

2525797

SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 25, 2003

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



1265 833  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO } ss  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON THE 16 DAY OF MAY A.D.  
20 03 AT 8:05 O'CLOCK A.M.  
AND WAS DULY RECORDED IN BOOK 2525  
PAGE 797-018 OF THE RECORDS OF  
SANTA FE COUNTY

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

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING  
(Administrative Items)  
March 25, 2003 - 10:00 a.m.

2525798

*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  - B. Tabled or Withdrawn Items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 *February 25, 2003*
- VI. Matters of Public Concern – Non-Action Items
- VII. Matters from the Commission
- VIII. Committee Appointments/Reappointments/Resignations
  - A. Resignation of Members for the Health Policy and Planning Council
  - B. Appointment of New Members to the Health Policy and Planning Commission
  - C. Appointment of New Members to the Santa Fe County DWI Planning Council
- IX. Presentations
  - Withdrawn* A. Presentation by Katherine Yuhas and Brian Wilson to Update the Commission on the Status of the Eldorado Water Situation
  - B. Presentation by Public Works for Employee of the Quarter, Nancy Martinez (April 1, 2003 – June 30, 2003)
  - C. Presentation by Correction Advisory Committee of Their First Annual Report on the Detention Facilities
- X. Consent Calendar
  - A. Resolution No. 2003 <sup>40</sup> - A Resolution Approving the Calculation of Performance Funding System Operation Subsidy (Community, Health & Economic Development Department)
  - B. Resolution No. 2003 <sup>41</sup> A Resolution Requesting an Increase to the General Fund (101)/Frost Foundation Grant to Budget a Grant Award Received for

*approved w/typo*

Expenditure in Fiscal Year 2003 (Community, Health & Economic Development Department)

- C. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #23-41 Printing and Mailing of the 2003 Notice of Valuation Forms (County Assessor's Office)
- D. Resolution No. 2003 <sup>42</sup>A Resolution Requesting an Increase to the Clerk Filing Fees Fund (218) to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (County Clerk's Office) 2525799
- E. Resolution No. 2003 <sup>43</sup>A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office to Budget a Grant Award Received Through the New Mexico State Highway and Transportation Department for Expenditure in Fiscal Year 2003 (County Sheriff's Office)
- F. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #23-26 RB1 Brush Truck for the Santa Fe County Fire Department (Fire Department)
- G. Resolution No. 2003 <sup>44</sup>A Resolution Requesting an Increase to the Fire Protection Fund (209)/Hondo and Turquoise Trail Fire Districts to Budget State Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2003 (Fire Department)
- H. Resolution No. 2003 <sup>45</sup>A Resolution Designating a Project Representative and Signatory Authority Regarding a Grant Agreement with the New Mexico Environment Department for the Purchase of One or More Stationary Compactor Units (Public Works Department)
- I. Request Authorization to Accept and Award Multiple Indefinite Quantity Price Agreements (7) to the Lowest Bidders for IFB #23-13 for Road Maintenance and Construction Materials (Public Works Department)
- J. Resolution No. 2003 <sup>46</sup>A Resolution Approving the Solid Waste Management Agency Fiscal Year 2004, July 1, 2003 thru June 30, 2004, Annual Budget as Approved by the Solid Waste Management Agency Board on March 19, 2003 (Public Works) TABLED

**XI. Staff and Elected Officials' Items**

**A. Fire Department**

- 1. Resolution No. 2003 <sup>46</sup>A Resolution Authorizing Publication of Title and General Summary and Proposing the Continuation of an Ordinance Imposing a Quarter Cent Gross Receipts Excise Tax for Fire Protection in Santa Fe County
- 2. Resolution No. 2003 <sup>47</sup>A Resolution to Amend Santa Fe County Resolution No. 2001-114 Development Permit and Regular Permit Fees for Santa Fe County Fire Department
- 3. Ordinance No. 2003 <sup>3</sup>An Emergency Ordinance Declaring Hazardous Fire Conditions Warranting a Situation in Santa Fe County to Impose Restrictions on Fireworks, Open Fires and Smoking Within Santa Fe County

**B. Land Use Department**

- 1. Request the Approval of an Agreement with the U.S. Environmental Protection Agency for a Grant in the Amount of \$291,000 for the Development of a Water System for the Village of Cundiyo and Cuatro Villas, which Includes the Communities of La Puebla, Sombrillo, Cuartelez and Valle de Arroyo Seco

**C. Project and Facilities Management Department**

1. Request Authorization and Acceptance of Project Agreement with the City of Santa Fe for the Youth Shelters and Family Services Facility Project
2. Request Authorization to Enter into an Extension Revenue Credit Guarantee Agreement with Public Service Company of New Mexico Related to the Youth Shelters & Family Services Facility
3. Request Authorization to Enter into an Electric Line Extension Agreement with Public Service Company of New Mexico Related to the Youth Shelters & Family Services Facility

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**D. Public Works Department**

1. Approval of Memorandum of Agreement # 23-131-PW with the City of Santa Fe and the Santa Fe Solid Waste Management Agency, Joining in Sponsorship of the Annual Household Hazardous Waste Drop Off Day on April 27, 2003

**E. Matters from the County Manager**

1. Update on the National Pollutant Discharge Elimination System (NPDES) Phase II Permit Application, Submitted to the United States Environmental Protection Agency (USEPA) on March 10, 2003
2. Resolution No. 2003 - <sup>48</sup>A Resolution Requesting a Budget Transfer from the General Fund (101) to the Jail Enterprise Fund (518) for Expenditure in Fiscal Year 2003 (Finance Department)
3. Resolution No. 2003 - <sup>48</sup>A Resolution Memorializing the Civil War Battle of Glorieta Pass and Proclaiming "Battle of Glorieta Days"

**F. Matters from the County Attorney**

**1. Executive Session:**

**a. Discussion of Pending or Threatened Litigation**

- i. Santa Fe County vs. Town of Edgewood

WITHDRAWN

**XII. ADJOURNMENT**

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



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

2525801

**March 25, 2003**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:30 a.m. by Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

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

**Members Absent:**

[None]

**III. Invocation**

An invocation was given by Reverend Tom Anderson from the Santa Fe Interfaith Council.

**IV. Approval of the Agenda**

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

CHAIRMAN SULLIVAN: Gerald, do we have changes and additions and amendments?

GERALD GONZALEZ (County Manager): We do have some changes, Mr. Chairman. First of all there was a request to withdraw under item IX. Presentations, number A. Mr. Wilson was not available today and so we're not ready to go forward with that. So that would be item IX.A under Presentations.

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Then, under the Consent Calendar, item I has a change. Originally it read "Quantity price agreements 8." That's been changed to 7. So that's the only change there. Otherwise the item remains the same.

We have the addition also of item J, a resolution approving the Solid Waste Management Agency fiscal year 2004, July 1, 2003 through June 2004, the annual budget, a budget adjustment there. That's an addition. Tabled rather.

Then under Staff and Elected Official items, XI, subcategory D, item 1. There's a change there. Originally the agreement number read 21-131-PW. The only change there is 21 is now 23. The item itself remains exactly the same as originally submitted in the packet. And then under E, Matters from the County Manager, we have a new addition. That's number 3, Resolution 2003-\_\_\_. That's a resolution memorializing the Civil War Battle of Glorieta Pass and proclaiming Battle Glorieta Days.

And then finally, under F, Matters from the County Attorney, *Santa Fe County v. Town of Edgewood* matter has been withdrawn. However, we still have scheduled discussion of pending or threatened litigation. Those were the only changes that I had, Mr. Chairman.

CHAIRMAN SULLIVAN: Okay, changes by the Commission.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Clarification under the Consent Calendar. Did you say that J was tabled?

MR. GONZALEZ: That's correct.

COMMISSIONER ANAYA: Okay. Thank you.

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

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Moved and seconded.

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

**V. Approval of the Minutes: February 25, 2003**

CHAIRMAN SULLIVAN: I had a few typographical items which I've given to the recorder. Are there any other amendments by the Commission?

COMMISSIONER MONTOYA: Mr. Chairman, I have a few also that I'll give to the recorder.

CHAIRMAN SULLIVAN: If you'll just provide those to the recorder. Then we're ready for a motion.

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: There's a motion from Commissioner Anaya for approval of the minutes. That's as amended?

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: Okay, that's a motion from Commissioner Anaya for approval of the minutes as amended. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Campos. Discussion?

**The motion to approve the February 25<sup>th</sup> minutes as amended passed by unanimous [5-0] voice vote.**

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**VI. Matters of Public Concern – Non-action items**

CHAIRMAN SULLIVAN: Are there individuals in the audience who would like to address the County Commission this morning on items of public concern? Seeing none, we will assume that silence implies consent.

**VII. Matters from the Commission**

CHAIRMAN SULLIVAN: I'll start today from my right. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, I was wondering where we're at with the intersection of 599 and Caja del Rio. If this Commission could give clear direction on where exactly we're going with that because I know they have \$1.3 million, the State Highway Department, of leftover money from WIPP that they need to either construct an intersection at 599 and Caja del Rio or are they going to move that money? So I'd like to clarify what's going on there.

CHAIRMAN SULLIVAN: Mr. Lujan, would you like to respond to Commissioner Anaya on that?

JAMES LUJAN (Public Works Director): Mr. Chairman, members of the Commission, Commissioner Anaya, at the last meeting there wasn't any clear direction of what to follow through on. I understand it most likely would have to go back to the RPA and I have not heard anything else from the Highway Department as of today.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I might be able to offer a little information. I got a call from the Mayor earlier today and I think that there is a real concern that we might have made the wrong decision at the RPA and I think that what we'd like to do, what I told the Mayor I would bring up today is that perhaps we could have another meeting with Larry Velasquez from the state, have Mr. Lujan there and any other Commissioners who want to participate in the discussion but I think that we need to revisit that decision because Mr. Velasquez is taking that \$1.3 million some place else and in fact has sent a letter out to the

sponsor of that bill saying that her bill didn't get any local support so they're going to reallocate that money.

So basically, I think we need to revisit that decision and truly analyze it from the standpoint of how the community might benefit from having it there. And I know I'm backpedaling from what I had said before but I don't think that I really considered all of the options and the impacts of not having this intersection would have on the growth that's occurring out there and the safety issues that need to be dealt with.

CHAIRMAN SULLIVAN: Commissioner Anaya, I believe the floor is still yours.

COMMISSIONER ANAYA: Mr. Chairman, Commissioner Duran, so you're saying that it will go back. That we can take this back to the RPA and have the RPA hear it and then it will come before the Board?

COMMISSIONER CAMPOS: I think the final word is with the RPA, isn't it?  
Isn't that the policy?

COMMISSIONER DURAN: Right.

CHAIRMAN SULLIVAN: The RPA is designated as the Metropolitan Transportation Organization. They make the recommendations to the state.

COMMISSIONER ANAYA: So we won't see it?

CHAIRMAN SULLIVAN: It won't come back. But I think it's certainly appropriate for the Board to provide some direction and some opinions. Four of the members of our Commission are on the RPA. Did you want to give your opinion?

COMMISSIONER ANAYA: I'd like to see the RPA look at it and I'd like to see it go through and not see that money go to another City. I'd like to see that go through after you all look at it.

CHAIRMAN SULLIVAN: James, the next intersection up is all ready for signalization. Is that correct?

MR. LUJAN: Mr. Chairman, members of the Commission, that is correct. When the Highway Department built the intersection at 62 it currently has the conduit and the pull wire. We'll have to construct and put the master arms for a traffic signal at that point. It's in place, yes.

CHAIRMAN SULLIVAN: That one's already in place so if we're to go forward we'd in essence then have two signalized intersections occurring within -

MR. LUJAN: A mile and a half.

CHAIRMAN SULLIVAN: A mile and a half. Commissioner Duran. Is this still on this issue? Okay, then go ahead.

COMMISSIONER DURAN: The problem is that if you recall, at the RPA meeting, the state will not use that money for anything except that specific Caja del Rio at-grade interchange. So if we don't reconsider it, if the RPA decides not to reverse their decision on that at-grade intersection, then we still have an at-grade intersection at 62 without any money to fund the signalization of it. Is that correct?

MR. LUJAN: Mr. Chairman, Commissioner Duran, we have that anyway. We

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will have to fund anything that takes place at County Road 62.

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COMMISSIONER DURAN: The County will.

MR. LUJAN: We have a letter – at the intersection of County Road 62 and 599. We have a letter from the Highway Department back from probably 1998 stating that any improvements to that intersection will be done at the expense of the County. That's why during construction they put the pull wires, the junction boxes, everything is in place except for the mast. The power is already at that intersection.

COMMISSIONER DURAN: And how much money is it going to cost?

MR. LUJAN: Signals today are costing around \$300,000 to \$350,000. We don't have that programmed right now.

COMMISSIONER DURAN: So I don't know. I think the safety issue is really something that needs to be reconsidered. So I think we should at least revisit it and perhaps make a recommendation to the RPA based on what the Commission has decided to do on it. Or at least have a discussion with the RPA after we've met with these people.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: On that point, I too would agree that we probably need – I received a few phone calls and concerns about that particular intersection, hazardous, and maybe part of this equation could be discussing as an alternative if that funding could maybe be placed at the 62 intersection since infrastructure is already there to begin that. Have those discussions been at all made, James, in terms of possibly --

MR. LUJAN: Mr. Chairman, Commissioner Montoya, I have not been in on that. I got a letter from the Highway Department that they were going to take the lead on this project. What happened is we got an appropriation from the state legislature for \$175,000 to do a study. The questionnaire and the contract came to the County. We were going to start the process. I get a letter from the Highway Department that they would take the lead on that project and we have not been in the loop on that end of it. So I don't know, to answer your question, at the intersection of 62 and 599.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think the Highway Department is playing hardball on this issue and if they can't get it at Caja del Rio they're going to take it somewhere else. At least I recall that's what they said to us at the RPA. So what I'm hoping to do is that we can get the community, the people who are out there in the community that have been opposed to this at-grade intersection to participate in the discussion and evaluation of this item. So the Agua Fria Village, because they're going to be impacted and I think David Gold was involved in that. So we want to get those people that have been very vocal against this to participate in this discussion. That is in my district too so --

CHAIRMAN SULLIVAN: James.

MR. LUJAN: So, Commissioner Duran, you'll set up that meeting then?

COMMISSIONER DURAN: I'll work with Gerald on it.

CHAIRMAN SULLIVAN: Commissioner Anaya, you have others?

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COMMISSIONER ANAYA: Yes, Mr. Chairman, one more other issue. I've had several calls from people in the South 14 area about off-road vehicles traveling through their property and I know that the kids want to ride their motorcycles and ATVs and they're going into other people's property and people are having to put fences up and some people don't want to do that. So what I'm going to suggest and maybe we could talk about it more is possibly the County putting up a place where these people can come ride their vehicles. I know the space is getting – people are starting to fence their places out. Nobody has places for them to ride. I just want to bring that up to the Commission and see if they've had any calls from people that are calling about the off-road vehicles.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Not on South 14 but up on County Road 88 in the northern part of the district I've had a number of concerns, complaints about these ATVs tearing up not only the land but the rivers. They're driving these things in the rivers as well. So I don't know if there's something of an ordinance or I don't know if there's any sort of jurisdiction that the County could have over what can be done. I don't know that we can really do anything. I'm kind of at a loss.

COMMISSIONER ANAYA: Mr. Chairman, Commissioner Montoya, I guess that's why I'm bringing it up. I don't know if the County would possibly want to purchase some property and make a racetrack for kids to come and ride their motorcycles or ATVs or I don't know. I'm just throwing it out to try to find some answers for this problem.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I have an idea. The BLM has a program. We entered into that 80 acres – was it a 99-year lease? Anyway, the BLM has property that we might be able to enter into a lease with, provided that we use the property for recreational purposes. Maybe we could do that and adopt an ordinance that would fine these people that aren't in designated areas. I don't know. But we might be able to; there's a big chunk of BLM land to the west of the city that could possibly accommodate that.

CHAIRMAN SULLIVAN: Why don't we ask staff to do a little research on that and come back at the next meeting and see what their suggestions might be.

MR. GONZALEZ: Okay. We'll be glad to do that, Mr. Chairman.

CHAIRMAN SULLIVAN: I recall, I may be wrong but it seems like years ago the City of Santa Fe had a moto-cross track and it was out by the dump and is now closed. Northwest part of the city for several years and then they closed it. So we might consult with the City too and see what their experiences have been.

MR. GONZALEZ: There are two issues. One of course is enforcement, which on private land is a difficulty for the County but the other proposal of finding an outlet for the youth to go out and do this probably is worth exploring.

CHAIRMAN SULLIVAN: This was many years ago with the city and I recall that it became so popular that it became a hang-out for adults and drinking and it got to a point where the youth couldn't safely enjoy it. So it became an issue and I believe they finally closed

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it, but the City could tell us about that. But it is a problem and it's been a problem, particularly in the fragile arroyos and in the river beds where we've been working on these programs to improve the river beds in the Santa Fe River and the fragile environment could be torn up by the all-terrain vehicles.

MR. GONZALEZ: It was also an issue raised at the pre-tribal summit meeting by the Pueblos as well.

CHAIRMAN SULLIVAN: Okay, so perhaps staff can do some research on that and bring some recommendations forward. Anything else, Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chairman, Commissioners, that's all I had.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Thank you. I have three and I'll try and be as quick as I can. Robert, Mr. Anaya, is the bill relative to the CARE Connection -- we were trying to redefine how we use the money to build those facilities for the CARE Connection. Did that bill pass?

ROBERT ANAYA (CHDD Director): Mr. Chairman, Commissioner Duran, the reauthorization that we had did pass. Mr. Flores and Mr. Ojinaga can give you more specifics on the re-auth. The money that we requested for the additional funding, we got a little bit of capital money but the local liquor excise tax additional money, that got held up. We still have a possibility of working in the interim with some of the interim committees to work through some of their concerns, but we did get the reauthorizations we needed.

What we're going to do now is go back through the entire budget, come back to the Commission, show you what we have available for acquisition, show you what we have left, and then seek your direction relative to the purchase and remodel of the three phases of the building.

COMMISSIONER DURAN: Did the City come up to the plate?

MR. ANAYA: Mr. Chairman, Commissioner Duran, the City did support the resolution supporting our legislation. We notified them of the hearings and they were able to come on a couple of occasions I believe. But they were really trying to help push for operating dollars. So what we'll bring back to you is a request that will show you the money we have and then it will be up to the Commission as to how we want to move forward from there.

Commissioner Duran: And you would be doing that so we can factor in any needs you might have into the budget?

MR. ANAYA: Mr. Chairman, Commissioner Duran, yes.

COMMISSIONER DURAN: Thank you. Then the other one is did we ever, what did we end up doing with the economic development park? I know that we sent that RFP back out. Have we taken any action on that, Roman? Because I don't see it on the agenda here.

MR. GONZALEZ: Mr. Chairman, Commissioner Duran, my understanding is that we sent out the notification indicating that we had decided it was in the best interest of the County to go ahead and issue a new RFP. The new RFP is in the process of being drafted but that drafting process has not been completed. We are attempting to incorporate in the new draft all the information that was received during the process of bidding, going out with the initial

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RFP.

COMMISSIONER DURAN: Because I thought at the last meeting there was some discussion as to whether or not – I thought we were going to try to have a special meeting to discuss that to really figure out what we were going to do with that property and what our goals are. Did we not have that discussion? Mr. Chairman?

CHAIRMAN SULLIVAN: We did talk about that.

COMMISSIONER DURAN: I think prior to going out with a new RFP, if it's okay with the Commission I'd kind of like to have a special meeting or at least sit with staff individually to figure out exactly what we want to do there. I think we realize that this RFP and the individual that made the request, it's a big deal. I'm not sure that we actually have the expertise in-house right now to fully analyze the impact it's going to have on us financially and what our goals are out there.

Then the other thing is that I understand that our County Hydrologist is leaving. Did you hear that?

