. Edith Powers works with our MCH Council. She's a contractor that works for us in planning and organizing that program. The Santa Fe County MCH Planning Council is appointed by the Board of County Commissioners to be an advisory council to the County Commission. It works on behalf of local childbearing women and young families. The MCH Planning Council will present their quarterly report to the BCC at the March administrative meeting and will provide more detail at that time. I would also add, Mr. Chairman, Commissioners, that we will and would like to come back at later times in the course of the year to give detailed presentations on each of the programs provided here today.

Our DWI Program promotes the safety of persons in Santa Fe County by developing

1878739

SFC CLERK RECORDING 08/13/2004

and implementing programs to prevent or reduce the incidence of DWI and alcoholism and alcohol abuse in Santa Fe County. The funds that we receive for the DWI Program mainly come from our local excise taxes on alcohol and through our community DWI Program from the New Mexico Highway and Transportation Department Traffic Safety Bureau.

**Prevention:** Our prevention efforts range from grammar school students through adults. The Santa Fe County DWI Program recently received national recognition for our work with the Designated Drivers Initiative winning the Centers for Substance Abuse Prevention Promising Programs Award last year.

**Enforcement:** We provided several pieces of equipment throughout the county including RBT Breathalyzer units and cameras in addition to providing resources to existing programs within the magistrate and municipal courts. And we also work very closely with our Sheriff's Department, the City of Santa Fe Police Department. We're beginning to work more with the State Police Department as well as tribal law enforcement entities.

The Santa Fe County DWI Program supports alternative sentencing for both young persons and adults. Current programs for our youth include Teen Court, which we have our Teen Court administrator here, Ms. Alice Sealy. Alice, if you could stand up please for a moment. Alice runs our Teen Court Program that works very effectively with our municipal court and district court. They alternate the program between district court and municipal court and it's a very effective tool at getting at the youth and helping them hopefully stay away from the regular court system which is the ultimate objective of the program.

Our chairman, Commissioner Duran has sat and been a judge at Teen Court as has Commissioner Gonzales and many other leaders in the community and we invite the Commissioners to work with us and if they'd like to be a judge, to work with Ms. Sealy and Mr. Sims, who is our DWI Coordinator, Mr. Sims, could you also stand. I apologize for not introducing Mr. Sims earlier. Mr. Sims is new with Santa Fe County and has done an excellent job working with our DWI Council. In addition, in the DWI Program, we have Joyce Varela here as well. Joyce, could you please stand? Joyce has been providing necessary and needed support to not only our department but in conjunction with our Finance Department in the areas of the DWI Program.

Also here from our DWI Program is Ms. Patricia Gallegos. Patricia, could you stand? She works closely with our screening program at magistrate court and is very effective at helping us with those programs.

The Santa Fe County DWI Program supports the screening of DWI offenders at municipal and magistrate court. This mandatory screening process then provides recommendations to judges in regarding sentencing that they will render. As I said, Ms. Gallegos, as well as we have some contractors at municipal court provide those services. In addition, we have outpatient treatment funded through DWI. DWI offenders can receive help through our contracts with Life Link, where we present a community reinvestment approach to treatment and that particular project, which is known as CRAFT, Community Reinforcement Approach has been worked on diligently by Ms. Linda Dutscher. Linda, could you please stand. Linda Dutscher worked on this grant and she's been working in collaboration with Life

1878739

SFC CLERK RECORDING 08/13/2004

Link. In addition, we have our Life Link providers here as well. If you could please stand, Carol and Andy. They will be working with this program. Last year we received an allocation of \$467,000 for specifically this program which basically targets significant others in a household that has an alcohol or substance abuse problem.

The CRAFT approach was developed and researched in Albuquerque. Within three months of beginning work with the family, 70 percent of the problem drinkers voluntarily came into treatment. We will modify this project as necessary for the Santa Fe County population and we will measure the effectiveness of the treatment up to 1 ½ years later. One of the important things to note on this program is the federal government is becoming very intent that programs that are funded must be effectively measured, so they provided us the resources that we need and mandated that we have evaluators that oversee the project through time to make sure that we're effectively spending the resources that we get. That particular program, if we're successful in this first year, we will be eligible to tap another almost half million dollars and then a subsequent half a million dollars the year after. So in essence, we're talking about this CRAFT Program to generate \$1.5 million in services here in the community and will also put us in a good position to get other federal resources.

It's also important to note that of several hundred applicants throughout the country, the application that Linda Dutscher and some of the partners that worked on this application rated third in the United States. So we're very proud of that application and the fact that Linda and the staff did a good job with that.

Santa Fe County also in the department we administer our Housing Authority. We administer public housings, Section VIII, the Comprehensive Improvement Assistance Program, the Homeownership Program and the development program. And I would quickly like to acknowledge some of the people that are here today, so you can put a name to a face. Dodi Salazar is one of the Housing supervisors. Also we have Mr. Larry Narvaiz, who is our Comprehensive Improvement Assistance Program Coordinator. Basically, he works in getting resources from the federal government to provide necessary improvements for our public housing.

We have Mr. Ralph Flores, who is our project manager for our housing development project, which we'll talk about in a couple minutes here and Carlos Nava. Where's Carlos? We have Carlos Nava, who is our accountant with the Housing Authority. Does a good job. I'd like to back up and address a little and acknowledge Mr. Steve Shepherd that works with us not only on our health projects, but many other projects in the department. Thanks a lot, Steve.

In our public housing program we have 221 public housing units located in three housing neighborhoods. The Camino Jacobo Housing Neighborhood is located off of Airport Road, the Valle Vista Neighborhood is off State Road 14, and that includes 100 units, and the Santa Cruz Housing Neighborhood, located in Santa Cruz with a total of 52 units. We also work in conjunction with the Santa Fe Boys and Girls Club in which they administer three boys clubs at each of our public housing neighborhoods. And this is, we assist in the funding of those programs through our drug elimination program, which is a grant specifically for housing authority residents. Actually housing authorities to be used to provide services to residents.

1878739

SFC CLERK RECORDING 08/13/2004

In addition, we have the Section VIII Program, which is 248 Section VIII certificates and vouchers. These vouchers are given to individuals and families who then go out into the general public to find rental units in the community. Our Family Self-sufficiency Program, this is another program that we're very proud of, Dodi Salazar is the administrator of our Family Self-sufficiency Program. This program takes people from public housing, works with them through various different community advocates in our community including the Community College, the Department of Labor, to name a few, the Civic Housing Authority works in conjunction and collaboration with us on this project. We take them through a five-year plan in which we help them with education and other necessary life skills. Our County Extension Service works closely with us as well, and then they also get in escrow, an amount of money put in escrow for them. If they stay within the program throughout the five years and they graduate from the program, then in many cases, they have a substantial amount of money that can then be used for a down payment on a house, and/or if they pass that program and fulfill all the obligations of their contract, they can use it for what they need it for. In the past we've brought families to the Commission that have passed the program and in fact they have gone on to homeownership.

Our Comprehensive Improvement Assistance Program, as I mentioned earlier is an annual grant and an application that we put in for that makes improvements to our public housing units at all three public housing sites. I would invite the Commissioners at any time that they're able to to come and tour. We recently remodeled seven public housing units with Comprehensive Improvement Assistance money for the purpose of homeownership. The Homeownership Program is targeted at not only Valle Vista, but at Vista Verde, which is a new public housing development that we're going to be working on for sale.

On September 26 Santa Fe County awarded a construction contract to CDR Construction for the construction of 40 new homes in Santa Fe County. It's these homes that we're going to target for homeownership. Twenty units are located and being constructed as we speak off of Airport Road in the Vista Verde Subdivision which is across from our country club, the Santa Fe Country Club. Twelve units will be constructed at the Valle Vista public housing site and 8 units will be constructed at the Santa Cruz public housing site.

As you can see from these pictures, these are sites of the actual construction that's currently underway at the Vista Verde Subdivision. I believe, Mr. Flores we have about 8 units that are already framed up and we hope to have all of the units complete by the end of the summer and available for sale. We're going to target, first of all, the tenants that are in public housing and on the Section VIII Program, then we're going to move to the waiting list and then eventually, if we haven't sold those units by then, we're going to move to the general public.

Under capital projects there's various projects we've been working on. Mr. Ray Mier, as I mentioned before, is our project manager for these projects. We have the Vista Grande public library, phase 1 is complete and has most all of the furniture in place and we're going to be finalizing the agreement with the Eldorado Library Association that's going to be helping us administer that facility.

La Familia Medical Center has been complete for several months and is utilized. That's



1878739

SFC CLERK RECORDING 08/13/2004

the southside clinic that's on the Agua Fria Park grounds. We have the La Puebla recreation area. The La Puebla recreation area is a site that we've received legislative money from and it's adjacent to our La Puebla Fire Station and our Santa Fe County Public Works Department through Mr. James Lujan is going to be providing a lot of assistance and help in offsetting some of the high costs of construction at that site, also based on the direction of Commissioner Trujillo. But it's going to be a good project.

Rio en Medio Community Center, we built out phase 1, which basically consists of bathrooms, a living area for a caretaker and a big community room. Phase 2 is currently out to bid and will consist of a kitchen and dining area. This project will be coupled with our City of Santa Fe Senior Services Program in which they'll be in a position to be providing meals at the Rio en Medio Community Center.

The Movimiento Multipurpose Teen Center in La Puebla, this is a CDBG project that also received state legislative money that Commissioner Trujillo and the entire Commission has endorsed and pushed for. We are approximately 50 percent complete with that phase and already moving on to the second phase of design. The primary purpose of the teen center up north will be to provide youth with an access point for all kinds of youth services and given the existing problems with the drugs in that community it's going to provide a hub for Hands Across Cultures through Harry Montoya, who's the director, to provide those services in that community that are greatly needed.

In addition, we have all of the plans complete for the public safety complex that we hope to construct adjacent to the County Jail Facility, and we are currently in the process of putting that proposal through our development plan process.

Youth Shelters and Family Services, this is a project that serves approximately seven counties in the region. It's the only youth shelter in this community and this entire region. We were recently successful in receiving \$300,000 of Community Development Block Grant money. It also has \$14,000 from the City, \$200,000 that we lobbied for and were successful in getting from the legislature for a total of \$514,000. We're currently trying to get this particular project also funded at the state legislature as well.

In addition, the Santa Fe County Fair improvements are ongoing from revenues that this Commission provided to make improvements to the Rodeo Road site, as well as revenues that we've received from the state legislature.

The Santa Fe Care Network, this is a project which we've been working towards for several years. It involves the Detoxification Initiative. So far we have crisis response, recovery of alcoholics program, Santa Fe Community Guidance Center, magistrate court, St. Vincent Hospital, the City of Santa Fe, the public defenders office, the district attorneys office, Life Link and various other representatives from our planning councils, in addition to Region II help. This project has been underway for several months, in fact tomorrow we will be meeting on this project to discuss where we go from here. But we've been planning the Care Network project in an effort to create a centralized assessment, screening and referral center to be able to more adequately track those people in need of those services.

In addition, we work closely with the Santa Fe County Fair Board and the Extension

1878739

SFC CLERK RECORDING 08/13/2004

Service to plan our annual fair and also work with the Extension Service programs that are currently being operated through the New Mexico State University Department of Agriculture and Economics. Mr. Patrick Torres runs the Extension Service for us and does a good job in assisting us as well.

One of the new programs that we've received in the department includes Smart Moves which is a youth-based grant from the state of New Mexico for \$125,000, CRAFT, as we previously mentioned, \$467,000. Our CIAP program was successful in obtaining \$510,000. Our drug elimination grant, \$58,000, media literacy, \$56,500. And two weeks ago, we received notification from the Mortgage Finance Authority that they would be providing \$450,000 in soft seconds to be used as part of our homeownership program.

Here's a few slides. Why don't you go ahead and scroll through those slides. There's our Boys and Girls Club at Jacobo. Some of the playground equipment that this Commission authorized the purchase of. This is a former CDBG project up north in Santa Cruz that is tremendously used in that public housing site. Our Abedon Lopez Senior Center, also on the Santa Cruz public housing site. Teen center construction. This is the Extension Service office off of Rodeo Road. With that, Mr. Chairman, Commissioners, once again I would just like to thank you as a Commission, thank the County Manager for your support of the department, and most of all thank the staff, the entire staff of the department. We stand for any questions or comment you might have.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just as a guideline, what's the total budget that we're looking at here for all these projects?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, I could get you an exact number but this year's current budget excluding sole community is approximately \$18 million.

COMMISSIONER SULLIVAN: I certainly appreciate the work and the effort and a lot of these programs are things that I had never been aware that the County was involved in or has the responsibility for participates in, and I think it's exciting and it's something that somehow we as Commissioners I think need to help publicize more and get that information out to the community a little further. I had one other question regarding alcohol screening. I noticed that in our packets we have a change in the alcohol screening program that apparently about doubles the size of the contract. Is something changing in that arena, hopefully for the better or what's—since we have the coordinator here I thought it might be a good way to get that answer.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, I think I can answer your question. The actual item that you have under the department deals with the screener at municipal court and municipal court went several months without having a screener and in fact the amendment that's before you in your budget today is not an increase for municipal court, it's actually a decrease in the overall contract to cover a gap where there wasn't anybody there.

1878739

But I'd be happy to provide more clarification under that item if that's okay.

COMMISSIONER SULLIVAN: So the individual you introduced here is the coordinator. Do we have more than one screener at each of the courts?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, Ms. Gallegos is our screener at magistrate court. The screener that you're referring to is Mr. Peter Goodwin, who is a new screener, and that's a contract screener at municipal court. There's two different screening programs, Mr. Chairman, Commissioner Sullivan.

CHAIRMAN DURAN: Okay, great. Thank you Robert.

COMMISSIONER SULLIVAN: Appreciate your time and again appreciate the effort that staff puts forward.

**X. J. Matters from the County Attorney**

**1. Executive session**

- a. Discussion of pending or threatened litigation**
- b. Discussion of possible purchase, acquisition or disposal of real property or water rights**
- c. Limited personnel matters**

CHAIRMAN DURAN: I'll entertain a motion to go into executive session where we will discuss pending or threatened litigation, discussion of possible purchase, acquisition or disposal of real property or water rights and limited personnel matters.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion. There's a second.

**The motion passed unanimously upon roll call vote, with Commissioners Campos, Duran, Sullivan and Trujillo all voting in the affirmative. [Commissioner Gonzales was not present for this action.]**

[The Commission met in executive session from 3:30 to 4:55.]

**Commissioner Trujillo moved to come out of executive session where there was discussion of pending or threatened litigation, discussion of possible purchase, acquisition or disposal of real property or water rights and limited personnel matters. Commissioner Sullivan seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]**

CHAIRMAN DURAN: We have an hour before the EZA meeting and it looks like we are not going to get through the whole thing. Can you tell us, Sam, which items we can—or do you just want to go through what we can and then—

1878739

SFC CLERK RECORDING 08/13/2004

MR. MONTOYA: Yes, Mr. Chairman. I think that would be good.

CHAIRMAN DURAN: Well, I guess this is another good indication of why we should start at 10:00.

COMMISSIONER TRUJILLO: Let's do it the next time, at 10:00. The next administrative meeting.

MR. MONTOYA: Mr. Chairman, under the Public Works Department, we do have one—under item E.1 needs to be handled today since it's time sensitive for tomorrow.

CHAIRMAN DURAN: Let's do that one first and the rest of them we'll just do as they come up on the agenda. Is that okay with the Commission?

MR. MONTOYA: Mr. Chairman, if I could enumerate some of the ones that are time-sensitive for you, then if we could move to those, that would be very much appreciated. Mr. Chairman, under the Finance Department. Let me ask Robert, do you have anything under your section that's imperative that it be done today?

MR. ANAYA: Mr. Chairman, Mr. Montoya, the four items that we do have are time-sensitive contract items. I don't envision that they're going to take a lot of time but they are time-sensitive relative to grant funding.

CHAIRMAN DURAN: Which ones are those?

MR. ANAYA: Mr. Chairman, those are items one through four.

CHAIRMAN DURAN: Okay. So it's one through four. And which ones did you say, Sam?

MR. MONTOYA: Mr. Chairman, under item B. 2, which is the political representative or the federal lobbyist job that is time-sensitive, and then D.1, Mr. Chairman, under the Land Use Department, which is publishing the title and general summary of an ordinance on the County Land Development Code to change the membership of the CDRC. And then item D.5, which is a resolution in opposition to the petition for the designation of a sole source aquifer in La Cienega. And then item E.1 under the Public Works Department, which is a Highway and Transportation local road fund resolution.

CHAIRMAN DURAN: Okay, let's move in that order then.

MR. ANAYA: Mr. Chairman, I would ask that item—

COMMISSIONER SULLIVAN: Mr. Chairman, I just had one item that, under looks like Matters from the Commission is way at the bottom of the pile here and I had one item that concerns some legislation that's imminent that I'd like to bring out and let the Commission give direction to the staff on.

CHAIRMAN DURAN: Well, let's do that one first. Then we'll go into you, Robert.

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

COMMISSIONER SULLIVAN: All right. This is a very quick one. There is legislation now that would be a real benefit to the County in so far as the Agua Fria Park is concerned. And let me pass these down to you. The Northern New Mexico Soccer

1878739

SFC CLERK RECORDING 08/13/2004

Association has gotten commitments from our state legislators to each put up \$100,000 toward constructing an oversized soccer field which would be used as smaller youth fields as well in Agua Fria Park and I think this is a good area for it. I think this would be of benefit to that community. And in particular to use a new type of material called Tuff Turf, which I showed you there in the room, to do that so it requires no water.

Senator Maes has asked that he get some indication at least from the County in terms of a letter from the County Manager or something that this would be okay with the County and it would be compatible. Rudy's been working on this and says it's a great place to put a soccer field and so forth, but I just wanted to pass out the information on it and see if it would be appropriate to have the County Manager write a general letter of support of this legislation.

CHAIRMAN DURAN: I have one question. Maybe Robert can answer this for me. We had talked in the past about finding a site that Youth and Family Shelters might be able to relocate to on this 80 acres, and I know that I've been approached by the Big Brothers/Big Sisters about a possible CDBG grant, Community Development Block Grant money for their facility. If the soccer field went in the area that they're designating on this map, is there room on the side by where La Familia Medical Center is to accommodate a couple more non-profit buildings?

MR. ANAYA: Mr. Chairman, I believe that if the Bureau of Land Management would approve those leases or those additional uses, I should say, then I think there would be additional room for other agencies in that area.

CHAIRMAN DURAN: Have you seen this map?

MR. ANAYA: Mr. Chairman, I have not seen the map you have.

CHAIRMAN DURAN: It seems to me that encompasses or takes up all the property on the north side of 62. Do you know how much land is on the south side of 62?

MR. ANAYA: Mr. Chairman, I don't know the exact acreage but we can take this plan and look at it, evaluate it with the proposed structures that you're talking about, the Youth Shelters and the Boys and Girls Club and any other sites and come back with a formal recommendation or suggestion to the Commission, Mr. Chairman.

CHAIRMAN DURAN: Okay. The only reason I bring it up, Commissioner Sullivan, is that prior to you coming on board, there was some discussion with Youth and Family Shelters, in fact we're in the middle of discussions with BLM to get their blessing on locating Youth and Family Shelters on this site, and they happen to be right where the parking lot is that shows up on your map. So why don't you—why don't you report to us before we give direction to the County Manager to go out and do that. I'd like to see how this conflicts with the plan that we have already pretty much—we haven't committed to it but we have had some discussions relative to locating on that site. So that there's no conflict. Maybe they can move to the other side.

MR. ANAYA: Mr. Chairman, we can do that. A quick glance, Mr. Chairman, members of the Commission, we had envisioned the site going near or adjacent to the La Familia Medical Center based on the plat that Commissioner Sullivan has given, I don't see anything on the southside but we will prepare something formal to give the Commissioners

1878739

SFC CLERK RECORDING 08/13/2004

for your review.

CHAIRMAN DURAN: Is that okay, Commissioner Sullivan?

COMMISSIONER SULLIVAN: Well, I just think from a time standpoint we'll be out of the session by then and maybe if staff, if we just give staff the authority to review it and if they manager feels comfortable with that and the future planning so be it. I think it's a real opportunity. They've looked at other areas. They've looked out on Route 14 and so forth to locate it and this puts it there where people are, where the community is and it's a show project, I think, assuming it gets funded to the tune of almost \$500,000.

CHAIRMAN DURAN: Well, again, prior to you coming on as a Commissioner, we supported \$350,000 which was allocated to the Youth and Family Shelters for their facility and that facility was earmarked for this property. I guess I'm unclear, Robert, do you say that their location wasn't on the side of 62 that this proposed soccer field is going to be developed?

MR. ANAYA: Mr. Chairman, Commissioners, based on the plat that I was just given my Commissioner Sullivan, it appears that the area is in the area of the fire station, in that particular area. La Familia Medical Center is on the south side of the road and I don't see any amendments there and that is where we envisioned having the youth shelter on the south side of 62. The plat, as I'm looking at it, it looks that there may be a space issue relative to the soccer fields but without having the actual full plat in line, I think, Mr. Chairman, that's the best assessment I can make at this time. We can evaluate this tomorrow, Mr. Chairman, Commissioner Sullivan, and provide recommendations via Mr. Montoya if you'd like.

CHAIRMAN DURAN: So your understanding is the Youth and Family Shelters Facility was going to be located on the southside of County Road 62?

MR. ANAYA: Mr. Chairman, Commissioners, that was our expectation.

CHAIRMAN DURAN: Well, if that's the case, I see no problem with going forth. What do you say?

COMMISSIONER TRUJILLO: Not at all. I also have one short matter if we're done with this under Matters from the Commission. There's an area in the northwest sector that's included in the Pojoaque Valley School District. And they're being charged property taxes and bond expenses and things like that from the Pojoaque Valley School District, but they're not rendering any services to the district. The County Assessor and some representatives from the community have petitioned the Board of Education of the Pojoaque Valley to redo the district and take them out of the Pojoaque Valley School District.

The Board of Education of the Pojoaque Valley is procrastinating on making the decision because essentially they feel that it's a windfall for them and if they're taken out of the tax rolls that they'll lose monies. But I feel that the fair thing to do and the reasonable thing to do is to remove these people from that district because they attend the Santa Fe Public School District and they should contribute to that school district. So I'm asking the Commission, with the help of the staff to develop a resolution to the Pojoaque Valley Board of Education that asks them to remove that area from the school district. Okay? From a fair, egalitarian, reasonable standpoint, they're not providing the services to that community. All the youth in that

1878739

SFC CLERK RECORDING 08/13/2004

community is going to the Santa Fe Public Schools and they're being charged by the Pojoaque Valley School District under the auspices that it's a windfall for them.

MR. MONTOYA: Mr. Chairman.

CHAIRMAN DURAN: Sam.

MR. MONTOYA: Mr. Chairman, Commissioner Trujillo, would you be available if we were able to set up an appointment with the superintendent and some of their legal counsel? We have had some very thorough legal review by some of our department of legal minds and we'd like to share that with you and also convene this meeting and try to find a mutual agreement on how we can resolve this, Mr. Chairman.

COMMISSIONER TRUJILLO: That would be appropriate. Yes. Thank you.

CHAIRMAN DURAN: I have one item. Steve, this is for Mr. Kopelman. If you recall several months ago, maybe six or seven months ago, when we made the changes to the EZA—I guess four months ago, we also agreed that any member of the Board of County Commissioners had the right to sit on the EZA as a member of the EZA in the event one of the regular members, or appointed members couldn't make it. So this evening is probably the first time that this opportunity has arisen and I wanted to make sure that you're familiar with that action that we took.

MR. KOPELMAN: Mr. Chairman, I am not familiar with it. If it happened, it happened before I was there and it's not part of the rules, I don't believe. So I'd have to check real quickly and meet with Roman to talk about it because it doesn't ring a bell.

CHAIRMAN DURAN: Well, let me rephrase it. I guess before you were here, we changed the rules for the membership of the EZA that allowed any member of the Board of County Commission to go in place of a member of the EZA that couldn't make it to that meeting. And the reason we did that is we wanted to make sure that the County has representation at those meetings at all times and—I guess you weren't here at that time.

MR. KOPELMAN: Right.

