

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

March 25, 2008

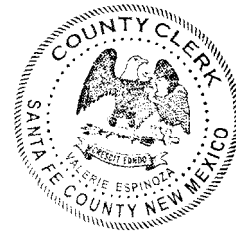
Jack Sullivan, Chair
Paul Campos, Vice Chair
Michael Anaya
Harry Montoya
Virginia Vigil

COUNTY OF SANTA FE
STATE OF NEW MEXICO

BCC MINUTES
PAGES: 83

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SANTA FE COUNTY
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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:00 a.m. by Chair Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

[None]

V. INVOCATION

An invocation was given by Deputy County Clerk Vicki Trujillo.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

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

ROMAN ABEYTA (County Manager): Mr. Chair, we do, the first coming under X. Matters from the Commission, A, we need to correct that the presentation from the New Mexico Economic Development Department will be from Deputy Secretary Stuart Paisano and not Ashman.

Then we added, under Matters from the Commission item B, which is Discussion and

possible approval for an expenditure of discretionary funds in the amount of \$1,477.98 for recognition of the Pojoaque School basketball teams, Commissioner Montoya.

Under the Consent Calendar, XII. B. Miscellaneous items, on page 3, Mr. Chair, item number 11 will be withdrawn from the agenda because we need to get legal review on item number 11.

And finally, Mr. Chair, on the last page of the agenda under XIII. Staff and Elected official Items, we noted on the agenda that the Community Services Department presentation of the new judicial courthouse will be heard at 4:00 pm or after 4:00 pm. Other than that, there are no changes from staff, no further changes.

CHAIRMAN SULLIVAN: All right. Thank you, Mr. Abeyta. Question, Commissioner Campos?

COMMISSIONER CAMPOS: Mr. Abeyta, as to item XIII. C, the presentation concerning the courthouse, I understand that there are new illustrations being circulated and I haven't seen them.

MR. ABEYTA: Mr. Chair, Commissioner Campos, yes. New illustrations were circulated yesterday and we can get them to you this morning.

COMMISSIONER CAMPOS: I would have liked to have been one of the first on that list.

MR. ABEYTA: They should have been emailed to you, Mr. Chair. I don't know why they weren't. We emailed them to all the Commissioners, I think.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: If I could get one too. My email didn't work.

CHAIRMAN SULLIVAN: Okay, we'll get copies of those. I got an email one at 4:00 yesterday and I believe there's been a better rendering prepared since then. So I think we have a slightly better one. Let's look at the tabled or withdrawn items, and then we'll approve the agenda after we do that. Are there any other changes to the agenda, not including the Consent Calendar? Seeing none, what's the pleasure of the Commission?

COMMISSIONER ANAYA: So moved, as amended.

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

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Montoya.

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIRMAN SULLIVAN: Are there withdrawals? I have a couple, B. 1, B.3 and B. 7. Any other withdrawals from the Consent Calendar this morning?

COMMISSIONER ANAYA: Move for approval as amended.

CHAIRMAN SULLIVAN: Motion for approval of the Consent Calendar as amended with the three withdrawals just named.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Campos.

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

VIII. APPROVAL OF MINUTES

A. February 12, 2008

CHAIRMAN SULLIVAN: I have a couple of typographical corrections. Are there any other changes or corrections to those minutes?

COMMISSIONER ANAYA: Move as amended.

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

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Campos.

The motion to approve the February 12th minutes as amended passed by unanimous [5-0] voice vote.

VIII. B. February 26, 2008

CHAIRMAN SULLIVAN: I have a couple of typographical changes on those. Are there any other corrections or amendments to those minutes?

COMMISSIONER ANAYA: Move as amended.

CHAIRMAN SULLIVAN: Moved by Commissioner Anaya, for approval as amended.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Campos.

The motion to approve the minutes of February 26th as amended passed by unanimous [5-0] voice vote.

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN SULLIVAN: This is an item where we encourage folks from the community who have issues to discuss that are not on the agenda to come forward and bring them to the attention of the County Commission. A couple of persons have indicated that they would like to speak about the new judicial courthouse. We are having a presentation on that this afternoon at 4:00 by the design team and you're welcome to be here, but that is not a public hearing. It's a presentation. So since you are here, or some of you may be here, and you would like to talk about that, you're welcome to come forward and talk about that now if you'd like, because the presentation at 4:00 will not be a public hearing. You're welcome to speak about anything else that you like as well. Yes, sir. Please give us your name.

RICHARD ELLENBERG: Thank you, Mr. Chair. My name is Richard Ellenberg. I reside at 1714 Canyon Road, and I want to talk a little bit about us versus them, which seems to be a prevalent illness somewhat in this community right now, and it's been a major problem with regard to development in the historic district. In response to that an effort was started a little bit over a year ago to begin conversations between people in the so-called historic community who cared about preserving the golden goose that produces Santa Fe's tourism and a lot of the tax base for the City and County, and developers. Those conversations have actually been conversations, not a hearing like this, where you don't have back and forth. It has led to people understanding constraints and objectives of the development and led to the developers understanding the objectives and concerns of architects and others involved in downtown.

It has been a very profitable process. Some projects have been completed; some are ongoing. With regard to the courthouse, that process began a little bit late and has been ongoing and most recently has been ongoing with architects provided by your staff, and this afternoon you will see some sketches that have been drawn by your architects as a result of consultations with your staff, the judges, and a number of architects whose experience in working in downtown Santa Fe has earned them the respect of the community.

Now I'm not going to pretend, even if those sketches were up here to be seen right now to have an opinion as to them. I'm not an architect. I can't take these little sketches that are half of an 8 ½ by 11 piece of paper, turn them into a three-dimensional building that would be bigger than this room, in fact bigger than this building. That would be seen from various perspectives and I'm not qualified to begin to project how that would look. But I do urge upon you that the skill of the people involved, the reputation of the people involved, the good will and diligence of the people involved and the process is something in which I would have faith to generally produce a good result and would urge you to give a great deal of weight to the process and consultation in those efforts when you consider these plans this afternoon. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Ellenberg. Next speaker, please.

MARILYN BANE: Good morning, Commissioners. My name is Marilyn Bane.

I'm president of the Old Santa Fe Association and I will be speaking in that capacity this morning. I and our board represent over 300 members of the community who like many others in the county and the city are deeply concerned about the future of our historic downtown area. This afternoon as you mentioned you'll be reviewing a new design for the County courthouse. I would iterate Richard's point asking you to please give it very careful consideration. Great efforts by your architect and the community's working group has gone into it. We recognize that your decision whether to approve or not approve it will not be an easy one and that each of us has our own design preferences.

But what is clear is that the proposed new courthouse will have a great impact on our downtown area and the choices you make today will have long-reaching effects. The building you approve can either move in like the proverbial neighborhood bully, threatening the adjacent streetscape, and creating discord among friends, or it can join its neighboring buildings in the area with visual harmony and respect. We believe that this latest design accomplishes the latter.

Santa Fe's historic downtown doesn't belong to a selected few, either preservation organizations such as ours or County personnel. Santa Fe's downtown belongs to all of us. It reflects the tradition and culture of our community and it fuels our economy by drawing people the world over. Like you, we deeply respect the First Judicial Court and its needs for a functional and secure building that will enable to remain safely part of Santa Fe's downtown. But we also respect our City's ordinances, specifically the one that governs the growth and development of our historic downtown area. Although very specific, it should be kept in mind that it is a flexible ordinance, one that can allow for both height and design exceptions.

So should you decide to go forward with the design that will be presented this afternoon, we ask you that you do what the New Mexican Association of Counties, among others have done before you, which is to respect our city's process and its ordinances, and submit your chosen design to the Historic Design Review Board for approval. Thank you very much and good luck this afternoon.

CHAIRMAN SULLIVAN: Thank you, Ms. Bane. Next speaker.