CHAIRMAN SULLIVAN: She never tells me anything.

COMMISSIONER DURAN: She's leaving and I guess what we need to figure out is how we're going to fund that position. Right now, the position is funded out of the Utility Department and my understanding also is that it was difficult for the Hydrologist to work with both the Land Use Department and the Utility Department because they both needed her so much. And in talking to Mr. Roybal and to Roman, I think that we might want to consider actually having two hydrologists. But anyway, could you give us some information on that in the next couple weeks?

MR. GONZALEZ: Mr. Chairman, Commissioner Duran, I'd be glad to do that. We've already had internal discussions between myself, Roman and Gary concerning that issue. At that point we were unaware with what's going on with Katherine Yuhas so my direction was to continue the present position funded the way that it was for the remainder of this fiscal year but to explore the possibility of getting a part-time hydrologist on to deal with strictly the utility matters. That's a direction we had been headed in until we received notification that Katherine Yuhas was going to be leaving. So it does open up the opportunity to review those positions. It's my belief from visiting with both Roman and Gary that we need an additional hydrologist, at least on a part-time basis if not a full-time basis. Katherine Yuhas had been working principally with land use and planning doing review. That took up most of her time. She did have some available that she was providing some support for utilities but Gary clearly needs additional support above and beyond what was being provided.

COMMISSIONER DURAN: I'll tell you what my take is on this. I think the Utility Department right now, especially with the RFP that we have out relative to doing the analysis of the wells and everything is in need of a hydrologist immediately and on a full-time basis, and one that would be a full-time employee. I think that Roman's situation is probably one that we could probably find a consultant to look at it. But we're going to be faced with making some major decisions in the next few months before this budget cycle is over, and I think we need to get somebody on board in the Utility Department as soon as possible. That's



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just my take.

CHAIRMAN SULLIVAN: I'd just add to that, I was kidding when I said she never told me anything because Katherine has been very forthcoming and always available to provide all the Commissioners with information. My suggestion would be to look at an independent position. I think that as important as water and groundwater is to our future planning that it wouldn't serve the County well to have the individual in any one specific department. I think that that person could be in an adjunct position to either the County Manager or to someone else, providing – and I'm not saying whether we need one or two or 1 ½, that's really up to the County Manager to evaluate. But I think that when you're reporting to a particular division head you may have your independence, or you may feel like your independence in making a recommendation might be compromised. So I would throw out, considering how important the position is that it perhaps be someone that works separately as a consultant would and reports directly to the County Manager. Any other comments? Anything else, Commissioner Duran?

COMMISSIONER DURAN: Well, I guess I'm a little – so then the direction is then you'll come back to us with your ideas. Is that –

MR. GONZALEZ: That's how I'm thinking, Mr. Chairman, Commissioner Duran. We'll explore all those possibilities. I think there are some functions that clearly fit within the Land Use Department that don't required the same kind of independence we're discussing here. But I'll also explore with Gary and Roman the issues of where that might be most appropriate and come back with a recommendation.

COMMISSIONER DURAN: I guess my point was that I just think this issue has some priority.

MR. GONZALEZ: I agree.

COMMISSIONER DURAN: Okay. Then one last thing. When do you think you would come forward with your recommendations or a list with those individuals that have applied for the County Attorney's position?

MR. GONZALEZ: We just did a cursory review this morning. The advertisement closed on Friday and I will be sitting down with the County Attorney some time later today, assuming we get done before 5:00 in going through those. As I said, we've had some preliminary discussions. We'll probably be coming forward with some recommendations perhaps by the end of the week or the beginning of next week.

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

MR. GONZALEZ: That's also a priority.

CHAIRMAN SULLIVAN: Okay, Commissioner Montoya, Matters from the Commission.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. I think I just want to remind everybody to attend that ice cream social tomorrow. Is that correct, Steve?

CHAIRMAN SULLIVAN: He doesn't know when it is. He doesn't know anything about it.

COMMISSIONER MONTOYA: I want to thank you, Steve, and wish you

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well. This is it, right? This week?

MR. KOPELMAN (County Attorney): That's correct, Mr. Chairman, Commissioner Montoya.

COMMISSIONER MONTOYA: Wish you well and thank you for everything that you've done for me. I thank you personally and I know you'll do a good job for the Association of Counties and with luck we will be seeing you around still so that will be good. Thank you.

And I just wanted to mention that next week we will be visiting our congressional delegation and there have been a couple of issues that have come up unrelated to water, specifically one with housing. I would just request staff that if there's any other issues pertaining to potential funding or cuts or those sorts of thing that you please let us know so we can also pass those issues on to our delegation. I know that they're looking at changing some of the housing regs and it's going to definitely going to impact what Mr. Robert Anaya is doing over with the Housing Authority. And other issues like that, I think we need to give them the message of what we feel is in the best interest of the County as well.

And then lastly, I know it was briefly reported that the local option on the liquor excise tax essentially went nowhere and I would like to officially or unofficially or whatever request that as a county we request through the New Mexico Association of Counties that we formally pursue as one of – however we need to make that happen – as one of their agenda items for the next legislative session that we as the New Mexico Association of Counties get together to get this local option passed. It's going to go a long ways in solving a lot of the problems that I continue to ramble on about and I think until we get that local option we'll continuously, as I said in the past, put a band-aid on what's a major, major problem in this state. It's about time that we take a formal stance as a state and the Association of Counties that we're not going to allow the liquor lobby to continue to dictate how we do business in New Mexico as far as providing treatment for those people that need the treatment and providing the prevention programs for the people that need it as well. I would just encourage us to do what we need as elected officials to pursue that, beginning now for the next legislative session and not wait until it's kind of too late to do anything about it.

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

CHAIRMAN SULLIVAN: Thank you, Commissioner Montoya. If you like, why don't you bring a resolution for it. Have the staff work with you on a resolution that would make a request to the Association of Counties that this be a priority item on the legislature and have that resolution considered by the BCC. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, I'd also like to thank Steve Kopelman for all his hard work and I wish him well in his new job. Thank you, Steve.

CHAIRMAN SULLIVAN: Okay, Commissioner Campos.

COMMISSIONER CAMPOS: Just one issue. I'd like to address my comments to Commissioner Duran. As far as the RPA and the monies for the intersection, I just want to make sure that there's plenty of public notice. There's a lot of public interest. The last time the RPA met it was unanimous that this program not move forward. There were concerns about

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safety in that particular funding as far as safety and looking at the 599 in a more comprehensive way. So I would like to have that discussion. The second point is that the RPA is pretty booked up as far as meetings and this would have to be a special RPA meeting because our agendas are pretty well set. That's what I would suggest to you in your discussions with Chair Heldmeyer. That's it.

CHAIRMAN SULLIVAN: Thank you, Commissioner Campos. I've got just three quick items. Number one, I had a question of the staff. The bill to increase the lodgers' tax by one percent - did that pass? Virginia? We had quite a bit of discussion last month over the parking for the judicial complex and the City's plans for their new convention center. Part of financing of that was a proposed one percent increase in the lodgers' tax. How did that fare?

VIRGINIA VIGIL (Policy Analyst): Mr. Chairman, members of the Commission, I was just going through the inventory and I have a packet of all of the bills that have currently been signed. I have not come across the passage of the lodgers' tax increase, but if I may just give you a summary of those bills that have been signed by the governor at this point in time for your reference. No knowledge about the lodgers' tax.

CHAIRMAN SULLIVAN: Okay, go ahead. Commissioner Duran.

COMMISSIONER DURAN: While she's passing those out, Commissioner Campos, this road is a real high priority and we might find that we might have to amend the RPA's agenda to accommodate this particular issue. The money is at risk of being lost and I think we do need to have public input. We need to involve the community. But the fact of the matter is we need to act quickly on it. But I do agree with you.

COMMISSIONER CAMPOS: I'm simply saying that there's probably going to be a lot of public input. It may take a significant amount of discussion. We have a very tight RPA schedule. I think an RPA special meeting would be the best way to handle it. That's all I'm suggesting.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN SULLIVAN: I'll talk to Councilor Heldmeyer about that as the Vice Chair and see how we can work that in.

COMMISSIONER DURAN: Good. Thank you.

CHAIRMAN SULLIVAN: The second item, question I had for the staff was has St. Vincent Hospital acted on the recommendations that we made last month for board members to serve on the St. Vincent's board? Steve, perhaps you could help us with that.

STEVE SHEPHERD (Health Division Director): Mr. Chairman, Commissioners, those names have been forwarded to St. Vincent Hospital recently. As soon as I hear back from them and I will ask them this week and follow up for you.

CHAIRMAN SULLIVAN: Okay. So we haven't heard one way or the other.

MR. SHEPHERD: No. I expect it will probably, between the lag time in board meetings it may be a long time. But I'll make sure that that's on their agenda.

CHAIRMAN SULLIVAN: Okay. And then the last thing that I would like to do is announce that the Chairman's first annual County volunteer recognition day and luncheon. We have now in Santa Fe County an amazing network of volunteers who are helping us in a

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number of areas, just starting off, for example with the land use review committees such and the EZC and the CDRC and all the local development review committees. We have of course the Health Policy Planning Commission, the DWI Planning Council. We have people who volunteer in our community centers. We have senior citizens advisory people. We have people who serve on the Corrections Advisory Committee who will be reporting to us later today. We have people who serve on the County Fair Board and many others. I don't mean to specify those in particular. There are others as well. And I think it's very important the work these people are doing needs to be formally recognized. So I would like to take some of the remainder of the funds that are in my Commission funds and establish a recognition luncheon. We perhaps can have this at the County Fairgrounds facility or wherever it works out. We'll work that out over the next couple of months but perhaps it will involve the extension service and 4-H people. We'll see if we can have a nice facility, event that recognizes these individuals.

Just for example, in looking at Dr. Steven Spencer's reports on the jail and youth facilities in our packets this week, a tremendous amount of work and excellent work done by one individual on a pro bono basis and I'm really glad to see that kind of effort and I would really like to see the volunteers who are the movers and shakers in our county community all get together and meet each other as well. And I think it would be very useful. So we'll be working on that and I just want to put that word out and future chairs may wish to do the same. If we get too many volunteers, if it gets out of hand then we'll be thankful that it has.

Those are the items that I have. Let me ask, before we go to item VIII if the Board is okay if we would move to the presentation for the employee of the quarter. I see the individuals here from that family and before going through the appointments and resignations, was there any problem with moving that agenda item up?

COMMISSIONER ANAYA: No problem.

**IX. Presentations**

**B. Presentation by Public Works for Employee of the Quarter, Nancy Martinez (April 1, 2003 to June 30, 2003)**

CHAIRMAN SULLIVAN: Who will be presenting that? I see the whole Public Works Department here.

JILL HOLBERT (Solid Waste Director): Good morning, Mr. Chairman, Commissioners. I am very pleased to be standing here to introduce Nancy Martinez. She's the transfer station caretaker for the Stanley transfer station. She's been awarded the Employee of the Quarter and she's been an employee at Santa Fe County for a little over three years. She's being recognized for her remarkable ability to work with the public. I think anybody who's been to the Stanley transfer station would agree with me there. I've received letters from her customers who have glowing things to say about her, that she's a great asset to Santa Fe County. Nancy does an excellent job at explaining and enforcing the rules, checking the permits, keeping our records and keeping her area clean.

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Nancy is also an excellent person to work with the public. She's extremely friendly. She takes a personal interest in every single customer that arrives at the Stanley transfer station. So I just want to basically say thanks for all your hard work, Nancy.

CHAIRMAN SULLIVAN: You have to say something now, Ms. Martinez.

NANCY MARTINEZ: First of all, I'd like to thank you for moving us up. As you can see, some members of my family are having a difficult time sitting still. They appreciate it also. Thank you so much for this presentation. I enjoy my job, which makes it so much easier. I love my customers. I enjoy working with everybody in Santa Fe County. They make it easy to work. Thank you very much.

COMMISSIONER ANAYA: Mr. Chairman, I'd like to personally thank Nancy. She's in my district and she's always got a smile on her face when you go over there and see her. And I want to thank you for all your hard work. You have a nice transfer station. It's clean, it's neat. And people do love you out there. Thank you very much. I'd like to get a picture, Mr. Chairman.

CHAIRMAN SULLIVAN: Mr. Lujan, did you have something to add?

MR. LUJAN: I just wanted to also thank Nancy. She does do a very good job, and also I was letting her know, back to Commissioner Montoya's question about going to Washington. We got a call from the Manager's office, I guess Bingaman's office is interested in looking at solid waste so we're putting a package together for the transfer stations and Stanley's one of the ones that we want to definitely build so we'll have a package before you before the end of the week.

CHAIRMAN SULLIVAN: All right. Thank you very much and thank you, too, Mr. and Mrs. Martinez and particularly Nancy for your efforts.

COMMISSIONER ANAYA: Mr. Chairman, I have one other thing I'd like to say about Employee of the Quarter. I'd like to see more of the department head people get involved in the Employee of the Quarter. I think the last time there were three or four department heads that recommended one person out of each of their departments. I'd like to see more of the department heads get involved in this Employee of the Quarter because to me it's very important. Thank you.

### **VIII. Committee appointments/reappointments/resignations**

#### **A. Resignation of members for the Health Policy and Planning Commission**

MR. SHEPHERD: Mr. Chairman, Commissioners, today Mr. Allan Wheeler, who represents the DWI Planning Council and the Health Policy and Planning Commission has submitted his resignation. He served well, helped us out a lot with alcohol issues and staff recommends acceptance of his resignation.

COMMISSIONER CAMPOS: Move to accept.

COMMISSIONER MONTOYA: Second.

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

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**The motion to accept Alan Wheeler's resignation passed by unanimous [5-0] voice vote.**

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I would like to thank Alan Wheeler for all his volunteer time. I appreciate that and I know the Board appreciates that.

CHAIRMAN SULLIVAN: Thank you.

**VIII. B. Appointment of new members to the Santa Fe County Health Policy and Planning Commission**

MR. SHEPHERD: Mr. Chairman, Commissioners, in Mr. Wheeler's place, the DWI Planning Council has recommended Mr. Glenn Wieringa to take that seat on the Health Policy and Planning Commission. Mr. Wieringa has been a member previously. He's an employee of the Department of Health and an expert on alcohol issues. Staff recommends his appointment.

CHAIRMAN SULLIVAN: Questions of Mr. Shepherd.

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya, and I'll second that motion. I think Mr. Wieringa is an excellent choice to be back on the council. Is there discussion?

**The motion to appoint Glenn Wieringa to the Health Policy and Planning Commission passed by unanimous [5-0] voice vote.**

**VIII. C. Appointment of new members to the DWI Planning Council**

DAVID SIMS (DWI Coordinator): Mr. Chairman, Commissioners, we recommend that Marcelina Martinez be appointed to the DWI Planning Council. I stand for questions.

COMMISSIONER MONTOYA: So moved.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. I want to say that I was moved by her application where she discusses not only providing programs to families of victims but also to families of offenders as an issue. And obviously she has personally in her family dealt with these issues. So it sounds like an excellent addition to the council. Is there other discussion or questions?

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**The motion to appoint Marcelina Martinez to the DWI Planning Council passed by unanimous [5-0] voice vote.**

**IX. C. Presentation by Correction Advisory Committee of their first annual report on the detention facilities**

CHAIRMAN SULLIVAN: This is extremely important. This is a presentation by the Correction Advisory Committee of their first annual report on the detention facilities, which I found to be very well done, before you even start. So I hope your presentation is equally as well done.

GREG PARRISH (Corrections Services Manager): Well, my presentation won't be as well done as this, but I thank you, Mr. Chairman, for your comments about Dr. Spencer and the committee in general. They've worked very hard in the past year.

As you know, the Correction Advisory Committee was created approximately about a year ago, and by resolution they are to provide an annual report to the Commissioners and today they are prepared to do that. You have in your packet a copy of that report, which is a result of the culmination of one year of inspections and reviews that they have done at both of the corrections facilities, as well as electronic monitoring.

As you noted, this is a very hard-working group. Dr. Spencer's report is an example of much of the work that is presented by the committee. We have two of the members here, the vice-chair Steve Marvin and Mitch Buszek who are here. And Steve will be standing for any questions you may have regarding the report. This report is for your review and approval, and before doing that I would like to introduce Steve Marvin, the vice-chair of the committee, and he will answer any questions you may have regarding the report, or I will stand also for any questions you may have.

In addition to that, I omitted one part of the report, which was the August letter. I think it's referenced in the report and it wasn't attached. So I'll also provide you with a copy of that at this time. And this is Mr. Steve Marvin.

CHAIRMAN SULLIVAN: Mr. Marvin.

STEVE MARVIN: Mr. Chairman, members of the Commission, you're getting the last installment of the report, which actually was I think first presented in mid-August. And if we were paid by the pound for this paperwork, we'd do very well, as you've got quite a lot in front of you. I don't know if you've had a chance to look at any of it, but if you'd just like me to go forward, I'd say that the Commission, through its committee, has made an impact, a positive impact so far in both the facilities, which of course need oversight by their very nature of being for-profit organizations.

There was a good commission assembled, and we broke up into assignments, areas of investigation, and all of us have done some, and some need to be continued. Greg Parrish is the perfect correctional service manager. He's had a tremendous amount of experience in law enforcement, he's not easy to put something over on, and so by the

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nature of his being the liaison, that's been very, very helpful.

Some of the areas where I'm happy to say we were able to make some positive impacts were in the telephone situation, which before your Commission asked for this committee to be formed, we went with the low bidder by getting MTC to take over the facility, and they went with the low bidders all up and down the line. That's just the nature of the beast. So their telephone service company had limited any calls to any one number to four calls a day, which unfortunately, when one of those numbers is the Public Defender's Office, is not a viable situation. So we were able to effect some changes in cooperation with MTC, and hope that we've made some positive impact, I think, on the programming that is available to the wards of the County.

Steven Spencer, as it has been mentioned, has made some impact on the medical issues. He's been very present and involved in their situation out there, and of course they've paid attention. Staffing and training – the chairman of this committee is Joseph Gallagher, who would be here today making this presentation. However, both he and his wife have been ill, so I'm standing in for them. But he is a very, very experienced law enforcement person, including, I believe, having run the entire Department of Prisons in Pennsylvania. And again, a very difficult fellow to put something over on. And so he's made sure that the people who are walking the corridors there are trained properly, should situations arise that they have to deal with.

We had a meeting with all the companies that provide bail bonds, just to tell them that we're aware of inequities in the system, and that's going to have to be an ongoing concern of this committee.

We have also started something, a liaison, or a connection, with the King Center, across from the penitentiary, because at the moment, at the adult facility, for example, with 670 some odd beds, the waiting room is no bigger than this, from me to you. So with all those inmates and family coming to visit them, you can imagine it's overcrowded, with people standing outside, and the weather, so on and so forth. There aren't proper restroom facilities, this and that. That's going to need to be addressed as we move further. We'll have to see whether there can be temporary buildings, temporary facilities set for them. But in the meantime, we have obtained the cooperation of the King Center across the way, where can park there and then be bussed over and moved over in people-movers over to this facility. And they've been willing to do it gratis, for the moment, until we get a few months under our belt to see how it works out. Then perhaps we'll recommend that they be taken on. And it'll be your decision.

There's also another program, which I think appears on the last page of our report, something called OAR, Offender Aid and Restoration. It's a program that began in Ithaca, New York, and the woman who began it is now a resident of Santa Fe. And she has come and addressed us. It has within its – first of all, it allows for volunteers to shepherd inmates through the system and through the process. Part of the nature of going with the low bidder on that job was that Cornell, before them, had six case managers. MTC, in their bid, included three case managers, who are carrying, sometimes, upwards of 150



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cases per person, which is an untenable situation. Offender Aid and Restoration allows volunteers to contact individuals on a one-on-one basis and try to help them be the liaisons between probation and parole departments, public defenders, so on and so forth.