CHAIRMAN DURAN: Anyway, legal at that time reviewed the ordinances and made the determination that it was within our jurisdiction to change the rules. I bring that up because I've asked Commissioner Campos to take my place tonight. I talked to him earlier about it. I've since decided to be at the EZA meeting by Commissioner Gonzales is leaving town this evening at 6, 6:30. So we wanted to make sure that we have you around to support that because I don't want any of the other members of the EZA to complain that we're doing something improper.

MR. KOPELMAN: Mr. Chairman, let me check the rules and let me confer with Roman because again, if that happened, it happened before I was here.

CHAIRMAN DURAN: Okay. Commissioner Gonzales, did you have anything from Matters from the Commission?

COMMISSIONER GONZALES: No.

COMMISSIONER CAMPOS: Mr. Chairman, I have one.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Just about a cell tower ordinance. I think we

1878739

SFC CLERK RECORDING 08/13/2004

need one as quickly as possible. I think we should set it up for discussion at the next meeting and even consider a moratorium for discussion purposes. I think it's a huge issue in the community. I think we need to coordinate with the pueblos and the Highway Department, but I think it's really critical that we do something very quickly. Thank you.

CHAIRMAN DURAN: I agree. On that same note, there is a telecommunications seminar that I would like to attend and I guess Tom Dominguez is going to it. And if I could have the blessing of the Commission I'd like to attend that. It's going to be on the 12<sup>th</sup>, which is when we have a meeting. And hopefully, I'll come back with some information.

COMMISSIONER CAMPOS: Can we get a proxy from you?

CHAIRMAN DURAN: Sure.

COMMISSIONER CAMPOS: No problem. I think it would be a good idea.

CHAIRMAN DURAN: Okay, anyone else have—any Commissioners have anything else to say?

COMMISSIONER SULLIVAN: Mr. Chairman, there was a communication from the County Manager a while back about looking at wastewater injection projects in Arizona. Nothing's been done about that but I just wanted to remind folks of that, not only because I'm an engineer but because we're looking at reuse of water and if that's proceeding forward I'd like to know where that's going and I'd be interested in doing that.

MR. MONTOYA: Mr. Chairman, thank you Commissioner Sullivan. The field trip is a proposal to go to Chandler and to Gilbert, Arizona, to study reinjection of the effluent into the aquifer. Both of these cities are able to do about 100 percent of that, recycle their water and I think it's a very cutting edge idea and something that I think all of us would benefit from. The only positive nod I've heard other than Commissioner Sullivan has been Commissioner Campos, that he'd like to go and if we could take the majority of the Board and some of the land use employees, probably the County Hydrologist and several other people, I think it would be worth our time and our effort. So if you'd like to attend, I'd be very pleased to set that up, Mr. Chairman.

COMMISSIONER TRUJILLO: When is it scheduled for?

MR. MONTOYA: We have not come up with a definitive date and that's part of the issue. I need some potential windows from the members when we can schedule the trip. And it would be a one-day trip.

CHAIRMAN DURAN: Well, don't do it during spring break.

MR. MONTOYA: All right.

COMMISSIONER TRUJILLO: When's spring break?

CHAIRMAN DURAN: It's March 26, the week of March 26. Okay, anything else?



1878739

SFC CLERK RECORDING 08/13/2004

**X. STAFF AND ELECTED OFFICIAL ITEMS**

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

**1. Request authorization to enter into a lease and operating agreement with Hands Across Cultures for a Multi-purpose teen center**

MR. ANAYA: Mr. Chairman, the lease that's before you is a lease for the Multi-purpose teen center that's currently being constructed that I mentioned earlier in the La Puebla area that's with Hands Across Cultures, that's an entity that's going to be providing non-profit teen, youth prevention services in the area. I stand for questions, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I have a question. Do you want to get a second?

CHAIRMAN DURAN: Second for discussion?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's a second for discussion by Commissioner Sullivan.

COMMISSIONER SULLIVAN: Question. Hands Across Cultures: can you tell me a little bit about that organization, how long it's been around, what it does, how it's organized, who runs it?

MR. ANAYA: Mr. Chairman, Commissioner Campos, Hands Across Cultures has been in the northern part of Santa Fe County for approximately 3 1/2 to 4 years. They're run by Harry Montoya, who is the executive director in that area who's also a school board member of the Pojoaque School District, who has an extensive background in substance abuse treatment and prevention initiatives, more so on the prevention side. It's an organization that works both closely with kids and youth in the schools. They have peer counseling services that they provide and they also have professional staff that provides services.

This particular organization has been working closely with the federal funds that we received to do black tar heroin initiative prevention issues in that area as well.

COMMISSIONER CAMPOS: So they have a pretty good history from what you can tell; performance, responsibility, etc.?

MR. ANAYA: Mr. Chairman, Commissioner Campos, the organization itself if relatively new. Only a few years old. However, the executive director has been the director of other organizations in our community and the Los Alamos area and northern n Mr. Chairman, Commissioner Campos, the organization itself if relatively new. Only a few years old. However, the executive director has been the director of other organizations in our community and the Los Alamos area and northern New Mexico and does have a substantial background that I think Commissioner Trujillo could allude to.

1878739

SFC CLERK RECORDING 08/13/2004

COMMISSIONER CAMPOS: Commissioner, could you tell us a little bit about this organization?

COMMISSIONER TRUJILLO: Well, Hands Across Cultures, like Robert says, is about 3 ½ years old and has been a vital part of the youth community in the Española and the Pojoaque Valley. They've incorporated and implemented programs with the schools and with the Girls and Boys Clubs that are helping the youth of the community. The seed for this teen center was planted a long time ago. Like Robert said, about two years ago, the County, Board of County Commissioners approved the CDBG monies, \$300,000 worth towards this effort. Coupled with that, they got \$125,000 from the state legislature for this project and something like \$200,000 from Jeff Bingaman towards this project.

This is, initially, at the start of this meeting, Phase 1 of this project is going on. It's something that's coming to fruition, that the community is looking to and it's a good service to the community.

COMMISSIONER CAMPOS: Another question. You have the lease for 25 years. Why so long?

MR. ANAYA: Mr. Chairman, Commissioner Campos, this is a lease on state land and we do have provisions in there if we need to make adjustments or terminations if they're not fulfilling their obligations and providing services, we will amend it. But it's a standard lease with the state. We grant it through our legal department but it's a standard term that we can change at any time.

COMMISSIONER CAMPOS: So you can terminate the lease for no reason? Or for cause?

MR. ANAYA: Mr. Chairman, Commissioner Campos, for cause.

COMMISSIONER CAMPOS: Okay. As far as the monitoring of the program itself, does the County have any role in that?

MR. ANAYA: Mr. Chairman, Commissioner Campos, yes we will.

COMMISSIONER CAMPOS: What is your role?

MR. ANAYA: The Community Health and Economic Development Department will monitor the contract in conjunction with our procurement staff, the Finance Department to ensure that they're meeting the expectations within the program.

COMMISSIONER CAMPOS: Thank you, sir.

CHAIRMAN DURAN: I have a question, Robert. How did we arrive at \$6,000 a year?

MR. ANAYA: Mr. Chairman, I was not involved in the final negotiations on the dollar amount. We wanted to make sure that it was a reasonable amount that covered our needs as far as the project. It's a County facility that's going to be also used not only by the non-profit provider but by County staff as well. But I can provide that information at the next meeting.

MR. MONTOYA: Mr. Chairman, part of the answer is that the State Land Office is charging us a fee for the actual real property and the amount has been set by a real property appraisal by the State Land Office and passed on through to the user.

1878739

SFC CLERK RECORDING 08/13/2004

CHAIRMAN DURAN: Okay. Any other questions of Robert?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I noticed that on the termination, there is a termination clause and it's one year, 60 days notice, one year without cause. So it sounds like we can get out of it without cause, but I wonder, the \$6,000 is that the payment for all 25 years, each year. There's no escalation? It's a per-year payment but it doesn't change over the 25-year period as I read it. Is that correct? And do they pay utilities and those types of things?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, our Finance Director just informed me that this one clause was in fact changed this morning to allow for termination by either party without cause for one year. I think that gives us ample time to be able to find another provider that will enter into this facility to continue providing those services. I think the key point in that provision is the one year notice that will give us time to be able to get another non-profit in the door to provide those services.

COMMISSIONER SULLIVAN: Well, it's already written that way. It says now the lessor may terminate this lease agreement by giving lessee 60 days notice prior to subsequent year operation date. Lessor may also terminate without cause by providing lessee written notice one year in advance. So it's already written in our favor and you're saying it's not been amended to allow mutual termination?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, I think I'd like to have Katherine Miller, our Finance Director come forward and give you the detail on that. But that's my understanding.

COMMISSIONER SULLIVAN: This agreement is already signed by Ms. Miller. Is there a different agreement here?

TONY FLORES (Finance Department): Mr. Chairman, Commissioner Sullivan, at the request of Hands Across Cultures, yesterday afternoon, sitting down with Mr. Montoya and their legal counsel and our legal counsel, they wanted a provision in there to allow them to terminate this contract if we've breached it in some manner. So some discussions were back and forth that the article as written in your packet currently was too restrictive and too one-sided for the County. We met with our legal staff and their legal staff and we came up with an article that allowed for termination, but the termination clause went to a year's time to allow the County to be able to find an operator in there so that we didn't infringe upon our funding stream, that we were able to find somebody in there that could provide the services, one, and that didn't stop the payment to us, so that we could turn around any pay the state for the lease of the property.

So what you have in your packet was amended this morning, I believe, there was a final signature on it.

CHAIRMAN DURAN: Are there any other amendments that we need to be aware of?

MR. FLORES: Mr. Chairman, no.

CHAIRMAN DURAN: That was the only change?

1878739

SFC CLERK RECORDING 08/13/2004

MR. FLORES: Yes sir.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: That answers my question, Mr. Chairman. I would just make a comment that we would like to see the final contracts where we can't get these contracts approved prior to the time of putting these packet together perhaps they should be moved on to the next meeting. The other question about utilities in this contract, and I assume that stays, is that the lessee pays utilities, I see.

CHAIRMAN DURAN: Page 5, number 20. Okay, any other questions of Robert? There's a motion. There's a second ? Those in favor, signify by saying "aye." [Unanimous] Opposed? Motion carries.

**X. A. 2. Request authorization to enter into an agreement with Children, Youth and Families Department to provide an after-school media literacy program for an underage drinking prevention project**

MR. ANAYA: Mr. Chairman, Commissioners, the agreement before you is the agreement between Santa Fe County and the State of New Mexico Children, Youth and Families Division to carry out media literacy, alcohol prevention programs. It's not the agreement with the provider. It's just between the State of New Mexico and Santa Fe County to implement the program. I stand for questions, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Is there any further discussion? ? Those in favor, signify by saying "aye." [unanimous] Opposed? Motion carries.

**X. A. 3. Request authorization to enter into amendment number six to the agreement with the Boys and Girls Club for the Smart Moves program**

MR. ANAYA: Mr. Chairman, Commissioners, this amendment follows an amendment that was made in November and this amendment makes provision for an exact amount of money, \$49,000 to be paid to the Boys and Girls Club for services under our Smart Moves program. I stand for questions, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second for approval. Any further discussion?

1878739

SFC CLERK RECORDING 08/13/2004

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The cover letter says that this has a strong evaluation component and that's what I see has been missing on some of these other contracts including the CRAFT ones that we have to talk about. What is this strong evaluation component?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, within the application for grant funds under the Smart Moves program, which is the program that we selected to do, they require that we contract with an evaluator, which Santa Fe County already has done to fulfill the requirements of the grant. That evaluator's name is Concha Martinez, and she works along with staff and the actual non-profits that will be working with the program to evaluate the project.

CHAIRMAN DURAN: Okay, if there's no other questions, there's a motion on the floor. ? Those in favor, signify by saying "aye." [Unanimous] Opposed? Motion carries.

**X. A. 4. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #21-40, for the training and outcome provider for the Santa Fe County CRAFT project**

MR. ANAYA: Mr. Chairman, Commissioners, the CRAFT project does in fact have very intensive evaluation to it. This is one aspect of that project that requires actually two levels of evaluation within the project. With that, I'd stand for any questions and defer any specific questions on the negotiations to the procurement section's Mr. Tony Flores.

CHAIRMAN DURAN: Any questions of Robert or of Mr. Flores?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: In looking at this agreement, I don't see any evaluation component in the agreement. I don't see any requirement for any reports to the County Commission, to the staff or any assessment if they're going to meet their goals. Unless I'm missing something. Could someone point that out to me.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, this specific project that you have before you is for a training and outcome provider for the project itself. In fact, what this person will be doing will be helping evaluate the project based on very intensive and detailed rules and regs of the CRAFT program, which I'd be happy to provide to you. With that, Tony, would you like to add anything to that?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, a quick refresher. The CRAFT project is three components. The first part is the individual that sets up the evaluation portion of the project. So at the last Board of County Commissioners meeting, we approved a

1878739

SFC CLERK RECORDING 08/13/2004

contract, the Board of County Commissioners approved a contract for the person to do the evaluation of the program, the entire program, everything from the people that we have under contract or requesting for authorization under contract to the actual provider. That was the first component. The second component is our actual person that will set up the trainings and evaluations of the treatment provider. This is the second component of that. So this individual will actually set up trainings to conduct trainings with the treatment provider staff, develop the training materials, mechanisms, they will have to provide reports in the agreement to the County CRAFT project director. They will have to provide reports, continuously to the CRAFT program director for the training and evaluation portion of this. The third component, which Robert will address in a second is actually the treatment component and that is actually a provider of the services. So it's a three step process. First one was the actual evaluator, which is now under a professional services agreement. This component is the person that actually will set up the trainings of the treatment staff, and the third component which we'll hear in a second here is actually the treatment provider.

COMMISSIONER SULLIVAN: Thank you. I appreciate that clarification. I still don't see any reporting requirement in this contract.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, in addition to this agreement that you have before you, the federal requirements for this grant are very intensive and in fact, this is the most labor intensive as far as evaluation and outcomes project that we have in the entire department.

COMMISSIONER SULLIVAN: All I see is that the contractor shall maintain detailed books and documents and accounting records and other evidence which is available for inspection.

MR. ANAYA: Mr. Chairman, under scope of work, subsection B number 6, there's several items that they have to do as far as their task. The last one deals with a specific report. Prepare statistical analysis on quarterly reports. That's on page one.

COMMISSIONER SULLIVAN: Okay. I see that. And that's reports of what they are doing?

MR. ANAYA: Right.

COMMISSIONER SULLIVAN: That's not evaluating the training or anything, but that's reports of what the trainers are doing, a report back to you as the staff?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, it's a report back to staff about what they're doing and also what the project is doing overall. So it's a two-step, if you will, process.

COMMISSIONER SULLIVAN: The contract that was approved by the Commission at the last meeting is a contract that evaluates the trainer?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, the contract that was approved at the last meeting will evaluate the entire project—

COMMISSIONER SULLIVAN: Which would include the trainer.

MR. ANAYA: Which would include the trainer, including staff, is my understanding as well.

1878739

SFC CLERK RECORDING 08/13/2004

COMMISSIONER SULLIVAN: Okay. So we're covered there. We have a contact already in place that evaluates the trainer. Here is the trainer. The trainer is giving reports to you quarterly. Does that summarize it?

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

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: I forget if there's a motion. Is there?

COMMISSIONER CAMPOS: Mr. Chairman, question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Anaya, there was one bidder on this case?

MR. FLORES: Mr. Chairman, Commissioner Campos, that is correct. We had one proposal that was received for this particular solicitation. Yes.

COMMISSIONER CAMPOS: Was it advertised widely?

MR. FLORES: Mr. Chairman, Commissioner Campos, yes, sir. It was advertised widely and in accordance with the statutes. Because of the specialized nature of this program, of the CRAFT program or CRAFT project, the gentleman that actually put in the proposal on behalf of Behavioral Therapy Associates, I use this term loosely, is widely regarded as the expert in this field, and the only expert in the state of New Mexico that can set up the trainings for the treatment provider.

COMMISSIONER CAMPOS: As far as funding source, is this federal money? State money?

MR. ANAYA: Mr. Chairman, Commissioner Campos, this is federal money, \$467,000 from the Communities for Substance Abuse Treatment out of SAMSHA, federal money.

COMMISSIONER CAMPOS: Thank you sir.

CHAIRMAN DURAN: So Robert, the successful applicant then did meet all the criteria that was spelled out in the RFP?

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

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

- X. A. 5. Request authorization to accept and award a professional services agreement to the highest quality respondent, RFP #21-41, for the treatment provider for the Santa Fe County CRAFT project**

MR. ANAYA: Mr. Chairman, Commissioners, this is the single most important aspect of the entire CRAFT project, Community Reinvestment Approach project. We have with us today Life Link, who is our provider that works currently with us on projects

1878739

SFC CLERK RECORDING 08/13/2004

through our DWI program and also our Indigent Fund. In fact, I would highlight, Mr. Chairman, Commissioners, that the reason that we were so successful in obtaining this funding from the federal government was in fact because we had a program already in place that was doing similar work, that was Life Link. But we still went through the RFP process to make sure that we gave everybody an opportunity to compete. With that, Mr. Chairman, Commissioners, I would stand for any questions, and the provider who is here would also answer any specific questions you might have about the program.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Can you tell me more about Life Link, a little bit about the organization? How long it's been around? Who runs it, etc.?

MR. ANAYA: Mr. Chairman, Commissioner Campos, I would like to ask the director of the Life Link to come forward. I think they would be more adequate in providing that summary.

COMMISSIONER CAMPOS: That would be good.

CHAIRMAN DURAN: If I could ask you to be real succinct, answer the question directly. We have a lot more to do before we leave here today.

CAROLYN ANDERSON: I'm Carolyn Anderson, the executive director of the Life Link. We are non-profit. We were founded here in Santa Fe in 1987. We started our program by providing services to homeless individuals and then expanded that to homeless individuals who have a mental illness and those who have co-occurring disorders, which primarily is substance abuse. Since that time we have expanded and have received funding for housing. Our facility is located on Cerrillos Road. We have two programs that provide housing to individuals with mental illness and with co-occurring disorders. We have been in the substance abuse treatment program since 1982, primarily focussing on those that were in our program, and then expanded it to community-wide. So we provide services through a number of contracts. One with you here in the County for the DWI. One with the state of New Mexico under the Department Health, Behavioral Health Services Division.

Community reinforcement is the approach that we've used since 1995 for the treatment of persons with alcohol abuse. We have had our program evaluated through statistical research from the University of New Mexico so that we can actually look at being a science based program and one that have been effective in its services. Was that succinct?

COMMISSIONER CAMPOS: One quick question, Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos, go ahead.

COMMISSIONER CAMPOS: How many people do you have working for you and are they psychologists or—

MS. ANDERSON: I have, we have about 30 people that are on our staff. Within our treatment services there are five therapists right now, all masters level, all



1878739

SFC CLERK RECORDING 08/13/2004

licensed. We have within our mental health component, we have like five people. Those are either bachelors or masters level. Two have licenses. Then we have case managers. We have support staff as well. Under this funding, we will be bringing on three licensed staff to work completely with CRAFT as well as an outreach worker for the community and a secretary.

COMMISSIONER CAMPOS: Thank you very much.

CHAIRMAN DURAN: Thank you. Any other questions? What's the pleasure of the Board?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

MR. ANAYA: Mr. Chairman, if I could briefly just thank two very important people that I didn't thank in the presentation and that's Diana Sena, who's a 17-year employee of our Housing Authority who's been ill, and also Rosemary Bailey. I just want to thank them for their efforts. Thank you, Mr. Chairman.

CHAIRMAN DURAN: You have one more, don't you Robert?

MR. MONTOYA: Mr. Chairman, we'd like to move to the next department so we can get the time-sensitive matters.

CHAIRMAN DURAN: Okay. Good.

**X. B. Finance Department**

**1. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #21-30, for the feasibility study of the Cuatro Villas Domestic Water Users' Association water facility**

MS. MILLER: Mr. Chairman, Commissioners, the Finance Department in conjunction with the Land Use Department solicited proposals for a water feasibility study for the Cuatro Villas Water Association. And we received two responses from Souder Miller and Associates and Gannet Fleming. Those were evaluated by the Cuatro Villas Water Association and also County staff. Souder Miller was the firm that came out the highest qualified firm. Then purchasing staff entered into negotiations with them and the contract as you see it is broken down into phases.

The funding that we currently have is \$30,000 from the state. There's a bill in for \$35,000 from the state. It was approved last year but there was no money behind that so it's been put back in to the state for a total of \$65,000. And if you notice, the contract in total, if we did all phases, is \$71,400. So either the Cuatro Villas or the County would need to put in the additional \$6,400.

What we're asking for today is authorization to enter into the agreement and the

1878739

SFC CLERK RECORDING 08/13/2004

way that the agreement is structured is that they can only do a phase that we have funding for. And we would give them authorization. We currently have enough money for phases one through three. As we get the funding, because we do believe we will get the funding from the state, since they actually appropriated it last year and had a financial glitch, that we will get that other \$35,000 and then we would either come back to the Commission for the additional \$6,400 or to Cuatro Villas.

So we're requesting authorization to enter into this agreement based on those conditions.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Real quickly for the benefit of the two new Commissioners. Cuatro Villas came about, Commissioners, last year when we were considering CDBG monies. The community of La Puebla came forward and they've been underway in studying the water issues in the community of La Puebla and asked for CDBG money. At that time, because the Commission had other priorities, we basically had talked to that community about granting this \$35,000 to help participate in a study so that we could have a true understanding of some of the needs out in La Puebla. So there's some history to this.

They have come to the Commission. They've asked for, they presented their plan during the CDBG process. The Commission went with another organization but felt that this community had worked really hard to stay together to establish these studies. So that's how this has kind of come forward. And I know Commissioner Trujillo has been working very closely with the leaders out in that area, but I hope we commit this and with that, I move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion. There's a second. Any further discussion?

COMMISSIONER CAMPOS: I have question for Commissioner Gonzales.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: As far as the history, do you have a plan here for a significant number of hook-ups? Do these folks have to have water rights? Have we looked into all that?

COMMISSIONER GONZALES: Commissioner Trujillo could probably answer that better, but at the time they came forward with the CDBG money, and I'm not sure if Corky has the date. Alina's here, actually. You've been working with the community of La Puebla. They have a pretty comprehensive, detailed plan so far with a needs assessment.

COMMISSIONER TRUJILLO: What's going on in that area is that they have an existing utility company in La Puebla. What's going to happen, Alina, is that they're going to expand the utility, the service, right? To Arroyo Seco, to Sombrillo and to Cuarteles. So it will be expanded to all of those areas. That's what Las Cuatro Villas is all about. But they do have an existing well, with existing water rights. They're going to have to get some more. An existing infrastructure that's going to be expanded and upgraded. Is that correct?

ALINA BOKDE (Planner): Mr. Chairman, Commissioner Trujillo, the water rights issues, one of the issues that Souder Miller will be investigating, and in our discussions

1878739

SFC CLERK RECORDING 08/13/2004

with the State Engineers Office, they have agreed that for every person that hooks up or every connection there is to the system, that they can donate a quarter acre-foot of their domestic well rights to the system, if they have a legal, permitted well. That is part of the transfer that they would agree to. That's part of the negotiations that would be done with Souder Miller's involvement in this process. Water rights is definitely going to be an issue.

The existing system of La Puebla, their water rights will transfer to this system when the new one kind of comes in and also they'll speak to the homeowners association, there's some water rights from that association that will probably also be used for that. So it's going to be a combination of the association going after water rights but also the members that are going the system will be able to donate a quarter acre-foot. And Souder Miller has recommended that they will try to see if community persons can actually donate up to half an acre-foot of water from their domestic well.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER CAMPOS: Let me ask one question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Bokde, as far as this funding source, is this again state money? We're looking at state money?

MS. BOKDE: Mr. Chairman, Commissioner Campos, the funding source, we have \$30,000 that we have a contract between the County and the state that will be going to this study. And then this Thursday Representative Lujan has sponsored a reauthorization of another \$35,000 to go towards this study. So we're pretty optimistic that that will go forward and so then that will be placed within the study. The additional \$7,000, there's been just preliminary discussions of a possible grant maybe within the County that was received for regional water planning that we may come forward and request that that be allowed to make up the final part of that.

The scope of work is set up in such a way that it's done in phases and there are direct amounts linked to each phase so that the contractor understands that they will not begin any of the work until they receive a notice to proceed from us for each of the phases and we would not issue that order to proceed unless we know that the funds are actually there. It was set up in that way to accommodate the hopefully, the additional \$35,000 that the state will be providing for the funding and then to see where the finances are at the end to try to accommodate that extra \$7,000 or \$6,000.