LOIS SNYDERMAN: Good morning, Commissioner Sullivan, members of the County Commission. My name is Lois Snyderman. I am a resident of Santa Fe and I was formerly the director of the Historic Santa Fe Foundation and also in a previous life worked for the National Trust for Historic Preservation for about ten years and then was a preservation consultant. I want to speak to a couple of points briefly. This has been a long process and I know the committees have met and worked very hard on the plans that will be reviewed today. I regret that the plans aren't here for us to see now at this time when we're allowed to discuss it, and then this afternoon, when the plans will be there there will be no discussion from the audience. I think those two points are unfortunate.

I have several concerns with the plan that I have briefly looked at that someone has back there. First of all, the height is still very much above what it should be in a historic district. It will call, I'm afraid, for the demolition of a contributing building, and then I believe that in my estimation it is still out of scale with what is in that neighborhood. So it has two important concerns. I have important concerns concerning height and scale and demolition of a building

that's already considered contributing under Santa Fe's ordinance.

But I think the most important point here is the question of the ordinance and what the County intends to do with regard to the ordinance standards and requirements and so on. This is a City ordinance that was passed in accordance with state enabling legislation. The argument has been made that both the County and the State should follow the requirements set by the ordinance, and I think that that question is perhaps even much more important than the question of the building itself.

So I would like to see set up in conjunction with the discussion of the building, the new courthouse, I would like to see the County and the City and the State Preservation Ordinance cooperate in setting up a committee that will discuss the City's preservation ordinance vis-à-vis the County and the State. Now, this is not necessarily tied to the approval of the courthouse building. You may decide to go ahead and approve that, but I think it's very important, no matter what happens with decisions regarding the courthouse, that some committee be set up to discuss this other, much larger issue of the City's preservation ordinance, and the County and the State and how the three jurisdictions will work together to uphold the ordinance. Thank you very much.

CHAIRMAN SULLIVAN: Thank you, Ms. Snyderman. Anyone else like to bring anything forward for the Commission? You're welcome of course to be present this afternoon and we would have had this earlier but Judge Hall asked, due to his court schedule that we schedule it this afternoon.

And one thing, Mr. Abeyta. Refresh my memory. I think you were probably the Land Use Administrator but when the City built the municipal recreation complex in the county, did they come forward to the County for approval?

MR. ABEYTA: Mr. Chair, no, they did not. They built several items out in the county that we didn't require a permit from them.

CHAIRMAN SULLIVAN: Okay. I remembered that but I just wanted to be sure my recollection was correct. Okay.

X. MATTERS FROM THE COMMISSION

A. New Mexico Economic Development Department, Deputy Secretary Stuart Paisano to Present the County An Award In Recognition of Being Recertified Through Certified Communities Initiative (Commissioner Sullivan)

CHAIRMAN SULLIVAN: Did you want to introduce this, Mr. Abeyta? Who wants to introduce this?

MR. ABEYTA: Mr. Chair, Robert Griego can introduce this item. It's regarding the New Mexico Economic Development Department and the presentation to the County and award in recognition of us being recertified through the certified communities initiative and Robert could probably remind us all of what the certified communities initiative is.

ROBERT GRIEGO (Planner): Chairman Sullivan, Commissioners, Santa Fe County worked with the New Mexico Economic Development Department in 2005 to go through the certified communities initiative process. That process allowed us to identify some of the County's needs. We came up with a community business plan. We looked at our SWOT analysis. We did strengths, weaknesses, opportunities and threats to determine where we needed to go with our economic development program.

We were recertified in 2007 and I guess here to make that presentation is the Deputy Secretary for the Economic Development Department, Stuart Paisano.

CHAIRMAN SULLIVAN: Welcome, Mr. Paisano. Nice to have you here this morning.

STUART PAISANO: Thank you. Good morning, Mr. Chair, members of the Commission. I bring you greetings from the New Mexico Economic Development Department. This morning I have the distinct honor to recognize the Santa Fe County Commission, its staff and its residents for an outstanding job that it's done in the year 2007. We're doing a due diligence of clearly identifying the needs of your citizens here in Santa Fe County when it comes to economic development opportunities. The CCI recognition is commonly known as the certified community initiative, and what this does is it helps the Economic Development Department along with its partners, such as the New Mexico Partnership. If you recall, I believe back in 2002 or 2003, the legislature broke away the marketing arm so to speak of the Economic Development Department and created its own partnership, so to speak that's now commonly known as the New Mexico Partnership.

What they do is recruit companies to the State of New Mexico along with the New Mexico Economic Development Department to look at business expansions and retentions throughout the State of New Mexico. But what this program does is it helps identify, as Mr. Griego has indicated, when you conducted your SWOT analysis to identify really what your needs are, your infrastructure needs, such as roads, water lines, sewer lines, telecommunications, and the list goes on. It helps identify those needs that you may have. It assists the Department with when a company is looking to relocate to New Mexico, potentially maybe into Santa Fe County with already having a predetermined list of things or infrastructure that Santa Fe County has to offer to this particular community, whether they're moving in from out of state, from hypothetically, say, from Texas to New Mexico, or vice versa, a company moving from Las Cruces to Santa Fe County. It helps identify that and makes the process go a little bit easier when we're doing our due diligence in recording this community, and also factoring a lot of incentives that the State of New Mexico offers, such as capital outlay money, if the county is issuing IRB bonds, if there's capital money that's flowing through the legislature or through the Governor's office, there's a variety of different things that help us identify your needs, that helps us recruit these companies to the ultimate goal out of our agency is to create jobs.

By creating jobs creates wealth for your community is what we believe in. So Secretary Mondragon clearly, that's one of his main initiatives under his administration, working for Governor Bill Richardson and Lt. Governor Diane Denish is to assist rural communities. And

that's our main initiative right now out of our agency. There's been a change in leadership over the last year at the helm of the Economic Development Department and as I indicated our job is to create job opportunities for rural New Mexico, and that's a commitment that we are making. and by identifying Santa Fe County as a CCI community, and with the wonderful work that your staff does, like Mr. Griego. We really want to applaud Mr. Griego from our department for a lot of the hard work that this gentleman has done in working with our staff members like Donnie Quintana and Steve Gallegos, who were assigned to this particular region to assist from the state agency with your County employees like Mr. Griego. They've done a tremendous job in identifying your needs.

With that, hopefully we're able to assist them with providing opportunities for the citizens to live in your county. So that being set, I want to congratulate you on behalf of Governor Richardson, Lt. Governor Denish and Secretary Mondragon. I do have this little plaque here to present to the Santa Fe County Commission for your leadership, but also for the dedication of your employees to assisting us with identifying those needs for the residents of Santa Fe County.

CHAIRMAN SULLIVAN: Thank you Mr. Paisano. We appreciate that. We'll put that in our trophy case along with the Pojoaque Elks and Elkettes. Right. Are there any questions of Mr. Paisano from the Commission? We appreciate your effort in this as well and of course the department's in assisting Santa Fe County in working through this certification process. And we look forward to working with you in the future as well.

MR. PAISANO: Thank you, Mr. Chair and members of the Commission.

CHAIRMAN SULLIVAN: Commissioner Vigil has a comment.

COMMISSIONER VIGIL: I do think this is a wonderful opportunity to recognize all the work that staff does with regard to our Land Use Department, Robert Griego, Jack Kolkmeier and everyone within that department and the Manager's department. You have created a focus for this .Of course we've drafted our Economic Development Ordinance but implementing that has to do with staff work and staff initiative. I have a question though. This isn't the first time we've received this, is it?

MR. PAISANO: No, it is not. It's a recertification.

COMMISSIONER VIGIL: Okay. And how many times have we been recertified?

MR. PAISANO: It appears you've recertified once and that was, if I'm not mistaken, in August of 2005, and you recertified in September of 2007.