They also, one of the things that they did, which was very effective, and I think that we need to consider, is that they established a bail fund. This bail fund was collected from concerned individuals and businesses in the community, and what it did is it took a person who could not make a \$200 or a \$250 dollar bond, and it bonded them out. Otherwise, they sat there, and I'm sorry to tell you, for as long as 9 months to the tune of \$40 a day cost to the County, which is \$10,000. All because they couldn't come up with \$200, \$250. We're trying to go to school on some of the things. We're not trying to reinvent the wheel, there are some of these programs that exist out there, and we're trying to take the best from each.

The areas that I think that we'll consider as we go forward into the next year, that need more attention – first let me say about the case managers, and things like that. While I'll tell you the areas that we can move forward on, case managers, and more staff, more security and correction officers, that's nothing that we can accomplish. We can only recommend it, because that's a matter of budgetary concerns. And at the end of this August letter, there were attachments and a proposal for one way to possibly free the money to put some additional staff on. It's perhaps itself as one of the many options, and if you get a chance to look through it, you'll make a judgement about it.

The areas we can to continue paying attention to is visitation, because MTC recently proposed putting in a video visitation system that would cost four to six hundred thousand dollars, and further alienate the inmates from the succor and support of their families. They're already in non-contact visitation.

We'd like to go forward and look into the booking and release area. That needs further investigation so that people who are picked up who have mental health problems don't fall in with the general community where in fact they are abused and – they're just in the wrong place. We need to work on separating them, getting them apart.

Electronic monitoring is another one of those things that we found is a very viable alternative to people sitting in the centers and occupying beds there and costing the County a lot of money. And I think we need to look into that further and make recommendations, whether there are certain offenses and certain individuals that we could trust with electronic monitoring and pull them out of the system, and therefore off the payroll.

Further, we want to continue with the Alice King Family Center, as I mentioned to you, and the OAR program, and see if we can't tighten it all up a bit more. But it's been a very productive year, I think that there's nothing to be ashamed of. I think that these facilities will not be a credit to the County. I don't think you have anything to apologize for, and we certainly don't want them to be a liability.

And I gather that there are very recent changes in the management at MTC, which bodes well for us. Because we found a certain intransigence in some of the people that we dealt with. They didn't want us looking into how they ran things, they didn't want us looking into their books, so to speak, and I think that their management has understood that and has chosen

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to replace them. So we feel very positive about getting some more cooperation from them as we go forward. Is there anything I can answer for you?

CHAIRMAN SULLIVAN: Thank you, Mr. Marvin. Are there questions of the Commission? Commissioner Duran.

COMMISSIONER DURAN: Mr. Marvin, I'd like to thank you and your group for participating in this process. The committee was created because of an outcry from the community, that there were human rights violations, and I'm happy to see that you all have taken this task on for our community.

I just have a couple comments. I think that getting your report on a yearly basis is not sufficient. I for one would like to hear about your analysis of the programs and the facilities out there on a quarterly basis. I think that coming to us on a yearly basis doesn't really allow us to act on any issues that your group might -

MR. MARVIN: Commissioner Duran, we felt the same, which is why we submitted that long letter to you in August, and didn't wait for the first term to be up. And if you want to try it on a quarterly basis -

COMMISSIONER DURAN: Well, I'd like the Commission to consider that, for the main reason is that I think it allows us to keep track of what's going on out there better. The other thing I'm wondering is, are you aware of the turnover out there of personnel?

MR. MARVIN: Yes, we're very aware of it. In your report we expressed concern both about the medical turnover and the security turnover.

COMMISSIONER DURAN: So there's considerable turnover there.

MR. MARVIN: There is considerable turnover there, and again, I think that's part of the nature of the beast. If you hire an outside corporation that doesn't have the benefits that say, County workers would enjoy, in terms of retirement and so on and so forth, those people are not going to have the allegiance, not look at it as a career. And they're going to move on as soon as they can find a slightly better paying job, or if they feel that they're in danger, frankly, out there.

COMMISSIONER DURAN: I'm glad you said that, because that supports my claim that we should consider taking the jail over. Take it out of the privatization sector, the private sector, and actually take it over. I think that you'll find that we get more professionals working in there because it becomes a career opportunity for them. The human rights violations will be less because we have people that are looking at their job from the standpoint that it's a career. We will attract professional people, we won't be hiring employees that are looking for a place to make a living for a short period of time. And so I really think that - and plus, the fact is that this MTC and Cornell and all these are turning a profit. So I'd like the Commission to consider doing a study on how we might be able to do that. I know we talked about it a couple weeks ago, but I think we should go visit the facility in Las Cruces. Is that where it is, Gerald, is it Las Cruces that runs their own jail?

MR. GONZALEZ: I believe that's correct, yes.

COMMISSIONER DURAN: I mean, I think the fiscal impacts of losing prisoners because of violations to human rights could be - it's a tremendous strain on our

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budget. And if we can take it over and, even if we don't show a profit, maybe if we break even, I think it's worthwhile for us to look into that.

MR. MARVIN: Commissioner Duran, we had the pleasure not long ago of meeting with the new sheriff, Sheriff Solano, who brought up this very issue to us. And he makes a very good case, you know, for law enforcement professionals and not kids who are just straight out of high school, to come in and walk these corridors. Frankly, especially with the turnover, there's real question about these people being trained enough should an emergency arise. And these are situations for which the County would sustain some considerable liability. And I think that his point about having the Sheriff's Department take it over - certainly, he's going to have the oversight there now, and that may solve a lot of it. But it may well be that the County wants to continue taking control of the facilities back under their own aegis.

COMMISSIONER DURAN: Well, I just think it's something we should consider, and Gerald, if you could investigate that matter, I wouldn't even mind going down to Las Cruces with you, or any Commissioner, to look at that facility, or have them come up and make a presentation. I just think it's really something we need to pursue vigorously.

MR. GONZALEZ: Mr. Chairman, Commissioner Duran, we've had a number of internal discussions, including some conversations with Finance. Obviously, there are significant financial implications. But just to update the Commission, we have had a change in the upper leadership out at the jail within the last 48 hours. We will be having a new warden. We have an interim warden, who's come down from corporate headquarters and is, as I understand it, the major position is also being replaced as a consequence of the work we've been doing with MTC to try to and bring some of these issues under control.

COMMISSIONER DURAN: Could you at the next meeting, or as soon as you can, bring forward some information for us to consider that would - or maybe we could hire someone who could do an outside fiscal impact for us? And help us decide if we want to truly pursue that?

MR. GONZALEZ: We may be able to build on some of the information that was done when MTC was first elected. I understand part of the process was actually a bid from the County in terms of proposing the operation. There are some transitional issues that would also need to be addressed if the County did take over that facility. We wouldn't be able to walk in one day and take it over the next. But I understand that some of that was also addressed at the time that MTC was selected as the operator of the jail. So we'll refresh that, kind of brush it off, and add what needs to be added based on the new facts.

COMMISSIONER DURAN: Thank you, Mr. Chairman.

MR. MARVIN: Commissioners, if I may, just for one second, as far as a quarterly report, we have to defer to Mr. Parrish, because the members of this Commission, most of them, I'm afraid that I'm the only one that doesn't have a day job. I'm the lay member of the committee. And a lot of them are called out of state from time to time, and every 90 days, I don't think it's going to be an in-depth report if it's going to happen as quickly as every 90 days. But I would certainly be happy to try it.

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COMMISSIONER DURAN: Maybe on an as-needed basis, whenever you think there's something we need to be informed about.

MR. MARVIN: That's a very good idea, if there's an issue that we think really needs your attention, if we could ask for an audience, if you will, then that would be terrific.

CHAIRMAN SULLIVAN: Other questions for Mr. Marvin from the Commission?

COMMISSIONER ANAYA: Mr. Chairman?

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to personally thank Mr. Marvin and your committee for volunteering your time and helping us out with what's going on in the County jail. I'd like to also find out when your meetings are so that I can go down there and visit with you all and meet the rest of the committee.

MR. MARVIN: They're right down at the other end of the corridor, in the Land Use Conference Room.

COMMISSIONER ANAYA: Okay. Greg, if you could let me know when they happen.

MR. MARVIN: Once every two weeks on Thursdays, second and fourth Thursdays.

COMMISSIONER ANAYA: Thanks.

CHAIRMAN SULLIVAN: Okay, other questions of Mr. Marvin?

COMMISSIONER MONTOYA: Mr. Chairman?

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I too would just like to thank you and your committee and Mitch for the work that you do. I think the report was very enlightening. And I think some of the questions that I had, Gerald, you answered, in terms of – the transition is really my concern, if the County does take it over. I mean, where are we in terms of being able to really do that? So again, I thank both of you for being there this morning.

MR. MARVIN: Thank you, Mr. Chairman and Commissioners.

CHAIRMAN SULLIVAN: I had a question. Occasionally the chair gets to ask a question too. On the medical, and I understand that Dr. Spencer's not here, but on some of the medical issues that he brought up, and he made, as far as I can tell, three or four visits to both the jail and to the Youth Detention Facility. I would just ask that you follow up on some of the things in his reports. And I liked to see that; they were very balanced. They weren't over-weighted, and he went in heavily and looked at the paperwork and where follow-up reports were or weren't done, and it was really excellent and detailed, obviously someone who's done this before. As you say, many members of the committee have this background, and we're lucky for it. He mentioned, for example, in the youth facility, that in some medical situations, forms were being signed by the PA ahead of time, before any treatment was occurring. That obviously has got to stop. And has it stopped?

MR. MARVIN: I don't have the answer to that, because I think Dr. Spencer

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stays with them and follows up on them. He's the one who complains there. That's really his turf.

CHAIRMAN SULLIVAN: Maybe Greg, Mr. Parrish, is aware of it.

MR. PARRISH: Mr. Chairman, that was discovered in one of his first visits, and we addressed that immediately. And it was rectified. No one will pre-sign any forms.

CHAIRMAN SULLIVAN: That's obviously an invitation for disaster. It was interesting, it was mentioned too, and I guess this applies to both facilities, that neither facilities have defibrillators. Is that a standard in jails, to have those? Is that something we should be thinking about?

MR. PARRISH: Well, I think Dr. Spencer addresses that. They don't have it. It's not standard, it's not required, but obviously it would be a benefit to have one at those facilities, and we're going to take a look at that.

CHAIRMAN SULLIVAN: I mean, they're appearing on airplanes and they're apparently getting less expensive. It seems like that's an issue, perhaps, we'd want to pursue as well. And then my last question was that I know for some months we've been hearing that the MTC is supposedly getting the adult facility ready for ACD accreditation. Where does that stand? Have they made any progress on that?

MR. PARRISH: Mr. Chairman, Commissioners, the ACA report is required in their contract with the state, and our contractor, who requires them to move forward towards that. In December, they paid the \$10,000 application fee. We hope to have that completed within a year. That process is quite lengthy, they have to build certain files, and then document not only the policies and procedures, but show that the practice is taking place. And then there'll be an inspection by the ACA. We hope to have that sometime in November of this year. But it is moving forward, yes.

CHAIRMAN SULLIVAN: Okay. And then, in terms of our federal prisons, Federal Bureau of Prisons, what's the latest status on that?

MR. PARRISH: Well, as you know, the U.S. Marshal prisoners moved from the facility. We had a meeting yesterday with the Department of Justice, and we're moving very quickly to address their concerns so that we can get the U.S. Marshal prisoners back into the facility. It's still several months down the road, though.

CHAIRMAN SULLIVAN: And I guess we'll hear more from Katherine this afternoon on the budget situation, is that correct, Gerald?

MR. GONZALEZ: There will be some discussion. Also, and I ask the Commission to think about it in terms of the overall budget, we're thinking of having some work sessions. So if people could kind of be thinking of where their calendars would be over the next couple of weeks so that we could do that.

CHAIRMAN SULLIVAN: Okay. Those are the comments that I had. Again, thank you, Mr. Marvin, and Greg for pulling this committee together and it for its even-handedness and professionalism. Okay, it's quarter of twelve, let's go to the Consent Calendar.

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**X. Consent Calendar**

- A. Resolution No. 2003-40. A Resolution Approving the Calculation of Performance Funding System Operation Subsidy (Community, Health & Economic Development Department)**
- B. Resolution No. 2003-41. A Resolution Requesting an Increase to the General Fund (101)/Frost Foundation Grant to Budget a Grant Award Received for Expenditure in Fiscal Year 2003 (Community, Health & Economic Development Department)**
- C. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #23-41 Printing and Mailing of the 2003 Notice of Valuation Forms (County Assessor's Office)**
- D. Resolution No. 2003-42 A Resolution Requesting an Increase to the Clerk Filing Fees Fund (218) to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (County Clerk's Office)**
- E. Resolution No. 2003-43. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office to Budget a Grant Award Received Through the New Mexico State Highway and Transportation Department for Expenditure in Fiscal Year 2003 (County Sheriff's Office)**
- F. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #23-26 RB1 Brush Truck for the Santa Fe County Fire Department (Fire Department)**
- G. Resolution No. 2003-44. A Resolution Requesting an Increase to the Fire Protection Fund (209)/Hondo and Turquoise Trail Fire Districts to Budget State Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2003 (Fire Department)**
- H. Resolution No. 2003-45. A Resolution Designating a Project Representative and Signatory Authority Regarding a Grant Agreement with the New Mexico Environment Department for the Purchase of One or More Stationary Compactor Units (Public Works Department)**
- I. Request Authorization to Accept and Award Multiple Indefinite Quantity Price Agreements (7) to the Lowest Bidders for IFB #23-13 for Road Maintenance and Construction Materials (Public Works Department)**

CHAIRMAN SULLIVAN: What are the wishes of the Commission with regard to the Consent Calendar?

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

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: When we started this before --

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COMMISSIONER ANAYA: With the amendments of I and tabling of J.  
CHAIRMAN SULLIVAN: Okay. When I started this out of order before,  
Commissioner Campos, you had an issue with one of the items?  
COMMISSIONER CAMPOS: I didn't raise any issues.  
CHAIRMAN SULLIVAN: All right. Then we have a motion for approval of  
the Consent Calendar with the amendment to item I.

**The motion for blanket approval of the Consent Calendar, with an amendment to  
item I passed by unanimous [5-0] voice vote.**

**XI. Staff and Elected Officials' Items**

**A. Fire Department**

1. **Resolution No. 2003-46. A resolution authorizing publication of title and general summary and proposing the continuation of an ordinance imposing a quarter cent gross receipts excise tax for fire protection in Santa Fe County**

HANK BLACKWELL (Fire Marshal): Mr. Chairman, members of the Commission, this request basically is asking you all to approve title and general summary so that we can go into our required number of public hearings regarding renewal of this ordinance that sunsets on December 31<sup>st</sup>.

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion for approval and second. Discussion? Are there questions of Hank? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Blackwell, you say it sunsets on December 31<sup>st</sup> of this year?

MR. BLACKWELL: Yes, sir.

COMMISSIONER CAMPOS: So you're wanting to have an election, special election this year?

MR. BLACKWELL: Yes, sir. It's required by the Taxation and Revenue Department to do that in order to renew that quarter percent which provides about \$1.2 million in funding for our department. It's one of our major sources of revenue. But we have to actually have those public hearings before we can get it on to a ballot for an election for the voters in the unincorporated areas of Santa Fe County.

COMMISSIONER CAMPOS: Okay. Thank you.

MR. BLACKWELL: Yes, sir.

CHAIRMAN SULLIVAN: All right. Are there other questions of Mr. Blackwell? Hearing none, we have a motion and a second.

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

**XI. A. 2. Resolution No. 2003-47. A resolution to amend Santa Fe County Resolution No. 2001-114, Development Permit and Regular Permit Fees for Santa Fe County Fire Department**

MR. BLACKWELL: Thank you, Mr. Chairman, members of the Commission. About a year and a half ago we came to you and had this resolution approved so that we could actually have development fees to generate some revenue for additional staff, just because of our work load in this area. That resolution was approved. We told you within a year to 18 months we would come back before you to give you a little bit of a report on those fees. There are two items here. One, that these have been very useful. We actually have an additional FTE that's being funded by this which is helping us with our work load and our turnaround. However, one of the things that we did find, a number of our fees were too high. So you should have in your packets two things. One, a legislative draft that shows you the comparison between the current resolution and the proposed. And if you'll notice that all the fees that we're recommending here to amend this resolution are going down.

We think it's more appropriate in terms of in line with industry standards as well as just more appropriate for both private individuals as well as commercial.

CHAIRMAN SULLIVAN: I don't see that, Hank. Do any of the other Commissioners have that? That was going to be one of my questions, a comparison. Perhaps, I don't see what you're referring to. Perhaps you could just maybe point out or highlight some of the more significant changes.

MR. BLACKWELL: Yes, sir, and my apologies for that. I think you have the one that we're requesting your approval to amend, but for instance, in terms of development plans, all of our development plans now, instead of the original fees that you saw are going to, they will all have the same fee, which is \$25 for residential review per lot and \$50 for commercial per lot or structure. And that will go through no matter how many lots there might be in a subdivision but that will still be substantially lower than the flat fee that we're charging right now in the resolution that we're asking you to amend. So again, that lowers that resolution.

Another change is in the sprinkler and fire protection systems. Instead of the flat fee that you see there, we're actually going to a review fee per sprinkler head. We found that Albuquerque has moved to this and they've had a lot of support from the industry and we've worked with the industry folks here in terms of the sprinkler installers and they're both in support of this move as well because it's a little bit - it was very costly. So we're trying to reduce those fees to line up with some of the other jurisdictions in New Mexico doing the same thing.

New business license permits, again, we're lowering the fees there from \$100 to \$75 and



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from \$60 to \$50. Inspection, residential and home occupancy, that's the only fee that's actually going up. Low hazard is going to \$25. That's again, only if that is a required inspection. Nine out of ten times those inspections, those permits do not require inspections unless there's something unusual about them, but then it requires one of our staff to actually go out in the field, schedule the inspection, conduct it and then come back and do the paperwork.

A lot of the permits, these are right out of our Uniform Fire Code that we adopted in '97, most all of these are going down significantly. Items 4, 11 through 13, 15 through 18 are all going down substantially, some from \$500 a permit to \$50 a permit. So again, we felt that looking at that and looking at – we rarely charge for these permits because we don't have that kind of impact or that kind of quantity in terms of the permits that we issue here. But again, looking at industry standards and working with some of our folks there we felt that all of these were probably a little bit too high and that's why we're requesting that we keep the resolution because it's actually paying for a position but at the same time we want to lower these fees. We just think it's more in line with standards.

CHAIRMAN SULLIVAN: Additional questions of Mr. Blackwell? What's the pleasure of the Commission?

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

CHAIRMAN SULLIVAN: Motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Anaya. Further discussion?

**The motion to approve Resolution 2003-47 passed by unanimous [5-0] voice vote.**

**XI. A. 3. Ordinance No. 2003-3. An emergency ordinance declaring hazardous fire conditions warranting a situation in Santa Fe County to impose restrictions on fireworks, open fires and smoking within Santa Fe County**

MR. BLACKWELL: Mr. Chairman, members of the Commission, this is identical to the ordinance that we bring before you every year as we enter into the fire season. The language is identical. It's the same ordinance except for one exception. The ordinance actually, we're requesting that this emergency ordinance be enacted at a date certain. And the only reason we changed that ordinance is that right now, conditions do not warrant that we go into fire restrictions. The indices do not support that and for our own credibility we also go by those indices as well as with the Santa Fe Zone State Forestry, National Forest Service, we try to stay in concert with them as close as we can for credibility and legitimacy.

Currently, those conditions do not warrant a ban on fireworks or limiting burning. Consequently, since we can only come before you once a month, conditions look like they might change some time in April, prior to the next BCC meeting. Hopefully, they won't. Let's

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hope for more moisture. But if they do, we're requesting that when those indices all line up and we use the same ones that we have every year, that if it's prior to the next Commission meeting that we be allowed to go ahead and enact this ordinance at a date certain, as opposed to immediately or today, after you vote on it. That's the only change in this emergency ordinance.