COMMISSIONER CAMPOS: Is there any connection with the County water company? Is it entirely independent?

MS. BOKDE: Commissioner Campos, this is entirely independent. It's a mutual domestic water users association. So there's not that relationship established at this point.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just two questions. The \$30,000 you

1878739

SFC CLERK RECORDING 08/13/2004

mentioned first, you said there's an agreement between the County and the state. An agreement being, is that state funds, that \$30,000 or is that County funds?

MS. BOKDE: Commissioner Sullivan, that is state funds and it was appropriated for this study, and so the agreement is between the Environment Department, the Constructions Bureau—

COMMISSIONER SULLIVAN: So then you're hoping then for another \$35,000 of state funds. If that \$35,000 doesn't come through in the legislature, then do we just do the first two phases here, or what's the plan?

MS. BOKDE: Commissioner Sullivan, at this point the plan is to do as much work as we can for the \$30,000 and if the \$35,000 does not come forward, at that time we'll have to reevaluate where we can get additional monies, maybe try to go for another grant or come before the Board and see if the Board would be willing to help us raise some additional funds. But we are working with Representative Lujan to get that additional \$35,000 and he is bringing that forward. So we're optimistic that we can get that \$35,000.

COMMISSIONER SULLIVAN: My last question then was why were, in your judgement were there only two responses?

MS. BOKDE: Commissioner Sullivan, I did receive calls from two other engineering firms that wanted to submit proposals. They missed the deadline and I think part of the reason that they missed the deadline was because they didn't find out about it until a week after it had shown up in the newspaper, and they didn't have enough time to submit the amount of information that we were requiring as part of the proposal submittal.

We did have two kind of preliminary meetings with engineering firms that were interested in submitting, and had a very good turn out at both of those meetings. So I'm not really sure why we just got a low number. There were quite a few people that had expressed an interest. I know that a couple of the firms were concerned about their capacity to maybe do all of the work that we were requiring, because the scope of work is fairly extensive. We've kind of blended in a feasibility study with a kind of preliminary engineer report. So there was a lot put into one and I think some of the firms decided that they just didn't want to move forward with that or not at this time.

COMMISSIONER SULLIVAN: For proposals of this scope, you advertise how many times?

MS. BOKDE: Commissioner Sullivan, we advertise, my understanding, once.

MS. MILLER: Commissioner Sullivan, they're advertised in both newspapers and on the website. And it was open for over 30 days.

COMMISSIONER SULLIVAN: And in response to my question, how many times was it advertised?

MS. MILLER: In two newspapers, one time.

COMMISSIONER SULLIVAN: Once. Okay. Thank you. I think we should consider perhaps, I know many communities, particularly projects of this size, will advertise more than once in the paper. And that's just to catch the firms that may not have read the legal ads that particular day, and of course it's good to have it on the website. You say it's also on

1878739

SFC CLERK RECORDING 08/13/2004

the County website, that's good. But I certainly would recommend more than one advertisement.

MS. MILLER: Commissioner Sullivan, I'd also like to state that we do send proposals unsolicited to those firms that we know are interested in that type of work, whether or not they request the solicitation or not.

COMMISSIONER SULLIVAN: Good.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: I think there's already a motion, Mr. Chairman. I made the motion.

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

CHAIRMAN DURAN: Sam, there is someone out in the audience that—are you through Katherine? How many more do you have?

MR. MONTOYA: Mr. Chairman, we definitely need to go to item B.2.

CHAIRMAN DURAN: I think I'm going to have to tell everyone here that was here for an item on the agenda that this meeting is over at 6:00 and we're going to recess to a date that we haven't yet decided. That's what we're going to do. So Katherine, go ahead.

**X. B. 2. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #21-34, for the Santa Fe County political representative**

MS. MILLER: Mr. Chairman, the Manager's Office, in conjunction with the purchasing office sent a solicitation last November for political representation at the federal level. We received five responses in conjunction with that solicitation and I'd like to, before I go any further with that, have Terry Brunner explain to the new Commissioners just what we did last year with our existing lobbyist, and also to note that we did go back on our solicitation.

We could have extended that contract but we went back out in order to receive the—because we only received two responses the first time that we went out and this time we went back out to see if we could get responses from more qualified firms. Although we did have a successful contract with our previous lobbyist. So if I could defer to Terry Brunner to give a summary of what the lobbyist does and what we did last time.

TERRY BRUNNER (Policy Analyst): Mr. Chairman, Commissioners, last year for the first time the County procured a federal lobbyist to assist us in our appropriations and those type of activities in Washington, DC. We had a relative amount of success for having done this for the first time. I should note that in the past we did not have a federal lobbying program, much in my opinion to the detriment of the County and to its proposals.

In your packet you'll find the 14 priorities that were identified through the federal lobbying process last time around in 2000. From that we derived four different appropriations

1878739

SFC CLERK RECORDING 08/13/2004

that we sought funding for. None of those appropriations were funded as part of the fiscal year 2001 budget signed by the president. We did have, however, three projects that were assisted by our federal lobbying program: the Santa Fe-Eldorado Commuter Rail, which has been a project ongoing here for about 2 ½ years. We received along with the City, through the Metropolitan Planning Organization, and extra \$1.5 million to that project; the Regional Water Management and River Restoration Strategy received \$750,000 through a HUD grant and as well, Linda Dutscher's project of a Substance Abuse and Mental Health Service Agency Proposal received its funding for \$467,000.

So we did not meet our four project goals, but however we were, we did see some benefit from the federal lobbying program. And I should emphasize that in the past few years, in the Johnson Administration, the state eliminated its federal lobbying office, that is normally part of—I should say that probably about ¾ of the states have a federal office in DC that assists localities with lobbying. Governor Johnson eliminated that, thus eliminating a lot of the resources for local governments in Washington, DC to appropriate funding. So that was our 2000 federal lobbying activity. I believe.

MS. MILLER: The process that we used for the solicitation, we put out the solicitation based upon the scope of services that we had the previous lobbyist work under, and we requested the proposals. Tony is handing out right now the evaluation criteria that the evaluation committee used to rank the respondents. As I said earlier, five firms responded to the solicitation. Their written proposals were evaluated against these criteria. They were scored. The top three respondents, based upon their ranking, it was done as a qualifications-based proposal.

We used their qualifications based upon these criteria. Those firms were ranked and the top three were asked to come and provide an oral presentation to the committee. They were ranked again on these criteria, based upon their answers to the questions that we asked and there were actually clarifications of their proposal, how they would work with staff. How they would represent Santa Fe County at the federal level, questions along that line. They were all asked the same questions and then the same criteria were used. The scores were combined with their written presentations and their oral presentations for a total score and the top ranked firm was O'Connor and Hannon.

Then O'Connor and Hannon was requested to enter into negotiations with us as to their fee proposal and they did so. The purchasing office negotiated them down. They had offered \$120,000. We got them down to \$100,000. We are not requesting authorization to enter into the agreement with them to provide the federal lobbying services for Santa Fe County.

CHAIRMAN DURAN: Any questions for Katherine?

COMMISSIONER CAMPOS: I have a question. Can you give us a little bit of information about the firm itself? The history of the firm, how long its been in existence, why it's so highly rated?

MS. MILLER: Yes I can. As a matter of fact, what I'd like to do is have Tony give you a summary of all of the evaluations that were turned in by the evaluators and why O'Connor and Hannon was scored the highest rated firm.

1878739

SFC CLERK RECORDING 08/13/2004

MR. FLORES: The evaluation criteria that we passed out had six evaluation components listed in it and a point number assigned to it that the evaluation team was to use in reviewing each proposal, both the written criteria first and then the presentation second, with the combined scores being total. After I reviewed the evaluation team's evaluation sheets, the firm of O'Connor and Hannon received the highest marks in the area of the firm's expertise, the background and experience of key personnel in providing bipartisan Congressional experience. They also scored very highly across the board on all the evaluation sheets in the knowledge of and prior association with, demonstrated ability to communicate with Congressional leadership. They had a very, across the board also had a very high ranking on the recognized level of the firm's ability to facilitate the legislative appropriations. And they also scored very highly across the board on all the evaluations as to their approach in providing the services that were listed in the scope of requested items for Santa Fe County.

So across the board, within the six categories, those were the four that were rated highest. The other ones, I'm not saying they weren't rated highest, but those are the ones that stood out when I reviewed the evaluation forms of the committee. So that really showed me that the evaluation team was on the same page as far as the written and the oral presentations by the firm. Those are the key areas that seem to be concurred upon entirely by the evaluation team.

As far as the experience or knowledge of the firm itself, I'll turn that over to Terry so he can address that portion of it, if there's no other questions on that.

CHAIRMAN DURAN: I have a question. Does this organization represent other communities that you're aware of, and if so, have they been successful in getting funding for projects that those communities that they're representing—

MR. FLORES: Mr. Chairman, that is covered in the application, or the actual proposals that were submitted by O'Connor and Hannon, and I turn that over to Terry.

COMMISSIONER TRUJILLO: I have a question on the criteria. Was the criteria validated on the basis of predictors of successful performance? How do we come up with the criteria?

MR. FLORES: The criteria are based upon, once we go out for a solicitation, there is discussions with the using department, the Finance Department, the purchasing division directly, so that we have an idea as to one, put out the solicitation, two, how the scope of services are defined so that my job is made easier so that we get a good response to the solicitation. And thirdly, we made sure that the criteria is based upon or predicated factors that demonstrate the firm's ability.

Since this was a qualifications-based proposal, there are certain things that were put in there as far as the firm's expertise in doing this type of service for us, their demonstrated ability of working with leadership or leaders at the Congressional level, so there was some predetermined factors that were built into this as far as how can we level the playing field for all potential offerors.

COMMISSIONER TRUJILLO: And then the criteria were linked to the RFP? The criteria was linked to the RFP?

1878739

SFC CLERK RECORDING 08/13/2004

MR. FLORES: Yes. It's linked to the scope of services and to the submittals or the proponents or offerors have to submit to the Santa Fe County for evaluation. So it's linked, not only just the criteria, but also the submittals they have to provide, the way they structure their proposal, the way they address the scope of services that we've requested. So it's all interlinked and intertwined.

MR. BRUNNER: Mr. Chairman, Commissioners, in regards to the experience question, I can tell you that they have 19 people in their firm, I believe is the correct number, along with several former members of Congress and of the Senate. They have key personnel affiliated with the administration. They have for instance, the president's former State Director Of Federal Affairs is with this firm, as is a key strategist for the president. I think what attracted us to this firm particularly was their ability to see both the—to see things in a bipartisan fashion. And I think we learned from the 2000 experience that it was really vital to the success of the program that we be able to talk to both sides of the aisle. And certainly this firm demonstrates that ability.

They do not have specific county experience, with county governments. However, they are a firm that has a large and diverse resume of issues that they've worked on and I should say that they have an expert available in every area that we're concerned with, in water, health care, solid waste management, utility, they've got someone on their team that has worked that in the federal appropriations process. And I should also say that they have a former legislative director to Congressman Richardson, when he was a Congressman, and as well, we felt that, and I being the one that worked with the federal lobbyist in 2000, had felt that this firm really had a very good ability to work with the County and offer us all the support we need, whether it be on grant funding or in the federal appropriations process where I research. And so I hope that answers some of your questions.

CHAIRMAN DURAN: So they haven't worked for any other municipality?

MR. BRUNNER: No. And I think the prospective that they wanted us to understand was that they were eager to work for a county or a municipality and expand their business beyond—they've worked for a lot of private industry, and they'd really get into local government.

CHAIRMAN DURAN: And they'd like for us to take them for a test drive. I have two questions. Why wasn't money a factor in determining, wasn't part of the criteria? And then the other question I have, why wasn't experience in working with other counties a criterion? And if it had been some of the criteria, one of the criteria, would some of the other applicants, who weren't successful in getting the bid be able—would they have gained any points for—my question is were there other applicants that applied that did have experience working for counties and that did demonstrate some success?

MR. BRUNNER: Mr. Chairman, they did show some success, but through the oral interview process many of the applicants, and through the written process didn't demonstrate, for instance, an expertise in another area. So they may not have had the support, for instance, that we thought we needed. Because we're—my sentiment is that because we're getting into this at a relatively early stage in this process, we've only done this for one year



1878739

SFC CLERK RECORDING 08/13/2004

prior, that we need all the support we can get and to have a sophisticated firm with a large staff and expertise in many different areas was very important, I thought in the scoring.

Now, if they didn't demonstrate an expertise necessarily in local government, we wanted to show that they could work, for instance, on the criteria you have being able to work on a short-term and long-term basis and follow through with projects that for instance, if we don't get funding in 2002, that we be able to find it, get set up forth 2003 or something like that. But Katherine may be able to talk also about the money issue.

MS. MILLER: Mr. Chairman, Commissioners, there are several ways that we can do solicitations. For services like this, we have two ways. One is through a qualifications-based proposal. The other is though just a request for proposals. Qualifications-based proposals is the method that we used and it did not include the fee as part of the evaluation factor. Typically, that would be a small percentage of the valuation criteria points anyway. On something where a firm's ability is the main focus. Because we still have a target number that we work with in our budget to negotiate towards. And if the top ranked firm cannot meet that, a fair and reasonable price, they would be, negotiations would end with them and we would go to the next qualified firm.

So although price was not one of the evaluation factors, it does come in once you enter negotiation and go through the process. You have the option to award this contract and as stated in the memo, their price is determined to be fair and reasonable based upon the price we paid last year, which was also competitively solicited and based upon fees that we have seen in other contracts for similar services. So the price that O'Connor and Hannon has proposed is a fair and reasonable price for the services that they are offering. And in that respect, it is part of the solicitation, through the negotiation process.

Secondly, on the firm's that we did receive proposals from, as I said, we ranked them in order. We received very high quality proposals this time and I'd like to state that any of the top three rated firms would provide and would have provided if they had come out on the top, what the evaluation committee felt was good representation for the services that we were asking for. But the procurement process requires us to negotiate with the top rated firm and that's what we've done and that is the firm that we have brought forward.

CHAIRMAN DURAN: So money never factors into—is not part of the criteria when making a decision as to whether or not this organization would be the one that we selected? I can't believe that.

MS. MILLER: Mr. Chairman, it is a factor, and it's a factor when we entered into negotiation.

CHAIRMAN DURAN: What is a factor?

MS. MILLER: Price is a factor. Not in the evaluation, but once the firms are ranked, the negotiation process starts. As I said, this particular firm proposed \$120,000. We negotiated down to \$120,000 and price is determined fair and reasonable and that's the requirements of the procurement process that when you do negotiate a price that you are getting a service at a fair and reasonable price, at an equitable price to the taxpayer. As a body, if you feel that that price is too high for us to pay for these services, you can ask us to terminate

1878739

SFC CLERK RECORDING 08/13/2004

negotiations with this firm and move to the second ranked firm.

I cannot guarantee what their price would be. We have not entered into negotiations with them. They have indicated an offer to us. However, we have not negotiated at all, ancillary expenses, etc. And we cannot negotiate with them until—and this is statutory—until this proposal has either been accepted, well, if it's rejected. If it is rejected, the statutes allow us to them go down to the next, second ranked firm and negotiate with them. And if you don't find that to be a reasonable price, then we can go to the third ranked firm. And if at any time we cannot meet a price for the services with the quality of services that the Commission is satisfied with, then we can terminate and start all over. Unfortunately, time is a factor for this particular solicitation.

CHAIRMAN DURAN: Any other questions of Katherine?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This is \$10,000 a month retainer, inclusive of all reimbursable expenses, taxes, etc., as I read the agreement. Does that come in on an hourly billing basis, or do we just cut them a check every month? In other words, is there some feedback that we see how much time they are spending out there on Capitol Hill?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, they are required to give us a quarterly report and work with the staff. And the quarterly report would have that type of information. Also they're invoiced. It is based on more of a firm, fixed price that everything is included in that, so if in a particular month, they spend \$20,000, that's \$10,000 out of their pocket. If in the following month it costs, their actual cost is \$5,000, then that's \$5,000 in their pocket. Very similar to the way we do construction contracts. Here's how much the project is. And if you overrun that, then that's out of your pocket. If you underrun it, then that's your profit. That is how this contract is structured. It's not a fee per hour plus expenses. Because quite often, lobbyists will charge you for mailing, for phone calls, for every hour that they work on your project and we felt this way, we limited our risk for the bill to go over what we would have budgeted.

COMMISSIONER SULLIVAN: So they don't bill us each month then. We just send them a check each month.

MS. MILLER: No, they bill us at the end of the month.

COMMISSIONER SULLIVAN: At the end of the month. And does that billing include how many hours they spent?

MS. MILLER: I believe it will.

COMMISSIONER SULLIVAN: Okay. So that will help us in future years knowing what's a reasonable amount of time and also knowing if they only spent ten hours, we can maybe think they're not doing a lot of work for us. The other question I had is since following up on the chairman's concern about the apparent lack of experience with other municipal or county governments, is there some type of—and again, incentive is the word that comes to mind, type of negotiation that we could look at with a firm such as this, where we say you have a base fee of x-dollars, but if you get us these appropriations that we're having you

1878739

SFC CLERK RECORDING 08/13/2004

work on here, then you have a retainer or contingent fee above that base fee. That would perhaps give them some incentive to be out there representing Santa Fe County 2500 miles away. Is there some way of structuring the compensation that would give us a little more feeling that they're going to be more successful than the previous one was?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, on this particular contract we did not structure it that way. However, that is something that we certainly can look into if we extend this contract for another year or if we solicit the following year to do some type of base fee plus incentive. It's not typical of the industry. They usually do a set amount and base their services that way, but we certainly could look into doing that in the future.

COMMISSIONER SULLIVAN: So that's not an option to do this year, to negotiate that type of an agreement?

MS. MILLER: I believe the problem is the time constraint with meeting the requirements of the federal level to get in our contract and get our services and our priorities submitted.

COMMISSIONER SULLIVAN: That's all I had, Mr. Chairman.

CHAIRMAN DURAN: I had one last question. The way I read this is if they're going to report to us quarterly, that quarterly report will be brought to the Board of County Commission. Is that correct?

MS. MILLER: Yes, Mr. Chairman, it will.

CHAIRMAN DURAN: And if we determine that they are not fulfilling the goals that we are hoping that they are going to fulfill, we can terminate the contract.

MS. MILLER: Yes, Mr. Chairman.

CHAIRMAN DURAN: And no further payment is due.

MS. MILLER: Yes, Mr. Chairman. We have two ways, actually, to terminate the contract, or three. One is termination for cause if they're not fulfilling the requirements of the contract. Two, termination for convenience. If the Commission no longer wants to do this because they need to move in a different direction, that is a clause that we have the right to terminate for convenience. The third way also is that we have to appropriate for June through December. If the Commission does not appropriate the money for the rest of the next fiscal year for these services, then we also can terminate for non-appropriation.

CHAIRMAN DURAN: Okay.

MR. MONTROYA: Mr. Chairman, I'd also like to point out that in the proposal, the proponent is also coming out to Santa Fe at least twice. Isn't that correct? Aren't they coming out to Santa Fe to visit with the Board and to set priorities. So they will physically be here as a presence as well to make a report to the Board.

CHAIRMAN DURAN: When's their first visit?

MR. MONTROYA: Mr. Chairman, depending on what the Board does, I would entail that we'd have to bring them out soon to get our priorities straight for the federal calendar.

CHAIRMAN DURAN: Why don't you have them come out for their first check?

1878739

SFC CLERK RECORDING 08/13/2004

MR. MONTOYA: All right.

CHAIRMAN DURAN: To pick up their first check.

MR. MONTOYA: If you hire them, I'll do that.

MS. MILLER: They'll be here before that.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion. There's a second. Any further discussion? Those in favor, signify by saying "aye." [Commissioners Trujillo, Gonzales, Campos and Sullivan voted in favor of the motion.] Opposed? [Chairman Duran voted against.] Motion carries.

- X. D. 4. EZ Case #S 00-4890. Deliberation and Vote - Estancia Real at Las Campanas. Las Campanas Limited Partnership (Michael Baird, Vice President), applicant, is requesting final plat/development plan approval for a 12-lot residential subdivision phase on 27.2 acres in accordance with the approved master plan, and a variance of the minimum road standards to permit a finished road grade exceeding three percent for 100 feet from the intersection. The property is located off Las Campanas Drive, within the five-mile Extraterritorial District, Sections 11 and 12, Township 17 North, Range 8 East

CHAIRMAN DURAN: This was tabled on February 13. We had two for and two against. Is that what it was?

MR. KOPELMAN: Mr. Chairman, what it was is we actually had two for, one against, one abstention, and under the new rules of the County Commission, that would automatically be tabled and come back at the next meeting when there's a full group of County Commissioners to deal with it. And this was already a public hearing, Mr. Chairman, members of the Commission, so at this point, we've put in your packets the minutes, some of the pertinent documents. Joe Catanach is here. He can answer any questions, and really, it's a deliberation and a revote on the matter.

CHAIRMAN DURAN: Okay. Anybody have any questions of staff? Okay, so there is a motion on the floor. What was the motion?

MR. KOPELMAN: Mr. Chairman, I think for purposes of the deliberation and the revote, we probably should take a -- have a motion made at this point.

CHAIRMAN DURAN: Okay, if there's no further discussion or questions of staff, I'll entertain a motion.

COMMISSIONER GONZALES: Mr. Chairman, I had an opportunity to visit with the staff on this issue and I was absent at the last meeting. And in understanding of the

1878739

issue at hand, so I'd like to move for approval of EZ Case S 00-4890.

CHAIRMAN DURAN: I'll second it. There's a motion and a second. Any further discussion? Those in favor, signify by saying "aye." [Commissioners Gonzales, Duran and Sullivan voted in the affirmative.] Opposed? [Commissioners Trujillo and Campos voted no.]

[The motion passed by majority 3-2 voice vote.]

MR. KOPELMAN: Mr. Chairman, if we could just have clarification whether the motion includes the conditions set forth in the staff memorandum.

CHAIRMAN DURAN: It does, doesn't it?

COMMISSIONER GONZALES: Yes.

CHAIRMAN DURAN: Okay. Those in favor raise your hand. Okay, motion carries.

### RECESS

CHAIRMAN DURAN: Okay, I need to ask you all a question here. We're going to recess the meeting. I'm wondering if Thursday, March 1, works for everybody at 1:30.

COMMISSIONER TRUJILLO: That's this Thursday.

MR. MONTOYA: This Thursday at 1:30, Mr. Chairman.

COMMISSIONER GONZALES: I will just state for the record, Mr. Chairman, I'll be down at the legislative conference that's taking place in Washington, DC, but all this is administrative items that I don't necessarily feel the need that I need weigh in on. So, I don't have a problem, if—missing the meeting.

CHAIRMAN DURAN: I can do 1:00 to 3:00.

COMMISSIONER TRUJILLO: That's fine.

CHAIRMAN DURAN: I can do 1:30 but I have to leave at 3:00.

MR. MONTOYA: March 1, 1:00 to 3:00?

COMMISSIONER TRUJILLO: We're going to change this meeting, the administrative meeting to 10:00. Right?

MR. MONTOYA: Yes, starting in March, Mr. Chairman, Commissioner Trujillo.

[The meeting recessed at 6:20 p.m.]

1878739

SFC CLERK RECORDING 08/13/2004

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

**February 27/March 1, 2001**

This meeting of the Santa Fe Board of County Commissioners was reconvened at approximately 1:10 p.m. by Vice Chairman Marcos Trujillo, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

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

**Members Absent:**

Commissioner Javier Gonzales

COMMISSIONER TRUJILLO: Let the record show that Commissioner Duran stepped into the meeting. He's the chairman and I'll hand it over to him.

**APPROVAL OF THE AGENDA**

- C. Amendments
- D. Tabled or withdrawn items

SAMUEL MONTOYA (County Manager): Mr. Chairman, good afternoon. I wanted to point out to the members that we would utilize the same agenda from Tuesday and that we would start on page 4, item X. 6, would be the first item of business, Mr. Chairman. And then we would skip to B. 3 and proceed from there.

CHAIRMAN DURAN: So the first one is—

MR. MONTOYA: X. 6.

1878739

SFC CLERK RECORDING 08/13/2004

CHAIRMAN DURAN: That's X. A. 6?

MR. MONTOYA: Yes, sir.