COMMISSIONER VIGIL: Okay. I appreciate the department's initiative on this part to maintain the lines of communication and some evaluative way of looking towards economic development and creating a focus for this. I hope that cooperation continues and we want to thank you for creating this focus for local government and staying on top of it basically through this recertification process and hopefully just by creating that system and that process itself we will continue to work towards common goals. Thank you very much.

MR. PAISANO: Mr. Chair, Commissioner Vigil, we clearly understand the fact that we cannot do this alone. It's through great partners such as yourself, the great work

that the staff does such as Mr. Griego and others. Because our department is very small. I mentioned the two individuals that are assigned to the whole Santa Fe County District area. That's just one county and Steve Gallegos represents all the way up to Taos, the Enchanted Circle, almost all the way close to Raton. It's a very big district. But through cooperation and collaboration with other entities such as the Regional Development Corporation, the Santa Fe Alliance, the City of Santa Fe, these are other organizations that we pool together to help combine our resources to try to do a more effective job, because we completely understand we cannot it ourselves.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you. Thank you, Robert.

X. B. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of \$1,477.98 for recognition of the Pojoaque School Basketball Teams (Commissioner Montoya)

COMMISSIONER MONTOYA: Mr. Chair, as you alluded to earlier, this allocation would be for the purchase of commemorative items for the Pojoaque Elks and Elkettes in recognition of their state championships in Triple-A basketball. So that would be the amount of \$1,477.98 and I would move for approval.

COMMISSIONER ANAYA: Second.

COMMISSIONER MONTOYA: We have a motion by Commissioner Montoya, second by Commissioner Anaya. Discussion? Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Montoya, I thought you had expended your budget at the last meeting when Commissioner Anaya voted to take your money and expend it for the interns.

COMMISSIONER MONTOYA: No, I had \$1500.

COMMISSIONER CAMPOS: You had \$1500 after that. So you had \$3,000? \$1500 and \$15000?

COMMISSIONER MONTOYA: Right. So this leaves me a balance of \$23.02.

CHAIRMAN SULLIVAN: Don't spend it all in one place. Other questions, comments?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I don't recollect taking money from any other Commissioners other than Campos. : the \$2,000, wasn't it?

COMMISSIONER CAMPOS: That's about right.

CHAIRMAN SULLIVAN: This was a discussion last time on leveling the intern salaries, I believe. I was never clear as to how much was put in the pot for that. Mr. Abeyta, do you remember?

MR. ABEYTA: Mr. Chair, I believe it was \$8,000 that we were going to come

up with.

CHAIRMAN SULLIVAN: To level the intern salaries. And that was going to come from discretionary funds?

MR. ABEYTA: Yes. I'm working with Finance to identify -

CHAIRMAN SULLIVAN: From everyone except the chairman, is that right? Two four six eight. Let us know how that works out.

CHAIRMAN SULLIVAN: Okay. Thank you. Other comments, questions on item B?

The motion passed by unanimous [4-0] voice vote with Commissioner Campos abstaining.

X. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I also wanted to congratulate the Commissioner and the Pojoaque Elks and the Elkettes for their victory. I have one item and that is we opened up the satellite office. We had our grand opening in Edgewood. I want to thank Roman, Jennifer, Valerie and Vicki, Victor and Brian and the staff for putting that together. We had a good turnout. I don't have the office hours in front of me but I believe it's going to open three days a week. It was a good turnout. We had Representative McCoy there with the Mayor, the former Mayor and the new Mayor. So jus to let the Commission know, that office is running. Thank you.

CHAIRMAN SULLIVAN: Okay. Thank you, Commissioner Anaya. I think probably the hours are the same as the hours for the Eldorado satellite office. I believe it's Tuesday, Wednesday, Thursday from noon to five.

COMMISSIONER ANAYA: I think that's what it is.

CHAIRMAN SULLIVAN: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I'll reserve mine.

CHAIRMAN SULLIVAN: There's no reservations. We can't come back. A page turned is a page burned.

COMMISSIONER VIGIL: I still reserve mine.

CHAIRMAN SULLIVAN: She still reserves, whatever that means.

Commissioner Campos.

COMMISSIONER CAMPOS: I have nothing to add today, Mr. Chair.

CHAIRMAN SULLIVAN: All right. Commissioner Montoya.

COMMISSIONER MONTROYA: Thank you, Mr. Chair. As you may recall or not, some time back, we had begun looking into the possibility of seeing what it would cost if we were to do our insurance internally. We have had some preliminary studies done and I would like to ask staff that we get those reports and see exactly what we would save. We would

probably save significant amounts of money if we did that internally as opposed to the way that we're currently doing that. Insurance costs continue to rise. They will continue to rise and I think we need to look at what we can do to be as frugal as possible in terms of the insurance costs that we have that we're paying out through Santa Fe County taxpayers. So I would ask that staff look at that and see if we could maybe get the information for one of our future meetings so we can get that information and see whether or not it would be even prudent to begin looking at outsourcing or insourcing our own insurance and insurance needs. That's all I have, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you, Commissioner Montoya. A couple of items from my standpoint. Number one, you have in front of you a status report for the Rail Runner dated February 2008. This isn't on the agenda today but Mr. Lujan has provided it to us. This is a result of our individual who is on board now as a consultant to assist us in the coordination of the Rail Runner. There was an agreement in our Consent Calendar that had to deal with that. We've already passed that, but we just wanted to let you know that he's working and this is a status report as of today on the activities of the Rail Runner.

The other item is, at our last Commission meeting we had a number of individuals come forward and express their concerns about the St. Vincent Regional Medical Center-CHRUSTUS merger, and we heard their issues, and since then a number of the Commissioners have heard from other constituents as well. I did want to let folks know that in our healthcare meeting this morning we did discuss that issue and we asked our Health Policy and Planning Commission to take a look at a resolution that we could forward as a Commission to the St. Vincent Regional Medical Center that would express our interest in getting clarified a number of these issues that have come forward, end of life issues as well as reproductive rights issues that persons have expressed concern over. So we are making some response to that, to those concerns that we heard at the last meeting. The Health Policy and Planning Commission meets on April 4th. They will discuss at that time and then we will probably discuss it at our next Commission meeting as well to see if we can put forward at least a resolution or at least an expression of concern and what we would ask St. Vincent to assist with in that regard concerning the merger terms. So that is in progress. So those are the two items I had. Commissioner Vigil, did you come up with anything?

COMMISSIONER VIGIL: I have a couple of questions. With regard to the Metropolitan Transportation Policy Board, I'm getting updates on those meetings. I believe Commissioner Montoya - who are the appointed members of that? Commissioner Montoya, Commissioner Sullivan, Commissioner Anaya. I believe I'm an alternate to that so I'm capable of attending should none of the appointees attend, and there were some emails I received. I understand there's a meeting scheduled for later this week or some kind of a retreat. I guess I need some clarification as to when I do attend and perhaps we just let MPO staff clarify this, if in fact I am a voting member, because I'm not sure that the entity - that the alternates are not voting members. I'm really not sure so I'd like to get that clarification. and if anyone on the Commission has that for me I'm happy to hear about it.

CHAIRMAN SULLIVAN: Commissioner Vigil, there is a work session this

Thursday from 1:00 to 3:00 in the City Councilors conference room, and Commissioner Anaya can't make that meeting. So we'd encourage your attendance in that. We'd like to have you. The purpose of that is to go over the recommendations in the consultant's study about the administrative makeup of the Metropolitan Planning Organization and some of its activities. We have had presentations on that and it was decided that it would be good to have a work session. The Mayor won't be able to make it but we'll get as far as we can. There won't be any action items at that meeting so it won't be necessary to take any votes. But my understanding - Mr. Ross, correct me if I'm wrong - is that our alternates for any of our committees have the right to vote. Is that not correct? In the absence of a member?

MR. ROSS: Mr. Chair, that's correct. In the absence of a member then they have the privileges of the missing member.

COMMISSIONER VIGIL: Okay.

CHAIRMAN SULLIVAN: It won't be necessary Thursday but in any other case you would be a voting member.