CHAIRMAN SULLIVAN: Questions?

COMMISSIONER ANAYA: Mr. Chairman, move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: A motion from Commissioner Anaya for approval. Second by Commissioner Montoya. Hank, are you suggesting then, I don't see any dates in here other than where it says "approved, adopted and passed this 25<sup>th</sup> day of March, 2003." Are you suggesting that it have some other trigger date?

MR. BLACKWELL: Yes, sir. If you look at item 13 on the second page of this emergency ordinance.

CHAIRMAN SULLIVAN: Based on fire danger indices as determined by the Fire Marshal. And then it stays in effect for a period of one year?

MR. BLACKWELL: One year or when fire conditions actually are minimized again by weather. And that's again what we do every year. The Commission must pass this emergency ordinance when conditions warrant and we can actually rescind it. That's something we can do out of the Fire Department's office without your action but you have to enact the ordinance.

CHAIRMAN SULLIVAN: Okay. And then how do you publicize that?

MR. BLACKWELL: What we do is when we're ready to do this, we fax a press release, immediate release to all the media stations here in the county, to all of our contacts as well as our Forest Service, our Park Service, State Forestry, and our City partners and announce it that way as well as again to the media. And we do the same thing when we rescind as well.

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

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: For Mr. Kopelman. As far as the notice of effective date of this ordinance, do you think they have to go through certain steps? Any time you adopt an ordinance you have to make public notice in certain ways. Now we're saying that we're going to adopt the ordinance today but the effective date will depend on certain indices and determination by the State Fire Marshal.

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, the particular statute, state statute that authorizes this type of emergency is very unusual. It's not a - it's a unique type of statute and this is a unique situation. I think the situation in my view does pass legal muster. I think that in light of the emergency situation, the past history, I think that by actually passing this and deferring the date that it goes into effect based on the required indices is legally sufficient. So I think it is okay. My recommendation would be probably, if it looks

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the indices are changing and we're getting close to the point where it's going to be put into effect that the Fire Marshal probably does presentation, maybe at each Commission meeting, a very short one, to let you know and to let the public know where things are with this. But I think from a legal standpoint, I think we're okay with adopting it and deferring the actual date of implementation.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Further questions?

**The motion to approve Ordinance 2003-3 passed by unanimous [5-0] roll call vote, with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in favor.**

MR. BLACKWELL: Mr. Chairman, Commissioners, thank you very much. And if I may again, on behalf of the Fire Department we again want to wish Steve Kopelman the best. He's been a great support for us and again we wish him the best and since he's just down the street we'll be still getting free legal advice from him whether he likes it or not, but thank you, Steve.

CHAIRMAN SULLIVAN: It's noon. What's the wish of the Commission? Would you like to move into the Environmental Protection Agency grant item in Land Use Department or is the consensus that we'd like to adjourn for lunch?

COMMISSIONER ANAYA: Mr. Chairman, I think we've got a minute until noon. We could probably hear -

CHAIRMAN SULLIVAN: We could hear that in a minute? Actually, if we stayed here another hour we could probably hear the whole agenda and that would be fine with me but it's up to you.

COMMISSIONER DURAN: Well, let's see if the others get hungry.

**XI. B. Land Use Department**

- 1. Request approval of an agreement with the US Environmental Protection Agency for a grant in the amount of \$291,000 for the development of a water system for the Village of Cundiyo and Cuatro Villas, which includes the communities of La Puebla, Sombrillo, Cuarteles and Valle de Arroyo Seco**

ROMAN ABEYTA (Land Use Administrator): Thank you, Mr. Chairman, members of the Commission. The BCC gave direction to staff on July 9, 2002 to apply for a grant in the amount of \$300,000 from the EPA to assist in the development of small community water systems. Of that amount, \$9,000 was retained by the EPA for administration of the grant. The BCC directed staff to submit the application for two small community water systems. County staff has been working with Cundiyo and Cuatro Villas, which includes the communities of La Puebla, Sombrillo, Cuarteles, and Valle de Arroyo

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Seco.

The grant was submitted on August 9, 2002 and was approved on February 4, 2003. The funding information is included in your staff report. Staff requests direction from the Board at this time to determine the implementation of the grant including disbursement of funds for each community water project. Mr. Chairman, Rudy just passed to you a letter from the Cundiyo Water System Association. They are requesting \$100,000 of this grant be allocated to that association and staff supports that request. That is consistent with the direction we've received from the BCC in the past. The staff report also includes a request for determination of which divisions or departments will administer this EPA grant and staff has already begun discussing this with the County Manager, so I don't believe we need that direction from the BCC. We'll just continue to work with the County Manager as to which department or departments will administer this. Thank you, Mr. Chairman.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Just a minute, Commissioner Montoya.

Commissioner Campos, would you take the chair please? When we brought this issue up before I indicated that our firm had done some pro bono work for Cundiyo. We don't have a contract with them but we have helped them in working with the New Mexico Finance Authority. So I think it would be appropriate for me to continue to recuse myself from the discussion. So if you take the chair I'd appreciate it. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. Roman, I just want to get these figures correct. This is \$100,000 that's being recommended for Cundiyo. And then Cuatro Villas is the balance?

MR. ABEYTA: Yes, which would be \$191,000.

COMMISSIONER MONTOYA: Okay. These are both in my district and both are in huge need. It's not going to take away from Cuatro Villas by giving this amount to Cundiyo?

MR. ABEYTA: Mr. Chairman, Commissioner Montoya, no, because it's my understanding that the reason why we even got this amount to begin with was because it was for more than one system.

COMMISSIONER MONTOYA: Okay. Mr. Chairman, I move for approval.

COMMISSIONER DURAN: Second.

COMMISSIONER CAMPOS: This requires a match?

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Campos.

COMMISSIONER CAMPOS: Have we determined where this money comes from?

MR. ABEYTA: Mr. Chairman, yes. The \$68,933 is a recipient contribution which is in the form of in-kind services by County staff, including the Utility Department, Land Use and Project and Facilities Management Department.

COMMISSIONER CAMPOS: Okay, so it's in-kind services essentially.

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: Okay. There's a motion and a second. The motion is \$100,000 for Cundiyo and the balance for Cuatro Villas?

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: Any discussion?

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**The motion to approve the grant agreement passed by unanimous [4-0] voice vote with Commissioner Sullivan having recused himself.**

COMMISSIONER DURAN: Mr. Chairman.

COMMISSIONER CAMPOS: Sir.

COMMISSIONER DURAN: Are we going to take a break for lunch?

CHAIRMAN SULLIVAN: Ah, you missed that didn't you?

COMMISSIONER DURAN: I did. Where was I?

COMMISSIONER CAMPOS: No break.

CHAIRMAN SULLIVAN: We brought that up and there was some interest in proceeding on for a while. What's your schedule?

COMMISSIONER DURAN: I don't know. These five items look like a three hour, four hour deal.

CHAIRMAN SULLIVAN: They look pretty short to me, actually.

COMMISSIONER DURAN: Okay. I'll go with it.

CHAIRMAN SULLIVAN: Let's give it a try.

**XI. C. Project and Facilities Management Department**

**1. Request authorization and acceptance of project agreement with the City of Santa Fe for the Youth Shelters and Family Services Facility project**

TONY FLORES (Project Manager): Mr. Chairman, members of the Commission, thank you. Item C. 1 is merely an acceptance of a project agreement with the City of Santa Fe for \$14,000 is funding that the City had originally appropriated to the Youth Shelters organization. Upon DFA's recommendation, we need to enter into that agreement with the City. So that's what this agreement basically entails, a \$14,000 agreement with the City for professional services. And I stand for any questions.

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Any further discussion or questions?

**The motion to authorize an agreement with the City for the Youth Shelters and**

Family Services passed by unanimous [5-0] voice vote.

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- XI. C. 2. **Request authorization to enter into an extension revenue credit guarantee with the Public Service Company of New Mexico related to the Youth Shelters and Family Services facility**
3. **Request authorization to enter into an electric line extension agreement with Public Service company of New Mexico related to the Youth Shelters and Family Services**

MR. FLORES: Mr. Chairman, although 2 and 3 are separate items on the agenda I would like to just do one quick staff report on both since they cover the same type of service with PNM if I may.

CHAIRMAN SULLIVAN: Go right ahead.

MR. FLORES: Thank you. As you're aware, the Youth Shelters and Family Services facility is a County-owned facility that's currently under construction. Since the County owns the facility, the County is required to enter into the revenue credit agreement and the extension service agreement for utility service from PNM. The actual payment of those type of services will be borne by the contractor for the construction agreement and also by the Youth Shelters organization. Once the building is occupied they will be responsible for paying the utility payments. So based upon that form of the original cost to the County for the extension or revenue credit. And I stand for any questions.

COMMISSIONER DURAN: Move for approval, Mr. Chairman.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and second.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Is that items 2 and 3? C.2 and 3?

CHAIRMAN SULLIVAN: That's what I wanted to determine.

MR. FLORES: Mr. Chairman, the first item, C.2 is the extension revenue credit guarantee agreement, item C.3 is the actual line extension agreement. So there are two separate items, two separate agreements but I tried to condense my report for both.

CHAIRMAN SULLIVAN: I think we better take them one at a time for purposes of the motions.

COMMISSIONER DURAN: Move for approval of item C.2.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: All right. There's a motion now on C.2 and a second. One question Tony. The \$11,812 that has to be paid. That's paid by the contractor, you say.

MR. FLORES: Mr. Chairman, the \$11,812.82 is paid by the contractor that's currently building the facility.

CHAIRMAN SULLIVAN: And that's already in his bid. Did he know how

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much that was at the front end?

MR. FLORES: Mr. Chairman, all those costs were included in the bid and there was provisions in the bid document that his bid had to include both types of utility cost on a lump sum basis.

CHAIRMAN SULLIVAN: Okay, so he doesn't have a problem with this. This is what he anticipated.

MR. FLORES: This was included in the original bid.

CHAIRMAN SULLIVAN: Okay. Thank you. Any other questions from Mr. Flores?

**The motion to approve XI. C. 2 passed by unanimous [5-0] voice vote.**

COMMISSIONER DURAN: Move for approval of item C.3, Mr. Chairman.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Item C.3 is the electric line extension agreement. Seconded by Commissioner Montoya. Is there discussion on that?

**The motion to approve XI. C. 3 passed by unanimous [5-0] voice vote.**

MR. FLORES: Thank you.

CHAIRMAN SULLIVAN: You're welcome.

**XI. D. Public Works Department**

- 1. Approval of memorandum of agreement #23-131-PW with the City of Santa Fe and the Santa Fe Solid Waste Management Agency, joining in sponsorship for the Annual Household Hazardous Waste Drop-off Day on April 27, 2003**

MS. HOLBERT: Mr. Chairman, Commissioners, every year for the past three years we've had a one-day household hazardous waste event. And what that is is an opportunity for residents in the city and the county to drop off their household toxic waste. This prevents it from becoming a hazard in case of a fire or even starting a fire. It also prevents it from affecting the groundwater if it's dumped illegally or in the landfill.

For the past two years the City, the County and the Solid Waste Management Agency have joined forces for this. Prior to that the City and the County joined forces. We prorate the event. Our cost is based on participation by unincorporated or County residents and this year it will be held on April 27<sup>th</sup> at the City solid waste transfer station which is probably the most central site we have for not only the county residents but the city residents.

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The reason you haven't seen this before is because in the past we have stayed under \$10,000 for the County's share of this one-day event and last year our total was \$9,189, so to keep on the safe side, because of growing participation, I'm bringing this before you to approve basically what we expect to be a \$13,000 agreement.

CHAIRMAN SULLIVAN: All right. Thank you. Are there questions for Jill? I just had one. Could you recite, and I believe I've seen this in the ads that you've already been running in the paper, the hazardous materials that cannot be brought.

MS. HOLBERT: At this point the items that we've identified that cannot be brought are anything that's generated by a commercial business. This is for residents only. Compressed gas cylinders, infectious or radioactive waste, ammunition or explosives. Everything else is game, pretty much.

CHAIRMAN SULLIVAN: Other than that, it's game.

MS. HOLBERT: I have some fliers to give you.

CHAIRMAN SULLIVAN: Motor oil -

MS. HOLBERT: Oh, certainly. Motor oil and paint are one of our biggest volumes. But we do accept mercury. We do accept, this year and last year we're accepting computers. We accept monitors, keyboards, mice, peripherals, printers. We're the only day that does this or the only organization that does this in the entire state at this point and this is our second year for e-waste recycling.

CHAIRMAN SULLIVAN: Okay. Are there any questions? What's the pleasure?

COMMISSIONER MONTOYA: That's on a Sunday, right?

MS. HOLBERT: Yes, it is a Sunday.

CHAIRMAN SULLIVAN: Is there a motion?

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN SULLIVAN: Motion from Commissioner Montoya.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Second from Commissioner Anaya. Further discussion?

**The motion to approve the memorandum of agreement pertaining to Household Hazardous Waste Day passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]**

**XI. E. Matters from the County Manager**

- 1. Update on the National Pollutant Discharge Elimination System (NPDES) Phase II permit application, submitted to the United States Environmental Protection Agency (USEPA) on March 10, 2003 [See page 37]**



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CHAIRMAN SULLIVAN: I bet Charlie left.

MR. GONZALEZ: Mr. Chairman, due to the extraordinary and historic circumstances here –

CHAIRMAN SULLIVAN: I told Charlie. I said Stick around.

MR. GONZALEZ: He's on his way back.

CHAIRMAN SULLIVAN: We'll skip over that one for right now.

MR. GONZALEZ: I would suggest that we go to 2 and 3.

CHAIRMAN SULLIVAN: I believe Ms. Bustamante had an item that she put on our desks.

BECKY BUSTAMANTE (County Clerk): That's just for information.

CHAIRMAN SULLIVAN: Just for information. All right.

**XI. E. 3. Resolution No. 2003-48. A resolution memorializing the Civil War Battle of Glorieta Pass and proclaiming "Battle of Glorieta Days"**

MR. GONZALEZ: Mr. Chairman, I'll go ahead and discuss that since it's items under the County Manager. We had a request from Alfonso Sanchez, a local attorney, who also has some property out in the Glorieta area. As part of the effort to elevate the status of the Glorieta Battlefield and hopefully in the future obtain additional funding, he has asked the regional governments of the governments with an interest in the area to adopt resolutions supporting memorializing this event. The City of Santa Fe has issued a proclamation. We don't have a proclamation procedure so instead what we did was bring forth the resolution that you have in front of you.

As you can see from the resolution, the Battle of Glorieta took place beginning on March 26, 1862. It lasted approximately 3 ½ days including burials. The first day was the day of the 26<sup>th</sup> and the initial engagement took place actually about a mile to the east of where our outgoing County Attorney lives. The place known as Johnson's Ranch is now known as Cañoncito and it's marked by the church that you see as you drive out on the interstate. That's where the initial engagement took place on the 26<sup>th</sup>. It was a critical battle because at that point, the confederate forces were moving north. Their objective was to take Fort Union and the supplies there, and then, using that as base, to secure the routes between the goldfields in Colorado and the goldfields in California and appropriate the gold out in California to support the confederate efforts.

The battle began on the 26<sup>th</sup>, was fought to sort of a standstill. On the 27<sup>th</sup>, the union and confederate forces stopped to bury their dead and then on the 28<sup>th</sup>, the battle was resumed. In that battle, the confederate forces claimed victory, initially, not realizing that at the time the main battle was taking place at Pigeon's Ranch, which was about halfway between the village of Glorieta and our County Attorney's home, that at the same time, a union force, small union force had swept around to the south and destroyed the confederate wagon train.

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The loss of the confederate supplies put them in jeopardy and as a consequence, they had to begin the retreat. They retreated to the Santa Fe area, arriving in the Santa Fe area on the 29<sup>th</sup> and the 1<sup>st</sup>. They took care of their wounded, part of whom were actually cared for by the commander of the union forces. His wife set up a hospital to care for the forces. Bishop Lamy also set up housing and services for the confederate forces. Then they began their retreat out of Santa Fe on the 7<sup>th</sup> of April.

So it's in commemoration of all those events that we've brought forth a resolution and also to support the elevation of this historic battlefield, it's one of the two or three major battles of the Civil War that took place in New Mexico and took place in the West. The hope is that this resolution will enable eventually some additional funding to come from federal and private sources in order to support the effort to commemorate the battlefield.

As some of you may know, the bodies of some of those confederate soldiers were recovered several years ago. The count was at 31. The total dead buried in that area amounted to about 42 or 43 soldiers, so there's still some graves that have not yet been recovered. Some of those remains were repatriated to Texas several years ago after being exhumed and the remainder were reburied and remain where they were found. So that's the purpose of this resolution, is to commemorate those events which all took place within Santa Fe County and a part of the history of the region.

CHAIRMAN SULLIVAN: Wow. Thank you for that brief summary.

MR. GONZALEZ: You're welcome. If anybody's interested, I do have the definitive book on the Battle of Glorieta by Don Alberts.

CHAIRMAN SULLIVAN: That is a prepared County Manager. All right, we have a resolution, number 2003-48. What's the wishes of the Commission?

COMMISSIONER CAMPOS: Move for adoption.

CHAIRMAN SULLIVAN: Move for adoption by Commissioner Campos.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Montoya.

**The motion to approve Resolution 2003-48 passed by unanimous [4-0] voice vote.**  
[Commissioner Duran was not present for this action.]

- XI. E. 2. Resolution No. 2003-49. A resolution requesting a budget transfer from the general fund (101) to the jail enterprise fund (518) for expenditure in fiscal year 2003 (Finance Department)**

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, the resolution before you is an estimate of what we will need in the jail enterprise fund between now and the end of the fiscal year. As you can see in the top portion of that resolution there's an increase transfer from the general fund of \$640,503. That's to cover

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the increased cost of Santa Fe County inmates. As I said, when we started this budget year, about a year ago we estimated about 325 inmates per day for Santa Fe County and that number has been averaging around 365. That increase in inmates on the County side has produced about a \$600,000 increase in our costs of inmate care.

The other number on the top there is prisoner charges, an increase of \$966,000. That is, when we also started this budget year we did not have a contract with the New Mexico Department of Corrections. So we're bringing in that revenue as well. So although it looks - there's a total of \$2.3 million increase to the fund, that's based upon there being a transfer from the general fund into the jail fund as well as anticipated revenues from the Department of Corrections that we had not originally budgeted. Then the corresponding contractual services cost to MTC to take care of those inmates.

This is an estimate for the rest of the year, although conditions at the jail have been changing kind of on a daily basis. We may have to come back with another adjustment. We also factored in the changes in the US Marshal population into this budget adjustment but as I said, it's kind of changing daily, our population over there. So this is an estimate to get us through the rest of the fiscal year but we may come back with another adjustment. I stand for questions.

CHAIRMAN SULLIVAN: Questions for Ms. Miller?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Miller, you talk about in your explanation reserve cash balance. Can you explain it to me?

MS. MILLER: Mr. Chairman, Commissioner Campos, back in, about two years ago, we have a 25 percent general fund cash reserve requirement by the state but we had built up reserves above and beyond that. We designated \$400,000 of that to the adult detention facility in case of increased costs there and we're using those \$400,000 reserves plus some additional funds over that reserve. So this will cut into our contingency that we set aside in the general fund for this very thing.

COMMISSIONER CAMPOS: So \$400,000 coming from the reserve fund and the balance coming from?

MS. MILLER: From excess cash reserves. Although if we continue on this we have to be really careful to monitor our cash reserves in the general fund going into next year's budget cycle. As Gerald said earlier, we're hoping to do an overall picture for you that will give you the trends of what's happening with the general fund cash balance relative to the transfers going to other funds, such as road fund, jail fund, the ones that have an impact on the general fund cash reserves.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Other questions for Ms. Miller? There was some discussion earlier by Commissioner Duran about the need for a work session to go over these issues. Perhaps it was from you, Gerald. What's your feeling on that?