X. A. Staff and Elected Officials Items

6. **Resolution No. 2001-30. A resolution amending Resolution No. 1999-45, "A Resolution creating a Santa Fe Health Planning Commission" to increase the number of members**

ROBERT ANAYA (CHEDD Director): Mr. Chairman, members of the Commission, the requested amendment to the membership comes before you based on a recommendation from the Health Planning Commission. They request to increase the number of members on that commission from eleven to 14, adding three members, a representative from the business community, a representative from the Santa Fe County Public Health Office, and a medical doctor. I stand for questions, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER TRUJILLO: I think that's appropriate. I make a motion, unless there's any questions, I make a motion for approval.

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

COMMISSIONER CAMPOS: I'll second it.

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

COMMISSIONER CAMPOS: I have some questions.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Anaya, there are three new positions. They're going to be selected in the final step by the Board of County Commissioners?

MR. ANAYA: Mr. Chairman, Commissioner Campos, if you ratify the resolution we will bring recommendations to you and/or recommendations from the commission.

COMMISSIONER CAMPOS: So will the recommendations be made from the membership or nominating committee from the Health Commission?

MR. ANAYA: Mr. Chairman, Commissioner Campos, in the past, they have brought forth recommendations, but also the Commission directly has brought recommendations as well.

COMMISSIONER CAMPOS: Do we publish the fact that we're looking for applicants?

MR. ANAYA: Mr. Chairman, Commissioner Campos, I believe that's something that you've requested that we do and we'd be happy to do that to provide opportunity for people to provide input or apply.

COMMISSIONER CAMPOS: And people on this commission, do they serve a term, or are they at the pleasure of? Or how does that work?

MR. ANAYA: Mr. Chairman, Commissioner Campos, they're two-year terms.

COMMISSIONER CAMPOS: As far as removal, are they removable at will? Or for cause, or how does that work?

MR. ANAYA: Mr. Chairman, Commissioner Campos, we do have an ordinance that deals with membership of our committees throughout the County and I believe the item where we can remove a committee member is if they weren't participating in the meetings on a regular basis, but I believe that's the only way that they can be removed. I would defer to the County Attorney, Mr. Chairman, Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, sir.

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Campos, my understanding is that generally, the members of these committees serve at the pleasure of the Commission. And so they would have their definitive terms set by the resolution and then at any time, I think that with a majority of Commissioners they could replace a member if they saw fit, within your discretion.

COMMISSIONER CAMPOS: Thank you sir.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Robert, how many representatives are there on the Health Planning Council from St. Vincents?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, initially, we only had one member from St. Vincent Hospital and that was Chris Rael. There are now two members on the Health Planning Commission that are from St. Vincent Hospital that are administrative staff, and that would be Dr. Arturo Gonzales, and Mr. Rael. Dr. Gonzales used to be the executive director of La Familia Medical Center and when he initially was appointed to the Health Planning Commission he was the director of that organization.

There's one other member that works at St. Vincent Hospital but is from the union and that is a nurse that serves that's recommended through the Hospital Union at St. Vincent Hospital. I don't know all the details about their union, but there is one other member that's the nurse that represents nurses in the community, Mr. Chairman, Commissioners.

COMMISSIONER SULLIVAN: So of the current members, one of them is supposed to represent La Familia?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, no. The term of Dr. Gonzales, when he was initially appointed was appointed because he was a member of La Familia Medical Center. But there isn't a specific appointment for La Familia Center.

COMMISSIONER SULLIVAN: But would it be a good idea to have someone from La Familia Medical Center on the commission?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, the new executive director of La Familia was an existing member, who is the chairman of the Health Planning Commission, and that's Mr. Richard Taffy, who used to be at Health Centers of Northern New Mexico, and then he was hired as the executive director at La Familia Medical Center. So we do have a representative from La Familia Medical Center.



1878739

SFC CLERK RECORDING 08/13/2004

COMMISSIONER SULLIVAN: And so in your opinion is that, should we have, is two too many? Or three? Should St. Vincent just have two or one?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, Mr. Rael, who sits on the Health Planning Commission has already expressed that he likes to serve on the Health Planning Commission but that St. Vincent does recognize that they already have an appointment, and if the Commission does not to reappoint him, when his term expires in March, then that's fine. It just turned out that there was multiple on there because of Dr. Gonzales leaving La Familia. But I think it's entirely up to the Commission whether or not they want to have more than one member of St. Vincent Hospital represented on the Health Planning Commission.

COMMISSIONER SULLIVAN: So we can take care of that in March then?

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

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Is there a member of the Native American community on the council?

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, we currently do not have a representative, based on my recollection.

COMMISSIONER TRUJILLO: Maybe when there's another vacancy we should consider a member from the Native American community, because they have real health issues and health concerns. And that's just a recommendation that I'm making to the Commission when a vacancy occurs.

CHAIRMAN DURAN: Maybe what we should do is bring the make-up of this committee forward to us or distribute it to all the Commissioners and if they want to amend it somehow or have a better idea than what we did when we created it, we can talk about.

MR. ANAYA: Mr. Chairman, I'd be happy to provide that to you. Virginia and I will work on that.

CHAIRMAN DURAN: Okay. If there's no other questions, there's a motion and a second. Any further discussion? Those in favor, signify by saying "aye." [Unanimous] Opposed? Motion carries.

X. B. Finance Department

3. **Request authorization to enter into an agreement with the United Way of Santa Fe County for a community school program**

TONY FLORES (Procurement Director): Mr. Chairman, members of the Commission, we are here today to request authorization to enter into a professional services agreement with United Way of Santa Fe for the continued conduction or continuation of a community school program. Both Virginia Vigil and myself stand for any questions from the Commission.

1878739

SFC CLERK RECORDING 08/13/2004

CHAIRMAN DURAN: Virginia, isn't this the effort that we've sponsored the last couple of years?

VIRGINIA VIGIL (Policy Analyst): Mr. Chairman, member of the Commission, yes. The Board of County Commissioners has made a commitment to the United Way and the Santa Fe Public Schools to enter into the agreement to support this. I think when some of the original members of this Commission met with some of the members of the United Way they made a commitment to them. We had to enter into agreements with them and last year we entered into an agreement with them for the same amount of the contract that is before you, and the agreement that is before you is for this fiscal year through 2001.

Also, today, Mr. Chairman, members of the Commission, Ron Stevens, the director of United Way is with us and he does have a packet prepared for you that gives you extensive information with regard to that, that he would like to hand out.

CHAIRMAN DURAN: Are there any questions of Virginia?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Vigil, could you just briefly tell us about the community school program?

MS. VIGIL: I can, and if could ask Mr. Stevens to come up with me too, because he's been more hands-on involved with it. The community school initiative originated with the partnership of United Way, the City of Santa Fe and Santa Fe County. It was initiated to create a support system for our public schools. The programs that currently exist there are after-school programs. There's actually four schools that are somewhat pilot projects through this: Cesar Chavez, Nava, Salazar and Alvord Elementary. Probably the most significant feature of the community schools initiative is the after-school program that has begun to address the latchkey kid. Those social problems that Santa Fe County initially had an interest in it.

I serve as the liaison with the Executive Leadership Council. I've worked very closely with the executive leadership, which is made up of leadership from the Community College. It's made up of leadership from St. Vincent, Presbyterian Medical Services, the superintendent of schools, the City Manager. The County is represented by me. IBM and PNM have leadership there. The Executive Leadership Council applied for a grant this past year for the 21<sup>st</sup> Century, became the grantees and were awarded a grant and became, were given first place out of all the grants throughout the state, throughout the nation actually, because of the Executive Leadership Council and the support system it has created.

We promote all kinds of programs that supplant the curriculum in the public school system. My intent and initiative and really agenda, in working with the Executive Leadership Council is to get more of those programs that feed the rural communities. Cesar Chavez is certainly one of those schools that does. I've been working with the current executive director who is Carole Brito and we're trying to get Turquoise Trail, perhaps Pojoaque on board with this. So we really had to start with this core group who has support from the administration of all these schools and then start reaching out to the rural areas. I don't know if you need any further information beyond that.

1878739

SFC CLERK RECORDING 08/13/2004

COMMISSIONER CAMPOS: That's a good start. Let me ask you about the money. Is it federal? State? County?

MS. VIGIL: What the original commitments were, the City of Santa Fe provided the same amount of money in its original agreement to them, and the County and United Way provided some money, with also their in-kind contribution, because it was Ron Stevens who was the facilitator of all the meetings that brought forth the Executive Leadership Council.

COMMISSIONER CAMPOS: Thank you.

RON STEVENS: St. Vincent is also a contributor, a financial contributor, as is Presbyterian Medical Services as well. I think one of the central points to understand about the community schools program is that it essentially deals with the reality that education isn't just dependent on what happens in the classroom. A lot of kids reach school with issues, baggage, that they bring with them, whether it's poor nutrition, emotional problems or whatever else, that really keep them from learning, no matter how good the teacher is in the classroom.

And across the country it's been found that a large number of children really never have a chance to learn when they get to school, and because of whatever issues they bring with them. So they find that their school experience is simply one of failure and falling farther and farther and farther behind and which ultimately leads to drop out rates and other kinds of things too

The real solution to those kinds of things exists outside of the classroom. And one of the most successful programs around the country is something called Success by Six, where you identify the obstacles that these kids have and then work to eliminate or at least decrease those obstacles, so that kids have an opportunity for success by six, by the time they're six years old and enter the classroom. And the Success by Six model is at the core of the work of community schools. The idea is to take school facilities and turn them into community centers during the off-hours, so that you bring people into the schools. One of the biggest problems that exists is getting parental involvement in the education of their children.

And a lot of parents feel intimidated if they weren't well educated themselves, or whatever, feel intimidated about the public school. They don't want to come to the facility. They're nervous about talking to teachers. And one of the ideas, frankly, is to help people see the school as a place that's not a foreign thing to them, where they come for other kinds of services, whether it be English as a Second Language, whether it be health care, whatever the specific service, and so that they become involved in that, while at the same time, helping the kids to be able to be healthier and more ready to learn when they reach class.

We're really at the early stages of this process still. There's been a lot of planning developed, but we're very excited now that we're fully staffed with our executive director and, as Virginia indicated, a million and a half dollars already has been obtained from the federal government for this phase of the community schools project focus on those four schools. We'll be submitting a second application to the federal government for about two million dollars to expand that into other elementary schools and also the middle school level.

The money that the United Way is putting in, and the County, the City, and St. Vincent and Presbyterian Medical Services are putting into this, really go to support the infrastructure

1878739

SFC CLERK RECORDING 08/13/2004

that makes possible the coordination of these programs, the raising of money, whether it's from the federal government or foundations, or we hope eventually state government, for the actual programs themselves. It's really leveraging resources far beyond what any one, or even in combination of us could provide without that leveraging.

One of the things I wanted to draw your attention to is in your packet at the very end, and I know there have been questions about evaluation in other instances and I'm very happy to just draw your attention to the last thing in there which is something called the Outcome Measurement Project that United Way has been involved in for some years and that's going to be the methodology that is used for evaluation for the community schools work, beginning with this year.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Stevens, you and I earlier this week discussed the evaluation process and its importance in these programs, particularly to get support. Could you just summarize what the evaluation process is? I see it here. They're focusing on results. Are there reports? Do those reports come to us? Do they come to Virginia? Are they statistical? Are they programmatic? What are they?

MR. STEVENS: The first step is really to sit down with an analysis, and this will be done with each of the pilot schools, as well as a more general analysis of what are the goals in terms of two different levels. One is systemic changes, because in any kind of community-wide effort like this, the ultimate result in terms of the kids is there's an intermediary process. And so that the first thing that has to happen is you have to help the schools become capable of delivering those kinds of services. The school facilities. That means putting in place site coordinators, which is being done through the 21<sup>st</sup> Century grant. It means putting into place a community advisory group, because these community schools are not run by the schools. They're run by the schools and the community together. So that those people, community residents are part of the process of establishing priorities for the kinds of programs that need to take place in the school.

So there are goals established that are tangible goals, either in terms of systemic changes for that school, and/or in terms of what will happen in the lives of kids. For example, if a particular school has a population that is not getting adequate health care, vaccinations or whatever, then one of the goals may be to move forward in a tangible way, preventive care for those kids, or dental care, or whatever, in specific terms and then you can measure that. The process is one where you identify the specific activities that go on in the program, what the relationship of those activities is to the immediate outcomes, the intermediate outcomes, and the long-term outcomes and then you develop measures or indicators for how you know when that progress is occurring, and then you track it.

Now those indicators may be very statistical. They may also be, some of them may rely on observation, depending on what the goals are. So it may be the observation of teachers about behavior of kids. It may be improvement in test scores. Any of those things are potential ones. It really depends on the specific goals that have been identified. As to who will

1878739

SFC CLERK RECORDING 08/13/2004

receive reports. The County Commission absolutely could receive copies of as much or as little information as it wants and I would assume that we'd work with Virginia to figure out what the right balance is, because I'm sure you're not going to want to see—most of you at least will not want to see reams and reams of paper. So we would probably do it in a summary form.

COMMISSIONER SULLIVAN: This would be quarterly, semi-annually?

MR. STEVENS: We haven't really defined a specific reporting process. It certainly wouldn't be any less than quarterly. It might be more frequent once the data collection starts.

COMMISSIONER SULLIVAN: The \$18,200 that the County is putting into this, there's also, you say, a half a million dollars in federal funds?

MR. STEVENS: The half a million dollars is specifically focused on the costs of the sites themselves and the programs, and the infrastructure for that, although part of it, half of the ELC, executive leadership council director's salary, roughly, is covered by that federal grant. The rest of that and the other costs involved in the coordination process for the ELC come out of the County, United Way and the other partners' participation. The theory was originally that what we would do was that all of us would buy into the process and create the infrastructure that would then be able to both provide basic coordination and leverage other funds, and that we would not go to foundations or others for that. We would cover it ourselves so that we could go to other funders for the programs. So it's really the coordinating costs and the planning costs that are borne by each of us partners.

COMMISSIONER SULLIVAN: And is the City putting in a similar amount?

MR. STEVENS: It's actually a little less right now. We're going to work on them to get it back up, but this year it's going to be a little less.

COMMISSIONER SULLIVAN: And how much comes from United Way?

MR. STEVENS: \$20,000.

COMMISSIONER SULLIVAN: \$20,000 from United Way.

MR. STEVENS: Yes. It will be at least \$20,000. There's also going to be, I think there's likely to be a proposal to United Way for a separate grant. I don't know what will happen with it in the coming weeks.

COMMISSIONER SULLIVAN: So those are the three primary—

MR. STEVENS: St. Vincent Hospital is also putting in—I'm having to go by memory here—I think \$10,000. And I believe that Presbyterian Medical Services is also putting in \$10,000.

COMMISSIONER SULLIVAN: And the balance comes from the federal grant which goes directly to this Executive Leadership Council?

MR. STEVENS: Well, no. Most of the federal money actually goes to the schools because most of the structure is under the schools' umbrella and they serve as fiscal agent for it. A portion of that comes to the ELC to help cover the costs of the executive director's salary.

COMMISSIONER SULLIVAN: A last question and comment that I had then was these four schools, and in particular I wanted to focus on the mentoring programs. I notice

1878739

SFC CLERK RECORDING 08/13/2004

that you mention in the four schools, the Hosts Program at Cesar Chavez. There's no mentoring indicated at any of the other schools, and I don't believe there is a Hosts Program in any of the other four schools. Alvord or Nava or Salazar. And that's been a problem. The Hosts Program has been pretty limited. I serve as a mentor in the Hosts Program at Cesar Chavez and instruct two kids out there, and one of the problems of course in any of the mentoring programs is taking the kids out of school. So it's a great opportunity to mentor them after school, rather than just having them sit around and do non-productive things.

What do you plan to do to (a) to increase that, and then, in my second part of that issue is that the Hosts Program in the schools has been marginally successful in terms of participation and has only been focused on English, on teaching English, teaching reading, excuse me, not English, but reading. And bringing kids up to speed in reading. There's been no focus whatsoever on math, and I find in some of the kids that I mentor that some of them are pretty good at math and I also find that you can wrap math into the reading curriculum fairly easily, yet they don't do that. The theory being well, they need to read before they can learn to do math. Well, actually, you can do math—you can pat your head and rub your tummy at the same time.

So I always felt that was a deficiency in the Hosts Program, was the focussing only on reading. Now we have an opportunity to after school, to really expand this program, or similar programs, like the Santa Fe Education Partnership Program, which is more oriented towards middle school kids. What can we do? I don't see these in any other schools. I know it's a matter of school people. At Cesar Chavez it's Debbie Maes who's the coordinator there. I think that's a real good one-on-one program. The participants in that seem to like it. I mean the adult participants. They seem to latch on it very well. Yet I only see it on Cesar Chavez. So that was my question.

MR. STEVENS: I know generally, nationally, there's a lot of evidence that both mentoring and tutoring programs are very, very effective. I don't think there's any question about that. I'm going to ask Carole to specifically respond to this but my guess is that part of the issue is a roll-out question. We're only now in the process of putting in place site coordinators at most of the schools. The only two schools that have had site coordinators for any significant period of time are Alvord and Cesar Chavez. The other two are very new to the program.

CAROLE BRITO: Thank you, Ron.

MS. VIGIL: Just for a point of clarification for the record. St. Vincents has contributed \$20,000 to this project.

MS. BRITO: Mr. Chairman, Commissioner Sullivan, I think your questions are certainly excellent and really speak to why our evaluation process is going to be so important. The 21<sup>st</sup> Century grant is very permissive as far as if your evaluation tells you that we need to increase funding for one particular program and maybe reduce it for some of the other programs that have been part of the original grant, we can certainly do that. As far as mentorship for the other sites, those are part, those other sites, but they may not be part of the 21<sup>st</sup> Century funding. I think two of the other sites have Mentorship New Mexico and another

1878739

SFC CLERK RECORDING 08/13/2004

mentorship activity. But you're right. Cesar is the only one that has focused in on Hosts, and they did so from the reading aspect because of the low reading scores. And their emphasis had to be literacy intensity and they were going to address the reading deficit first. I don't know if I've answered all of your questions.

COMMISSIONER SULLIVAN: Well, I'm not promoting one program over the other. What I'm promoting is that the kids use the time productively and the Mentoring New Mexico Program which is a good program too, which I was involved in starting, it used to be called Santa Fean, is focused on mentoring kids from a social standpoint. As being a friend and a surrogate parent and that type of thing. The Hosts Program of course is focused on a directed curriculum of reading and it depends on what the student needs, of course, as to which is better for them, but hopefully that opportunity is there in these other schools and it can be promoted.

I guess the second question is what happens after Tuesday? Aren't you running for something?

MS. BRITO: Well, I'm not sure how to answer that. It doesn't pertain to 21<sup>st</sup> Century.

COMMISSIONER SULLIVAN: Okay. You will still have time to act as full time executive director?

MS. BRITO: Absolutely.

COMMISSIONER SULLIVAN: That's all my questions, Mr. Chairman.  
Thank you.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

Any further discussion? Those in favor, signify by saying "aye." [Unanimous] Opposed? Motion carries.

**X. B. 4. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #21-38, for the construction management services for the Santa Fe County Road 64-L road improvements project**

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, the Public Works Department, in conjunction with the Purchasing Office solicited proposals from engineering firms or construction management firms for the services on Richards Avenue. And we received eight proposals, evaluated those, and negotiated with the highest rated firm, Tierra Engineering Consultants. And we're requesting authorization to enter into an agreement for \$39,536.21. I stand for questions.

1878739

SFC CLERK RECORDING 08/13/2004

CHAIRMAN DURAN: Any questions of Katherine? If not what's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve. I'll second it. Any further discussion?

COMMISSIONER CAMPOS: A couple of questions.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Richards Avenue, this new paving project. What's the life of this road once it's completed? About 20 years?

MS. MILLER: I have to defer to James Lujan.

COMMISSIONER CAMPOS: I think we talked about this in the past. I think you said it's about 20 years, the life of a road like this.

JAMES LUJAN (Public Works Director): The two-lane section—  
Commissioner Campos, yes. The life of it would be up to about 20 years.

COMMISSIONER CAMPOS: And this is the four-lane, or is it going to be—

MR. LUJAN: This will be the two-lane section only.

COMMISSIONER CAMPOS: Okay. Now, this is a County road, right?

MR. LUJAN: Correct.

COMMISSIONER CAMPOS: So in the future, the County, when this road needs repair or replacement, the County's going to have to pay for that.

MR. LUJAN: Correct.

COMMISSIONER CAMPOS: And how much would that be?

MR. LUJAN: Depending on the type of construction we go to, at that time we would know. We currently have two bills at the legislature for expanding it to a four-lane under the current design, with the current design that was done by Tierra Engineering. So if those two bills get passed, we may be able to build a four-lane in the next year or so.

COMMISSIONER CAMPOS: Okay. Has the County thought of how it's going to pay for this road in the future, once it needs replacement?

MR. LUJAN: Not other than these two bills that we have in the legislature.

COMMISSIONER CAMPOS: So you'd be depending on state funds, essentially?

MR. LUJAN: Most likely. Yes, Commissioner.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, this is a County road, and anyway, the County is responsible for maintaining it on a regular basis.

MR. LUJAN: Correct.

COMMISSIONER TRUJILLO: I mean, that's part of our responsibility.

MR. LUJAN: Correct.

COMMISSIONER TRUJILLO: We're just trying to augment, enhance, improve the road for the community.

MR. LUJAN: Correct.



1878739

SFC CLERK RECORDING 08/13/2004

COMMISSIONER TRUJILLO: Don't we pay for this with taxes? Don't the taxpayers pay for it?

MR. LUJAN: Commissioner, every year we get road maintenance dollars that we get every year funded from the State Highway Department for maintenance of roads and it will be another issue on the agenda in a while under Public Works for our road miles that we turn in every year.

CHAIRMAN DURAN: But then the County supplements that out of the general fund. Is that correct? When we do our budget, don't we allocate x-amount of dollars for road maintenance?

MS. MILLER: Yes, Mr. Chairman. For the road maintenance fund, the motor vehicle tax and gasoline tax is distributed from the state to that fund and we also supplement it with general fund by about a million dollars.

CHAIRMAN DURAN: Okay. Any other questions?

COMMISSIONER CAMPOS: Just a question. I think in this—this project is being paid largely by Rancho Viejo. Is that not correct?

MS. MILLER: Mr. Chairman, Commissioner Campos, yes. We have \$175,000 that's been appropriated by the state, plus the construction is approximately a million dollars and we're receiving in a developer agreement with Rancho Viejo between \$1 to \$1.2 million dollars depending on the final cost of the project. We're contributing \$175,000. They're contributing the rest and that includes construction management, design and the construction.

COMMISSIONER CAMPOS: Rancho Viejo's getting something for the \$1 million, right?

MS. MILLER: There was a developer agreement approved in December I believe and it's a—I believe, Steve could probably answer that but it has to do with, they're not getting anything from us. They're just not required to do off-site improvements for so many homesites that they develop.

COMMISSIONER CAMPOS: Mr. Kopelman, is that about right?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, the development agreement provided that Rancho Viejo would get a certain amount of credits for their average daily trips for their development. And I think it came, if I remember correctly, it was a cost of, I want to say \$2,00 to \$3,000 in effect they were paying per residential lot for widening, for the improvements to the road. We worked together, James Lujan, myself and Katherine in terms of negotiating that and it was brought to the County Commission I think it was November or December of last year, and approved.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Katherine, \$175,000 that the County's putting in is a state grant, isn't it actually?

MS. MILLER: Yes, those are state appropriations. I can't remember if it's

1878739

SFC CLERK RECORDING 08/13/2004

through the Co-op grant, or a direct appropriation. It might be a combination. A direct grant.

COMMISSIONER SULLIVAN: That we have for a couple of years.

MS. MILLER: Yes. As a matter of fact, Commissioner Sullivan, we went out to do work on this previously last year, bid it out, with that \$175,000 and found it wasn't adequate.

COMMISSIONER SULLIVAN: Okay, so the County's not having to put technically any money in. The \$175,000 was a state grant. The balance of the cost, including the money for this construction management agreement will come from the budget from Rancho Viejo and that \$175,000. Is that correct?

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

COMMISSIONER SULLIVAN: So this \$39,536 is not coming from the County's general fund.

MS. MILLER: At the moment, what we currently have approved is that \$175,000 plus up to about \$1.2 million from Rancho Viejo for the entire project. Actually, that \$1.2 million includes the contribution from the state and from Rancho Viejo. If the project, in the way of contingencies we also built in a 10 percent contingency with that, if it exceeds that then we could potentially need to request some general fund money but as it stands right now, the contract, this contract and the construction contract are within the budget from the contributions from Rancho Viejo and from the state.