COMMISSIONER VIGIL: Clarify something for me then, Mr. Ross. On the Buckman Direct Diversion, when the alternates attend there, they're not necessarily there to replace an existing member. Do they still have a voting right? Or is that a separate-

MR. ROSS: Mr. Chair, Commissioner Vigil, it is true that the alternates for the Buckman Direct Diversion frequently attend the meeting as observers. They don't have voting rights so long as the other members that they're an alternate to are present. But I think the members that attend the BDD meetings understand that it's a project of such complexity that they need to stay involved so if they do need to be present and vote and take actions then they'll know what's going on.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN SULLIVAN: Anything else, Commissioner Vigil?

COMMISSIONER VIGIL: I just wanted to ask Roman if we've had a legislative update on our legislative agenda?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, no we haven't. We passed out a draft summary of the session and the allocations but we were waiting for all the bills to be signed or vetoed before we finalized that report. So I would expect that we'll be giving you a formal report now in April.

COMMISSIONER VIGIL: Okay. and finally, Roman, I'd like to thank you for all the work that you did before I left for China. I know I was advised right before I left about some projects that were going to go underway particularly in Agua Fria. I'd like to thank Rita Maes for filling in for me, basically, while I was out, and I'd particularly like to thank I think the United States of America for being in a country where we're allowed to have the freedom of speech. I actually was in Tibet the day of the uprising, unbeknownst to the travel group I was with, and this was personal travel that I was on. We did not know about the uprising until we arrived. The province went into martial law. We were restricted to our hotel and did not know the extent of the uprising because everything was censored. fortunately, we were with a travel group that was well versed in this kind of experience and we were able to get escorted out of

the country before anything further occurred. That was the highlight of my China trip because I actually went to Tibet hoping to experience peace and tranquility and saw the contrast of what traditionally, historically was there. China, I just want to tell the Commissioners is an experiment in the merging of the communist regime and a capitalistic intent and it's quite successful. I think probably the most successful sentiment that I have to express is that it's nice to be back, and it's also nice to know that while I was gone everything was taken care for the responsibilities I have here. I appreciated that opportunity. Thank you, Roman and please extend my thanks to everyone who filled in on what was needed .

MR. ABEYTA: I will.

CHAIRMAN SULLIVAN: Thank you, Commissioner. We also shooed away anyone who wanted to file for your Commission seat.

COMMISSIONER VIGIL: I did get an email about that while I was down the Yangtze River, if you can imagine, in a tour, watching the greatest dam that's going to be built in the world over, next to, I guess, Egypt. And I did get word that I had no opposition, so that was really nice to hear. I appreciate nobody going out against me. and actually I so appreciate it because it gives me the opportunity to work on the things that I've started. Thanks, Mr. Chair.

CHAIRMAN SULLIVAN: Right. And I do want to say that I appreciate the five individuals who have announced that they are running for the District 5 seat, because they're all five very dedicated persons I think and I'm really glad to see that level of interest in County government, that level of interest in land use planning, water and issues. I attended a forum last Thursday where the candidates were there from the district and all obviously are very interested in their community and I was really encouraged to see that we have that level of interest and dedication to our County government. We'll see how these campaigns go for these individuals and I'm looking forward to that.

XI. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Appointments to the County Open Land and Trails Planning and Advisory Committee

CHAIRMAN SULLIVAN: Who will be handling that?

COLLEEN BAKER (Open Space and Trails Program Manager): Mr. Chair, Commissioner, this item, we have four vacancies on our County Open Lands and Trails Planning and Advisory Committee. We've put out advertisements in the local papers and we got four applicants. We have one vacancy in the north. We got one applicant in the north. We have two vacancies in the central part of the county and we have three applicants for that position. We also have one alternate position that's open and any of the candidates or applicants for those positions are eligible for the alternate position.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So we have four spots, four applicants?

MS. BAKER: Yes.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER VIGIL: Second.

MS. BAKER: The only decision we'd need to make is of the three in the central, which two will represent the central portion and which will be the alternate.

CHAIRMAN SULLIVAN: It seems to me that perhaps the one with the least experience is Brent Bonwell. He might be a good alternate. Has he been on before?

MS. BAKER: He has not. He attended the last meeting out of interest but he has not been a representative before.

COMMISSIONER ANAYA: Which one was that?

CHAIRMAN SULLIVAN: Bonwell.

COMMISSIONER ANAYA: Motion that we accept and Bonwell would be the alternate.

CHAIRMAN SULLIVAN: Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Vigil. Discussion?

COMMISSIONER CAMPOS: Question.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Do we contact former members of COLTPAC who have done a good job for us if they would interested in re-serving?

MS. BAKER: We haven't in the past. We do do a fairly good job of keeping in touch with those former members, and we actually have had one, Matthew McQueen has returned after taking a break from being on the committee. Most of the members that have left are still around. We know where they are and do communicate with them, but we haven't made an actual effort to contact them again and ask them if they would like to serve again.

COMMISSIONER CAMPOS: I think there's a lot of talent there that we might be able to tap into.

MS. BAKER: Okay.

COMMISSIONER CAMPOS: The numbers of interested people seem to be dropping off a little bit if I remember correctly from the last cycle.

MS. BAKER: From the last time, yes.

COMMISSIONER CAMPOS: So when situations like that occur I think we should look at some of the people who have been productive in the past and let's let them know that there is a position open and see if they're interested.

MS. BAKER: Okay. Will do.

CHAIRMAN SULLIVAN: Okay. Other discussion?

COMMISSIONER VIGIL: I have a question.

CHAIRMAN SULLIVAN: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: It actually relates to COLTPAC in general. and Paul may have the answer to this as I'm thinking of going on. When I first got on board one of the requests I had from COLTPAC was that they look at a comprehensive open trails connectivity

plan and there are some existing. The last I understood that was in sub-committee for discussion. Colleen, do you have an update on that at all?

MS. BAKER: We have been working with the sub-committee of COLTPAC and former COLTPAC members to draft an ordinance for trails, specifically for trails, which is a portion of what you're asking about, not a full comprehensive plan. That has been going through different iterations as we work through talking with Land Use staff and the development review staff about just what can be implemented and what's appropriate and also progressive to try to get those trails established through the development process. So it's still in a draft form at this point.

COMMISSIONER VIGIL: And I know we had an original map of some kind that identified a connective trail throughout the county. Has that been referenced at all and if not, why? Did we ever take action on that?

MS. BAKER: We have two sets of trail planning maps. One is the original map that was in our County Open Lands and Trails Plan that was adopted in 2000, and that map we still refer to. It paints very large, broad corridors, five-mile wide corridors across the county, generally following historic trail alignments and connections between communities in the county. We did update that last year in 2007 for a trail summit that was planned in partnership with the City and the Santa Fe Conservation Trust. Again, it's very broad sweeps of trails that would be connected to Galisteo and Cerrillos, large trail areas. We do reference those maps in the ordinance. It's not quite to the point of what would be called a trails master plan that would actually show an alignment of a trail, partly because we need to work carefully through that process in identifying where those trails go so that we don't identify a private parcel that the landowner is not willing to work with us on. So that's why we've kept them fairly broad.

So the next level of planning that we would need to go through to actually have a trails master plan would be to start identifying specifically where we think those trails should go and working with the landowners to identify those.

COMMISSIONER VIGIL: Do you have a timeframe as to when that might be?

MS. BAKER: The actual master plan? We haven't scheduled that out. Part of that is staffing restraints.

COMMISSIONER VIGIL: Okay. And I guess, Roman, I'd just ask that I'd like us to start working towards that master plan. It's something that the community strongly supports and I know that that summit is coming up again some time in June or July. It might not be a bad idea to coordinate. When is it? the 13th?

MS. BAKER: I think the 13th is the date I've heard. The Conservation Trust is leading that effort.