MR. GONZALEZ: Mr. Chairman, members of the Commission, I was

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going to propose that what we ought to do is probably at least two study sessions. One would be a study session to deal with the overall budget looking at revenues and expenditures of which this would be a component. It's a little difficult to assess at this time, depending on how much time we have available whether we would need a separate session just to deal with this one major expenditure. That's something that we probably ought to keep in mind.

The follow-up would be another study session to deal with the CIP GRT issues. And do prioritization of CIP in conjunction with consideration of the GRT funding coming in for the next fiscal year. So that was the initial thought, was to have two study sessions with the Commission. Staff internally is also having their corresponding sessions so that they could bring to the Commission in study sessions their thoughts and recommendations concerning each of these matters. But I thought as we moved into the budget session, as part of the process of preparing the Commission for reviewing and approving the budget, that it's important to have an overview of what all those components are, both on the expense side and the revenue side and I know that Katherine has had some of her folks already at work preparing presentations for that purpose.

CHAIRMAN SULLIVAN: One suggestion I'd offer on those, we seem to have fairly good success if we do those, say, at 2:00 before the 4:00 Commission meeting, the land use meetings. That's one possibility. You might want to think about that.

MS. MILLER: Mr. Chairman, that was one of the dates that we had discussed was possibly the 8<sup>th</sup> of April, which is the next meeting at 2:00.

CHAIRMAN SULLIVAN: Does that work for the Commission? Can you spare another two hours? This would be to go over the corrections issues?

MS. MILLER: Mr. Chairman, what I was hoping in that meeting was to do an overview of the general fund, the jail fund, the EMS health fund and the road fund. I think those are the four main funds that have recurring expenditures, recurring revenues and transfers from the general fund that give the broadest picture of the County's finances. Then the other funds are smaller funds that are typically special revenue funds. Those are the main ones I was hoping we could go over at that meeting.

CHAIRMAN SULLIVAN: As a prelude to the budget.

MS. MILLER: Yes.

CHAIRMAN SULLIVAN: Okay. Is that okay? The 8<sup>th</sup>? I see some nods.

COMMISSIONER CAMPOS: Yes.

COMMISSIONER MONTROYA: For me it is.

COMMISSIONER DURAN: What time?

CHAIRMAN SULLIVAN: Two hours prior to the meeting on the 8<sup>th</sup>.  
Commissioner Anaya?

COMMISSIONER ANAYA: Yes, that's fine.

CHAIRMAN SULLIVAN: Okay. You've got your date.

MS. MILLER: Thank you.

CHAIRMAN SULLIVAN: Okay, we have a resolution. Further questions

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for Ms. Miller? Hearing none, what are the wishes of the Commission with regard to Resolution 2003-49?

COMMISSIONER MONTOYA: Move for approval, Mr. Chairman.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: There's a motion from Commissioner Montoya, seconded by Commissioner Anaya.

**The motion to approve Resolution 2003-49 passed by unanimous [5-0] voice vote.**

**XI. E. Matters from the County Manager**

**1. Update on the National Pollutant Discharge Elimination System (NPDES) Phase II permit application, submitted to the United States Environmental Protection Agency (USEPA) on March 10, 2003**

CHAIRMAN SULLIVAN: I see Mr. Gonzales is here.

CHARLIE GONZALES (Code Enforcement): Good afternoon, Commissioners.

CHAIRMAN SULLIVAN: I told you we'd get you in.

MR. C. GONZALES: Too early.

CHAIRMAN SULLIVAN: Too early. Okay.

MR. C. GONZALES: As you know, or I think some of you know, there's a mandate from the Environmental Protection Agency known as the National Pollutant Discharge Elimination System requirement and there's a map that was given to us by the NMED of the urban area from the Census 2000. [Exhibit 1] It was presented to us by the state in October 2002. The main functions or intent of these regulations is to satisfy the Clean Water Act and protect water quality and reduce or eliminate polluted or contaminated discharges into the Santa Fe River Watershed by focusing on educating the public, municipalities, counties and other governmental agencies on the impacts of stormwater.

In addition, getting neighborhoods and communities more involved as well by forming groups or a task force, etc. At one time the City and the County were going to be doing this jointly. I attended several meetings of a task force and it got really complicated so we ended up splitting off from the City and doing our own plan. So at this point, the City has their own boundary and we have our own boundary, and that's how we're going to regulate it.

Some of the requirements, to be a little bit more detailed, they're called best management practices, BMPs, and there's six minimum control measures and we have to do BMPs for each of the six minimum control measures. We have to do these for the next five years. The permit will be good for five years. It's for the whole County entirely as far as departments and so forth. The six minimum control measures are public education and outreach on stormwater impacts, public participation/involvement, illicit discharge detection and elimination, construction site stormwater runoff control, post construction stormwater

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management in new development/redevelopment, and pollution prevention/good housekeeping.

Part of the programs, a main part of the programs is to implement and show how they will be monitored and how the goals will be achieved and documented as far as the results and the goals. The permit that Roman passed out to you was submitted to the EPA on March 10<sup>th</sup>. It's to be reviewed by them within 180 days and they can actually modify, add to it or approve it the way it is. When we get the permit back we should have a better idea as far as the cost of everything, because at this time we don't know if they're going to add to it.

When we send in this application, one of the requirements that we're proposing as part of the permit is to create an urban area master stormwater plan. With the help of GIS we have created this map and based on this map we broke it into three different areas. We broke it into the NPDES North, the NPDES West and the NPDES South. Each one of these individual areas, we have a map for each one of them and this is how we're going to be monitoring the improvements we add or the improvements that are existing.

At the same time, this map that we created is part of the system and so it kind of works both ways. As far as costs, for the first year, Land Use and Public Works are the main departments working on this and we're going to absorb the costs within. Some of the BMPs that we need to are initiate programs, initiate ordinances, make brochures, fliers, establish groups and so forth. There is one item, however, that we are going to be asking for or requesting for is \$10,000 to Adopt the River Program. This is a program right now that's in place with the City of Santa Fe and basically, they get property owners to adopt certain areas of the river and maintain them and clean them and stabilize them.

In addition, I'd like to really emphasize I am going to be asking for another staff at this point on my budget. I'm going to ask for a plans reviewer in order to free up the supervisor that works underneath me to help me on the NPDES, to help me implement it. I'm not sure about Public Works. They might have their own request, but as far as I know they're going to absorb a lot of it themselves as well. I am going to also probably need to hit you up for some more staff, maybe in 2005, to help this, to help implement this program as well.

For the remaining four years of the program, like I say, we'll absorb the first year. The remaining four years, it will probably be in front of you within the next year as soon as you get the permitting and get all the modifications stuff all established. I will be in front of you to request the monies for implementation for the next four years as well. I'm available for questions.

CHAIRMAN SULLIVAN: Okay, I would assume that it goes without saying that these costs are to be borne by the County and not by the federal government. Is that correct?

MR. C. GONZALES: That's correct.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya. You were just going to just mention the same thing? This is unfunded mandates?

COMMISSIONER MONTOYA: That's exactly what I was just going to ask.

CHAIRMAN SULLIVAN: There you go. Welcome to the club.

COMMISSIONER MONTOYA: County government too? So this has to be in

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place by when, Charlie?

MR. C. GONZALES: Chairman Sullivan, Commissioner Montoya, we need to start implementing it the first year. The permit is good for five years but as you look at the permit application, there is a schedule of items we have to do for each year. I had to break it down for the permits.

COMMISSIONER MONTOYA: So we found out in 2002 that this was required of us, in October. So are we behind schedule or are we where we should be right now?

MR. C. GONZALES: Chairman Sullivan, Commissioner Montoya, that's correct. We found out about this late in the game. As a matter of fact, if it wasn't for the City of Santa Fe, they're the ones that notified myself and Steve Kopelman about it. That started with a state presentation and then we took it from there.

COMMISSIONER MONTOYA: And this is coming from which department? Which department are they in the National - which department are they in? The National Pollution Discharge -

MR. C. GONZALES: Chairman Sullivan, Commissioner Montoya, the map was provided to us by the New Mexico Environmental Department, which is the state, but the actual mandate is from the United States Environmental Protection Agency.

COMMISSIONER MONTOYA: Okay. All right. Thank you, Mr. Chairman. Thank you, Charlie.

CHAIRMAN SULLIVAN: It sounds, Commissioner, like another item for yours and Commissioner Anaya's agenda next week that we're not a large county in terms of budget and while these things are extremely important and planning for them is important, we do have to have some revenue to offset what are going to be staff increases. Okay, other questions of Mr. Gonzales?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So I guess what I'm trying to clarify, with this, we're trying to control more of our runoff in Santa Fe County, more detention ponds, I believe. Is that what we're trying to do?

MR. C. GONZALES: Chairman Sullivan, Commissioner Anaya, actually we already required pond retention, water retention. What we're after now is water quality and trying to hold back erosion as well. I think some of the issues that are happening, I think this is also, for example, one good example would be a big paved parking lot. A big paved parking lot, asphalt has petroleum product in it so the retention pond that's for the parking lot, the water that comes off the parking lot goes into a retention pond and then the water that comes out of the retention pond, we're after the quality of that water.

COMMISSIONER ANAYA: So, Mr. Chairman, what are we going to do with that? Is there a process that it has to go through? Does it have to go through a filter?

MR. C. GONZALES: Chairman Sullivan, Commissioner Anaya, yes. There's different products out there that we could use to do this.

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COMMISSIONER ANAYA: And that's addressed in here?

MR. C. GONZALES: Commissioner Anaya, yes. For example, one of the things that I'm working with Public Works, we've decided to do together, one good example, at this time GIS has been working with us and we've identified most of the culverts that come out into the Santa Fe River between Camino Carlos Rael and 599. We have those identified on that map that I spoke about earlier. We're going to construct some kind of retention basin there, siltation/ retention basin, with a maintenance program at each one of those culverts. So as a result of that we'll be taking out unwanted waste materials and the sediment and silt. The water will get injected back into the system and as long as we keep the maintenance program going on it will be a good way to keep a check on water quality.

COMMISSIONER ANAYA: And I guess what about all the state highways? What effect does that have?

MR. C. GONZALES: Chairman Sullivan, Commissioner Anaya, it's a good question. The way this program works is that all the government entities have to do their own. For example, in our area is the National Guard. They have to do their own. In our area is the BLM property where we have those sand and gravel operations. They have to do their own for those pieces of property. The City wastewater facility has to do their own for that as well.

COMMISSIONER ANAYA: So we might be going back to gravel roads.

COMMISSIONER MONTOYA: Don't say that too loud.

CHAIRMAN SULLIVAN: Other questions for Mr. Gonzales. Okay, this is an information item. I don't believe any action is being requested. It's just an update. Is that right, Charlie.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Excuse me. Commissioner Campos.

COMMISSIONER CAMPOS: Just one thing. I would like to see solid figures. You're talking about monies for the next five or six years. I'd like you to get together with Katherine Miller and maybe start coming up with dollar amounts so we kind of know better what we're going to be looking at.

MR. C. GONZALES: Chairman Sullivan, Commissioner Campos, I agree with you. We're a little bit hesitant now because we're waiting to hear back from the EPA to get a final on our permit. Then we can come up with a final approval on our permit.

COMMISSIONER CAMPOS: I get it.

MR. C. GONZALES: Because they might add things to it, or maybe they take some things out. I doubt it. Anyways, once we get a final approval then we can - I'm going to go ahead and start on it anyways, but then we can go ahead and get something more solid as well.

COMMISSIONER CAMPOS: Thank you, Mr. Gonzales.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Kind of on that point, would this be something that might be appropriate, Gerald in terms of the 75 percent on the GRT?



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MR. GONZALEZ: Mr. Chairman, Commissioner Montoya, that's something that we've discussed briefly. It may be an item that we could add to our GRT list, given the nature of it. There are some aspects that ultimately perhaps could fold into recharge kind of things in terms of water use and so forth. So that needs to be explored further and that's one of the items that we probably need to take a look at when we do the CIP-GRT study session. I also wanted to add that this was a tremendous job. The fact that Charlie pulled it together, did the work, and was able to go forward with the application when so many other local governments in the state have been stymied was just an incredible feat, given the time that he has to do other things as well. So I think he deserves some true recognition for having pulled this together. It's a major, major item.

MR. C. GONZALES: Thank you.

COMMISSIONER ANAYA: Thank you, Charlie.

CHAIRMAN SULLIVAN: Good job. And in fact he had it ready at the last meeting. So he's even ahead of us. Excuse me, Commissioner Montoya.

COMMISSIONER MONTOYA: I was just going to say, of course we may not need to by 2005 worry about it since hopefully Congress will fund this.

MR. C. GONZALES: Commissioners, I would just like to make a statement. As you read the program you'll notice that there's going to be a lot of programs and groups to put together and we'll be looking for some volunteers for some of these groups. So any ideas, have them give me a call.

CHAIRMAN SULLIVAN: Okay. Thank you.

MR. GONZALEZ: Mr. Chairman, if I could, two other quick things.

CHAIRMAN SULLIVAN: Oh. Two others.

MR. GONZALEZ: One, first of all, I want to recognize from the County Manager's office position the incredible work that Steve Kopelman has done as our County Attorney. I know all of you have also but it's just amazing and it takes an incredible combination of skills and talents to be able to pull that off, not only broad legal knowledge, knowledge of the County and the systems and everything else but also the political sensitivities that are required to be able to do that. I think he's done just a marvelous job for the County and I want to personally recognize him for that, having had the opportunity to work for him, both as his employee and as employer in different capacities.

But I've always been impressed with his skills and his talents. His departure does create a vacancy on the Risk Management Board over at the Association of Counties. I know he may have some thoughts about a replacement. We have had an indication of interest from Virginia Vigil but there may also be some Commissioners who want to be considered for that position. If not, I think Virginia would be an excellent candidate for it. It doesn't require a formal appointment or anything, just we need to go forward with somebody to replace Steve on that board and he's done an excellent job while he was here.

And then the last thing -

CHAIRMAN SULLIVAN: Are there any Commissioners who are volunteers?

COMMISSIONER CAMPOS: For County Attorney?

CHAIRMAN SULLIVAN: There you go.  
COMMISSIONER CAMPOS: Not.

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CHAIRMAN SULLIVAN: Been there, done that. Okay, it looks like Ms. Vigil has another assignment.

MR. GONZALEZ: And then just the last thing, we have Mr. Alfonso Sanchez who, because of the speed with which we went through the agenda wasn't able to be here at the time the resolution was presented but he may want to say a word or two before we move on to the next item, Matters from the County Attorney.

ALFONSO SANCHEZ: Thank you. [inaudible] I'll just take a minute from your busy schedule. I want to thank you for passing this resolution. The Governor signed one. The Mayor signed one, and believe it or not, we call this the land of enchantment, do you believe that there's still one where the battle was fought on March 26, 1862, there's still 32 dead confederates still there buried somewhere. The railroad ran through there at the time, but then on the 28<sup>th</sup>, at the same time they were fighting the battle in Glorieta Pass in Glorieta, by rear action, they burned to the ground the wagon train of the confederates here, 13 miles down. The burned to the ground the wagon train of the confederates. There's still 27 dead confederates still buried there.

And yet nothing has been done to commemorate that. And do you know that single piece of ground in the whole US of A and the whole world, that's what saved the West for the US of A. And I've been trying to do a little bit more research and this morning I spent some time, I went to the *New Mexican* to try and find out really, because I sort of hate to read books because sometimes they don't tell you everything. So I want to go to the source. And I think attached to my recommendation I brought to you and I gave copies of what happened according to Major Shivington, he's the one that led the forces in each one of these two battles. So that from his being the commanding officer, those are the ones that were dead and still remain buried there.

Okay. But the *New Mexican*, can you believe it, it used to be in existence then. But then it used to be, and I just got this. I asked the *New Mexican*, I know you've been in existence for such a long time, what did you write during the time that this thing was going on? Because I don't know whether you know, but when the confederates were here, they came here on or about March 10<sup>th</sup>, but the site of government, here in Santa Fe, for your city, was moved to Las Vegas. And then, so that what we're going to do this Friday at 12:00 noon, we're having Father Leo Ortiz, the priest there at Pecos, and he's going to celebrate the mass and hopefully, we will give, and we can get some Presbyterian minister or Rabbi, join in seeing that at least they get a decent burial. They're still there. That's important because now, in time of war I'd hate to see some of our troops remain there.

But going back to the *New Mexican*, they didn't have anything here at that *New Mexican* so I said, they told me, well, go to the library. I went to the library here, sort of across the street, about three streets down, and all they had was what they had up to 1864 and we searched and couldn't find anything. So then I said well, why don't we call the state library. So

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I went to the state library. There's where I spent most of the morning and I spent quite a bit of time there the other day. Finally, what happened is when the confederates took over, they also wrote a letter and here's the letter from the commanding officer, Perinea, of the confederates. He says, "Sir, you deliver to the bearer of these keys, the printing of the *Santa Fe Gazette*. Well, it wasn't the *New Mexican*; it used to be known as the *Santa Fe Gazette*. They didn't print the paper for seven weeks. That's why we couldn't find anything.

And it wasn't the *New Mexican*, it was the *Gazette*. So finally, I got it. And what I was going to do, and I didn't have time, since I was called, I was going to go by Kinko's and make something like 20, 30 copies and distribute it so that you guys can see what happened then. And what they did, and this is dated April 26, 1862, what they did is they backtracked seven weeks and brought us current in one page everything that happened including all the battles that you talked about that you passed on here with more, I think, credible evidence of really what happened at the time.

So what I was going to do is be very liberal and go into Kinko's where they only cost maybe ten cents apiece and bring to you guys so that you could sort of be proud of what happened here so very long ago. This Friday we are having mass. I am looking for a good Abraham Lincoln that can recite the Gettysburg Address and raise good old glory over there for the good work was done so very, very long ago. I'm 75, 75 years young. I'm still sort of practicing law a little bit, sort of bread and butter stuff. But I like to do this. I own a little bit of the property there, and incidentally, if you're looking for historical properties, I sort of think this is one of those that no one, but no one, leaves Gettysburg unless you have visited the battlefields. Shouldn't that be true here? A ready-made tourism thing. And hear me, I think a duty falls on all landowners. I own part of that land. I own 20 acres where the 16 and the 27 are.

If you all think it's got historical purpose, I'd be very happy to get it so that our people here can be very proud. And maybe, I know you may be competing and maybe I'm competing a little bit by building this memorial with the Pecos National Monument, but I hope everything that I've done there is in good taste. Good taste. If anyone feels that I should do something or raze it, but I sort of like it. It's next to I-25. Taking a hat off and maybe saluting the flag as you pass by and say, Hey, there for the grace of God, what happened there. We'd probably be confederates. No way. I thank you for, I didn't want to talk but I'll make copies and I'll bring them over and I'll make a copy for each one of you and I hope that you can display it. Well, it's there.

CHAIRMAN SULLIVAN: Thank you, Mr. Sanchez. Perhaps the staff could help you make those copies and it wouldn't cost ten cents apiece. Is that all from the County Manager?

MR. GONZALEZ: That's all that I have at this time, Mr. Chairman.

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**XI. F. Matters from the County Attorney**

**1. Executive session**

**a. Discussion of pending or threatened litigation**

CHAIRMAN SULLIVAN: How long do we think that will take, Mr. Kopelman?

MR. KOPELMAN: Mr. Chairman, I think we could be in and out in ten minutes. Mr. Chairman, if might, just very, very briefly –

CHAIRMAN SULLIVAN: You want to say you enjoyed working here. Is that what you wanted to say?

MR. KOPELMAN: Well, I just really wanted to say –

CHAIRMAN SULLIVAN: You may have to eat those words. Just kidding.