COMMISSIONER SULLIVAN: Okay then on Exhibit A in the back on the little sketch, it shows the project going from where it says "end of project" which I assume is the Community College to Rodeo Road. My understanding was that this project goes about  $\frac{3}{4}$  of that distance and ends at the city-county line. Is that correct? A little bit north of Governor Miles?

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, it starts at city limits and ends at the Community College.

COMMISSIONER SULLIVAN: I think the city limits, are they not about where the A in avenue is?

MR. LUJAN: Somewhere around there, yes.

COMMISSIONER SULLIVAN: In that area. So for clarification, this project is not going all the way to Rodeo Road. Is that right?

COMMISSIONER SULLIVAN: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: Okay. Then what's happening at Governor Miles with the signalization that the City has been I guess thinking about?

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, we are currently trying to work an agreement with the City on it. We do plan to bring that later on to the Commission and see if we can incorporate that portion of the project into this project. The City would be paying for most of the expenses on that traffic signal.

COMMISSIONER SULLIVAN: Is it necessary to revise this exhibit, or does that not matter?

1878739

SFC CLERK RECORDING 08/13/2004

MR. LUJAN: Excuse me, I didn't understand your question.

COMMISSIONER SULLIVAN: Well, is it necessary to revise this exhibit in so far as where it depicts the project, or do you not think that's necessary.

CHAIRMAN DURAN: Is that another typo?

MR. LUJAN: We could change this exhibit.

COMMISSIONER SULLIVAN: If they want to provide those services, that's fine, but we're not doing any building over there.

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, the contract depicts where the project limits are so this is just a graphic error.

COMMISSIONER SULLIVAN: And when will the project start and what's the start and completion dates, estimated for?

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, we are expecting to start in April, and it's a six-month contract.

COMMISSIONER SULLIVAN: Thank you. That's all I have, Mr. Chairman.

CHAIRMAN DURAN: Those in favor of the motion, signify by saying "aye."  
[Unanimous] Opposed? Motion carries.

**X. B. 5. Request authorization to enter into amendment number one to the professional services agreement with Peter Goodwin for drug and alcohol screening services at municipal court**

MS. MILLER: Since this is under Finance I'll go ahead and introduce it and if you have any questions from the programmatic phases Robert will answer those. We're requesting the authorization to amend Peter Goodwin's contract. There was a solicitation done, an informal solicitation. We've had screeners, their prices have ranged anywhere from \$18 to \$22 an hour. His contract currently has \$18 an hour and due to the number of cases that we've had, we've put an estimated amount of \$10,000 but we need to amend his contract to allow for more screening than originally anticipated. We're requesting an increase of \$8,000.

CHAIRMAN DURAN: Any questions of Katherine? If not, what's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Second by Commissioner Campos. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous]  
Opposed? Motion carries.

**X. C. Fire Department**

1878739

SFC CLERK RECORDING 08/13/2004

1. Request authorization to enter into a memorandum of understanding with Torrance County to establish a mutual aid policy for fire, rescue and EMS services

JEFF SAUNDERS (Assistant Chief of Operations): Mr. Chairman, Commissioners, my name is Jeff Saunders. I'm the Assistant Chief Of Operations for the Commissioners that don't know me. We are requesting authorization to join in a MOU with Torrance County. I didn't get a chance two months ago to say what I'm doing. Currently, Santa Fe County only has a mutual aid agreement with two entities that border Santa Fe County. So I've been tasked by Chief Holden to upgrade all the memos of understanding, mutual aid agreements for every entity that surrounds us. So I'm going to try and get to pretty much one mutual aid agreement every month and stay on that schedule to the point where we have everything signed off.

At this point we're ready to go ahead with a memo of understanding with Torrance County. They have approved the language in the memo of understanding and if you have any questions for me—did you receive the maps? So the maps are pretty self-explanatory. Just to explain a little bit, there's a big—

CHAIRMAN DURAN: I don't think we have any maps.

MR. SAUNDERS: Okay, let me explain. There's a big area just south of Edgewood that has historically not been attended to by Torrance County. It goes down to A-102, south of Edgewood. And in that specific area, historically, Edgewood fire district has picked up all first response for EMS and fire to that area. So our agreement with Torrance County will be that we will automatically aid that portion of Torrance County in exchange for two areas of Santa Fe County which are difficult for us to get to. One of them is a small area about three blocks, three roads that is just north of Moriarty. And also a portion of Santa Fe County that's served out of San Miguel County by Clines Corners.

That's the automatic aid portions of it. We'll go into Torrance County, service this area that they can't get to, they'll service our area that we can't get to easily. It's based on the best patient care and the quickest apparatus to the scene for automatic aid. The mutual aid agreement is that Santa Fe County will mutual aid for fire and EMS from Santa Fe County and the east side of Torrance County to Moriarty. So there's only a small section that's mutual aided for Santa Fe County going into Torrance County. There's a larger area in exchange for us serving a large area of Torrance County with automatic aid, there's a much larger area of Santa Fe County that's being covered by their mutual aid agreement.

They will mutual aid to us all the way to the road that cuts between, that cuts over to Stanley. It's 472. So everything north of the county line to 472, all the way across southern Santa Fe County, they will mutual aid to us in that entire area. They are willing to—their Commission has seen this document and they're willing to sign off on it as well. Are there any questions?

COMMISSIONER TRUJILLO: Mr. Chairman, like you said, these mutual

1878739

SFC CLERK RECORDING 08/13/2004

aid agreements are not unique. We've got one with the City of Española and I think Rio Arriba County.

MR. SAUNDERS: That's correct. Those are two that are standing right now.

COMMISSIONER TRUJILLO: And they're very successful from a partnering, mutual aid standpoint.

MR SAUNDERS: Yes sir.

COMMISSIONER TRUJILLO: And this is a model after those. Right?

MR. SAUNDERS: That is correct.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: I have one question. Is it appropriate, would it be appropriate to put a hold-harmless clause in this?

MR. SAUNDERS: I believe that is in the language as it stands right now.

CHAIRMAN DURAN: I looked at paragraph 5. I really doesn't say that we will hold each other harmless, but it does say that we won't make any claims against one another for loss, damage, personal injury or death.

MR. SAUNDERS: Does the wording need to be changed to actually specify hold-harmless? If that's the case, we can do that?

CHAIRMAN DURAN: I don't know. Is that—

MR. KOPELMAN: Mr. Chairman, Jeff, generally when we deal with another public entity the language we use is similar to the one in this contract which kind of indicates that we don't waive any immunities or rights we otherwise have. Because generally, we're not, I don't think as a general rule we will agree to indemnify or hold any other body harmless because we don't want to commit to doing something before the fact. We don't want to indirectly appropriate monies. So I think the language here is probably adequate. I think it's satisfactory and it protects our interest.

CHAIRMAN DURAN: Any other questions of staff.

COMMISSIONER SULLIVAN: Mr. Chairman, just one clarification. So automatic aid means that when there is a 911 call in that section you described south of Edgewood, you go. You answer.

MR. SAUNDERS: Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: Mutual aid means that if you get up in that area south of 472 and the fire or the emergency is more than you can handle, then by request, you request Torrance County to come in and assist. Is that correct?

MR. SAUNDERS: That is correct, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Likewise, in Torrance County, automatic aid means when the 911 call comes in, they're the first to go, and if they need help, they request it from you, even though it's in Santa Fe County.

MR. SAUNDERS: Yes sir.

COMMISSIONER SULLIVAN: Okay. No further questions.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

1878739

CHAIRMAN DURAN: There's a motion to approve by Commissioner Trujillo.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Seconded by Commissioner Campos. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

**X. D. Land Use Department**

- 1. Request authorization to publish the title and general summary of an ordinance to amend Ordinance No. 1996-10, the Santa Fe County Land Development Code, Article II, Section 1.2, to specify that County Development Review Committee members shall be appointed from Commission districts**

ROMAN ABEYTA (Deputy Land Use Administrator): Thank you, Mr. Chairman, Commissioners. If authorization is granted, the proposed ordinance would be scheduled to be heard by the BCC at the April 10, 2001 public hearing. Thank you.

CHAIRMAN DURAN: Roman, how many members are on the CDRC?

MR. ABEYTA: Mr. Chairman, currently there are seven members. The ordinance would propose to maintain that number of members. However, five of the seven would be required to be appointed from each of your districts.

CHAIRMAN DURAN: And the other two?

MR. ABEYTA: The other two would be at large members. And one of the seven would have to reside within the City of Santa Fe which is currently required by the existing Code.

CHAIRMAN DURAN: One of the seven, but not one of the two?

MR. ABEYTA: No, as proposed, one of the seven. If the Board would like one of the two to be from the city and each of yours in the county, we could make that change.

CHAIRMAN DURAN: Any questions of Roman?

COMMISSIONER TRUJILLO: Why do we need a representative from the city on the CDRC? We've got the EZC that directly impacts—

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, I don't know what the understanding was but that ordinance has been in place since '81, and apparently at the time, I guess they thought it would be prudent to have representation from the city on our County Development Review Committee.

COMMISSIONER TRUJILLO: It doesn't make any sense.

MR. ABEYTA: Mr. Chairman, if the Board likes, we can remove that and not require a member from the city to be on the CDRC.

COMMISSIONER TRUJILLO: I would make a recommendation that we

1878739

SFC CLERK RECORDING 08/13/2004

do that.

CHAIRMAN DURAN: What do you mean, from the city? We all have city residents.

MR. ABEYTA: Mr. Chairman, I'm sorry. Let me clarify for Commissioner Trujillo. It states that a resident from the city. One of the members must reside within the city limits. But again, that could be changed if the Commission desires.

CHAIRMAN DURAN: Because 90 percent of my district is in the city.

COMMISSIONER TRUJILLO: But CDRC oversight and decisions and recommendations are not made in the city. This is a County Development Review Committee outside of the city limits.

MR. ABEYTA: That's correct, Mr. Chairman, Commissioner Trujillo.

COMMISSIONER TRUJILLO: That's why we have the EZC, for joint jurisdiction in county/city land use recommendations.

MR. ABEYTA: Right.

CHAIRMAN DURAN: Well, correct me if I'm wrong. What you're saying is if we took the city person out, that nobody on the CDRC could live within the city limits?

COMMISSIONER TRUJILLO: Nobody on the CDRC—right. There would not be any representation from the city in the CDRC.

CHAIRMAN DURAN: Wait a second. There's nobody on this committee, we're not proposing that anybody on this committee would be representing the city.

MR. ABEYTA: Right. The ordinance just says resides in the city, a citizen who resides in the city.

CHAIRMAN DURAN: Nobody's representing the city. They're being appointed by us.

MR. ABEYTA: But not representing the city. Right.

MR. MONTOYA: Mr. Chairman, we have a little bit of historical clarity that I think might help on this point for Commissioner Trujillo.

RUDY GARCIA (Policy Analyst): Mr. Chairman, Commissioners, the reason why that ordinance has been in place since '81 is because whenever the CDRC was in place there was never no EZC or EZ Board back in '81 roughly through '89 or '92. That's why there's a member from the city on the CDRC.

COMMISSIONER TRUJILLO: So that means that that statute, that rule is a little antiquated. Because they do have representation now in the EZC.

MR. ABEYTA: That's correct.

CHAIRMAN DURAN: I guess I don't understand.

MR. KOPELMAN: Mr. Chairman, members of the Commission, the way the ordinance reads now, it says that at least one of the members of the CDRC has to reside in the city. Okay? If you remove that clause, that doesn't prevent anybody from actually having the two at large members still live in the city. It just wouldn't be a

1878739

SFC CLERK RECORDING 08/13/2004

requirement any more. And as a practical matter, this would probably be an issue that would be debated at the public hearing. Now, we're just asking for authority to publish title and general summary. It doesn't matter. We can leave that in there for discussion purposes and it can be something that's fleshed out more during the public hearing. But again, as Rudy indicated, historically, this was before there was an EZC and an EZA so the thought was, have a member on the city, but it's been kept in place and my guess is in part because as Commissioner Duran indicated, that there's a large number of city residents who are also in the County districts, of course.

So the question really is whether you want to mandate that at least one member of the CDRC be a resident of the city, or leave that and not address that in the ordinance, and then it's just a question of how it comes up when you appoint members.

COMMISSIONER TRUJILLO: That's fine. We can wait to do that through the public process.

CHAIRMAN DURAN: Yes, why don't we wait to debate the issue until it's a public hearing and just make a decision today whether or not we want to authorize to publish the title and general summary of the ordinance.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

COMMISSIONER CAMPOS: Just a question for Mr. Abeyta real quick. Presently, there's seven members. Do any of them live in the city?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, I know for sure one of them lives in the city and that would be Commissioner Gonzales, or CDRC member Gonzales.

COMMISSIONER CAMPOS: But the way this is drafted, we would have to select people only outside of the city limits, except for one.

MR. ABEYTA: Mr. Chairman, I think the way it's drafted, I don't think it states that. I think even your members could be—the way it's drafted, as long as one resides in the city.

COMMISSIONER CAMPOS: I agree. I think we could have other people that live in the city. Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think there's still one kind of philosophical thing before we put this out on the street and that is whether the members should be appointed by the Commissioners, or represent a district. In reading the minutes of the last meeting, I recall the comments from Commissioner Duran that he wanted the ability to appoint someone that reflected his political philosophy on that committee. That might not necessarily be someone who lives within his district, his voting district. And that could well be true, and these are two-year terms, is that correct?



1878739

SFC CLERK RECORDING 08/13/2004

MR. ABEYTA: Yes, Mr. Chairman, two-year staggered terms.

COMMISSIONER SULLIVAN: They're appointed for two-year terms and then they're already appointed and maybe representing a district and that person may not represent my political philosophy or any of the other Commissioners' philosophies. I know the response to that is well, then you can move to have them removed, which is not something that I would favor doing. So I'm wondering if the thinking here is that rather than representing districts, simply these persons should represent or be appointed by Commission members.

I may have someone that I feel represents my philosophy very well, who happens to live in Commissioner Duran's district. And I may want to appoint them. And it seems like I should have that flexibility.

CHAIRMAN DURAN: I agree.

MR. ABEYTA: Mr. Chairman, I think that's something that we can discuss when we actually—

CHAIRMAN DURAN: At the public hearing.

MR. ABEYTA: At the public hearing, we'd be willing to change that if the Board chose to do so.

CHAIRMAN DURAN: So we could change it, even though you're publishing it that it should be appointed from Commission districts. We're publishing it right now to say that it shall be appointed from Commission districts and what Commissioner Sullivan is suggesting is that the committee members would be appointed by the Commissioner—

COMMISSIONER SULLIVAN: One by each Commissioner.

CHAIRMAN DURAN: One by each Commissioner, maybe two by—

COMMISSIONER SULLIVAN: Well, two at large would be appointed by the BCC at large.

MR. ABEYTA: Mr. Chairman, if I could defer to legal to—

CHAIRMAN DURAN: Can we publish it this way and still change it?

MR. KOPELMAN: Mr. Chairman, members of the Commission, I don't believe so. I think what staff brought out of the last meeting, we thought that the consensus was that it would be, the direction that we had understood was that it was going to be, there was going to be at least one representative from each of the Commission districts. And so we noticed it as members shall be appointed from Commission districts. If you want to change that, we could go back but we'd have to bring it back for authorization at the next meeting, if that's what the Commission decides it wants to do.

CHAIRMAN DURAN: So we can't change it though at the public hearing?

MR. KOPELMAN: Mr. Chairman, I don't believe so because it's noticed that it's specifically appointed from Commission districts. It hasn't been noticed yet, but it's a question of how you want to take the action.

CHAIRMAN DURAN: Well, it hasn't been noticed yet, so why can't we change it now?

1878739

SFC CLERK RECORDING 08/13/2004

MR. KOPELMAN: Well, the problem is that the a action item is to be appointed from Commission districts. I would say that if you want to change that, in other words, you want to say instead of being appointed from Commission districts, shall be appointed one by each Commissioner and two from the Commission at large. I think that technically, the notices for this, and maybe this was drafted too narrowly.

CHAIRMAN DURAN: My understanding, and then I'll turn it over to you is that you wanted this changed so you would have the ability to appoint someone basically to represent your philosophical approach.

COMMISSIONER SULLIVAN: Actually, I believe this was an initiative from Commissioner Campos.

CHAIRMAN DURAN: Oh.

COMMISSIONER CAMPOS: My suggestion was, well the problem was we had many people serving from one district but the northern district and District Four had no representation on the CDRC at the point of discussion. And the ordinance required that there be fair regional representation, so the simplest way of achieving that is to have one member from each Commission district and two at large. That doesn't mean that each Commissioner is going to appoint a commissioner from their district. I think they can nominate but I think the BCC has to as a body choose. I don't think one Commissioner can select. I don't think so, but maybe I'm wrong, Mr. Kopelman.

MR. KOPELMAN: No, I agree with that, Mr. Chairman, members of the Commission. There was going to be one representative from each of the five districts. That doesn't mean that for example that Chairman Duran couldn't nominate somebody who lived in Commissioner Trujillo's district, and if the Commission decided to vote that way, that's who would be in that position. But what we had understood from the last discussion was that the idea was to have diversity and at least one member from each of the districts. And that certainly can be changed if that's—and I guess for this ordinance, it really does specify that it's from the Commission districts.

So if that's not the intention of the Commission, then you wouldn't authorize this particular ordinance. I would say that technically, it's probably close enough. I mean, I don't think we have a real notice issue if you decide to make a minor change in how this is done. The issue here is really picking the CDRC, changing the configuration and the way it's chosen. But this is what staff had picked up from the discussion. That's what our direction was.

CHAIRMAN DURAN: Well, it doesn't work for me. I want to have the ability to appoint someone that kind of represents my thinking, whether he lives in my district or not. And I would only ask for one, because there's five districts, and then would be two other ones that we collectively would put their names in the hat and I don't know, vote on it or somehow pick the other two. But we would each be able to appoint someone who was representative of our point of view. That's what I think.

MR. KOPELMAN: I guess the question though is for example, one of the Commissioners, Commissioner Gonzales may say I want to select a particular individual because this individual has the same thoughts that I have, and you all may say, There's no

1878739

SFC CLERK RECORDING 08/13/2004

way we want this person on the CDRC, and you have the right to vote that person down. So really what it is is the Commissioners, you can decide that each Commissioner will make the nomination, that you'll all get a nomination, but as a practical matter, it's the full Commission that actually does the appointing.

So that's why that—I'm not sure how we would actually word that then.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think that's fine. I think that a Commissioner could nominate and the BCC could ratify. And if any Commissioner brought a name forward that was repugnant to the rest of the Commission, they would have the right to essentially not ratify that.

CHAIRMAN DURAN: Right. I think that's fair. But the problem still exists that if Commissioner Sullivan appointed someone from District Five, and the one that I wanted to recommend lived in District Five, I couldn't do it.

MR. KOPELMAN: Mr. Chairman, you still have two at-large members. You still can even increase the number of members. The ordinance says just no less than seven.

CHAIRMAN DURAN: But if those other two were already appointed, and it was my turn to appoint somebody or recommend an appointment, and I wanted to appoint someone from District Five and there was already someone from District Five, I couldn't do it.

COMMISSIONER SULLIVAN: That's correct.

MR. KOPELMAN: Well, Mr. Chairman, maybe the thing to do is leave it the way it is then, which kind of keeps it a lot more open-ended. This mandates that there be a representative from each Commission district. The way the ordinance is drafted now, the ordinance currently just talks about trying to provide diversity of representation. But it's a lot more open-ended. It doesn't specify that you have to have a member from each district.

CHAIRMAN DURAN: Why don't we ask for all the resignations on the CDRC and then we all get to appoint somebody. Because I don't think you two have had the ability to appoint anybody. Is that correct?

COMMISSIONER SULLIVAN: That's correct.

CHAIRMAN DURAN: And I'm sure you'd like to. So why don't we ask for the resignations of everyone on there and then we can appoint a new board which is reflective of the new face of the Commission.

MR. MONTROYA: Mr. Chairman, I simply wanted to interject for the consideration of the members that the discussion that you're currently having, the process you would like to pursue, I think you can do right now with the current language. And expanding the membership will possibly allow you to fill some of those gaps. But the other option is to do what the chairman is recommending.

COMMISSIONER SULLIVAN: Mr. Chairman, I wouldn't favor

1878739

SFC CLERK RECORDING 08/13/2004

expanding the membership. I think the seven is enough. And of course District Five has I believe, three on the CDRC now. But alternatively, District Five is (a) the fastest growing district and (b) the most populous district by far of any of the districts. So I don't know where that falls and maybe that falls in the other two, when you would look at the other two members and you would say, where should these other two come from. But I wouldn't be necessarily opposed to what you're saying and not only for this Commission but for future—

CHAIRMAN DURAN: Well, for me, the Commission, I made a recommendation and the person that I recommended is on there and I don't care what you guys want to do as long as my recommendation gets to stay on there. That's all I care about. So how ever you want to change it it's okay with me.

COMMISSIONER TRUJILLO: Then I guess we don't need to change it. We can keep it the way that it is and we can make the recommendations that we want to make commensurate with philosophical positions and standpoints and then congruent with the ideals of the respective County Commissioner. I understood what Commissioner Campos wanted to do was to give impetus to representation from throughout the county, to mandate that each district be represented in the CDRC, which is not the way that it is now.

We've got three from the southern district. We've got one from the northern district and I don't know how many from the central, but the fact of the matter is that is weighed one way and the southern district has the majority on the board and the northern district used to have two but now we only have one, which is fine. I acquiesce, I agree with that. I don't know if we need to change it then.

COMMISSIONER SULLIVAN: I think the only one that loses out on this is Commissioner Campos is the problem. There's no one from his district on the CDRC.

CHAIRMAN DURAN: The other thing, are any of the people that reside in your district, in District Five, Commissioner Sullivan, representative of your beliefs?

COMMISSIONER SULLIVAN: I don't know them very well. I've only met them a couple of times and you have to bear in mind that District Five is the only district that has a separate municipality in it, namely Edgewood. And so one of those persons represents the Edgewood area. Another one is from the Stanley area and the third one is from—

MR. ABEYTA: I believe the Lamy area.

COMMISSIONER SULLIVAN: Yes, from Lamy. Kathy Pilnock from Lamy, which is the Eldorado area, which is a big conglomerate of population as well.

CHAIRMAN DURAN: Are there any engineers on there?

COMMISSIONER SULLIVAN: No. There's no engineers. None of those individuals—I've met each of them once or twice. I can't say, to answer your question, I don't know them well enough to know if they represent my philosophy or not.

COMMISSIONER TRUJILLO: If we're talking about the contour of a district, then District One would have every member of the Commission because they represent the Native American community, the traditional communities, the gated

1878739

SFC CLERK RECORDING 08/13/2004

communities. All of those subsectors also need representation. But I could advocate for that, but I'm not going to.

CHAIRMAN DURAN: Well, I don't know how you want to change it, Commissioner Campos. Why don't we do this: Why don't we just table this for now, and then—I understand the reason—at least I think I understand the reason why you want to amend it. Let me back up. I would think that the reason you want to amend it is so that you would have someone on there that you have the right to appoint.

COMMISSIONER CAMPOS: Not necessarily right to appoint, but I think we need regional representation and the simplest way of doing it is having one person from each district, two at large. It makes it real simple. And we're assured that there is representation from throughout the county. Right now we don't have that. I think we should move forward with this publication. If you don't like it—

COMMISSIONER TRUJILLO: It's healthy to discuss it.

COMMISSIONER CAMPOS: We can discuss it when all five Commissioners are here. We can—if you don't like it—

CHAIRMAN DURAN: That's fine. I'll do that. Do you want to do that?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion. There's a second. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

**X. D. 2. Request authorization to publish the title and general summary of an ordinance to amend Ordinance No. 1996-10, the Santa Fe County Land Development Code, Article I, General, to add a new Section 13 to define the process by which the Code may be amended**

MR. ABEYTA: Thank you, Mr. Chairman, Commissioners. Right now the County Code does not specify how it is amended. What staff has been doing is following the existing state law for amending ordinances, but the state law doesn't specify one or two public hearings before the BCC and it really doesn't talk about the CDRC's role. So what we would like to do is to put an actual section in our Code that specifies the procedure for amending it. And if authorization is granted, we would bring the amendment forward to the BCC on April 10<sup>th</sup>.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: I'll second it for discussion. Any questions?