COMMISSIONER VIGIL: And perhaps there's some way we could look at that as a prospective agenda item just to get most of those trail masters, so to speak, on board with that. and also I was hoping along these lines that the trail connectivity would strongly address bicycle routes and those alternatives. So I'd like to see us continue working towards that and look towards that master plan.

MS. BAKER: Okay.

COMMISSIONER VIGIL: Thanks, Mr. Chair.

CHAIRMAN SULLIVAN: We have a motion and a second. Any other discussion on the members of COLTPAC appointments? the motion is for one member to be appointed to the north region, Stephen Schoninger, and two members to be appointed to the central region, Jerry L. Rogers and Todd Brown, and for one alternative, Brent Bonwell.

The motion to appoint COLTPAC members as described above by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]

XII. CONSENT CALENDAR

A. Budget Adjustments

1. **Resolution No. 2008-40. A Resolution Requesting an Increase to the Federal forfeiture Fund (225) to Budget Equitable Sharing Revenue Received for the Region III Drug Program for Expenditure In Fiscal Year 2008/\$1,176.49 (County Sheriff's office)**
2. **Resolution No. 2008-41. A Resolution Requesting an Operating Transfer from the General Fund (101) to Various Funds for Salary Increases From the Classification & Compensation Study That Were Awarded This Fiscal Year / \$100,841 (Administrative Services Department)**
3. **Resolution No. 2008-42. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget a Homeland Security Sub-Grant Amendment #2004-GT-T4-0005-SANTA FE BOMB to Purchase A Bomb Truck / \$250,000 (Community Services Department)**
4. **Resolution No. 2008-43. A Resolution Requesting an Increase to the GOB Series 2005 Fund (330) to Budget Prior Fiscal Year 2007 Cash Balance for the Arroyo Alamo West Drainage Project/ \$75,000 (Growth Management Department)**
5. **Resolution No. 2008-44. A Resolution Requesting an Increase to the EMS Healthcare Fund (232) to Budget Additional Funding Awarded Through the New Mexico Department of Health for the Santa Fe County Maternal and Child Health Program for Expenditure in Fiscal Year 2008 / \$7,800 (Community Services Department)**
6. **Resolution No. 2008-45. A Resolution Requesting an Increase to the GOB Series 2005 Fund (303) to Budget Prior Fiscal Year Cash Balance for Capital Expenditures In Fiscal Year 2008 for Renovations to Four (4) Fire Stations: Chimayo, Glorieta, La Puebla and Tesuque / \$1,483,318 (Community Services Department)**
7. **Resolution No. 2008-46. A Resolution Requesting an Increase to Fund 505 for Two Grants Awarded Through the New Mexico Environment Department for the Agua Fria/Rumbo al Sur Sewer Line Extension Project**

- in the Amount of \$75,000 (Growth Management Department)
- B. Miscellaneous**
- 1. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of February 2008 (Administrative Services Department) ISOLATED FOR DISCUSSION**
 - 2. Resolution No. 2008-47. A Resolution Requesting Approval of the "Budget and Financial Policy" to Be Adopted as a County-Wide Policy That Applies to Definitions of Budget and Cost, the Budget Preparation Process, Capital Budgeting, County Bonds and Debt, Revenue Definition and forecasting, Reserves and the Use of Fund Surpluses, and Performance Measurement (Administrative Services Department)**
 - 3. Request Approval of Amendment No. 3 to Memorandum of Agreement Between Santa Fe County and the City of Santa Fe for the Trails and Open Space Projects Increasing the Funding for the Projects By \$630,000 for a total of \$1,330,000 (Community Services Department) ISOLATED FOR DISCUSSION**
 - 4. Request Approval of a Right of Way Easement No. RW-28277 from the State of New Mexico Commissioner of Public Lands (Community Services Department)**
 - 5. Request Approval to Enter in Contract # 28-0091-CSD-RSM for \$290,480.00 With Vigil Contracting Services for Additions and Remodel of the Santa Fe County Edgewood Senior Center (Community Services Department)**
 - 6. Resolution No. 2008-48. A Resolution Authorizing Donation of Tangible Personal Property, Consisting of Art Supplies Purchased With A State Appropriation for a Project Which Was Not Completed, to the Santa Fe Community College (Community Services Department)**
 - 7. Approval of the Collective Bargaining Agreement Between Santa Fe County and CWA-Corrections Union (Human Resources Division) ISOLATED FOR DISCUSSION**
 - 8. Resolution No. 2008-49. A Resolution for Grant Approval; Signature Authority and Project Representatives for the Rumbo al Sur Sewer Line Extension, Project Number SAP 07-6376-GF in the Amount of \$50,000 (Growth Management Department)**
 - 9. Resolution No. 2008-50. Resolution Authorizing Approval and Execution of New Mexico Environment Department Grant Agreement (Growth Management Department)**
 - 10. Request Authorization to Accept Grant Agreement Amendment No. 1 With the State of New Mexico Department of Finance, Local Government Division for Special Appropriations Projects Under Grants Number 07-L-G-8078 and 07-L-G-855 (Community Services Department)**

11. **Request Authorization to Accept Amendment No. 6 to Agreement No. 25-134-YDP Between Santa Fe County and TransRay Diagnostic, Inc. The Purpose of This Amendment Is to Increase Compensation By \$51,500.00 for A New Agreement total of \$144,956.01. The Increase Will Allow for Continuous Mobile Radiological Services for Both the Adult and Juvenile Facilities (Corrections Department) WITHDRAWN**
12. **Request Approval of Right of Way Grant/Temporary Use Permit Between Santa Fe County and the Bureau of Land Management for the Existing Access Road Into the San Marcos Transfer Station (Growth Management Department)**
13. **Request Authorization to Accept and Award A Professional Services Agreement to Only Responsive Proposer, Miller Barondess, LLP, In Response to RFP #28-0106-LG/RH to Provide Professional Legal Services for the County Specifically Directed to Its Enactment of Regulations of the Oil and Gas Industry and Related Matters Concerning Land Use and Zoning (County Attorney)**
14. **Review of the Monthly Financial Report for the Month of February 2008 Specific to the General Fund**
15. **Consideration and Approval of a Joint Powers Agreement Between Santa Fe County and the New Mexico Department of Transportation for Engineering Review of the Rail Runner Project**
16. **Resolution No. 2008-51.HT A Resolution Accepting the Proposed Draft of Santa Fe County's Conjunctive Management Plan for the Santa Fe Basin; Directing Staff to formally Consult With the Pueblos of Tesuque, Pojoaque, Nambe and San Ildefonso, the City of Santa Fe and Others, and Directing a Formal Presentation of a Final Plan**

[See page 2 for action on Consent Calendar.]

- XII. 1. **Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of February 2008 (Administrative Services Department)**

CHAIRMAN SULLIVAN: I don't understand the format of this report, Teresa, and what brought my attention to this is on page 72 of the report we have some entries like the entry of payment to Greg Solano, Sheriff, for \$5,000, and then another entry in parentheses of \$5,000. In some other areas we have entries in parentheses. So my question is, what do these entries mean?

TERESA MARTINEZ (Finance Director): The entries are - if you see anything in parentheses, Commissioner, that actually means that that check was voided. And

then if there was a problem, sometimes the checking number sequence may be off or the printer will jam, you may see an additional \$5,000. In this case you don't, which could mean it was a void along with a reissue of the check. In this particular case it looked like we issued check #369062 in the amount of \$5,000, and then the corresponding parentheses amount or negative amount if you will, with the same check number tells me that we voided that check.

CHAIRMAN SULLIVAN: Was that the same check?

MS. MARTINEZ: Right. The one check number in the positive value is the original issue and then the negative value is saying that we are voiding that check, so they will have the same check number. If it's part of the Region III or HIDTA grants, it could be \$5,000 for an investigation, so it could be for the purchase of I guess drugs or investigations associated with that where they may go undercover for narcotics.

CHAIRMAN SULLIVAN: So we issue that money to the Sheriff?