MR. KOPELMAN: No, no. I just want to say I've been County Attorney through two stints for a little over six years and I have to say without a question, the County is just a phenomenal place to work. And the reason that I enjoyed it so much primarily, is the people, from the Commissioners on down to the staff. It's a very, very special place and I'm going to miss everybody very, very much. My leaving, I just really want to make it clear, is not because I don't love this place; it's really because I need to slow my life down and I think the job I'm going into is going to be a little less hectic, less night meetings and the like. But I just really, really enjoy this place a lot.

I also want to mention that I think with Gerald you have an A-one County Manager. I think you're in great hands with Gerald at the helm. I also want to mention that I think the legal staff here, the attorneys, Sophia and Monica, our new attorney, who I don't know if a lot of you met yet, Grace Phillips, are really top-notch lawyers. They're top-notch professionals and they're fun people. Jeff Trujillo does an outstanding job as the risk manager and he's as loyal and as dedicated an employee as we have, as is Kathy Padilla who is our paralegal. Kathy goes the extra mile all the time for people and is an exceptional employee. And then Antoinette Armijo is the administrative assistant, does a fantastic job and keeps the office together, does the budget work for us. Felice Sandoval is the receptionist, always has a cheerful word for people and also is very, very competent. Going to miss those people very, very much as I'll miss you and everybody else.

I just am very thankful that I had the opportunity to work here as long as I have and hopefully, all the relationships that I've made will continue and I'm just down the street. I'll do everything I can at the association to continue to help the County and I hope people feel free to call on me. I have a lot of institutional knowledge here and I'm really at your disposal. I mean that sincerely. I just wanted to thank you again.

CHAIRMAN SULLIVAN: Thank you, Mr. Kopelman.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

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COMMISSIONER DURAN: Well, Steve, five of the last six years that I've been a Commissioner I've spent with you here at the County. You've been an inspiration for me. You've helped me actually become, contrary to some people's belief, I think a little more understanding of the issues and trying to find some common ground in the decision making process that I find myself in. And you've helped me find that spot or those spots. So I want to thank you for all the time that you put with me and the time you put into the County and your contribution to the community. I'm glad you're only going to be around the corner.

CHAIRMAN SULLIVAN: Okay, I think all the Commissioners certainly echo that sentiment. We'll get now then to the last item. We need a motion and a roll call to adjourn to executive session.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I move we go into executive session to discuss pending and threatening litigation.

COMMISSIONER DURAN: Second.

**The motion to go into executive session passed by unanimous [5-0] roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.**

[The Commission met in executive session from 12:55 to 1:05]

CHAIRMAN SULLIVAN: Do we have a motion?

COMMISSIONER DURAN: I move to come out of executive session where we discussed threatening and pending litigation.

CHAIRMAN SULLIVAN: Is there a second.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Campos.

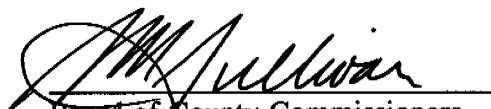
**The motion to come out of executive session passed by unanimous [5-0] voice vote.**

2525846

**ADJOURNMENT**

Chairman Sullivan declared this meeting adjourned at approximately 1:05 p.m.


Approved by:

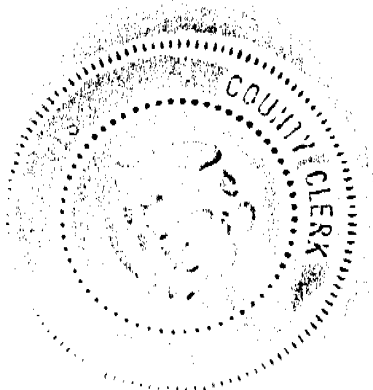
  
Board of County Commissioners  
Jack Sullivan, Chairman

Respectfully submitted:

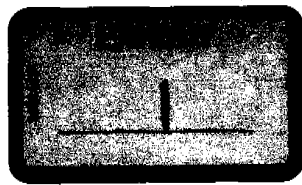
  
Karen Farrell, Commission Reporter

ATTEST TO:

  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK



FINAL



2525847

**SANTA FE COUNTY  
NATIONAL POLLUTION  
DISCHARGE ELIMINATION SYSTEM**  
Notice of Intent  
and  
MS4 Storm Water Management Plan and Program

SANTA FE COUNTY  
P.O. Box 276  
102 Grant Avenue  
SANTA FE, NEW MEXICO 87504

↗

## **INTRODUCTION:**

In order, comply with the National Pollution Discharge Elimination System (NPDES) regulations governing small municipal separate storm sewer systems (MS4s), Santa Fe County is submitting a Stormwater "Plan" as a Notice of Intent (NOI) with the United States Environmental Protection Agency (USEPA) to obtain a required permit for the discharge of pollutants/stormwater into a section of the Santa Fe River, including its tributary arroyos. This document shall be submitted to the Environmental Protection Agency (EPA) by March 10, 2003. The County has five years to implement the Plan before the permit expires.

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As the operator of medium and small separate storm water sewer system (MS4), Santa Fe County, must develop a plan and implement and enforce a stormwater management program to reduce the discharge of pollutants from all sources to the "maximum extent practicable" (MEP) through the use of Best Management Practices (BMPs).

## **MISSION & GOALS:**

The stated mission and goal of the NPDES MS4 Storm Water Program as follows:

- Implement a nationwide storm water management program to control pollutant discharges from MS4s into the nation's waterways.
- Protect water quality and satisfy the mandates of the Federal Clean Water Act.

Santa Fe "County" intends to use a watershed approach to design and approve projects to meet these goals and at the same time to achieve the following related goals and overall objectives of the stormwater program:

- Reduce the discharge of pollutants to the County's MS4s "to the maximum extent practicable;"
- Protect surface water quality by infiltrating stormwater runoff, and at the same time, helping to recharge the aquifers;
- Comply with water quality requirements of the Clean Water Act as measured by the total maximum daily loads (TMDLs) in the Santa Fe "River" (TMDLs) including sediment and stream bottom deposits;
- Protect, enhance and restore wildlife habitat and vegetation along the River and arroyos, minimizing any undesirable effects;
- Minimize the threat of flooding and erosion;
- Use off-site and on-site stormwater to create and enhance open space, trails and parks;
- Educate the public to treat stormwater as a resource and not to waste it;



- Restore the watershed, including the Riparian areas;
- Discourage and prohibit sand and gravel mining in the Santa Fe River Watershed;
- Obtain participation from existing “grandfathered” and “permitted” sand & gravel operations in the vicinity and along the Santa Fe River, to protect and monitor water quality;
- Work with Sand & Gravel operators on restoration & mitigation of damage to the river and watershed, where practicable;
- Initiate projects with Federal Emergency Management Agency (FEMA) to clarify or correct floodplain boundaries, for sections of the Santa Fe River including requesting Letter of Map Revisions (LOMRS) & Conditional Letter of Map Revisions (CLOMRS) where appropriate;
- Obtain additional open space along the Santa Fe River whenever possible in order to further protect the River habitat;

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#### **Specifics of the Regulations:**

- As the operator of a regulated MS4 the County must implement a stormwater quality management program which, at a minimum, addresses the **six minimum control measures as delineated in the NPDES regulations.**
- As the operator of a regulated MS4 the County must determine which Best Management Practices (BMPs) are appropriate, goals to be attained, and how the success of the BMP will be evaluated and monitored.
- The County must submit its Plan to the USEPA by March 10, 2003. The County shall have five years to implement the plan, and the County’s permit shall expire in five years.
- The EPA shall have the authority to require the County implement additional measures if the EPA so determines.

#### **SANTA FE WATERSHED:**

The condition of the watershed environment within the urban area of Santa Fe County is important to the people who live and work there. Water quantity and quality are major issues essential for establishing a healthy watershed. The New Mexico Environment Department (NMED) Surface Water Quality Bureau funded the Santa Fe River Watershed Restoration Action Strategy (WRAS), some of the goals of which are reflected in the list above. (See Attachment A; WRAS ). The County’s Storm Water Management Plan and Program will fulfill the NPDES permitting requirements as well as achieve these goals.

The Santa Fe County Urban Area of the Santa Fe River Watershed. It is fed by Arroyo De Los Chamisos, Arroyo De Los Pinos, Arroyo De Los Frijoles, Arroyo Calabasas, Arroyo Gallinas and Arroyo Hondo. These arroyos are within the County's urban area as identified by the map provided by the NMED.

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### **Watershed Analysis and Assessment**

The County's general analysis and assessment of the urban area of the Santa Fe River Watershed will be based on the following areas of concern and potential sources of pollution:

- Physical watershed characteristics
- Climate conditions
- Land uses
- Topography
- Population characteristics and age of areas and neighborhoods
- Projected growth rates and trends and land uses
- Paved roads draining into the Santa Fe River Watershed
- Impacts of existing sand & gravel operations within or along the banks of the Santa Fe River on private, state and BLM lands
- Impacts of private residences and commercial properties extending their properties into the Santa Fe River Watershed without proper permits in the name of bank stabilization
- Impacts of litter within the Santa Fe River Watershed

Based on the urbanized area-census 2000 that the New Mexico Environment Department provided to Santa Fe County, the County is responsible for addressing an area north of the Santa Fe "City" limits, another section to the south of the City limits and the majority of the area to the west of the City. Santa Fe County is required to prepare a permit application to develop and implement a storm water management program which includes six minimum control measures, evaluation/assessment, reporting efforts and record keeping. This application includes best management practices (BMPs) for each of the six following minimum control measures:

- Public Education and Outreach on Storm Water Impacts Minimum Control Measure
- Public Participation/Involvement Minimum Control Measure
- Illicit Discharge Detection and Elimination Minimum Control Measure
- Construction Site Storm Water Runoff Control Minimum Control Measure

- Post Construction Storm Water Management in New Development/Redevelopment Minimum Control Measure
- Pollution Prevention/Good Housekeeping Minimum Control Measure

The City of Santa Fe, the New Mexico National Guard, the Bureau of Land Management and the New Mexico State Land Office have properties within the County boundaries of the Urban Area Census 2000. They are responsible for complying with NPDES requirements for their own properties. In addition, there is an existing County sewer facility within the area. Stormwater does not make it to the Santa Fe River Watershed from this facility. (See Attached Discharge Permit, Exhibit "F")

### MINIMUM CONTROL MEASURES

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- I. **PUBLIC EDUCATION AND OUTREACH**- Santa Fe County must implement a public education program to distribute education materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

#### Existing Control Measures/BMPs

##### County Land Use Department

Currently, Santa Fe County has no specific public education and outreach program particular to stormwater pollution. However, Section 12, Environmental Requirements of the Santa Fe Extraterritorial Zoning Ordinance (Attached as Exhibit "A"), has been in place for several years and covers such issues as; terrain management, flood hazard zones and environmental performance standards. These ordinance requirements typically are known only to those individuals or entities engaged in land development or who experience problems as further discussed in the application. Other existing ordinances are the "junked vehicle"(1993 -06), "anti-litter" (1993-11) and the water conservation ordinances. (Exhibits "B & C") In addition, there is an existing Terrain Management Handbook (Exhibit "D") for site planning and development in Santa Fe County. There is a Storm Drainage and Erosion Control section, which can be modified to include more information to the public on NPDES concerns and requirements.

##### Utilities Department

Existing Source Water Protection Program  
Water Vulnerability Assessments

#### Proposed Control Measures/BMPs

Santa Fe County shall develop and implement the following BMPs:

##### YEAR 1: 2003-2004

- I. Modify the existing Terrain Management Handbook to reflect updated and additional information on storm water discharges and pollutants. These handbooks will be distributed with all development permits, subdivisions and development applications.

2. Develop brochures or fact sheets for the general public and specific audiences to inform them about the impact of stormwater discharge and the steps that can be taken to reduce or prevent storm water pollution. These brochures or fact sheets will be included in utility bills as well as mailed out to specific property owners who live along the Santa Fe River.
3. Develop advanced notices including a web site, bumper stickers, refrigerator magnets and posters at public bus stops, encouraging participation in reporting incidents such as filling or dumping material, storing of manure, junked vehicles and litter in flow lines and rivers. These notices would increase awareness of potential problems from such activities as well as enhance enforcement of existing ordinances, thus resulting in healthier waterways.
4. Initiate the FEMA process to clarify and determine the correct location of the floodplain boundaries for a section of the Santa Fe River Watershed.

**Monitoring/Results:**

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1. Document the number of Terrain Management Handbooks modified and distributed. Currently, this number is calculated to be one thousand (1,000) or more handbooks as the County issues an average of 1,000 development permits yearly.
2. Document the number of brochures or fact sheets mailed with bills or to specific property owners as identified on the Santa Fe County Urban Area Master Stormwater Plan, (SFCUAMSP) being created with this program.
3. Monitor the County website for complaints and the number of Notice of Violations (NOVs) issued as identified above. Determine the impact of awareness activities by any related increase or decrease in number of Notice of Violations (NOVs) issued.
4. Determine the number of property parcels impacted with this process. This clarification of the floodplain boundary, may be a benefit for most properties along the River but possibly not all of them. Work with the property owners along the Santa Fe River Watershed to help them protect their property values without impacting the River and agreeing to allowing drainage improvements for mitigation on their properties as well.

**YEAR 2: 2004-2005**

1. Continue to update and distribute Terrain Management Handbooks with permit applications. Translate some handouts into Spanish. (2003-2004)
2. Continue to update brochures or fact sheets and mail new materials as necessary. (2003-2004)
3. Continue to maintain and monitor website for amount of complaints and violations issued for filling or dumping material, storing of manure, junked vehicles and litter in arroyos and flow lines. (2003-2004)
4. Coordinate with the Federal Emergency Management Agency (FEMA) to complete new mapping of the Santa Fe River Watershed and floodplains.(2003-2004)
5. Develop a storm water hotline for information and for citizen reporting of polluters.
6. Design a stormwater educational placemat for restaurants or handouts for businesses.

7. Establish a volunteer citizen group in the urban area of the Santa Fe Watershed to address storm water management concerns.

**Monitoring/Results:**

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1. Document the number of Terrain Management Handbooks available to the public; Number of Handbooks translated to Spanish and distributed. (2003-2004)
2. Document the number of brochures or fact sheets mailed with utility bills or to specific property owners as identified on Santa Fe County Urban Area Master Stormwater Plan. (2003-2004)
3. Monitor the website for complaints and the number of "Notice of Violations" (NOVs) issued. Determine the impact of awareness by any related increase in number of (NOVs) issued.
4. Approved new mapping from FEMA. New hard copy map and disk.
5. Storm water hotline in place for citizen/public input and complaints. Document number of calls and resulting enforcement actions.
6. Review and approve design and document the number of placemats distributed in restaurants.
7. Santa Fe River Watershed Urban Area volunteer citizens panel established.

**YEAR 3: 2005-2006**

1. Continue to update and distribute Terrain Management Handbooks with County land use permit applications. Translate to Spanish. (2003-2004)
2. Continue to update brochures or fact sheets and mail new materials as necessary. (2003-2004) Translate some of brochures or fact sheets into Spanish.
3. Continue to maintain and monitor website for amount of complaints and violations issued for filling or dumping material, storing of manure, junked vehicles and litter in arroyos and flow lines. (2003-2004)
4. Provide and review new FEMA approved boundaries with property owners and the public. (2003-2004)
5. Continue to monitor storm water hotline. (2004-2005)
6. Create a brochure to provide information for businesses along the Santa Fe River Watershed, and more specifically, the sand and gravel operations.
7. Santa Fe River Watershed Urban Area volunteers citizens panel will try to increase citizen participation in volunteer reporting of stormwater discharges in their areas.
8. Develop a Tributary Signage Program.
9. Develop school education/outreach program.

**Monitoring/Results:**

1. Continue to document the number of Terrain Management Handbooks distributed to the public. Document number of handbooks translated into Spanish.
2. Continue to update brochures or fact sheets and mail new materials as necessary. Document the number translated into Spanish.
3. Continue to update website and encourage the public to utilize website to convey to the County potential or existing stormwater discharges.
4. Document names, number of property owners, and any members of the public meeting with County staff.
5. Document number of calls and resulting enforcement actions from storm water hotline.
6. Document number of brochures distributed to businesses along the Santa Fe River.
7. Have regular meetings with the citizen's panel to discuss concerns or problems. Document number of issues discussed and follow-up procedures.
8. Document and indicate on stormwater map, the number of tributary signs installed.
9. Coordinate with the Santa Fe Public School System to establish curricula and educational programs for a particular grade or all grades.

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**YEAR 4: 2006-2007**

1. Continue to update and distribute Terrain Management Handbooks with County land use permit applications. Translate to Spanish. (2003-2004)
2. Continue to update brochures or fact sheets and mail new materials as necessary. (2003-2004)
3. Continue to maintain and monitor website for amount of complaints and violations issued for filling or dumping material, storing of manure, junked vehicles and litter in arroyos and flow lines. (2003-2004)
4. FEMA Map boundary correction is complete. Initiate County Code draft amendment process to prohibit development within the 100- year floodplain, including sand and gravel extraction.
5. Continue to monitor storm water hotline. (2004-2005)
6. Continue to distribute flyers to businesses along the Santa Fe River. Set up educational and informational meetings with existing sand and gravel operators along the Santa Fe River.
7. Santa Fe River Watershed Urban Area volunteer citizens panel continues increasing citizen participation in programs to report the quality and quantity of stormwater discharges in their areas and in the Santa Fe River Watershed.
8. Continue with the Tributary Signage Program. Investigate possible expansion to smaller tributaries County School systems.
9. Implement school education/outreach program.

10. Design and develop a media program.
11. Create flyers to distribute to the chamber of commerce visitors centers, libraries and school classrooms.

**Monitoring/Results:**

2525855

1. Continue to document the number of Terrain Management Handbooks distributed to the public. Document number of handbooks translated to Spanish.
2. Continue to update brochures or fact sheets and mail new materials as necessary.
3. Continue to update website and encourage the public to utilize it to inform the County, of all potential, or existing illegal stormwater discharges.
4. Document status of County ordinance to prohibit development, including sand & gravel extraction within the 100year-floodplain.
5. Document number of calls and resulting enforcement actions from storm water hotline.
6. Document number of brochures distributed to businesses along the Santa Fe River and the number of meetings conducted with existing sand & gravel operations.
7. Continue conducting regular meetings with the citizen's panel to discuss concerns or problems.
8. Continue to document number of tributary signs installed. Indicate on stormwater map.
9. Document number of classes or courses offered.
10. Implement media program.
11. Document number of flyers distributed to chamber of commerce, libraries and school classrooms.

**YEAR 5: 2007-2008**

1. Continue to update and distribute Terrain Management Handbooks with County land use permit applications. Also continue to translate handbooks into Spanish.
2. Continue to update brochures or fact sheets and mail new materials as necessary.
3. Continue to maintain and monitor website for amount of complaints and violations issued for filling or dumping material, storing of manure, junked vehicles and litter in arroyos and flow lines. (2003-2004)
4. Public hearings for ordinance and or amendments prohibiting land development within the 100-year floodplain.
5. Continue to monitor and respond to stormwater hotline. (2004-2005)
6. Continue to distribute flyers to businesses and individuals along the Santa Fe River. Continue to work with existing sand & gravel operators along the River.
7. The Santa Fe River Watershed Urban Area Citizen's Panel continues increasing participation in volunteer monitoring efforts to report stormwater discharges in their areas and in the Santa Fe River Watershed.

8. Tributary Signage Program established and continued.
9. Continue school education/outreach program implemented.
10. Continue to develop and implement media program.
11. Continue to create flyers and distribute to the chamber of commerce visitors centers, libraries and school classrooms.
12. Create a recreational guide to educate groups such as school children, hikers and bikers, who may be using a new potential trail system along the Santa Fe River.