COMMISSIONER SULLIVAN: Mr. Chairman, I haven't had a chance to look at this because the only thing in the book was the memorandum.

CHAIRMAN DURAN: This is the one they passed out on Tuesday. You

1878739

SFC CLERK RECORDING 08/13/2004

gave this to us on Tuesday. Basically, it allows any of the Commissioners to bring forward an amendment to the Code, and it could be requested by anybody, provided it was brought forward by one of the Commissioners. Is that--

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

CHAIRMAN DURAN: So if you wanted to change something out at the Community College District, you could make that amendment or make that suggestion--

COMMISSIONER SULLIVAN: How is it done now?

MR. ABEYTA: Mr. Chairman, there's no language in the Code right now that specifies is so we--

CHAIRMAN DURAN: But that's pretty much how we've done it.

MR. ABEYTA: That's pretty much how we've done it and as far as the noticing requirements, we've followed existing state statute, but there are certain things, like sometimes the Board, the BCC wants to have two public hearings for these items. Sometimes they want it to go to CDRC. Right now, there's really no specifics in our Code so want to actually put a section in the Code that outlines how the amendment process takes place.

CHAIRMAN DURAN: So if there was a Code amendment that one of the Commissioners wanted to bring forward, it would go first to the committee whose jurisdiction it falls under.

MR. ABEYTA: For a recommendation and then it would be forwarded to the Board of County Commissioners.

COMMISSIONER SULLIVAN: Excuse me, Mr. Chairman. What committee?

CHAIRMAN DURAN: Well, for instance if there was an ordinance change for an ordinance that applied to a piece of property within the boundaries of the EZ, then it would go to the EZC and then to the EZA. And if it was in the Agua Fria Village, it would be the Agua Fria Development Review Committee and then the BCC.

MR. ABEYTA: Right. And Mr. Chairman, if I may add, right now, the EZ zoning ordinance has a section that specifically outlines the process for amending the ordinance. The County Code doesn't and that's what we're requesting from the Board.

CHAIRMAN DURAN: So for instance, if something was to happen in the Community College District, once the LDRC is created there, it would go to them first. They'd have their public hearings and then they'd bring it forward to us, right?

MR. ABEYTA: Mr. Chairman, if you put that in the proposed ordinance. And the way we're proposing it, that's the process it would follow.

CHAIRMAN DURAN: If you need more time to review it--I don't think anybody's dying to have this thing.

COMMISSIONER SULLIVAN: Mr. Chairman, I'm still not clear. You say there's some part where any ordinance has to be in essence sponsored by a County Commissioner?

CHAIRMAN DURAN: Right. To be brought forward for us to consider.

1878739

SFC CLERK RECORDING 08/13/2004

COMMISSIONER SULLIVAN: Okay, that would include staff proposed ordinances?

CHAIRMAN DURAN: Well, those already come to us.

MR. ABEYTA: I'll defer to legal.

MR. KOPELMAN: Mr. Chairman, members of the Commission. Really what this ordinance does is it takes what's in state statute and it codifies it. The way the state statute reads is zoning ordinances have to be proposed by a member of the Board of County Commissioners. So if staff is proposing an ordinance, that ordinance would have to be brought through a County Commissioner. This just formalizes the process. Right now, the CDRC is deemed to be a zoning commission under the Land Development Code.

And so consistent with the state statute, ordinance changes would generally come to the CDRC. The CDRC would make a recommendation, the Board of County Commissioners then would hold the second public hearing to either adopt or reject the ordinance.

COMMISSIONER SULLIVAN: I'd like some more time to study this.

CHAIRMAN DURAN: Okay. We have quite a bit left here and Commissioner Trujillo is leaving at 3:00 so why don't we just table this till the next meeting. It gives the Commissioners more time to review it and actually ask for staff for further clarification.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I'd like to move forward. It's only notice. We're going to have the big discussion when we have the hearing, if there's any big issues. This is a general notice. The things that we see here can be changed then so long as they're consistent with the subject matter. So I don't think there's any need for tabling it. I think we should move forward and have the big discussion when we have it.

CHAIRMAN DURAN: Well, I move for a table.

COMMISSIONER SULLIVAN: I second it.

CHAIRMAN DURAN: Those in favor of the motion, signify by saying "aye." [Chairman Duran and Commissioner Sullivan voted with the motion] Opposed? [Commissioners Trujillo and Campos voted nay.]

So what happens now.

MR. KOPELMAN: The way it would work under the rules is that it would have to come forward next time, although you can try another—it in effect tables it but you might want to try another motion to see if that works also.

COMMISSIONER SULLIVAN: No, I'm just concerned and the chairman, just by clarification of vote that if there's some changes that aren't in accordance with the notification, similar to the ones that were brought by Counselor here, that then it would make it more difficult to make those changes because we would be encumbered by having to go make and change the noticing and so forth.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, the notice here is very broad. This is just to set forth procedures for amending the ordinance. So you can

1878739

SFC CLERK RECORDING 08/13/2004

make lots of changes at the public hearing, as long as they deal with procedures for amending the ordinance. So it is very broad, really. This one is lot broader than the other one was.

CHAIRMAN DURAN: Well, I'll withdraw my table so we can get this thing moving, or I'll stay with it. It doesn't matter.

COMMISSIONER SULLIVAN: I don't like to look at something for the first time at this meeting. And we talked about that earlier and this is a fairly significant ordinance. I'd like some time to look at it.

CHAIRMAN DURAN: Okay. So it's tabled.

- X. D. 3. **Request authorization to publish title and general summary of an ordinance to amend Ordinance No. 1996-10, the Santa Fe County Land Development Code, Article III, Section 2.4.2b, Plat Submittals and Reviews, to exclude properties in a traditional community from granting additional right-of-way for non-conforming road easements adjacent to proposed developments**

MR. ABEYTA: Thank you, Mr. Chairman. We were directed at the February 13<sup>th</sup> meeting to bring this ordinance amendment forward. In your packet is the existing language in the County ordinance and we would add to the end of the requirement the following language: This provision does not apply to developments within a traditional community. And again, if granted authorization, this amendment would be brought forward to the Board on April 10.

COMMISSIONER TRUJILLO: And we had, when I brought it up at the last meeting, we had extensive discussion at the Commission level and the essence of the ordinance, in a traditional community, we've got roads that are 12-foot wide and this requirement does not make any sense, that a 14-foot wide or 15-foot wide roads intersect 10 and 11 and 12-foot County roads. It just doesn't make any sense. So I would make a motion to approve.

COMMISSIONER SULLIVAN: Second.

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

- X. D. 5. **Resolution No. 2001-31. A resolution in opposition to the petition for designation of a sole source aquifer for the La Cienega Valley area aquifer**

KATHERINE YUHAS (County Hydrologist): Thank you, Mr. Chairman,



1878739

SFC CLERK RECORDING 08/13/2004

Commissioners. If this resolution is adopted, I'll be forwarding it tomorrow to the Environmental Protection Agency to formally register our opposition to the designation of the aquifer. And I have a cover letter drafted for Chairman Duran's signature for this purpose.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Refresh my memory. What are the ramifications of this sort of designation?

MS. YUHAS: Mr. Chairman, Commissioner Trujillo, what happens is that if the aquifer is designated as a sole source aquifer, then any project in the area that receives federal funding gets reviewed at the funding level by EPA. So what happens is say, there's a highway project. The highway funding agency would send it to EPA for a review. EPA would decide if there might be issues with it that could affect groundwater, impair the quality of groundwater. They would come back to the applicant for the funds and say you need to make these changes, and then the applicant could make the changes to the project and then the funding could still occur.

So that's kind of how the review works. Part of our opposition to this has been that there are numerous agencies in New Mexico that already provide this sort of review of water quality.

COMMISSIONER TRUJILLO: So you say it would be redundant to designate it.

MS. YUHAS: It's certainly my opinion that it would be redundant, yes.

CHAIRMAN DURAN: Any other questions of Katherine?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Yuhas, paragraph 4, towards the bottom where it says Once this diversion is secured, the percentage available from the petitioned aquifer will be much lower. Is that correct?

MS. YUHAS: I think that actually that should say the percentage, well, no, that actually is correct. Excuse me. Right now, we take our San Juan-Chama water out at the Buckman facility. And once an actual diversion is coming out of the Rio Grande, we couldn't take as much water out at Buckman. So that idea of being available from that aquifer. Yes, that's true.

COMMISSIONER CAMPOS: That's correct then?

MS. YUHAS: Yes.

COMMISSIONER CAMPOS: Is it more of a question of demand from the petitioned aquifer, or percentage available? I'm just not sure.

MS. YUHAS: Mr. Chairman, Commissioner Campos, I'm not sure I understand your question. The issue is—perhaps that's worded poorly. It's not that there's less water available in the aquifer, it's that we would have less water rights available to use to take the water out because of the impact on the Rio Grande.

1878739

SFC CLERK RECORDING 08/13/2004

COMMISSIONER CAMPOS: You're going to be taking less water from the aquifer.

MS. YUHAS: Exactly. We would not be using groundwater at that point. We would take water directly from the river.

COMMISSIONER CAMPOS: There would be less demand on that aquifer.

MS. YUHAS: That's correct.

COMMISSIONER CAMPOS: Instead of percentage available. I just had a problem with that.

MS. YUHAS: There would actually be more available, physically available, but not legally available. I think Estevan wants to say something.

CHAIRMAN DURAN: Estevan.

ESTEVAN LOPEZ (Land Use Administrator): Mr. Chairman, Commissioner Campos, I think that Katherine is correct in saying that the percentage available would be less. And solely from the perspective of the—perhaps how much available is not the correct thing, but how much is actually being used as a percentage of the total is going to be considerably less once we start accessing a lot more from the surface water supply.

COMMISSIONER CAMPOS: That's what I understand but I'm just not sure the sentence says that. That's just my problem with it. But that's okay if it's clear to you.

MS. YUHAS: Mr. Chairman, Commissioner Campos, I think it's critical that it also be clear to EPA what we're trying to say, so maybe that does need to be reworded in some way to say the percentage being used from the petitioned aquifer, if that—we can change that.

COMMISSIONER SULLIVAN: Change "available" to "used" would work.

MS. YUHAS: Yes.

CHAIRMAN DURAN: Okay. Does that sound good? Any other questions of Katherine?

COMMISSIONER SULLIVAN: Mr. Chairman, just one quick comment. And also Katherine, isn't there an issue, aren't there issues also of when EPA reviews these various projects as opposed to state reviews, not all of the criteria that the state uses are necessarily the same as the criteria EPA uses? Guidelines, levels of contaminants and so forth.

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, actually, within the State Environment Department. almost all the levels are the same as the EPA. I truly think that the groundwater protection program that the state has would do the same thing that this would do.

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: Motion by Commissioner Sullivan to approve.

COMMISSIONER TRUJILLO: Second.

1878739

SFC CLERK RECORDING 08/13/2004

CHAIRMAN DURAN: There's a second by Commissioner Trujillo.

[An audience member asks if there is public comment.]

MR. KOPELMAN: Mr. Chairman, this is really within the discretion of the chair. It is not a public hearing. There is no legal obligation to have public input. It's really a question you can decide at your discretion.

CHAIRMAN DURAN: Well, before we take the vote, we'll listen to some public comment. If you would please come up and tell us who you are and speak your mind.

ELIOT STREEPER: My name is Eliot Streeper and I'm from the Santa Fe Basin Water Users Association. The Santa Fe Basin Water Users Association supports the sole source aquifer protection program for a couple of major reasons. One of which is there's an element in the sole source aquifer designation which make federal funds available for, in order to enable projects to be able to meet the criteria of the sole source aquifer designation. And I have here the language of the sole source aquifer designation which I could read to you, if you wouldn't mind. It's not really very long and additionally to this, the language from the law.

I have spoken to the head of the sole source aquifer program, the Region 6 director in an informal session prior to the public hearing on this on the 15<sup>th</sup> of February, Clay Chesney, and I specifically asked him if the language of the, the legal language for the sole source aquifer designation allows for federal funds to provide for meeting the criteria of the Sole Source Aquifer Act. In other words, that if a project would potentially tend to pollute the aquifer, would federal funds be available to ameliorate or to take care of those problems, for instance, if this might be of assistance in terms of the importation of water from the San Juan Chama diversion project if water is to be diverted from the Rio Grande, let's say at Buckman, then this would be good reason for the federal government to help with the costs of the filtration plant, which is going to be required anyway for a direct diversion from the Rio Grande. Let me read the language from the law.

The Sole Source Aquifer Protection Program is authorized by Section 14.24 E of the Safe Drinking Water Act of 1974. Public Law 93-52342 USC 300, etc. It states that if the administrator determines on his own initiative or upon petition that an area has an aquifer which is the sole or principle—this would not be sole, but might be designated because it's principle—drinking water source for the area. And as a matter of fact, the amount they're looking for is that 50 percent of the drinking water for the designated area come from the aquifer. So back to the language of this—for the area and which if contaminated would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for federal financial assistance through a grant, contract, loan, guarantee or otherwise, may be entered into for any project which the administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health. That a commitment for federal assistance may if authorized under another provision of law be entered into to plan or design the project to assure that it will not so

1878739

contaminate the aquifer.

It was another concern I think, that would be out there is that the State Environment Department, although they have a lot of good people on their staff and so on, don't always have all the funding they need to do everything that they would like to do. And I think they'd be the first ones to tell you that. So additionally, if the sole source aquifer is designated, I believe that it ultimately would be of help to them. And I don't know what decision they've made as to what their take on this is other than verbal discussions I've had with them but I think that it would be of benefit to them as well.

Additionally, if the County Commission passes a resolution in opposition to the petition, per se, this is not going to be a—I don't think it's going to have an affect on the EPA decision. The EPA decision will be made on findings of fact of whether the area meets the criteria for designation and whether the—at any rate, I'm going to abandon that point because I've left my document back here that had some of the technical things that they look at in terms of designating an aquifer for the sole source aquifer designation. But it is a fact that they have never yet stopped a project due to the sole source aquifer designation. They usually work with the people that are designing the project and lend assistance in modifying the project to fit the—to ensure that it will not pollute the aquifer. And historically, they have never stopped a project that—or denied funding for a project that falls under their auspices. I think they have about 75 designated sole source aquifers around the country now.

But their attitude is generally to work with those people that are initiating the project in order—and that might be anything from a highway project to make sure that a bridge could not spill oils into a waterway if there were an accident on the bridge. Helping design better curbing on the bridge to ensure that any spillage on the bridge of pollutants that would maybe fall into the waterway that it passes over would be better in order that it wouldn't go into the aquifer. All of these things that they do I see them as being very positive.

And I just think that if the County Commissioners would let the EPA process go forward and not pass a resolution in opposition, I just think it says something like the County is not interested in water quality somehow, that—and I think that the other side of the picture in terms of the regulation, the funding available on federal projects, federally funding projects to help make the design better, make the process work better and ensure that the aquifer is not polluted, I think that that's a positive enough benefit that the County Commission should support the sole source aquifer designation.

CHAIRMAN DURAN: Thank you, Mr. Streeper.

DON BRAYFIELD: Good afternoon, Commissioners. My name's Don Brayfield. I just wanted to point out an example that happened here. You recall the City sewage treatment plant was designed and built and hailed as an innovative process that was going to be very successful. Now, as we all know, that didn't happen. That didn't work out that way. In fact the people in the area of La Cienega had a lot of pollution problems for quite a number of years until the situation was rectified. Neighbors had to go to the

1878739

SFC CLERK RECORDING 08/13/2004

EPA and expend a lot of resources to get them to pay attention to the situation and eventually, things were rectified with federal monies, actually.

So this is kind of like an example where this sole source aquifer oversight might prevent that from happening in the future. As we well know, there's probably going to be sewage treatment plants in the county in the future, which will probably, hopefully receive federal funding so they can be afforded. So I really don't think, if you examine this closely and the results of this designation in other parts of the country, that it's really been harmful to either your authority or the state's authority.

After all, what happened at the City's sewage treatment plant really wasn't caught by the state or wasn't dealt with very effectively by the state. And like Eliot said, if you go talk to the people at the state, they're very overwhelmed by all the things that they have to do. They really don't have the staff. They really don't have the money to adequately protect the public. They'll readily admit that. So maybe we could get some help from the federal government and not see the federal government as an obstacle. Thank you.

CHAIRMAN DURAN: Thank you, sir.

JOSE VARELA LOPEZ: Mr. Chairman, Commissioners, my name is Jose Varela Lopez and I'm a member of the board of the La Cienega Valley Association. And we submitted a letter to the EPA in opposition to the sole source aquifer designation. And we did that on February 15 at the Community College and if I may, I'd like to read you the gist of the letter. It's a very short letter.

CHAIRMAN DURAN: Please do.

MR. VARELA LOPEZ: It says, La Cienega Valley Association has reviewed the sole source aquifer petition submitted to the EPA by Elaine Cimino of La Cienega Valley Citizens for Environmental Safeguards. While everyone is concerned with the protection of our water resources, it is the opinion of the LCVA Board that a SSA designation in the Santa Fe area is not necessary. Our protest of the SSA designation is based on the following: the proposed SSA boundary is not a distinct aquifer nor is it part of an aquifer that is hydrogeologically separate from other portions of the same aquifer. There is more than one aquifer within the proposed SSA boundary and the aquifers have a hydrogeological connection. These aquifers known as the Ancha and Tesuque are part of the Santa Fe group. Number three, the aquifer within the proposed SSA boundary supplies less than half of the drinking water in the designated area.

Number four, the proposed SSA boundary includes the Santa Fe Watershed which provides surface water for drinking purposes of local residents, and therefore is not hydrologically relevant to the proposed designation. Number five, Santa Fe County and the City of Santa Fe are currently pursuing several options to augment water availability in the area. Both the County and the City own San Juan-Chama rights and appear to be physically, legally, and economically able to increase water supplies in the near future. Number 6, in closing, we would like to add that the citizens of Santa Fe County are cognizant of the value of our underground resources and the responsibility we all have to protect this resource. However, we are also concerned that the petition for SSA designation contains numerous

1878739

SFC CLERK RECORDING 08/13/2004

inaccuracies which serve to portray a situation that does not exist. Additionally, we were surprised that there was not a process for public involvement prior to the filing of the SSA petition.

Basically, our letter just goes off the criteria that the EPA says must be met in order for an SSA designation to proceed and we found it to be completely lacking. I'll hand you a letter of this document. [Exhibit 1]

CHAIRMAN DURAN: Okay. That concludes the public comment. What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just want to add two things, one in my motion to clarify that it included Commissioner Campos' amendment to change the word "available" to the word "used. And secondly, to comment that this state's groundwater program is and has to be approved by EPA in order for the state to be eligible as it is for federal funding and to participate as it does as the designated agency under the Clean Water Act. So we have had, in essence, a review of our statewide groundwater program to do that. That's one of the many reasons I feel this resolution is appropriate.

CHAIRMAN DURAN: Okay. So there was a motion and you seconded it?

COMMISSIONER TRUJILLO: Yes.

CHAIRMAN DURAN: I just wanted to—what they've changed on the resolution is once this diversion is secured the percentage use from the petitioned aquifer will be much lower. That would be the amendment.

COMMISSIONER SULLIVAN: I understood that we were just changing the word "available" to the word "used."

MR. LOPEZ: That is correct. That's exactly what we did.

CHAIRMAN DURAN: Okay, so there's a motion; there's a second. Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

**X. E. Public Works Department**

1. Resolution No. 2001-32. A resolution requesting funding through the 2001 New Mexico State Highway and Transportation Department Local Government Road Fund Program

MR. LUJAN: Mr. Chairman, Commissioners, this is a resolution to participate in the funding for the new year of 2000 and we're asking for your approval on this.

CHAIRMAN DURAN: Any questions of James? If not, what's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

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

COMMISSIONER SULLIVAN: Second.

1878739

CHAIRMAN DURAN: There's a second. Any further discussion?

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Lujan, how does the County decide what projects will be paved? Are there criteria or a committee that makes recommendations or how does that work?

MR. LUJAN: It's the Road Advisory Committee and they have a list of roads that they go through throughout the county and they prioritize them over the year. And this happened to be one of the ones from a previous year and the funding was used for some of the capital improvement projects, so this was on a priority list from prior years from the Road Advisory Committee.

COMMISSIONER CAMPOS: So what's the criteria for priority?

MR. LUJAN: I'll defer that to my deputy, Robert. I don't have all the criteria here.

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, some of the criteria are whether it's a through route, the amount of residents that the road serves, the condition of the existing driving surface, so there's quite a bit of criteria that the road advisory committee members look at. This particular road that this will be used for is County Road 73, which is the main road in Tesuque. A couple years ago, we did enter into an agreement with the Highway Department for this particular road but the funds, it was amended to finish up some bond projects that we still had outstanding.

COMMISSIONER CAMPOS: Thank you sir.

CHAIRMAN DURAN: Any other questions of Robert or James? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

X. E. 2. Resolution No. 2001-33. A resolution certifying the  
2001 Santa Fe County Road Map

MR. LUJAN: Again, this is approval of the resolution amending and certifying the 2001 road miles that we have, and in your packets you will see that in the year 2000 we had 580.43 road miles and it's gone down this year to 577.13, decreased by 3.3 miles. So we're asking for approval of certification of this.

COMMISSIONER TRUJILLO: Why did the decrease take place?

MR. LUJAN: The decrease took place in some of the areas of Edgewood where it was incorporated.

COMMISSIONER TRUJILLO: Okay. Thank you.

COMMISSIONER SULLIVAN: So thanks are due to District Five for assisting the County in its road program by deleting almost all the milage that is in this report.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: There's three districts? Three maintenance districts throughout the county?

MR. LUJAN: Mr. Chairman, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: So just basically, north, central and south, or how's that—

MR. LUJAN: Correct. The north is District 1, the central is District 2 and then the Edgewood area and Cerrillos is District 3.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions of James?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

**X. E. 3. Request authorization to modify an existing signalization agreement with the New Mexico State Highway and Transportation Department #D06366, for the intersection of Cerrillos and Beckner (Factory Stores Road)**

MR. LUJAN: Yes, this is a modification to the existing signalization agreement. What it was is the County has been paying the bill for it. The State Highway Department would maintain this traffic signal. It is now being modified that the City of Santa Fe maintain, do the maintenance and the County of Santa Fe will continue paying the power bill.

CHAIRMAN DURAN: Any questions of James?

COMMISSIONER TRUJILLO: Pretty clear. Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion for approval. Second by Commissioner Campos. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

[Commissioner Trujillo leaves the meeting at this point.]

**X. F. Resource Development Department**

1. Resolution No. 2001-34. A resolution approving the submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority

VINCENT OJINAGA (Resource Development Director): Mr. Chairman,



1878739

SFC CLERK RECORDING 08/13/2004

Commissioners, that's correct. We have a resolution before you. We're making application for a loan to the New Mexico Finance Authority in the amount of \$750,000 to be paid from County gross receipts tax. Santa Fe County intends to acquire some high-resolution digital orthophotography from some aerial photography to be flown now in the spring of 2001. The digital data sets derived from this aerial photography project will be incorporated into Santa Fe's existing GIS. This will aid County projects and services including assessments and evaluation activities, land development and planning, infrastructure planning, emergency services, E-911, floodplain management and stormwater management.

In order to adequately fund this large and very important project, we do have to go before the New Mexico Finance Authority. This afternoon I do have our County Assessor, Benito Martinez that would like to address the Commission and I have Erle Wright, our GIS supervisor to answer any questions that you might have.

CHAIRMAN DURAN: Any questions of Corky? Benito.

BENITO MARTINEZ (County Assessor): Mr. Chairman, members of the Commission, the primary reason why I've come this afternoon is to reassure the Commission that beyond gross receipts revenues, I would like to commit a portion of my valuation fund budget towards this project. As you know, Mr. Chairman, we've had many, many discussions on the importance of the orthophotography project. It is directly related to my reappraisal program and I'll just be blunt. In my opinion it has to happen.

We've been talking about priorities in this County for over five years and I will say that unfortunately, through the budgetary process, the County has not dedicated the resource to this project that is needed. So I'm willing to step up to the plate and at this point I have looked at approximately \$55,000 to \$60,000 per year out of my valuation fund budget to service the debt for this project. It is just critically important. Once again, Mr. Chairman, we've discussed this many a time over and I think that it's time that we stepped forward and get some new orthophotography flown.