MS. MARTINEZ: To the Sheriff, and then it's handed out to the different investigators. And then an annual audit is done by the grantor and also by our independent auditor.

CHAIRMAN SULLIVAN: The other question I had was on page 56. There were a number of checks written to Correct Rx Pharmacy Services. And my question was are we correcting something or is that the name of the pharmacy?

MS. MARTINEZ: Commissioner Sullivan, that's the name of the pharmacy.

CHAIRMAN SULLIVAN: Okay. Those are the only questions that I had. Are there any other questions on item B. 1? If not, I would move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Montoya.

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

XII. B. 3. Request Approval of Amendment No. 3 to Memorandum of Agreement Between Santa Fe County and the City of Santa Fe for the Trails and Open Space Projects Increasing the Funding for the Projects By \$630,000 for a total of \$1,330,000 (Community Services Department)

CHAIRMAN SULLIVAN: The next item is B.3 and I brought this forward not so much for any corrections but simply to ask the staff just to briefly explain what this is about, and the reason for that is we're dealing with County funding through the Regional Planning Authority for the Arroyo Chamiso Trail, the Santa Fe Railyard Park and the Santa Fe Rail Trail. And I brought it forward because in the recent candidate forum that I attended, some of the comments concerned cooperation between the City and the County. There is in some cases, I think a lack of knowledge about the many areas that the City and the County do cooperate. So Colleen, maybe very briefly you could tell me what this is about, because it's a lot of money.

MS. BAKER: Yes. Mr. Chair. This is an amendment to an existing memorandum of agreement between the City and the County. It was I believe first signed in 2004, if I'm correct, to work on joint projects that we considered regional in nature. It is funded by the gross receipts tax in the County, the half portion that goes to joint projects, generally within the five-mile Extraterritorial Zone. We sat down with City staff recently this year to go through another budget process to allocate these funds and identify projects that we really felt benefited the region, both city and county residents, because of the nature of how those projects cross jurisdictional boundaries.

The projects we identified were the Santa Fe Rail Trail, the Santa Fe Railyard Park, and the Arroyo Chamisos Trail. All of those do cover both city and county areas and we really felt like if we worked together on those we could finish those projects and provide a very well organized and cohesive product for the citizens of Santa Fe County and the citizens of the City.

CHAIRMAN SULLIVAN: I think there's another one, the Foothills Trails in there.

MS. BAKER: The Foothills Trails is on that as well. You're right. We didn't increase the funding for that, but we still have that one on there. That's otherwise known as the Dale Ball Trail.

CHAIRMAN SULLIVAN: So we're increasing this agreement by \$630,000 which now brings the agreement between ourselves and the City up to \$1.33 million and all of those trails are certainly regional trails but primarily located in the city or very close to the city, and it's part of this program that we have for cooperating on these regional components, such as trails and open space. Since it was on the Consent Calendar I wanted to be sure that people knew that these types of initiatives are moving forward and persons like Paul Olafson and Colleen Baker are out there on the ground tracking these and keeping track of them. Commissioner Vigil.

COMMISSIONER VIGIL: With regard to your discussions on identifying these particular trails, because these are all within the city, was the Santa Fe River Trail Corridor eliminated because those really do have separate boundaries?

MS. BAKER: No, actually, what we have, and this is just a product of how we put these memorandums of agreement together, we have a separate memorandum of agreement for the Santa Fe River specifically, and we do share funds for that one as well. This memorandum of agreement covers other projects. We kind of separated those two, and I think it's mostly a factor of how large the Santa Fe River project is. We did that all as one agreement. And that one actually was increased and approved at the last Board of County Commission meeting.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Any other questions, discussion? I would move for approval of amendment three to the memorandum of agreement between Santa Fe County and the City in the amount of \$630,000.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Vigil. Discussion?

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. B. 7. Approval of the Collective Bargaining Agreement Between Santa Fe County and CWA-Corrections Union (Human Resources Division)

CHAIRMAN SULLIVAN: Bernadette, could you give us a little background on this please?

BERNADETTE SALAZAR (HR Director): Mr. Chair, Commissioners, we wrapped up negotiations with the CWA Corrections Union in February of this year, so we're requesting approval of the contract that came in your packet.

CHAIRMAN SULLIVAN: Are there any major changes in the prior agreement?

MS. SALAZAR: Mr. Chair, this is the first agreement with this labor organization and some of the highlights is the salary scale, which puts us in a competitive position with our competing agencies, which is the State of New Mexico and MDC.

CHAIRMAN SULLIVAN: Anything else you wanted to highlight?

MS. SALAZAR: Also the retirement program. In the agreement we have negotiated that we will get to the Plan 1 for municipal corrections officers within the term of this agreement, which is basically a 20 percent enhancement for the corrections officers, and that will be implemented within the term of this agreement.

CHAIRMAN SULLIVAN: And then I noticed in Article II. B - there's no page numbers so I can't give you a page number, the membership dues are deducted from the paycheck of bargaining unit employees who have voluntarily executed a dues deduction authorization. So this is not a fair share contract. Is that correct?

MS. SALAZAR: That's correct. It is not fair share. This is just for the employees who actually sign a card.

CHAIRMAN SULLIVAN: Okay. Just want to clarify that.

COMMISSIONER CAMPOS: What's fair share, Mr. Chair?

CHAIRMAN SULLIVAN: Maybe Bernadette could explain that.

MS. SALAZAR: Mr. Chair, Commissioner Campos, fair share is when a collective bargaining unit negotiates an agreement where all of the eligible members that would fall into that bargaining unit are required to pay union dues whether they sign a card or not, basically.

COMMISSIONER CAMPOS: It's mandatory.

MS. SALAZAR: It's mandatory.

COMMISSIONER CAMPOS: So fair share is what we call it.

MS. SALAZAR: That's correct.

CHAIRMAN SULLIVAN: It's what the union calls it. Okay, that clarifies that.

Are there other questions on this item, this first agreement between the County and CWA Corrections?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN SULLIVAN: Okay, motion by Commissioner Vigil for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Montoya.

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

CHAIRMAN SULLIVAN: Thank you, Bernadette, for getting that accomplished.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Administrative Services Department

1. Request Acknowledgement and Acceptance of the Santa Fe County Financial Audit Report for Fiscal Year 2007 Completed By Barraclough & Associates and Reviewed and Approved By the State Auditor

MS. MARTINEZ: Mr. Chair and Commissioners, we are required by law and by the annual audit rule that we get the approval of the governing board, so we're bringing this before you. We just received this from the State Auditor's office ourselves. What we've attempted to do within the letter is clearly identify that we have a clean audit, an qualified opinion, and then break down the audit findings that we did receive this past fiscal year. We set the format so that we've summarized the findings and then identified to you what we're trying or attempting to do to clear those or resolve those findings. So having said that, I'll stand for any questions.

CHAIRMAN SULLIVAN: Questions for Ms. Martinez?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Teresa, were any of the items outstanding from last year's audit, were they addressed? And if so, what's the status of them at this point?

MS. MARTINEZ: They were addressed. Some of the – a standing finding for us is the transactions that occur outside of the accounting office. So we're working with the various departments that are involved regarding billings and making sure that we're timely with our billings, whether it's a legislative appropriation, whether it's our jail facility, our ambulance services, so we're working – that's an ongoing work in progress, if you will. So we're working on that. We have been asked to come up with an accounting manual so we're knee deep in that, and our hope is to have that done – an accounting manual that can be used Countywide. So we're hoping to have that done by the end of the fiscal year.

Cash controls was a continuing finding. We're working very much with the Treasurer's office to move towards a cash register type set up versus the drawers that they have right now. That's very much tied to the software that the Assessor's office is currently implementing. So that will probably be at least another year or two out before we see that one resolved.