2525856

**Monitoring/Results:**

1. Continue to document the number of Terrain Management Handbooks distributed to the public. Document number of handbooks translated to Spanish.
2. Continue to update brochures or fact sheets and mail new materials as necessary.
3. Continue to update website and encourage the public to utilize it to inform the County, of all potential, or existing illegal stormwater discharges. Document number or percentage of properties cleaned along the Santa Fe River, resulting in reduction of pollutants in stormwater discharges.
4. County approval of code amendment to prohibit development, including sand & gravel extraction within the 100year-floodplain. Document number of public hearings and number of people attending.
5. Document number of calls and resulting enforcement actions from storm water hotline.
6. Document number of brochures distributed to businesses along the Santa Fe River and the number of meetings conducted with existing sand & gravel operations.
7. Regular established meetings with the citizen's panel to discuss concerns, problems and results of program. Document number of issues discussed and goals achieved.
8. Document and indicate on stormwater map, the total number of tributary signs installed.
9. Document total number of courses or classes offered and conducted.
10. Media Program implemented. Document number of radio, audio and newspaper ads conducted.
11. Document total number of flyers distributed to chamber of commerce, libraries and school classrooms.
12. Document number of recreational guides distributed.

**Reporting Entity:**

- Public Works and Land Use Department

II. **PUBLIC PARTICIPATION/INVOLVEMENT-** The County must at a minimum, comply with the state, tribal and local notice requirements when implementing a public involvement participation program. The County will coordinate with the City and involve the general public, residential neighborhoods, rural areas, schools, groups and volunteer organizations in "hands on" projects showing the importance of working together, emphasizing potential pollutant stormwater impacts.



**Existing Control Measures/BMPs**

County Land Use Department

Currently, Santa Fe County has no specific public involvement/participation program aimed at stormwater pollution. The ordinances and the Terrain Management Handbook as mentioned in the Public Education and Outreach Minimum Control Measure are already in place. These ordinances are subject to amendments and new ones will be created.

County Public Works Department

Currently the Public Works Department has an existing amnesty day.

**Proposed Control Measures/BMPs**

Santa Fe County shall develop and implement the following BMPs:

2525857

**YEAR 1: 2003-2004**

1. Identify drop inlets, other areas and drainage structures to design and implement a Storm Drain Stenciling Program for drainage into the Santa Fe River. Initiate a program with the schools and possibly the Boy scout and Girl scout organization.
2. Develop "Adopt a River" Program.

**Monitoring/Results:**

1. Identify on new Urban Area Master Stormwater Plan the number of structures or areas stenciled with "Do Not Dump: or "Do Not Pollute, Drains Directly to the Santa Fe River", and other messages as situations require. Document organizations involved.
2. Document number of participants in the "Adopt a River" program.

**YEAR 2: 2004-2005**

1. Continue to identify structures or areas to be stenciled. Show existing and proposed locations on the Urban Area Master Stormwater Plan involving children education groups.
2. Continue to encourage more individuals to participate in the "Adopt a River" program.
3. Design a wetlands planting program involving youth groups from local schools.
4. Initiate a cleanup day or days. Start with the Santa Fe River Watershed, floodway and banks. Alternate the locations throughout the County when completed with the watershed. Santa Fe County will provide and maintain dumpsters during clean up days and dispose accordingly.

**Monitoring/Results:**

1. Continue to identify on the new Urban Master Stormwater Plan, the number of structures or areas stenciled. Program is to be conducted at least once a year. Document number of organizations involved.
2. Document number of participants in the "Adopt a River" program.
3. Implement Wetlands Planting Program. Document number of projects completed, trees planted and youths/schools participated.
4. Document number of clean up days, time used and individuals participated.

**YEAR 3: 2005-2006**

2525858

1. Continue to identify structures or areas to be stenciled. Show existing and proposed locations on the Urban Area Master Stormwater Plan involving children education group.
2. Continue to encourage individuals to participate in the "Adopt a River" program.
3. Continue with Wetlands Planting Program. Have meetings within program to plan future projects and invite the public to attend.
4. Continue with cleanup days. Alternate locations throughout the County if needed.
5. Initiate a Santa Fe County River Beautiful Program for introduction to an "Adopt a Right of Way Program."
6. Expand existing "hazardous materials amnesty day" for materials such as tires, oil and pesticides.

**Monitoring/Results:**

1. Continue to identify on the new Urban Master Stormwater Plan, the number of structures or areas stenciled. Program is to be conducted at least once a year. Document number of organizations involved.
2. Document number of participants in the "Adopt a River" program.
3. Continue with wetlands planting program. Document number of projects Completed, trees planted and youths /schools participated.
4. Document number and locations of clean up days.
5. Document number of participants in "Adopt a Right of Way Program."
6. Document number of amnesty days and participants involved.

**YEAR 4: 2006-2007**

1. Continue to identify structures or areas to be stenciled. Show existing and proposed locations on the Urban Area Master Stormwater Plan involving children education groups.
2. Continue to encourage individuals to participate in the "Adopt a River"

Program.

3. Continue with Wetlands Planting Program. Continue meetings within the program to plan future projects and invite the public to attend.
4. Continue with clean up days. Alternate locations throughout the County.
5. Continue with implementation of the Santa Fe County Beautiful Program, starting with "Adopt a Right of Way Program."
6. Continue to expand the "hazardous materials amnesty day."
7. Establish a task force of volunteers, to participate in reporting any mining activities along the Santa Fe River.
8. Initiate a Recycling Program throughout Santa Fe County.

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**Monitoring/Results:**

1. Continue to identify on the new Urban Master Stormwater Plan, the number of structures or areas stenciled. Program to be conducted at least once a year. Increase if needed. Document the number of organizations involved.
2. Document number of participants in the "Adopt a River" program.
3. Document number of projects completed, trees planted and youths/schools participated.
4. Document number of clean up days, time used and individuals participated.
5. Document number of participants in "Adopt a Right of Way Program."
6. Document number of amnesty days and participants involved.
7. Document number of concerns discussed and actions taken.
8. Implement recycling program. Document type and number of programs discussed and chosen.

**YEAR 5: 2007-2008**

1. Continue to identify structures or areas to be stenciled. Show existing and proposed locations on the Urban Area Master Stormwater Plan involving children educational groups.
2. Continue to encourage individuals to participate in the "Adopt a River" program.
3. Continue with Wetlands Planting Program. Conduct meetings within program to plan future projects and invite the public to attend.
4. Continue with clean up days. Alternate locations through out the County if needed.
5. Continue with implementation of the Santa Fe County Beautiful "Adopt a Right of Way Program."

6. Continue to expand "hazardous materials amnesty days program.
7. Continue with volunteer groups established to monitor water discharges from existing mining operations.
8. Continue implementing recycling program throughout County.
9. Initiate Storm Water Ordinance. Meet with public to explain the importance of storm water discharges and maintenance of drainage structures such as retention/detention ponds as required by the County Code.

2525860

**Monitoring/Results:**

1. Continue to identify on the new Urban Master Stormwater Plan the number of structures or areas stenciled. Program is to be conducted at least once a year. Document number of organizations involved.
2. Document number of participants in the "Adopt a River" program.
3. Continue with Wetland Planting Program. Document number of projects completed, trees planted, and youths/schools participating.
4. Document number of clean up days, time used and individuals participated.
5. Document number of participants in "Adopt a Right of Way Program."
6. Document number of amnesty days and participants involved.
7. Document number of concerns discussed and actions taken.
8. Continue to implement recycling program. Document type and number of programs discussed and chosen.
9. Stormwater ordinance taken through public hearings and approved by the County.

**Reporting Entity:**

- Santa Fe County, Public Works and Land Use Departments

**III. ILLICIT DISCHARGE DETECTION AND ELIMINATION**- Santa Fe County must implement and enforce a program to detect and eliminate illicit discharges into its small MS4. The County must develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls; through an ordinance, or other regulatory mechanism, a prohibition (to the extent allowable under State, Tribal, or local law) on non-storm water discharges into the County, and appropriate enforcement procedures and actions; a plan to detect and address non-storm water discharges, including illegal dumping, into the County; the education of public employees, businesses, and the general public about the hazards associated with illegal discharges and improper disposal of waste.

**Existing Control Measures/BMPs**

Land Use Department

The County prohibits all discharges to surface water within the County limits. Currently, Santa Fe County has no specific Illicit Discharge Detection and Elimination program regarding stormwater

pollution. However, subdivisions, developments, commercial developments and individuals are required to comply with County Land Use Code, Article VII, Section 6.5 and Section 6.6, Water Quality Requirements and a Water Conservation Report. (Attached as exhibit "E")

**Proposed Control Measures/BMPs**

**Santa Fe County shall develop and implement the following BMPs:**

**2525861**

**YEAR 1: 2003-2004**

1. Create and develop a Santa Fe County Urban Area Master Stormwater Plan. Santa Fe County Staff is already working on this map. The County's Geographic Information Staff has been locating all outfalls into the Santa Fe River, within the Urban Area. The County will use this map to identify all existing and proposed drainage improvements including storm sewers, utilities, floodplain boundaries, bank stabilization areas and riparian restoration areas.
2. Create a better interaction procedure (new complaint form) between the County and the New Mexico Environment Department (NMED) to identify violations and follow up on results.
3. Develop an internal task force with the Public Works Department, the Utilities Department and the Land Use Department to conduct periodic field inspections along the Santa Fe River to trace, identify, prioritize and remove potential illicit stormwater discharges. If discharges are identified in adjoining MS4 (City of Santa Fe), they will be notified. In addition, notify NMED of discharges.

**Monitoring/Results:**

1. The Santa Fe County Urban Area Master Stormwater Plan is in progress. Document the number of outfalls identified. Breakdown to culverts, bridges, grade control structures, gabion basket areas, and rip rap areas. Identify and document number of proposed drainage structures as well, to be coordinated with maintenance schedule and map. Document number of maintained structures.
2. Document number of new complaint forms processed, action taken and results with follow up.
3. Document the number of inspections conducted, illicit discharge sources identified and notifications to the City of Santa Fe and NMED.

**YEAR 2: 2004-2005:**

1. Continue to update Urban Area Master Stormwater Plan.
2. Continue to work with the NMED to identify violations and follow up on results.

3. Develop an internal task force with the Public Works Department, the Utilities Department and the Land Use Department to conduct periodic field inspections along the Santa Fe River to trace, identify, prioritize and remove potential illicit stormwater discharges. If discharges are identified in adjoining MS4 (City of Santa Fe), they will be notified. In addition, notify NMED of discharges

2525862

4. Create new ordinance enacting fines and penalties to eliminate illegal runoff and dumping of septage and sediment from all sources including but not limited to septic tanks, RVs ("recreational sewage") "receiving gas stations, car washes, industrial/business connections, licenses for haulers, better notification of sewerline and septic tank failure, prohibition or restrictions for taking sand from arroyos and the Santa Fe River.
5. Develop informative brochures and guidance to property owners along arroyos, rivers and flow lines, coordinated with brochures of preceding minimum control measures.

**Monitoring/Results:**

1. Document the number of existing and proposed drainage improvements on the Urban Area Master Stormwater Plan as mentioned above.
2. Document number of new complaint forms processed, actions taken and follow up inspections
3. Document the number of inspections conducted, illicit discharge sources identified and notifications to the City of Santa Fe and NMED.
4. Document number of public hearings and number of people attended. Document number of violations concerning these issues.
5. Document number of brochures distributed to property owners along arroyos, rivers and flow lines.

**YEAR 3: 2005-2006:**

1. Continue to update Urban Area Master Stormwater Plan.
2. Continue to work with NMED to identify violations and follow up on results.
3. Continue to develop an internal task force with the Public Works Department, the Utilities Department and the Land Use Department to conduct periodic field inspections along the Santa Fe River to trace, identify, prioritize and remove potential illicit stormwater discharges. If discharges are identified in adjoining MS4 (City of Santa Fe), they will be notified. In addition, notify NMED of discharges

4. After new ordinance is approved. Document number of complaints and violations issued using ordinance.
5. Continue to distribute brochures to property owners along arroyos, rivers and flow lines.
6. Coordinate Hazardous Waste Program with previous minimum control measures.
7. Initiate new ordinance or amend existing ordinance to require property owners to maintain retention/detention ponds required by existing County Ordinance, Article VII, Section 3. (Attached exhibit "A")
8. Utilize the task force created in the previous minimum control measure, to help trace and identify illicit connections through dry weather monitoring and video inspections, specifically sand & gravel operations along or upstream of the Santa Fe River.

2525863

**Monitoring/Results:**

1. Document the number of existing and proposed drainage improvements on the Urban Area Master Stormwater Plan as mentioned above.
2. Document number of new complaint forms processed, actions taken and follow up inspections.
3. Continue to document the number of inspections conducted, illicit discharge sources identified and notifications to the City of Santa Fe and NMED.
4. Document number of public hearings and number of people attended. Document number of violations concerning these issues.
5. Document number of brochures distributed to property owners along arroyos, rivers and flow lines.
6. Document number of participants, amount of hazardous materials and other unfriendly material disposed of which is potentially harmful to the environment.
7. Continue with proposed ordinance. Document number of public hearings and number of people attended.
8. The task force will take soil and water samples down stream of identified potential pollutant discharge sources. Document number of pollutant discharge sources.

**YEAR 4: 2006-2007**

1. Continue to update Urban Area Master Stormwater Plan.
2. Continue to work with NMED to identify violations and follow up on results.
3. Continue to develop an internal task force with the Public Works Department, the Utilities Department and the Land Use Department to conduct periodic field inspections along the Santa Fe River to trace, identify,

prioritize and remove potential illicit stormwater discharges. If discharges are identified in adjoining MS4 (City of Santa Fe), they will be notified. In addition, notify NMED of discharges

4. New ordinance is approved. Document number of complaints and violations issued using ordinance.
5. Continue to distribute brochures to property owners along arroyos, rivers and flow lines.
6. Continue to coordinate Hazardous Waste Program with previous minimum control measures.
7. Ordinance approved to require property owners to maintain retention/detention ponds required by existing County ordinance, Article VII, Section 3. (Attached exhibit "A")
8. Continue to utilize the task force created in the previous minimum control measure, to help identify illicit connections through dry weather monitoring and video inspections, specifically sand & gravel operations along or upstream of the Santa Fe River.
9. Create a septic tank monitoring and discharge control training program.

2525864

#### **Monitoring/Results:**

1. Document the number of existing and proposed drainage improvements on the Urban Area Master Stormwater Plan as mentioned above.
2. Document number of new complaint forms processed, actions taken and follow up inspections.
3. Continue to document the number of inspections conducted, illicit discharge sources identified and notifications to the City of Santa Fe and NMED.
4. Document number of public hearings and number of people attended. Document number of violations concerning these issues.
5. Document number of brochures distributed to property owners along arroyos, rivers and flow lines.
6. Document number of participants, amount of hazardous materials and other unfriendly material disposed of which is potentially harmful to the environment.
7. Document number of inspections conducted on retention/detention ponds.
8. The task force will take soil and water samples down stream of identified potential pollutant discharge sources. Document number of pollutant discharge sources. Document number of samples and locations taken.
9. Document number of training programs conducted and amount of people attended.

#### **YEAR 5: 2007-2008**

1. Continue to update Urban Area Master Stormwater Plan.



2. Continue to work with NMED to identify violations and follow up on results.
3. Continue to develop an internal task force with the Public Works Department, the Utilities Department and the Land Use Department to conduct periodic field inspections along the Santa Fe River to trace, identify, prioritize and remove potential illicit stormwater discharges. If discharges are identified in adjoining MS4 (City of Santa Fe), they will be notified. In addition, notify NMED of discharges

2525865

4. New ordinance is approved. Document number of complaints and violations issued using ordinance.
5. Continue to distribute brochures to property owners along arroyos, rivers and flow lines.
6. Continue to coordinate Hazardous Waste Program with previous minimum control measures.
7. Ordinance approved to require property owners to maintain retention/detention ponds required by existing County ordinance, Article VII, Section 3.
8. Continue to utilize the task force created in the previous minimum control measure, to help identify illicit connections through dry weather monitoring and video inspections, specifically sand & gravel operations along or upstream of the Santa Fe River.
9. Follow up on septic tank monitoring and discharge training program.
10. Initiate an ordinance for property owners to be responsible for cleaning arroyos, rivers and drainage easements adjacent to or within their properties.

**Monitoring/Results:**

1. Document the number of existing and proposed drainage improvements on the Urban Area Master Stormwater Plan as mentioned above.
2. Document number of new complaint forms processed, actions taken and follow up inspections.
3. Continue to document the number of inspections conducted, illicit discharge sources identified and notifications to the City of Santa Fe and NMED.
4. Document number of public hearings and number of people attended. Document number of violations concerning these issues.
5. Document number of brochures distributed to property owners along

- arroyos, rivers and flow lines.
6. Document number of participants, amount of hazardous materials and other unfriendly material disposed of which is potentially harmful to the environment.
  7. Document number of inspections conducted on retention/detention ponds.
  8. The task force will take soil and water samples down stream of identified potential pollutant discharge sources. Document number of pollutant discharge sources. Document number of samples and locations taken.
  9. Document number of training programs conducted and amount of people attended.
  10. Document number of public hearings and number of people attended.

**Reporting Entity:**

- Santa Fe County, Public Works and Land Use Departments

2525866

- IV. **CONSTRUCTION SITE STORM WATER RUNOFF CONTROL**-Santa Fe County must develop, implement and enforce a program to reduce pollutants in storm water runoff from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

The program must include the development and implementation of an ordinance or other regulatory mechanism requiring the implementation of proper erosion and sediment controls, and controls for other wastes, on applicable construction sites; have procedures for site plan review of construction plans that consider potential water quality impacts; have procedures for site inspection and enforcement of control measures; have sanctions to ensure compliance (established in the ordinance or other regulatory mechanism); establish procedures for the receipt and consideration of information submitted by the public.

**Existing Control Measures/BMPs**

Currently, Santa Fe County regulates storm water utilizing an existing Terrain Management Ordinance. A Storm Drainage and Erosion Control Plan within the ordinance requires pre and post storm drainage calculations and water retention/detention ponds for all properties, including less than an acre. Terrain Management Plan and Site Plan requirements have already been implemented but need to be aggressively enforced.

**Proposed Control Measures/BMPs**

**Santa Fe County shall develop and implement the following BMPs:**

**YEAR 1: 2003-2004**

1. Initiate an ordinance or amend existing Terrain Management Ordinance to require a "Final Terrain Management Inspection," for all properties. These inspections will focus on issues such as; slopes, retention/detention ponds, erosion and sediment controls, off-site/on-site drainage, dust control, construction debris and

water quality. Implement Terrain Management Final approval inspection tag or letter for documentation. If individual ponds are maintained, there is less likelihood of distributing pollutants into the main drainage conveyance systems. (Include in Storm Water Ordinance)

2. Develop a Subdivision/Development Review Stormwater Checklist. This checklist would be used to review all new development to ensure conformance with stormwater requirements.
3. Initiate a "Check Dams" program. Check dams will be installed within borrow ditches (roadside drainage swales) along all asphalt paved County maintained roads draining into the Santa Fe River. These dams will be located on the new Urban Area Master Stormwater Plan. A maintenance program will be developed for monitoring and maintenance.

**Monitoring/Results:**

**2525867**

1. Proceed with public hearings, if ordinance approved. Document number of Terrain Management Inspections conducted. Breakdown to passing and failing. Document number of Terrain Management Final approval tags or letters issued. Number of ponds in place and maintained.
2. Document number of subdivisions and developments reviewed and checklists written.
3. Document the number of check dams installed, number of roads with new check dams, the reduction in runoff quantity, the frequency of inspection and maintenance of check dams, the amount of sediment collected and suspended solids levels at the site outfall.