CHAIRMAN DURAN: Benito, isn't it your assessment that once this is done that it will even, it will allow you to evaluate properties that have slipped through the cracks and so the income potential is more than, will more than support the investment in this?

MR. MARTINEZ: Mr. Chairman, members of the Commission, there is a proven case and that is Bernalillo County. What we'd like to do of course is once again reassure through the evaluation fund budget that we can service the debt, which is going to have a residual effect for the coming years. It will generate net new valuation, which is not subject to yield control, which is valuation, or excuse me, actual tax dollars that come to the County and would not be restricted in terms of our collection. So, yes, we would see, reap the benefit in year two through year four. I understand that the debt service is looking like a four-year term, and I'm merely coming forward today to say we'll commit \$55,000 to \$60,000 per year and beyond that, yes. New valuation. Homes that are out on properties that we do not have on the tax rolls and we'll be able to catch a lot easier.

CHAIRMAN DURAN: What happens with the participation, the commitment that the City has made, the state has made. I thought there were other governmental agencies

1878739

SFC CLERK RECORDING 08/13/2004

that have committed to participate in this cost. If we go out and get this \$750,000, will their participation be applied towards the outstanding balance of the note at that time?

ERLE WRIGHT (GIS Coordinator): Mr. Chairman, members of the Commission, Erle Wright, GIS Coordinator. Yes, we have a commitment from the City of Santa Fe for \$50,000. We have \$75,000 from the County actual general fund budget. The Town of Edgewood has also offered to participate. We don't have a dollar amount yet. There's also I understand, a contribution possibly from the RPA. We're still hoping to get pueblo participation and possibly also the Edgewood Water Company participation. They're very interested.

What we're waiting on is actually the proposals that have come in. We've received ten proposals on this project. They came in Monday. The review committee is in the process of looking at those. What we want to do is negotiate a contract for unit pricing so that we can go back to these other entities and structure, let them know exactly what it's going to cost them for x-number of areas to be done, x-number of square miles.

CHAIRMAN DURAN: Is it possible that once we have this photography available, and it's available to the community, that you could put together some kind of information, get the information, get the word out that we have these maps and that they are available, and isn't it our prerogative to charge for those maps based on the cost? Remember when we went to—was it Lincoln County? Jefferson County. And they had all that orthophotography and GIS and they actually had a catalogue of information that was available to the community and they charged them what it cost to produce that particular item.

MR. MARTINEZ: Mr. Chairman, members of the Commission, beyond the actual revenue generated from the hard copy maps, the real dollars that pay for this is in the valuation of new properties that we discover. And beyond that, orthophotography is not just a map. It is what I'd like to call a smart map, which through spatial tabulation using our database tabular driven in the Assessor's Office, in Land Use and any other module, you're able to derive all types of analysis which in our case in the Assessor's Office is revenue producing. The actual hard copy costs, we're looking at \$15 per copy, but I think I may be catching what you're trying to say and that is other users down the road that may want to use orthophotography.

For example, if there are private contractors that are looking for orthophotography in a particular section of the County, can they come to the County and pay a fee and use that information? I don't know if that would be allowable in the contract. Erle would know better than that. But there are private developments, investors, all over the county that are looking at flying orthophotography for different purposes. That is the reason for getting all of those players and users into the table at once.

But beyond that, my question to Erle would also be a follow-up question to yours is would we be able to go ahead and use our data and resell it in terms of their running of data.

MR. MONTOYA: Mr. Chairman. Mr. Chairman, if I could, I would think that the—well, first of all, I think that this initiative is very progressive for this County. Not many counties in this state utilize this type of tool and having found a venue to underwrite this

1878739

SFC CLERK RECORDING 08/13/2004

important program, I think is paramount. And it's very important that we get this ortho piece into the legislation that would authorize the loan and I think the second piece that's clearly important is the fact that we will be required to prove that we can pay the loan back, so we have to have a revenue stream, and that answer has already been covered by the Assessor's intent and offer to provide his reassessment fund to fund that.

I think that basically completes the cycle in terms of acquiring the product. Now how we utilize the final product once we have paid the debt and the product becomes a County instrument, then most certainly we could charge for any of that information that's allowable and we would come to you with a program or a plan as to how that information can be disseminated and what the costs would be and who the potential users could be. But that would be a definite way to get some of the money back. But I just want to express my gratitude to the Assessor for, not only the tenacity in keeping this issue alive in front of the administration and the Board, but also by his willingness to provide the funding source to pay the loan back. I also appreciate the Commission being progressive in its thinking about advancing the County to a totally different level in managing parcel and tax policy. Thank you.

CHAIRMAN DURAN: I just wanted to make one more comment. Remember when we went to Jefferson, we've been trying to get the money for this orthophotography for at least four years, since I've been here. Even before I was here. I'm glad you got it before I left, or you're going to get it before I leave. But we talked about this orthophotography and how important it was for the County to get the money to do this because it would provide us with the last bit of information that we needed to provide our GIS Department with the information to complete their mapping, the mapping goals that we had and the overlays. And that was based on trips that we made to Jefferson County and just other communities that I went—I was in Arizona and checked on their GIS system and I just think that once we have this information that it would behoove us to put together, to distribute this information with all the different overlays of information that's available to the community. And I think we talked about it being a revenue source in addition to information that's available at the County Clerk's Department and somehow combing all of that information and making it available.

MR. MARTINEZ: And if I could comment, Mr. Chairman, members of the Commission. I would like to go back real quickly in terms of the item, the resolution for certification of the Santa Fe County Road Map. I wanted to speak on behalf of that. The amount of work that these guys in GIS have put in is paramount. I know that we have to move on in your meeting and a resolution certifying the 2001 Santa Fe County Road Map, the amount of work that goes into that. Not just that, but the County road atlas. Commissioners, I urge you to go down to GIS and obtain a copy of the County Road Atlas if you don't have one already. But it's just astronomical the amount of work that has gone in and I have to hand it to the GIS staff both in ISD and in the Assessor's Office, the technical team, the amount of work they've done. It's a fabulous product that has been generated and I want to recognize them also.

And it ties hand in hand with this resolution. I believe that the tools are all in place and so I ask for your unanimous support of this resolution.

1878739

SFC CLERK RECORDING 08/13/2004

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I've got a question for you. Are you going to have to do this again in five or ten years? How valuable, what's the life of this product?

MR. WRIGHT: Mr. Chairman, Commissioner Campos, actually this project—well, about a quarter of the county was done in 1992. This is the type of project that typically you see municipalities doing on a regular basis. The City of Santa Fe over the years—of course, this is a digital orthophotography project. They have flown aerial photographs on an average of about eight to ten years for the City. That's why they're a player in this project because they're ready to redo their piece. There is a need to re-fly on occasion, so that yes, there's certainly a recurring need for this type of data because it is just a snapshot in time.

One of the big efforts we were trying to do with this project was to actually fly last spring to coincide with the census, so we can have some verification on census numbers and census issues. But there is a need to do some repetition of this.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of questions. This will cover the entire county, is that correct?

MR. WRIGHT: Mr. Chairman, Commissioner Sullivan, that is the intent. Again, with the budget that we had available, about \$125,000 between the City and County, that probably would not have been possible. Again, pending the review of the proposals that we've received, our intent is to try and get the whole county flown with this money. Yes sir.

COMMISSIONER SULLIVAN: With the \$875,000?

MR. WRIGHT: Still pending the contract negotiations, but yes.

COMMISSIONER SULLIVAN: And the New Mexico Finance Authority also has grant funds available. Are we eligible for grant funds?

MR. WRIGHT: Mr. Chairman, Commissioner Sullivan, I'd probably have to defer that to our Finance Department. I assume we would be available for grant funds. We have actually gone the last three years directly to the legislature to try and get direct funding, cooperative cost-sharing funding for this project and haven't been successful. So we're exploring other avenues.

MR. MONTOYA: Mr. Chairman, I might be able to answer Commissioner Sullivan's question. This year, Commissioner Sullivan, we have several requests in front of the New Mexico Finance Authority Authorization Bill, which is House Bill 160. We are currently trying to reamend it to add in some of the water projects that were directed to the administration from the water summit discussions, including the Buckman, Santa Domingo and I believe the state pen water/wastewater improvements. But we have three other projects in the bill currently. We're asking the Senate to amend some other portions that were left out. Paseo C de Baca is one of them. So in terms of the grant program, we are pushing our requests there and they total somewhere around \$500,000 to \$600,000.

COMMISSIONER SULLIVAN: That's in the current, that's in the New Mexico Finance Authority's current legislation in the Roundhouse, correct?

1878739

SFC CLERK RECORDING 08/13/2004

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, that would be the 2002 budget.

COMMISSIONER SULLIVAN: Okay. but my understanding is that number one, that New Mexico Finance Authority is going to get a significant increase this year if that one piece of legislation goes through to the tune of about \$100 million for its programs. Now those are water programs, which you're talking about here. This is not, of course. But it certainly could be related in some way to water programs, but they also fund other things. They fund fire engines, they fund a number of items and unless I'm mistaken, when I've seen those funding requests, in some cases they include grant money as well as loan money.

And this is under the existing Finance Authority's authority. And I'm just wondering if we've explored the use of grant monies within the existing funding mechanism.

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, we have explored that venue and that is I think apparently why we're trying to get into the program. However, I'm not sure that we've tried in the current cycle. I don't know if we have attempted that. But we will certainly look into that this week.

COMMISSIONER SULLIVAN: Okay, because they'll loan you money of course, gladly, because the interest on that money keeps them in business over there, but they also—my understanding is—have grant funds. So if we explore that, that would certainly reduce the cost to the Assessor and to the County taxpayers as a whole. Another question I had, Erle, is what's the contour interval that they're flying this at?

MR. WRIGHT: Mr. Chairman, Commissioner Sullivan, what we requested in the RFP was to be able to produce at least ten-foot contours to meet national map accuracy standards. We did ask for options of getting it down to the four-foot level, but again, to do the entire county, that's a very expensive proposition. Actually, just to acquire the aerial photography, more than likely this project, to do the entire county, probably would have been in about the \$400,000. With the topo, the topography piece getting the elevation data that you're asking about, that's going to significantly increase the cost. So we did ask for alternative procedures. The use of LIDAR technology, which is the laser technology that's being used for terrain mapping now for large areas. Several of the proposals have addressed that and actually, we're anxious to crank through those and see where these vendors fall out in terms of what they can produce for us.

COMMISSIONER SULLIVAN: Okay, I was just curious. In terms of getting revenues back from private entities, I think, well, when you look at for example a USGS map, which most people are familiar with that you can buy at the stores, those are 20-foot contour intervals. So you're providing twice the accuracy of those maps, which can be used for drainage analysis and things like that but in terms of planning, overall planning, area, regional planning and so forth are very useful.

In terms of like detailed land use planning, I don't know that 10-foot accuracy would be enough. For example, thinking in the Community College District just as an example where we've gone to a planning mechanism that you define the areas that are arroyos. You define the areas that are so-called fringe areas and so forth and you define all those areas by topo. And

1878739

SFC CLERK RECORDING 08/13/2004

you have to come up with areas that are five percent slope, ten percent slope, so really, that probably wouldn't be accurate enough for that. And certainly for design of buildings, it wouldn't be accurate enough, because usually they one-foot topo intervals for that.

So in terms of who you might get revenues from, I think, again, regional planning, drainage planning, that type of thing certainly very useful there. I think in terms of detailed land use planning, we're probably still a little high for that, a little short for that. Now, I don't know whether you're—the way to make up for that, the way to make up for that, and you may have already done this in your RFP and I don't know, is to reduce the flight height and you don't map at that accuracy, but the company has flown at that accuracy and if you need a specific area, say, the Community College District, two-foot contour intervals, which is usually kind of the minimum you need to design something off of, a road or anything like that, and one is for a building, you can still go back and pay, of course, more money, but get that area and you've already flown it at that lower height. So I don't know whether that's a part of your program or not. Has that been considered?

MR. WRIGHT: Certainly so, and actually we've done that with the '92 data, and typically, what we try and do is cooperative, again cost-share, anything within the five-mile EZ we split 50-50 with the City, because we have gone back into many sections. We try to do it by complete square miles. But we have gone back to produce DTMs and actually, the Community College District was largely done with a four-foot DTM data to produce some of that slope analysis and arroyo delineation. We actually had break-lines there so we knew where the surface broke and where the bottom and top of the arroyos were. So we are—that is a component of what we're trying to do here. We want to get the most bang for our buck out of this project.

COMMISSIONER SULLIVAN: So this project will, at least, be flown at an elevation that could produce say, four-foot intervals? Is that what you're—

MR. WRIGHT: Yes.

COMMISSIONER SULLIVAN: But not two.

MR. WRIGHT: Probably not two. Although again—

COMMISSIONER SULLIVAN: Four you could use for planning but not for design.

MR. WRIGHT: That's correct. That's correct. And we absolutely discourage—we actually do sell a lot of the data to developers, to the private sector people, and also to state agencies, in terms of sharing the data, so we have actually continued to get some revenue out of these projects. But really, the revenue pay-off on this project is actually from our assessment base. It will pay for itself in that.

COMMISSIONER SULLIVAN: My last question was the application makes reference to an Exhibit B, which is a memorandum of understanding between the City and the County, that's not included. Is this something, Sam, that will be coming to the Board in the future?

MR. MONTOYA: I'm sorry, Commissioner, I missed the question.

COMMISSIONER SULLIVAN: The application makes reference to a

1878739

SFC CLERK RECORDING 08/13/2004

memorandum of understanding between the City and the County, which is stated that it's Exhibit B, which is not included. I'm wondering if this is something that is coming to us in the future.

MR. MONTOYA: Yes. Yes, Commissioner.

COMMISSIONER SULLIVAN: Still a work in progress?

MR. MONTOYA: Yes.

COMMISSIONER SULLIVAN: Okay. That's all my questions, Mr.

Chairman.

MR. MARTINEZ: Mr. Chairman, one clarification of a question by Commissioner Sullivan and that is without the comment you made, or question was, without a hit to the taxpayers. And I'd like you to know that my valuation fund is a portion of my budget, a restricted fund. Either way, I'm going to receive one percent of all tax dollars collected, excepting therefrom the commissions on higher end. So that's part of my budget. Irregardless, I'm going to get one percent of that money.

Basically speaking, this will not raise taxes for taxpayers to fund this project. I am committing what I am guaranteed, one percent valuation monies. I get about \$550,000 right now for that portion of my budget. That will not raise taxes to the end user, to the taxpayer, because I'm going to get that one percent anyway. So that was ideal in this project is that we're going to use monies that I'm going to get anyway. Would not raise taxes. I wanted to make that point of clarification.

CHAIRMAN DURAN: Thank you.

COMMISSIONER SULLIVAN: I'm glad you clarified that since we don't have any other mechanisms to raise taxes at the present.

MR. MARTINEZ: That's correct. And as the valuations go up, taxes will be increased, will continually receive that. And \$50,000 or \$60,000 a year, four year term, we're talking \$240,000 that I can service the debt with over a four-year period, minimum. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you. What's the pleasure of the Board?

COMMISSIONER CAMPOS: I would move for approval of Resolution 2001-34.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Trujillo was not present for this action.]

1878739

SFC CLERK RECORDING 08/13/2004

**X. G. Matters from the County Manager**  
**Resolution No. 2001-35. A resolution supporting the Santa Fe Regional Juvenile Justice Board's initiative to implement a juvenile justice continuum model of services to reduce juvenile delinquency and to proclaim the County of Santa Fe as a "Communities that Care" County**

MR. MONTROYA: Mr. Chairman, members of the Board, the resolution that the Board has before it is a product of about a nine-month initiative that was undertaken beginning with the prior Commission, talking about working with the community to establish a mechanism or a venue to work with juvenile delinquency and prevention issues in this community. The two members of the sitting Commission, Commissioner Duran and Commissioner Gonzales, traveled to San Diego to look at a program that has been very successful. One of the preliminary pilot projects that was funded by the federal government, the JJAC Department under the Department of Justice, which provides underwriting to communities to place programs on the ground that will try to affect at-risk children.

The programs vary everywhere from after-school programs to programs that have provisions for over-night stays and in some cases keep children for six to nine months, depending on the level of issue they have before them and the diagnosis done on each of the participants.

Mr. Chairman, one of the basic requirements for the federal government to fund these varied types of programs, and it has to be kind of a program that is tailor-made for the issues that affect that respective community is that there needs to be a consortium or a collaboration of all of the different entities that work with children at risk.

Mr. Chairman, if I could, I'd like to pass out to the members a list of the current membership of the Santa Fe Regional Justice Board. Mr. Chairman, my understanding is that there's about 19 members to this group. The initiative to organize this 19-member commission is the first step towards putting together a program and a plan to create a request for some of these grant monies that come from the federal government through the Juvenile Justice Board.

Mr. Chairman, the first initiative needs to show that all of the entities are working together towards one goal, and if you will look at the sitting members, we have people from the district attorney's office, from the Department of Corrections, Catholic charities, New Mexico Children, Youth and Families, a City Councilor sits on the board, Protective Services Division from the state, the City Police Department, the deputy public defender, the First Judicial County. I believe Barbara Vigil is the member of the mental health initiatives has a member on, and there are several private members of the community that also have interest in children and they bring their concerns to this Juvenile Justice Board.

Mr. Chairman, the intent, as I mentioned earlier, is to apply for a three-year grant from the JJAC funding source, which will provide \$100,000 over a three-year period, totaling \$300,000 that will fund programs for at-risk children that this Juvenile Justice Board puts together based on the needs of the community. What I am asking the Board of County



1878739

SFC CLERK RECORDING 08/13/2004

Commissioners today, Mr. Chairman, is to adopt this resolution which endorses the concept of helping at-risk children by going after a comprehensive program of this nature, and also appointing a member of the Board of County Commissioners to this board with an alternate in case that member is not able to attend, that we would also have a second person designated as the participant on the Juvenile Justice Board.

Mr. Chairman, this is the initial stage. Last week on Thursday there was the initial training here in Santa Fe. There are going to be three grants awarded in the state of New Mexico and there are a total of nine entities after that money. And the Santa Fe Regional Juvenile Justice Board is one of those nine participants in trying to get this money. But the important part of this whole element, when we submit for this grant is that we have to have the membership totally filled and the County is at the current time not a participant.

Mr. Chairman, I think it would be wholly important that the County be involved in this type of a program, and as you will see, there are many different sectors of the community already plugged into this initiative. Mr. Chairman, that is in a nutshell what I'm asking the Board to consider today. There are not many details to share with you yet about the programmatic element because the Juvenile Justice Board, the local board has not developed those programs yet. But that will be the intent shortly here thereafter and the we place that application together and submit for at-risk funding. I'll stand for any questions, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Sam? I would just like to say, Commissioner Sullivan, when we were at the jail, we talked to the people there after our tour about programs that we were trying to put together. When Judge Vigil and I and Commissioner Gonzales went to San Diego, this kind of ties into that, and I would support this resolution. I think getting the federal funding for this, it's a—the money's going to be spent on what, Sam? To do a study? Is that—

MR. MONTOYA: No, Mr. Chairman. The money will go directly to the programs that the Juvenile Justice Board, the local board puts together relative to the needs of this community. So they will be programmatic dollars directly to at-risk children.

CHAIRMAN DURAN: But there was other money available out there. Is this just one of many that we're going after?

MR. MONTOYA: Absolutely. This is the cornerstone of the building block.

CHAIRMAN DURAN: Right. Because there were some programs that we checked into in San Diego that were a little bit more expensive than \$100,000.

MR. MONTOYA: Exactly. But Mr. Chairman, this is the fundamental piece that will give us the opening to the larger philanthropic side of things.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question. What kind of funding commitment is the County making or exposing itself to?

MR. MONTOYA: None, Mr. Chairman, Commissioner Campos. None. These are going to be holistically grant federal dollars.

COMMISSIONER CAMPOS: Thank you.

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

1878739

SFC CLERK RECORDING 08/13/2004

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion to approve Resolution 2001-35 by Commissioner Sullivan, seconded by Commissioner Campos. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Trujillo was not present for this action.]

MR. MONTOYA: Mr. Chairman, thank you very much for that acknowledgement. Secondly, if the Commissioners would like to appoint the member and the alternate, that is also going to be a time-sensitive request, Mr. Chairman. I need to ask counsel if we can appoint it today or if we have to notice it for the 13<sup>th</sup> of March.

MR. KOPELMAN: Mr. Chairman, Commissioners, and Mr. Montoya. What you could do is you could discuss it, decide who you want and ratify it at the next meeting formally. Or you can just wait and do it at the next meeting.

CHAIRMAN DURAN: I know I talked to Commissioner Gonzales and he was interested. I'm interested. Is anyone else interested in it? You don't have anything else to do, do you?

COMMISSIONER SULLIVAN: I've got plenty to do, but if you're willing to serve and Commissioner Gonzales is willing to serve, I'm willing to make that motion.

CHAIRMAN DURAN: I am. I would love to. I'd be honored.

COMMISSIONER SULLIVAN: But a motion is not appropriate until the 13<sup>th</sup>, is that correct?

MR. MONTOYA: Mr. Chairman, you could give us direction that the—is the chairman going to be the member and Commissioner Gonzales the alternate? Is that what I understood?

CHAIRMAN DURAN: Can't we both be? Isn't there a way of—it doesn't matter to me.

MR. MONTOYA: We get to the same end that way, Mr. Chairman. If the Commissioner, if either Commissioner is the alternate, they will understand that. We'll make that clear as well.

CHAIRMAN DURAN: Why don't we talk about it at the next meeting. I don't really care as long as I can participate.

MR. MONTOYA: Okay, we'll submit both names and then we'll put it on for ratification on the 13<sup>th</sup>.

CHAIRMAN DURAN: Thank you.

MR. MONTOYA: Thank you, Mr. Chairman. Thank you, Commissioners.

X. H. Matters of Public Concern – NON-ACTION ITEMS

CHAIRMAN DURAN: Please come forward.

JOSE VARELA LOPEZ: Mr. Chairman, Commissioners, I just wanted to thank the County personally and on behalf of the community for the recent improvements that have been made to the La Cienega Community Center. Thank you.

CHAIRMAN DURAN: Thank you. It's our pleasure.

X. I. Matters from the Commission

CHAIRMAN DURAN: We did that last time.

COMMISSIONER SULLIVAN: I just picked out my important things.

CHAIRMAN DURAN: Why don't we—how many things do you have?

COMMISSIONER SULLIVAN: I just have a couple of very quick, very quick one.

CHAIRMAN DURAN: I know what your quick is like. Why don't we go into executive session and then come out?

COMMISSIONER SULLIVAN: We don't have to do executive session today, do we? We already did that.

CHAIRMAN DURAN: Steve, did you want to have that one—

MR. KOPELMAN: Mr. Chairman, members of the Commission, we do have one item that we would like—I think there are two or three items. They'll all be very quick, but it's your discretion.

CHAIRMAN DURAN: But I'm wondering, since the other two aren't here if it might be more appropriate to do it then. I know that one of them had—

MR. KOPELMAN: We can wait, Mr. Chairman. We can wait for the next meeting when there'll be a full house, hopefully.

CHAIRMAN DURAN: Do you want to do that?

COMMISSIONER SULLIVAN: For an executive session? Yes.

CHAIRMAN DURAN: Okay, then I'll turn the mike over to you, Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just had a couple of quick things. There aren't too many people here so I may have to bring a couple of these up as well. Number one, I haven't had an opportunity to thank the Public Works Department for the snow emergency work that they did in Edgewood and I would like if the Manager could perhaps formalize that a little bit on public meeting on the 13<sup>th</sup>, to do something on that order.

MR. MONTOYA: Absolutely.

COMMISSIONER SULLIVAN: Secondly, I wanted to compliment the Legal Department. This will probably be the first and last of those. No, I hope not. I'm just kidding. For the speed that they took care of the Allsups filing, the Allsups liquor license issue. We had

1878739

SFC CLERK RECORDING 08/13/2004

to respond very quickly to that and I read over the very complete filing and notice on that. I think that was an excellent job.

And likewise to compliment the County Manager's Office and Corky Ojinaga on the very quick response they did on the soccer field we brought up just Tuesday. You have in your baskets now already a letter that's gone out to the legislature indicating support of that and some additional facts for Senator Maes on that. So I was certainly appreciative of that.