The property taxes finding was a new finding. The Assessor's office has put in or placed in an FTE called a quality control assurance staff member that will hopefully assist us with that finding. On the A/P side there are always tests of the accounts payable disbursements and we had a couple of cases where there was missing documentations or late fees. So we're working with my own staff in the accounts payable section and all department staff to ensure the timely payment of invoices as well as conducting training sessions annually to address staff turnover.

The capital assets, I'll be happy to say should be gone after this next coming audit because we implemented the fringe benefits policy and we should resolve that finding.

COMMISSIONER MONTOYA: Thank you, Teresa.

CHAIRMAN SULLIVAN: There was a question that I had that one of the comments was that in the notes to the audit report was that an escrow account with a balance of \$22,908 was opened without the Finance Department's knowledge. What was all that about?

MS. MARTINEZ: That was - I've got to refresh my memory. What page are you on, Commissioner?

CHAIRMAN SULLIVAN: 150 of the - it's also at the bottom of your report.

MS. MARTINEZ: Right. You know what, Commissioner? I'm going to have to get back to you on that one.

CHAIRMAN SULLIVAN: That also dealt with as a result there was \$107,000 on deposit which exceeded the \$100,000 FDIC coverage.

MS. MARTINEZ: Right.

CHAIRMAN SULLIVAN: But I wondered how an escrow account could be opened without your knowledge.

MS. MARTINEZ: It was, unfortunately, and we found out about it via the audit. So let me double-check with Helen to make sure what that one was then I can report back to you on that one.

CHAIRMAN SULLIVAN: Okay. The other thing that was a little disconcerting to me was that there were a great deal of anomalies that they apparently turned up in the Assessor's office and incorrect assessments and arithmetic errors and things of that nature. Obviously, you're not in charge of the Assessor's office, so how do we deal with that?

MS. MARTINEZ: Mr. Chair, what I can tell you is we've already met with the County Assessor and his deputy and they're very aware of it. They're working on it. That's the result of a manual system. Those would be the manual property cards that they had then the lack of the update to the system, so they did an audit of their own upon receiving this finding, and then this is very much a work in progress as well with the newly acquired software for CAMA, the computer aided mass appraisal system. This hopefully will alleviate that. It doesn't mean we're going to be 100 percent clean by the next audit. They still may find some, but with

the combination of the automated software and the quality control FTE, hopefully we can resolve that finding and the issues that they discovered.

CHAIRMAN SULLIVAN: It was rather shocking. It said one property had erroneously depreciated in value from \$254,100 to \$76,230. Usually the properties go up in value. I'm not quite sure how you depreciate your property but if I can figure out how to do it I'd like to find out more about that. But I don't know what to say except we've got to have confidence that assessments are accurate and mathematically accurate as well as fair to the property owner. I was a little taken aback by a number of these issues here. And you feel this new software will alleviate that?

MS. MARTINEZ: Chairman Sullivan, I think it will alleviate it. I can't say 100 percent. And part of the process for getting ready to implement CAMA was the staff of the Assessor's office had to take each of these manual records and input them into a database. So they took the assessment specialists and had them do it, two of the stronger supervisors in there, so that it was from their area. They were familiar with it. They can catch any errors that they could see right off the bat just looking at the property records, and then they were sampling them, their values to the system to hopefully catch any more additional errors and alleviate those findings. So I think it will help. Will it correct 100 percent? I can't commit to that, but it will definitely help.

CHAIRMAN SULLIVAN: And a final comment was, there were more than this, but just one came to my attention was regarding disbursements that the County has no written policy to address the criteria for the propriety of certain expenditures related to gifts of Santa Fe County, day-planners, Christmas cards, pins and other marketing items. Have we since developed a policy or are we in the process of doing that?

MS. MARTINEZ: Chairman Sullivan, we definitely have. In fact this Board approved that very exact policy at the June BCC meeting. So that's in place and that should alleviate the portion of the findings.

CHAIRMAN SULLIVAN: Okay. Briefly, what did that policy say?

MS. MARTINEZ: It basically mirrored the DFA policy, which basically said that there should be certain criteria established for the delivery of gifts or purchases like that. You can't do or buy anything that would be a self-promotion. So if you're an elected official and you're running for office, you obviously wouldn't be able to buy anything that would promote your campaign or promote that process. But I'll give you an example of a DWI program that attends many functions where they would actually distribute maybe a key chain or something that would have the DWI logo on there. So we very specifically made it clear that it could not be a self-promoting purchase of items. So I think we've resolved that one.

CHAIRMAN SULLIVAN: Okay, but purchases of DWI key chains would be appropriate?

MS. MARTINEZ: Would be appropriate and we also made it clear that it had to tie to the specifications of the grantor or the grant award. And that is very much in line with what they are required to do.

CHAIRMAN SULLIVAN: Okay. All right. Other questions on the audit report

for FY 2007? Seeing none, do I have a motion?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN SULLIVAN: Comment from Commissioner Vigil.

COMMISSIONER VIGIL: I have a motion.

CHAIRMAN SULLIVAN: Oh, you have a motion.

COMMISSIONER VIGIL: I move that we acknowledge and accept the financial audit report for fiscal year 2007.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: We have a motion and we have a second from Commissioner Montoya.

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

CHAIRMAN SULLIVAN: Thank you, Teresa. Good job. We can do a couple of things here. Items B. 2 and 3 have to do with the transit district, request to publish title and general summary. Item 1 has to do with the Tax Increment Financing, and that's just an informational item, I believe. The other two I think are action items. How long will the Tax Increment Financing Presentation take? Who's doing that?

MR. GRIEGO: Mr. Chair, the tax guy said it would take about ten minutes.

CHAIRMAN SULLIVAN: Ten minutes. All right. What's the pleasure of the Commission? Would you like to hear regional transit first and then due the Tax Increment Financing Presentation, or leave it as it is in the agenda?

COMMISSIONER VIGIL: As the agenda is my preference, Mr. Chair.

COMMISSIONER MONTOYA: I agree.

CHAIRMAN SULLIVAN: Stick with the agenda? Ten minutes then, Mr. Griego. We'll go ahead and do that, and then Ms. Lucero, we'll get to you on the transit district.

XIII. B. Growth Management Department

1. Presentation of Tax Increment Financing (TIF) and Tax Increment Development District (TIDD), (Norton Francis, Chief Economist State Legislative Finance Committee) (Land Use Department)

JACK KOLKMEYER (Land Use Administrator): Good afternoon, Commissioners. As all of you will recall, over the last year we've had lots of conversations about infrastructure and how to finance infrastructure with a number of projects that have come up recently. We've had a number of sessions on public improvement districts, also known as PIDs that you were all involved in including a couple of special sessions and workshops. We have a number of other projects coming down the pike that are suggesting the use of other mechanisms, tax increment financing and tax increment development districts. We thought we

would, before those projects come before you we'd take an opportunity to have some of our local state experts come and explain some of these mechanisms to us briefly so that when these future discussions occur we'll have a little bit more knowledge about understanding them.

To that end this morning, I'd like to introduce Mr. Norton Francis. He's the chief economist in the State Legislative Finance Committee and he's going to take you through a brief explanation of TIFs and TIDDs. Thank you.

NORTON FRANCIS: Good morning, Mr. Chair, Commissioners. I'm Norton Francis. I'm the chief economist of the Legislative Finance Committee for the legislature. The reason I'm here before you is because I've done a few presentations on tax increment financing and tax increment for development districts in the past. Mr. Griego, your land use planner invited me after seeing the one I did before NMFA infrastructure conference.

A couple of notes. I'll try to make this as quick as possible but feel free to stop me if you have any questions as we go along. I think we're going to have an overhead, but I'm just going to go ahead and start and we'll catch up with the overhead as we get there.