**YEAR 2: 2004-2005**

1. Ordinance approved to require a "Final Terrain Management Inspection," for all properties. These inspections will focus on issues such as slopes, retention/detention ponds, erosion and sediment controls, off-site/on-site drainage, dust control, construction debris and water quality. Implement Terrain Management Final approval inspection tag or letter for documentation. (Include in Storm Water Ordinance) Continue obtaining information for updating of ordinance when required.
2. Continue updating Subdivision/Development Review Stormwater Checklist. This checklist would be used to review all new development to ensure conformance with stormwater requirements.
3. Update "Check Dams" program. Check dams will be installed within borrow Ditches (roadside drainage swales) along all County maintained roads draining into the Santa Fe River. These dams will be located on the new Urban Area Master Stormwater Plan. A maintenance program will be developed for monitoring and maintenance.
4. Initiate policy for all inspectors and require International Erosion Control

Certification, (or other of equal status) membership, inspections and inspector training, testing for suspended solids at outfalls, temporary stream crossings and vegetated buffers and screened areas.

2525868

**Monitoring/Results:**

1. Continue to document number of Terrain Management Inspections conducted. Breakdown to passing and failing. Document number of Terrain Management final approval tags or letters issued. Number of ponds in place and maintained.
2. Continue to document number of subdivisions and developments reviewed and checklists written.
3. Continue to document the number of check dams installed, number of roads with new check dams, the reduction in runoff quantity, the frequency of inspection and maintenance of check dams, the amount of sediment collected and suspended solids levels at the site outfall.
4. Document number of inspectors certified and for which issues.

**YEAR 3: 2005-2006**

1. Ordinance approved to require a "Final Terrain Management Inspection," for all properties. These inspections will focus on issues such as slopes, retention/detention ponds, erosion and sediment controls, off-site/on-site drainage, dust control, construction debris and water quality. Implement Terrain Management Final approval inspection tag or letter for documentation. (Include in Storm Water Ordinance)
2. Continue updating Subdivision/Development Review Stormwater Checklist. This checklist will be used to review all new development to ensure conformance with stormwater requirements.
3. Update "Check Dams" program. Check dams will be installed within borrow Ditches (roadside drainage swales) along all asphalt paved County maintained roads draining into the Santa Fe River. These dams will be located on the new Urban Area Master Stormwater Plan. A maintenance program will be developed for monitoring and maintenance.
4. Continue training policy for all inspectors and require International Erosion Control Certification, (or other of equal status) membership, inspections and inspector training, testing for suspended solids at outfalls, temporary stream crossings and vegetated buffers and screened areas.
5. Initiate and establish cooperation and coordination procedures with the State Construction Industries Division (CID). Coordinate a Final Inspection program with the state.

**Monitoring/Results:**

1. Continue to document number of Terrain Management Inspections conducted.

Breakdown the list to passing and failing. Document number of Terrain Management Final approval tags or letters issued. Number of ponds in place and maintained.

2. Continue to document number of subdivisions and developments reviewed and checklists written.
3. Continue to document the number of check dams installed, number of roads with new check dams, the reduction in runoff quantity, the frequency of inspection and maintenance of check dams, the amount of sediment collected and suspended solids levels at the site outfall.
4. Continue to document number of inspectors certified. Determine which areas may require additional certifications.
5. Document the number of meetings conducted with CID. Document number of inspections conducted solo or joint with the CID if necessary.

**2525869**

**YEAR 4: 2006-2007**

1. Ordinance approved to require a "Final Terrain Management Inspection," for all properties. These inspections will focus on issues such as; slopes, retention/detention ponds, erosion and sediment controls, off-site/on-site drainage, dust control, construction debris and water quality. Implement Terrain Management Final approval inspection tag or letter for documentation. (Include in Storm Water Ordinance)
2. Continue updating Subdivision/Development Review Stormwater Checklist. This checklist would be used to review all new development to ensure conformance with stormwater requirements.
3. Update "Check Dams" program. Check dams will be installed within borrow Ditches (roadside drainage swales) along all asphalt paved County maintained roads draining into the Santa Fe River. These dams will be located on the new Urban Area Master Stormwater Plan. A maintenance program will be developed for monitoring and maintenance.
4. Continue training policy for all inspectors required International Erosion Control Certification, (or other of equal status) membership, inspections and Inspector training, testing for suspended solids at outfalls, temporary stream crossings and vegetated buffers and screened areas.
5. Continue establishing cooperation and coordination procedures with the State Construction Industries Division (CID). Coordinate a Final Inspection program with the state.
6. Initiate program to install or provide grates or debris catchments at the outlets of drainage structures. Identify and track on Urban Area Master Stormwater Plan.

**Monitoring/Results:**

1. Continue to document number of Terrain Management Inspections conducted. Breakdown the list to passing and failing. Document number of Terrain Management Final approval tags or letters issued. Number of ponds in place and maintained.
2. Continue to document number of subdivisions and developments reviewed and checklists written.
3. Continue to document the number of check dams installed, number of roads with new check dams, the reduction in runoff quantity, the frequency of inspection and maintenance of check dams, the amount of sediment collected and suspended solids levels at the site outfall.
4. Continue to document number of inspectors certified. Determine which areas additional certifications may be required.
5. Document the number of meetings conducted with CID. Document number of Inspections conducted solo or joint with the CID if necessary.
6. Document number of grates or catchments installed.

2525870

#### YEAR 5: 2007-2008

1. Ordinance approved to require a "Final Terrain Management Inspection," for all properties. These inspections will focus on issues such as slopes, retention/detention ponds, erosion and sediment controls, off-site/on-site drainage, dust control, construction debris and water quality. Implement Terrain Management Final approval inspection tag or letter for documentation. (Include in Storm Water Ordinance)
2. Continue updating Subdivision/Development Review Stormwater Checklist. This checklist would be used to review all new development to ensure conformance with stormwater requirements.
3. Update "Check Dams" program. Check dams will be installed within borrow Ditches (roadside drainage swales) along all asphalt paved County maintained roads draining into the Santa Fe River. These dams will be located on the new Urban Area Master Stormwater Plan. A maintenance program will be developed for monitoring and maintenance.
4. Continue training policy for all inspectors required International Erosion Control Certification, (or other of equal status) membership, inspections and Inspector training, testing for suspended solids at outfalls, temporary stream crossings and vegetated buffers and screened areas.
5. Continue establishing cooperation and coordination procedures with the State Construction Industries Division (CID). Coordinate a Final Inspection program with the state.
6. Continue with program to install or provide grates or debris catchments at the outlets of drainage structures. Identify and track on Urban Area Master Stormwater Plan.

7. Initiate ordinance to Establish Enforcement and Penalty fees instead of utilizing Magistrate Courts. This can possibly be part of the Storm Water Ordinance.
8. Initiate policy for all inspectors to be "FEMA Floodplain Certified."

2525871

**Monitoring/Results:**

1. Continue to document number of Terrain Management Inspections conducted. Breakdown the list to passing and failing. Document number of Terrain Management Final approval tags or letters issued. Number of ponds in place and maintained.
2. Continue to document number of subdivisions and developments reviewed and checklists written.
3. Continue to document the number of check dams installed, number of roads with new check dams, the reduction in runoff quantity, the frequency of inspection and maintenance of check dams, the amount of sediment collected and suspended solids levels at the site outfall.
4. Continue to document number of inspectors certified. Determine which areas may require additional certifications.
5. Continue to document the number of meetings conducted with CID. Document number of inspections conducted solo or joint with the CID if necessary.
6. Continue to document number of grates or catchments installed.
7. Public hearings for proposed new ordinance for Penalty Fees.
8. Document number of inspectors FEMA Floodplain Certified.

**Reporting Entity:**

- Santa Fe County, Public Works and Land Use Department

V. **POST-CONSTRUCTION RUNOFF CONTROL**-Santa Fe County must develop, implement and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the County. The County's program must ensure that controls are in place that would prevent or minimize water quality impacts. Santa Fe County shall develop and implement strategies which include a combination of structural and/or non structural best management practices (BMPs) appropriate for the community; use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law; ensure adequate long-term operation and maintenance of Best Management Practices.

**Existing Control Measures/BMPs**

Currently, Santa Fe County regulates storm water utilizing an existing Terrain Management Ordinance. (Section 12.1, Santa Fe Extraterritorial Zoning Ordinance, 1997-4, Exhibit "A"). A Storm Drainage & Erosion Control Plan within the ordinance requires pre and post development storm drainage calculations and storm water retention/detention ponds and other drainage structures or improvements for all properties, including less than one acre. The existing County Terrain Management Ordinance has already been implemented which requires non-structural and

structural best management practices (BMPs), including silt fences and revegetation of all disturbed areas.

**Proposed Control Measures/BMPs**

**Santa Fe County shall develop and implement the following BMPs:**

2525872

**YEAR 1: 2003-2004**

1. Utilize GPS to identify all paved parking lots within the County Urban Area. Show locations on Urban Area Master Stormwater Plan.
2. Construct recharge/infiltration basins at outlets of culverts and small drainage tributaries draining into the Santa Fe River. Implement a maintenance program to remove silt with pollutants and other solids.

**Monitoring/Results:**

1. Document the number of paved parking lots and other large paved areas. Document number of paved parking lots with retention/detention ponds.
2. Document number of basins constructed. Implement maintenance program and identify on Santa Fe County Urban Area Master Stormwater Plan.

**YEAR 2: 2004-2005**

1. Continue to utilize GPS to identify all paved parking lots within the County Urban Area. Show locations on Urban Area Master Stormwater Plan.
2. Continue to construct recharge/infiltration basins at outlets of culverts and small drainage tributaries draining into the Santa Fe River. Implement a maintenance program to remove silt with pollutants and other solids.
3. Propose the adoption and implementation of a stormwater utility fee ordinance to the Board of County Commissioners to help fund all operations and maintenance Best Management Practices (BMPs)

**Monitoring/Results:**

1. Continue to document the number of paved parking lots and other large paved areas. Document number of paved parking lots with retention/detention ponds.
2. Continue to document number of basins constructed. Implement maintenance program and identify on Santa Fe County Urban Area Master Stormwater Plan.
3. Document the number of public hearings and people attended.

**YEAR 3: 2005-2006**

1. Continue to utilize GPS to identify all paved parking lots within the County



- Urban Area. Show locations on Urban Area Master Stormwater Plan. 2.
2. Continue to construct recharge/infiltration basins at outlets of culverts and small drainage tributaries draining into the Santa Fe River. Implement a maintenance program to remove silt with pollutants and other solids.
  2. Continue to support approval for Stormwater Utility Fee.
  3. Promote and require vegetative practices within the County's existing landscaping requirements. This would include landscaping features that, with optimal design and good soil conditions, enhance pollutant removal, maintain/improve natural site hydrology, promote healthier habitats and increase aesthetic appeal. Proposed developments will be required to utilize vegetative BMPs such as grassy swales, filter strips, artificial wetlands and rain gardens.

2525873

**Monitoring/Results:**

1. Continue to document the number of paved parking lots and other large paved areas. Document number of paved parking lots with retention/detention ponds.
2. Continue to document number of basins constructed. Implement maintenance program and identify on Santa Fe County Urban Area Master Stormwater Plan.
3. Continue to document the number of public hearings and people attended.
4. Document number of projects required to utilize new vegetative BMPs.

**YEAR 4: 2006-2007**

1. Continue to utilize GPS to identify all paved parking lots within the County Urban Area. Show locations on Urban Area Master Stormwater Plan. Work with property owners to minimize potential of stormwater pollutants leaving the property.
2. Continue to construct recharge/infiltration basins at outlets of culverts and small drainage tributaries draining into the Santa Fe River. Implement a maintenance program to remove silt with pollutants and other solids.
3. Continue to support approval for Stormwater Utility Fee.
4. Continue to require vegetative practices within the County's existing landscaping requirements. This would include landscaping features that, with optimal design and good soil conditions, enhance pollutant removal, maintain/improve natural site hydrology, promote healthier habitats and increase aesthetic appeal. Proposed developments will be required to utilize vegetative BMPs such as grassy swales, filter strips, artificial wetlands and rain gardens.
5. Promote or require areas along all arroyos, rivers and flow lines for open space. Open space is already required by code.

6. Initiate changing existing County policy into ordinance. Development Permits will not be issued to properties with existing code violations. A majority of violations are junked vehicles and litter. Unfortunately, a lot of these areas are by arroyos or rivers. This ordinance will help force these areas to clean up.

2525874

**Monitoring/Results:**

1. Continue to document the number of paved parking lots and other large paved areas. Document number of paved parking lots with retention/detention ponds.
2. Continue to document number of basins constructed. Implement maintenance program and identify on Santa Fe County Urban Area Master Stormwater Plan.
3. Continue to document number of public hearings and attendance.
4. Document number of projects required to utilize new vegetative BMPs.
5. Document the amount of open space protected.
6. Document the number of public hearings and people attending. If ordinance approved, document number of notice of violations issued and actions taken.

**YEAR 5: 2007-2008**

1. Continue to utilize GPS to identify all paved parking lots within the County Urban Area. Show locations on Urban Area Master Stormwater Plan. Work with property owners to minimize potential of stormwater pollutants leaving the property.
2. Continue to construct recharge/infiltration basins at outlets of culverts and small drainage tributaries draining into the Santa Fe River. Implement a maintenance program to remove silt with pollutants and other solids.
3. Continue to support approval for Stormwater Utility Fee.
4. Continue to require vegetative practices within the County's existing landscaping requirements. This would include landscaping features that, with optimal design and good soil conditions, enhance pollutant removal, maintain/improve natural site hydrology, promote healthier habitats and increase aesthetic appeal. Proposed developments will be required to utilize vegetative BMPs such as grassy swales, filter strips, artificial wetlands and rain gardens.
5. Promote or require areas along all arroyos, rivers and flow lines for open space. Open space is already required by code.
6. Initiate changing existing County policy into ordinance. Development Permits will not be issued to properties with existing code violations. A majority of violations are junked vehicles and litter. Unfortunately, a lot of these areas are by arroyos or rivers. This ordinance will help force these

areas to clean up.

7. Construct grade control structures and sediment catchment check dams throughout the Santa Fe River within the Urban Area.

**Monitoring/Results:**

2525875

1. Continue to document the number of paved parking lots and other large paved areas. Document number of paved parking lots with retention/detention ponds.
2. Continue to document number of basins constructed. Implement maintenance program and identify on Santa Fe County Urban Area Master Stormwater Plan.
3. Storm water utility fee approved by Board of County Commissioners.
4. Continue to document number of projects required to utilize new vegetative BMPs
5. Document the amount of open space protected.
6. Document the number of public hearings and people attending. If ordinance approved, document number of notice of violations issued and actions taken.
7. Document the number of grade control structures and sediment catchment check dams constructed. Identify on Urban Area Master Stormwater Plan.

**Reporting Entity:**

- Santa Fe County, Public Works and Land Use Departments

- VI. **POLLUTION PREVENTION/GOOD HOUSEKEEPING-** Santa Fe County must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations into the storm sewer system. The County will develop and implement an operation and maintenance program with the ultimate goal of preventing or reducing pollutant runoff from municipal operations into the storm sewer system. Using training materials that are available from EPA, the State, Tribal or other organizations, the program will include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction, and storm water maintenance.

**Proposed Control Measures/BMPs**

**Santa Fe County shall develop and implement the following BMPs:**

**YEAR 1: 2003-2004**

1. Develop spill prevention and control plans for County maintenance yards.
2. Construct sediment catch basins at intersections of Santa Fe River and identified County Roads. Implement maintenance program.

**Monitoring/Results:**

1. Plans developed that describe spill prevention and control procedures by the end of the year.
2. Document number of catch basins constructed and frequency of maintenance. Locate on Urban Area Master Stormwater Plan.

**YEAR 2: 2004-2005**

2525876

1. Continue developing spill prevention and control plans for County maintenance yards.
2. Continue construction of sediment catch basins at intersections of the Santa Fe River and County Roads, including maintenance program.
3. Initiate program to increase Haz-mat staff, training and education for County employees.
4. Incorporate the use of road salt alternatives for roadway deicing.

**Monitoring/Results:**

1. Conduct annual spill prevention and response training sessions for all municipal employees.
2. Continue to document number of catch basins at intersections of the Santa Fe River and County Roads, including maintenance program.
3. Document number of new staff and number of staff attending training and education.
4. The amount of salt used for deicing will be reduced by 50% through the use of less-toxic alternatives, such as liquid calcium magnesium acetate (CMA).

**YEAR 3: 2005-2006**

1. Continue developing spill prevention and control plans for County maintenance yards.
2. Continue construction of sediment catch basins at intersections of the Santa Fe River and County Roads, including maintenance program.
3. Continue with program to increase Haz-mat staff, training and education for County employees.
4. Continue the incorporation of the use of road salt alternatives for roadway deicing.
5. Obtain funding to purchase and install two water quality monitoring Stations, within the Santa Fe River. One to be located downstream of the City of Santa Fe limits and the other to be located upstream of the City of Santa Fe Wastewater Treatment Plant.

**Monitoring/Results:**

1. Continue to conduct annual spill prevention and response training sessions for all municipal employees. Distribute educational materials, e.g., posters and pamphlet to each municipal facility.
2. Continue to document number of catch basins at intersections of the Santa Fe River and County Roads, including maintenance program.
3. Continue to document number of new staff and number of staff attending training and education.
4. The amount of salt used for deicing will be reduced by 50% through the use of less-toxic alternatives, such as liquid calcium magnesium acetate (CMA). Continue to reduce the amount of salt used.
5. Identify areas to install water quality monitoring devices/stations.

**YEAR 4: 2006-2007**

1. Continue developing spill prevention and control plans for County maintenance yards.
2. Continue construction of sediment catch basins at intersections of the Santa Fe River and County Roads, including maintenance program.
3. Continue with program to increase Haz-mat staff, training and education for County employees.
4. Continue the incorporation of the use of road salt alternatives for roadway deicing.
5. Purchase and install two water quality monitoring Stations, within the Santa Fe River. One to be located downstream of the City of Santa Fe limits and the other to be located upstream of the City of Santa Fe Wastewater Treatment Plant.
6. Initiate training program for grounds maintenance and landscape crews of Santa Fe County.

**Monitoring/Results:**

1. Continue to conduct annual spill prevention and response training sessions for all municipal employees. Distribute educational materials, e.g., posters and pamphlet to each municipal facility.
2. Continue to document number of catch basins at intersections of the Santa Fe River and County Roads, including maintenance program.
3. Continue to document number of new staff and number of staff attending training and education.
4. The amount of salt used for deicing will be reduced by 50% through the use of less-toxic alternatives, such as liquid calcium magnesium acetate (CMA). Continue to reduce the amount of salt used.
5. Identify areas to install water quality monitoring devices/stations.

6. Develop a pollution prevention workshop for all County employees responsible for grounds maintenance, landscaping and maintenance crews in the field.

**YEAR 5: 2007-2008**

1. Continue developing spill prevention and control plans for County maintenance yards.
2. Continue construction of sediment catch basins at intersections of the Santa Fe River and County Roads, including maintenance program.
3. Continue with program to increase Haz-mat staff, training and education for County employees.
4. Continue the incorporation of the use of road salt alternatives for roadway deicing.
5. Monitor water quality monitoring Stations, within the Santa Fe River. One to be located downstream of the City of Santa Fe limits and the other to be located upstream of the City of Santa Fe Wastewater Treatment Plant.
6. Continue with training program for grounds maintenance and landscape crews of Santa Fe County.
7. Initiate a Santa Fe River Restoration Project. May possibly become an ordinance.

**Monitoring/Results:**

1. Continue to conduct annual spill prevention and response training sessions for all municipal employees. Distribute educational materials, e.g., posters and pamphlet to each municipal facility.
2. Continue to document number of catch basins at intersections of the Santa Fe River and County Roads, including maintenance program.
3. Continue to document number of new staff and number of staff attending training and education.
4. The amount of salt used for deicing will be reduced by 50% through the use of less-toxic alternatives, such as liquid calcium magnesium acetate (CMA). Continue to reduce the amount of salt used.
5. Obtain results from water quality monitoring devices/stations.
6. Develop a pollution prevention workshop for all County employees responsible for grounds maintenance, landscaping and maintenance crews in the field.
7. Identify areas of the Santa Fe River which need to be restored.

**Reporting Entity:**

- Santa Fe County, Public Works & Land Use Department