I did want to report that Commissioner Duran and I did do a jail inspection last week and there's a memo on that and I guess other Commissioners are lined up to do that again. The update on the gas tax issue, we talked at the last meeting about that. Virginia Vigil has done some research on that and finds that the Governor would not support any gas tax increases but there is some existing legislation, existing statutes rather that are fairly interesting that we need to do some thinking about that would allow up to a two-cent gas tax increase in one-cent increments that could be used for roads and we could do that with the City and the City could use it for public transit and things of that nature. So I think we're still exploring that. I just wanted to report on that.

The senior center, we have a contract that came to my attention when we went down and visited the Edgewood center, with the City of Santa Fe for three years of services to our senior center at a rate of about \$152,000 a year. That contract is now within a couple of months of expiration and we just found out, when we went down to the senior center, unbeknownst to us and to the County staff, that their program is running in a deficit to the tune of some \$13,000 to \$18,000 and they've been asking us to pay for the gas, which won't even cover that deficit. So I've got some concerns about how the senior citizen program that's being administered by the City on our behalf for the four senior centers is being managed. And I've conveyed that to the staff and the staff is working on that and I believe is setting up a meeting, so any of the County Commissioners who would like to be involved in that meeting—I don't know when it is yet, but Robert said that he was setting one up.

MR. MONTROYA: Mr. Chairman, the meeting's at 4:00 today.

COMMISSIONER SULLIVAN: Four o'clock today. Well, there you go.

MR. MONTROYA: We're working on it.

COMMISSIONER SULLIVAN: That, I think is extremely important that we get some fiscal accountability from them. Those are the major items I have, Mr. Chairman, except just one other one and that is at the last—about a month ago, I asked if we would get some financial updates from the Finance Department that we could look at very quickly and easily to see where we are. I haven't seen those yet. I would like to see those. I understand we have some problem issues. We have a Sheriff's Department that's running \$500,000 over budget. I don't know if we have any other departments that are running over budget, but I think that information needs to be made available to the Board of County Commissioners to look at and discuss.

So I would reinitiate that request that we have those short financial updates by department to see where we are.

CHAIRMAN DURAN: Can you work with Katherine on that, Sam? Because

I've heard that the Sheriff has been over budget for several months. The first time I heard of it he was like \$200,000 over budget and now he's half a million over budget. And I think that it would be good to know about this soon, so that we could deal with it early on, rather than at such a late date.

MR. MONTOYA: Mr. Chairman, we intend to bring to the Board a report on that particular issue at the 13<sup>th</sup> meeting. Because we are going to have the administrative component start at 4:00 and end at 5:00 so you can begin the public hearing process right at 5:00. But the one issue we are definitely going to bring for the 13<sup>th</sup> is going to be that issue relative to the overtime and some of the other problems there. And I also discussed the issue with Commissioner Sullivan. He brought that concern to my attention and he agreed that he and I and Ms. Miller would meet to determine how we're going to figure out exactly how that reporting will be done. So we intend to meet with the Commissioner soon. And we will bring that report on the Sheriff's Department to the Board on the 13<sup>th</sup>.

CHAIRMAN DURAN: But you'll also work on some kind of monthly financial report?

MR. MONTOYA: Yes, Mr. Chairman, the intent of the meeting with Commissioner Sullivan is to determine exactly how that report should be laid out. Thank you.

CHAIRMAN DURAN: Commissioner Sullivan, do you have anything else? Commissioner Campos? I just have one comment. A couple meeting ago we talked about working or discussing with Auerbach Properties a possible joint venture with them on the hospital and at that time, or subsequent to that we gave you, Sam, direction to get a financial statement from them before we actually decided whether or not we would sit down with this entity. We wanted to make sure that they were financially capable of pulling it off.

And now I understand that they're actually at the legislature trying to get a bill passed stating that the County, actually not stating but they're portraying us as being involved with them in the acquisition of that property and that we would develop it with them void of any City participation in the development scheme. And they Mayor, you told me yesterday, was quite upset that the word was out that we were going to participate in that program. I guess I'm just a little concerned that they're actually using us, our interest in discussing this with them as a tool, or as leverage to extend the time for them to fulfill the needs under that RFP.

The more I think about this, the more I believe that we should just tell Auerbach that we're not interested at all, especially, since they are now portraying this process as being totally independent of any City input. And that we would be a part of that.

MR. MONTOYA: Mr. Chairman, just as a quick update, the legislation you're referring to is Senate Joint Resolution 33, just for the members' information. And it is introduced by Senator Ben Altimirano who is the chairman of the Senate Finance Committee and his district is in Silver City. Mr. Chairman, you're quite right that the Mayor and not only the Mayor, but many members of the governing body at the City are quite upset at the language that is contained in the Senate Joint Resolution.

Basically, it requires that any building permit for any remodeling or any restructure of that facility, any facility on that property, come from CID and not from the City. And so it

1878739

SFC CLERK RECORDING 08/13/2004

circumvents all of the permitting requirements that the City is usually in control of with any property within its boundary. So it does circumvent the City's authority to review any construction on this particular property. And not only is the Mayor and Councilors upset, but I have also received several calls from some of our legislative delegation asking us what our position is and our position, from my perspective to them is telling them that the Commissioners have instructed us to find out more about this company and to get some major detail. We have requested several things from Auerbach and have received nothing yet.

So we don't know exactly where they are either, Mr. Chairman. And short of them not providing us with the information that we need, it's very difficult for us to come to you and to give you any recommendations because we have nothing to work from. But I have told the legislators that we are not sponsoring in any way this joint resolution and that we were not involved in its drafting, and/or in seeking sponsors for its support.

So I think right now it is in Senate Corporations, if I'm not mistaken. That's where the bill is?

MS. VIGIL: Mr. Chairman, Commissioners, the bill has been assigned to Senate Finance and Senator Ben Altimirano is actually, as our County Manager has told you, chairman of that. It's received one other assignment and that's to Senate Corporations, which Senator Roman Maes is in charge of.

MR. MONTOYA: And that's currently where it sits right now, and it's not being scheduled to be heard and it might not, based on who the chairman is.

CHAIRMAN DURAN: So have you had anybody call you on this?

COMMISSIONER SULLIVAN: Yes, I have, Mr. Chairman, and in fact I was over at the Roundhouse this morning and spoke to Representative Lucky Varela about that and it's not been good press.

CHAIRMAN DURAN: Right. You know what I would like to do is I would like for the Commission to give Sam direction to withdraw our offer to discuss this with Auerbach properties entirely.

COMMISSIONER SULLIVAN: I think at this point in time that may be appropriate. I don't know how Commissioner Campos feels.

COMMISSIONER CAMPOS: I have a question of Mr. Montoya. What is your position? How do you think we should proceed at this point?

MR. MONTOYA: Mr. Chairman, I have a difficult time supporting any instrument that circumvents local government's authority. And I have another bit of troubling comment about the fact that we were never notified that they introduced a resolution of this nature, which could impact our relationship with the City. And out of respect for the City government and the fact that just the perception that we might be circumventing their authority just rubs me the wrong way.

CHAIRMAN DURAN: Or even contemplating circumventing it.

MR. MONTOYA: Yes. Exactly. And thirdly, it puts us in a very tough position with our legislative delegation and I guess the fourth element is they have not been very reactive to our requests for information. And again, without that information, it's very

1878739

SFC CLERK RECORDING 08/13/2004

hard for us to make recommendations to you. So Mr. Chairman, I would respect the direction of the Board at this time but that is the reality of where we are.

COMMISSIONER CAMPOS: So you would recommend that we explicitly state that we're not interested and withdraw from any interest in that building?

MR. MONTOYA: Mr. Chairman, I would say that I would not oppose that, but I might recommend to the Board that we might give them a certain due date. If they do not provide information to us by, let's say, next Wednesday or something like that, that we're totally out of this. And secondly, that we would also make a very important point to them that we are not going to support in any way Senate Joint Resolution 33.

COMMISSIONER CAMPOS: Should we actively oppose it?

MR. MONTOYA: Mr. Chairman, the difficulty with that is it sends a mixed signal that here we are trying to work with these people and then trying to kill a bill that they're proposing.

COMMISSIONER CAMPOS: Well, we can do both, we can work with them and be against the bill that circumvents the City authority.

MR. MONTOYA: That is true. And I think, Mr. Chairman, Senate Resolution 33 is just in bad taste and I do believe that we should send that message. Now in terms of Auerbach in general, they're supposed to have 60 days in which time to complete their packaging and I would recommend to the Board that you give us a certain due date to give to them that if they do not provide the information we've requested by a certain due date, that then we're out.

COMMISSIONER SULLIVAN: Mr. Chairman, let me offer an alternative to that along the same general line. Since, when they came here, they did not come as an agenda item. They came, as you may recall, under public comments from the floor. I would say we could provide you the direction to withdraw contacts until such time as they feel they are ready to come back to the full Commission with documents that will be in the packet, and it will be discussed at a public meeting. And I think they're the ones that have the short time frame, not Santa Fe County. And in essence, rather than our directing you to spend your time badgering them, and writing letters and trying to extract information from them, place that burden on them by saying that we're discontinuing our discussions based on the guidance of the Commission. When you are ready, like anyone, to come back to the County with a proposal of any sort, put it on the agenda and it will be considered.

CHAIRMAN DURAN: Auerbach Properties, I got a call from the department head of Property Control, Les Swindle, and Auerbach Properties and their representatives are indicating to his department that they have a deal with the County and that they need additional time in order to fulfill our requirements, the requirements that we would have to go through in order to be a partner with them in the purchase of that building. I think that it's appropriate that we—I think we're still interested in the building, but I don't think that we're interested—we're interested in discussing a joint venture on that building with someone who ends up being the successful owner of that property. But honestly, their making statements out there to Property Control that we're—it's a done deal with them.

1878739

SFC CLERK RECORDING 08/13/2004

COMMISSIONER CAMPOS: I think we just have to set the record straight, is my recommendation, Mr. Manager, that that's not true. That that's not true that—

CHAIRMAN DURAN: Somehow we need to clear the air, somehow. And I think that we also need to let the City Council know, especially since we're trying to build a strong relationship with them, that we will never participate in that building without their input into how it should be developed on a community basis.

MR. MONTOYA: Mr. Chairman, I am going to meet with the City Manager in not too much longer from now and I intend to deliver the message that the Board of County Commissioners does not support the Senate Resolution 33 and that you've given me instruction to make that clear to our delegation. Now, Mr. Chairman, the only segment that I'm not clear on is do you want to give them a time certain to provide information or should we go with Commissioner Sullivan's recommendation that we'll hear them if they're ready, when they're ready, if they are.

CHAIRMAN DURAN: I think that's good.

MR. MONTOYA: The latter, Mr. Chairman?

COMMISSIONER SULLIVAN: I'd like to see a full package brought up before the whole Board.

CHAIRMAN DURAN: And other than that, there's nothing to talk about until they do that.

MR. MONTOYA: That's right. And I can communicate that to Auerbach and also tell them how we feel about this joint resolution.

COMMISSIONER SULLIVAN: And one question, Sam. Would any of this be—to clear the air, which has gotten a bit murky here, be appropriate for a news release?

CHAIRMAN DURAN: I think so.

MR. MONTOYA: Mr. Chairman, I think that would be in order and we will draft that if so determined by the Board.

CHAIRMAN DURAN: Well, I think the City Councilors need to know of our position and I think that our legislators need to know that.

MR. MONTOYA: Very good. We shall do that. Thank you.




1878739

SFC CLERK RECORDING 08/13/2004

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 3:55 p.m.

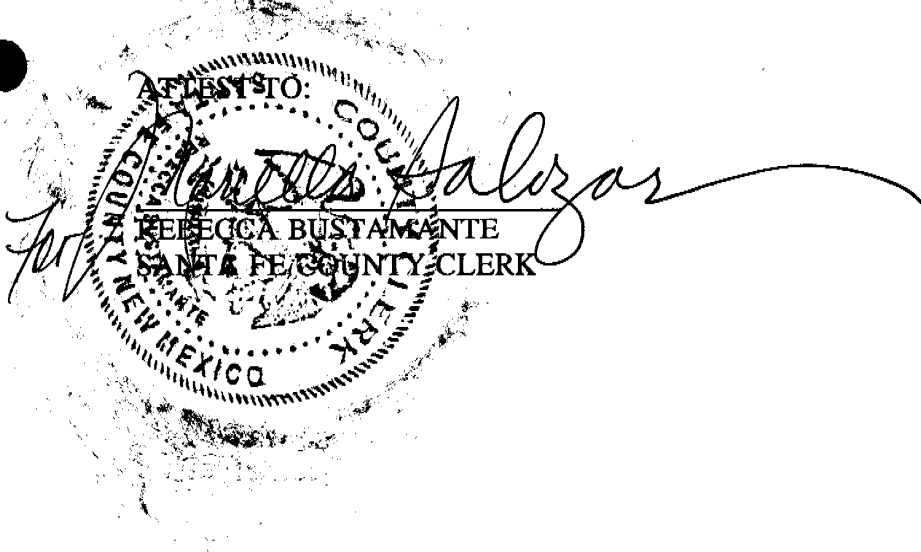
Approved by:



Board of County Commissioners  
Paul Duran, Chairman

Respectfully submitted:

  
Karen Farrell, Commission Reporter

  
ATTEST TO:  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK  
NEW MEXICO

# La Cienega Valley Association

C/O Robert R. Romero

28 Mesita del Rey

La Cienega, New Mexico 87505

Phone: (505) 473-9445 / email: [RRRLACIENEGA@aol.com](mailto:RRRLACIENEGA@aol.com)

Date: February 6, 2001

1878739

U.S. Environmental Protection Agency-Region 6

Source Water Protection Branch (6WQ-S)

1445 Ross Avenue

Dallas, Texas 75202-2733

Re: La Cienega Valley Area Sole Source Aquifer Petition

Dear Mr. Becker,

The La Cienega Valley Association (LCVA) has reviewed the Sole Source Aquifer (SSA) petition submitted to the EPA by Elaine Cimino of La Cienega Valley Citizens for Environmental Safeguards. While everyone is concerned with the protection of our water resources it is the opinion of the LCVA Board that a SSA designation in the Santa Fe area is not necessary. Our protest of the SSA designation is based on the following:

1. The proposed SSA boundary is not a distinct aquifer, nor is it part of an aquifer that is hydrogeologically separate from other portions of the same aquifer.
2. There is more than one aquifer within the proposed SSA boundary, and the aquifers have a hydrogeological connection. These aquifers, known as the Ancha and Tesuque, are part of the Santa Fe Group.
3. The aquifer within the proposed SSA boundary supplies less than half of the drinking water in the designated area.
4. The proposed SSA boundary includes the Santa Fe Watershed, which provides surface water for drinking purposes of local residents, and therefore is not hydrologically relevant to the proposed designation.
5. Santa Fe County and the City of Santa Fe are currently pursuing several options to augment water availability in the area. Both the County and City own San Juan-Chama water rights and appear to be physically, legally and economically able to increase water supplies in the near future.
6. In closing we would like to add that the citizens of Santa Fe County are cognizant of the value of our underground resources and of the responsibility we all have to protect this resource. However, we are also concerned that the petition for SSA designation contains numerous inaccuracies, which serve to portray a situation that does not exist.

Additionally, we are surprised that there was not a process for public involvement prior to the filing of the SSA petition.

- 7. We appreciate the opportunity to comment on this matter. If you require additional information please feel free to contact Robert Romero at 473-9445 or Jose Varela Lopez at 438-2045.

Sincerely,

*Robert R Romero*  
 Robert R. Romero  
 President, La Cienega Valley Association

1878739

La Cienega Valley Association Board Members

<i>José Varela Lopez</i>	<i>Charles B. ...</i>
<i>Ray ...</i>	<i>Ronald ...</i>
<i>Billy ...</i>	<i>Thomas E. ...</i>
<i>Camille ...</i>	<i>...</i>

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING  
(Administrative Items)

February 27, 2001 - 1:30 p.m.

*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 30, 2001*
- VI. Consent Calendar:
  - A. Resolution No. 2001-19 A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget a 2000 New Mexico Legislative Special Appropriation Project (SAP) Grant Received for Expenditure in Fiscal Year 2001 (Finance Department)
  - B. Resolution No. 2001-20 A Resolution Requesting a Budget Transfer from the General Fund (101)/Finance Department Fiscal Year 2001 Budget to Various Departments to Cover the January 1, 2001, Implementation of the Three Percent Salary Increase for Santa Fe County Employees (Excluding CWA Union Employees and Elected Officials) (Finance Department)
  - C. Resolution No. 2001-21 A Resolution Requesting an Increase to the General Fund (101) to Establish a Budget for the Regional Planning Authority for Expenditure in Fiscal Year 2001 (Finance Department)
  - D. Resolution No. 2001-22 A Resolution Requesting an Increase to the General Fund (101)/Region III Grant Program for an Amendment to the Federal Grant Received for Expenditure in Fiscal Year 2001 (County Sheriff's Office)

- E. **Resolution No. 2001-23 A Resolution Requesting an Increase to the Law Enforcement Protection Fund (211) for Additional Revenues Received from the New Mexico State Highway and Transportation Department for Expenditure in Fiscal Year 2001 (County Sheriff's Office)**
- F. **Resolution No. 2001-24 A Resolution Requesting an Increase to General Fund (101)/Fire Administration to Budget Cerro Grande Fire Reimbursement Revenue for Expenditure in Fiscal Year 2001 (Fire Department)**
- G. **Resolution No. 2001-25 A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Cerro Grande Fire Reimbursement Revenue for Expenditure in Fiscal Year 2001 (Fire Department)**
- H. **Resolution No. 2001-26 A Resolution Requesting an Increase to the General Fund (101)/Solid Waste Program to Budget a Grant Received from the New Mexico Environment Department for Expenditure in Fiscal Year 2001 (Public Works Department)**
- I. **Resolution No. 2001-27 A Resolution Requesting a Budget Decrease to the State Special Appropriations Fund (318) to Realign the Fiscal Year 2001 Budget with the Remaining Fiscal Year 2000 Cash Balances (Community, Health and Economic Development Department)**
- J. **Resolution No. 2001-28 A Resolution Requesting an Increase to the General Fund (101)/Maternal and Child Health Care Program to Budget Prior Year Cash Balance for Expenditure in Fiscal Year 2001 (Community, Health and Economic Development Department)**
- K. **Resolution No. 2001-29 A Resolution Authorizing Individuals to Act on Behalf of the Plan with American General Financial Group Company and Bank of Santa Fe (Resource Development Department)**
- L. **Request Approval of Actual Travel Expenses for the County Assessor (Assessor's Office)**
- M. **Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #21-42, for the Printing and Mailing of the Notice of Valuation Forms (Assessor's Office)**
- N. **Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:**
  - 1. **EZ Case #DL 00-4770, Felix and Sadie De Paula**

2. CDRC Case #V 00-5945, Agustin Roybal
3. CDRC Case #V 00-5680, Miguel Coblentz
4. AFDRC Case #V 00-5710, Lazaro Mata
5. CDRC Case #V 00-5860, Barbara Zavada
6. CDRC Case # V 00-5600, AT&T Wireless
7. CDRC Case #MIS 00-5531, Vista Clara Ranch Liquor License
8. CDRC Case #M 00-5620, La Farge Mine Zone Creation
9. CDRC Case #Z 00-5870, C De Baca Master Plan

**VII. Presentations & Awards:**

- A. Presentation by the Airport Advisory Board Regarding Reopening of Runway 10-28
- B. Presentation Regarding the United First Nations Assembly

**VIII. Administrative Items:**

- A. Committee Expirations/Resignations/Vacancies:
- B. Committee Appointments:
  1. Bennie J. Chavez Community Center

**IX. Staff Report**

- A. Report by Community, Health and Economic Development Department

**X. Staff and Elected Officials' Items:**

- A. Community, Health & Economic Development Department
  1. Request Authorization to Enter into a Lease and Operating Agreement with Hands Across Cultures for a Multi-Purpose Teen Center
  2. Request Authorization to Enter into an Agreement with Children, Youth and Families Department to Provide an After-School Media Literacy Program for an Underage Drinking Prevention Project
  3. Request Authorization to Enter into Amendment Number Six to the Agreement with the Boys and Girls Club for the Smart Moves Program
  4. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #21-40, for the Training and Outcome Provider for the Santa Fe County CRAFT Project

- 5. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #21-41, for the Treatment Provider for the Santa Fe County CRAFT Project
- Revised* 6. Resolution No. 2001<sup>20</sup> A Resolution Amending Resolution No. 1999-45, "A Resolution Creating a Santa Fe Health Planning Commission" to Increase the Number of Members

**B. Finance Department**

- Approved* 1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #21-30, for the Feasibility Study of the Cuatro Villas Domestic Water User's Association Water Facility (Land Use Department)
- 2. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #21-34, for the Santa Fe County Political Representative (County Manager's Office)
- Approved* 3. Request Authorization to Enter into an Agreement with United Way of Santa Fe County for a Community School Program (County Manager's Office)
- Approved* 4. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #21-38, for the Construction Management Services for the Santa Fe County Road 64-L Road Improvements Project (Public Works Department)
- Approved* 5. Request Authorization to Enter into Amendment Number One to the Professional Service Agreement with Peter Goodwin for Drug and Alcohol Screening Services at Municipal Court (Community, Health and Economic Development Department)

**C. Fire Department**

- Approved* 1. Request Authorization to Enter into a Memorandum of Understanding with Torrance County to Establish a Mutual Aid Policy for Fire, Rescue and EMS Services

**D. Land Use Department**

- Approved* 1. Request Authorization to Publish the Title and a General Summary of an Ordinance to Amend Ordinance Number 1996-10, the Santa Fe County Land Development Code, Article II, Section 1.2, to Specify that County Development Review Committee Members Shall be Appointed from Commission Districts

*Tabled*  
2. Request Authorization to Publish the Title and a General Summary of an Ordinance to Amend Ordinance Number 1996-10, the Santa Fe County Land Development Code, Article I, General, to Add a New Section 13, to Define the Process by which the Code May be Amended

*Approved*  
3. Request Authorization to Publish the Title and a General Summary of an Ordinance to Amend Ordinance Number 1996-10, the Santa Fe County Land Development Code, Article III, Section 2.4.2b, Plat Submittals and Reviews, to Exclude Properties in a Traditional Community from Granting Additional Right-of-Way for Non-Conforming Road Easements Adjacent to Proposed Developments

*Approved*  
4. EZ CASE #S 00-4890. Deliberation and Vote - Estancia Real at Las Campanas. Las Campanas Limited Partnership (Michael Baird, Vice President), Applicant, is Requesting Final Plat/Development Plan Approval for a 12 Lot Residential Subdivision Phase on 27.2 Acres in Accordance with the Approved Master Plan, and a Variance of the Minimum Road Standards to Permit a Finished Road Grade Exceeding 3 Percent for 100 Feet from the Intersection. The Property is Located off Las Campanas Drive, within the Five-Mile Extraterritorial District, Sections 11 and 12, Township 17 North, Range 8 East (Commission District 1). (Tabled from February 13, 2001 BCC Meeting) Joe Catanach

5. Resolution No. 2001-<sup>31</sup>A Resolution in Opposition to the Petition for Designation of a Sole Source Aquifer for the La Cienega Valley Area Aquifer

E. Public Works Department

1. Resolution No. 2001-<sup>32</sup>A Resolution Requesting Funding through the 2001 New Mexico State Highway and Transportation Department Local Government Road Fund Program

2. Resolution No. 2001-<sup>33</sup>A Resolution Certifying the 2001 Santa Fe County Road Map

3. Request Authorization to Modify an Existing Signalization Agreement with the New Mexico State Highway and Transportation Department, #D06366, for the Intersection of Cerrillos and Beckner (Factory Stores Road)



- F. Resource Development Department
1. Resolution No. 2001<sup>34</sup> A Resolution Approving the Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority
- G. Matters from the County Manager, Samuel O. Montoya
1. Resolution No. 2001<sup>34</sup> A Resolution Supporting the Santa Fe Regional Juvenile Justice Board's Initiative to Implement a Juvenile Justice Continuum Model of Services to Reduce Juvenile Delinquency and to Proclaim the County of Santa Fe as a "Communities that Cares" County
- H. Matters of Public Concern - NON-ACTION ITEMS
- I. Matters from the Commission
- J. Matters from the County Attorney, Steven Kopelman
1. Executive Session:
    - a. Discussion of Pending or Threatened Litigation
    - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights
    - c. Limited Personnel Matters

## XI. 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).