What is tax increment financing: tax increment financing nationally is a way to finance public infrastructure using future revenues, basically. You have an area, generally, in most places outside of New Mexico it's a redevelopment or a blighted area that you're dealing with and they generally are associated with declining or stagnant property values, and you go in and you set up a tax increment financing district. Developers come in and improve the area, and the incremental revenues that you get from that new development is what pays off the bonds that pay for the infrastructure in the first place. So it's sort of a chicken and egg thing. You put in the infrastructure with the hopes that the infrastructure will attract development and development will attract more revenues and thus pay for the infrastructure.

The way it works in New Mexico, and we're only one of two states I believe that does it this way is we also have gross receipts tax as part of the tax increment financing plan, and what we'd call tax increment financing here is the tax increment for development district, which is based on the 2006 law, the Tax Increment for Development Act. And what that allows is not only property tax incremental revenue but also state gross receipts tax and local gross receipts tax revenue. So that opens the revenue stream a lot more. As you're well aware property taxes are often fairly low compared to other taxes but they're also often dedicated to debt service already. So there's some ties already on there, on the property tax revenue.

So what the legislature and the Governor did in 2006 was create this Tax Increment for Development Act, which allows for not only gross receipts tax but also the state gross receipts and property tax to be used for development districts.

The way it works is basically a developer or a group of property owners or some sort of community organization comes to you, the governing body, or they could come the City as well. It could also come directly to the state I believe although that's a little bit unknown. But basically, they would come to you and say we have this district. Right now, here is the situation. We want to come in and develop it but we want the taxes, the incremental revenue that comes from that development to go to pay for infrastructure that would otherwise be paid for as part of your planning process or impact fees or some other mechanism, or the developer

would just pay for them themselves.

So they come to you and they say we want to set up this district, and then you decide what level of incremental revenue you want to do, how much of the property tax you're willing to forego, how much of the gross receipts tax you're willing to forego to do this district. And what will happen if you use for an example 50 percent, if they come in and start building infrastructure you will dedicate 50 percent of the revenues from that properties above a base year to go to pay for debt service on bonds that financed that infrastructure.

And so the first thing we do is we set up a base year. The way it's worked in New Mexico so far is there's actually two, three current tax increments for development districts. There's Mesa del Sol in Albuquerque, which is about a 4,000-acre development project, and it has a bonding - an infrastructure planned of about \$630 million. And that's probably - at the end of 25 years or so that may be a lot larger than that because it can go with inflation. So they're getting 67 percent of the City of Albuquerque gross receipts tax revenues and 67 percent of the City of Albuquerque's property taxes not otherwise obligated for debt service.

Then they came before the Board of Finance, which is the next step. Here we have the presentation now. I'll see if I can fast-forward. We're on page 4. They would go before the Board of Finance and the Board of Finance for Mesa del Sol gave 75 percent gross receipts tax income increment. So just this last January they had the first revenues coming into that district and I think they got a distribution of about \$15,000 that would have otherwise gone to the City. Now the big argument with tax increment financing is that that would have otherwise gone - the argument by people desiring tax increment districts is that nothing was going to happen in that area unless you give us the tax increment district, so really the baseline is zero. All the new revenues wouldn't have come otherwise.

There's some argument for that, particularly in redevelopment areas. There's less of an argument for it in raw greenfield areas that are on the edges of already established municipalities or significant urban areas. So Mesa del Sol, they have a base year of 2005 which means that the tax revenues they reflected in 2005 on the property is the base amount and anything collected above that is the incremental amount. So since there was nothing happening in 2005 that base level is zero. So now they'll be getting their distributions.

The other one is SunCal, which is also the Westland DevCo project on Albuquerque's west side. So this is another 4,000-acre development in a larger, master-planned community project of about 55,000 acres. And it's right on the border of Albuquerque, on the west - the fastest growing part of Albuquerque. And they have created the tax increment development district within the county. They did 10 percent of the property tax revenue and about 31 percent of the gross receipts tax revenue from the County on that incremental. And then the State Board of Finance approved 50 percent of gross receipts tax, but only for certain areas of the tax increment district. They have a plan of nine different districts and the Board of Finance only approved four of them.

So it gets really complicated really quickly as you go through these mechanisms, especially at the state level where there's a lot more money at stake. A tax increment development district within unincorporated county, the split is going to be about 85 to 90

percent state money versus 10 to 15 percent County money, just the way the nature of County finances works and revenues you rely on for debt service and things like that.

Basically, in the unincorporated county, the tax revenues largely are dedicated to debt service on other bonds, GO bonds and other revenue bonds that you have outstanding. And so when the tax increment development district occurs in an unincorporated county the state is actually the major money source for that increment development district. Does that make sense?

Basically, since I'm familiar with Bernalillo County, of their gross receipts tax options, most of them were dedicated to specific uses. I think the County medical for jail, things like that, that they can't dedicate the revenue from that increment district right away because of those dedicated streams. And then the property tax, a lot of it does go to operational, but a portion of it is also for debt service which can't be touched. That's the GO bond debt service. And so when dealing just with the County and you don't have a municipality participating, it basically becomes mostly a state financed project, because state gross receipts tax is so big. It's five percent in the unincorporated county and then the county options I think add up to about maybe about one percent. I'm not sure what the specific of Santa Fe County is.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Francis, wouldn't that be - if the Board of Finance is the final authority on issuing this or allowing them, is that correct? The State Board of Finance is the ultimate authority?

MR. FRANCIS: Commissioner Vigil, the State Board of Finance authorizes the State's increment, so the County could set up the district and the County can form the district and the County can dedicate whatever share of revenues it feels it should dedicate. And then the next step is the tax increment for development district goes to the Board of Finance and asks for the State increment. So the Board of Finance doesn't have to approve it at the beginning; they only are approving the State increment.

COMMISSIONER VIGIL: Okay.

MR. FRANCIS: And then the legislature comes in and approves the bond financing, which I think is required of the county-formed TID.

COMMISSIONER VIGIL: It seems to me that - and I'm not sure I'm understanding this correctly, that if the Board of Finance does approve the State portion of it, but in an unincorporated area they don't usually get as much, that that would be a disincentive for the State Board of Finance to approve unincorporated requests.

MR. FRANCIS: Mr. Chair, Commissioner Vigil, that's correct, and this has been an issue. This was an issue with the SunCal project is that they didn't have the City of Albuquerque buying into it and the Mesa del Sol one was different because the City of Albuquerque has a much larger gross receipts tax base than the County does, so they were able to do almost 40 percent of the whole project. Where counties just don't have the kind of revenue structure that is really required for this kind of program. And so that's why the State ends up being the primary source of revenue. And that is an issue with the Board of Finance and they're concerned about not having all the neighboring governments being involved in it

and sharing the increment.

But the law states that if you set up outside of a municipality you're only subject to the County's part. And actually if we can forward on to slide 12 - I'll make sure you guys have copies of this. What I have is how it works and how a district is form, and it lays out step by step the different processes. And I can just run through that. For a lot of developments or the developments we've seen so far there's only been one property owner in those five up there. For example, Mesa del Sol, Forest Covington owns the land, or Mesa del Sol, Incorporated owns the land, and so they're only one property owner that has to vote on the proposed district. The City of Las Cruces, their downtown revitalization plan where they had to actually go out and find all the property owners and have them vote just to bring a petition before the City.

So the way the law works, the Tax Increment for Development Act works is that interested parties collect signatures and then the petition is filed with the governing body and it could either be with the City or the County. And the City or the County has to have already enacted a Tax Increment for Development District Act or Resolution. So that's really the first step for you as a governing body is to have that resolution in place, and that resolution will outline how the application is to be entered, how the petition is to be filed, as well as any requirements you want to take into consideration as the County. The City of Albuquerque has put in specific workforce housing and affordable housing requirements. They've put in some specific environmental concerns that they have about housing and the construction of housing. And then the County went a different way. They don't have as much of that in there.

And then you can also determine what the board is going to look like and things like that. So these are all important issues that you probably want to get hammered out earlier rather than later because later on, when there's an application before you it's much more of a rushed process.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question. On the slide you're showing you're saying governing body sets public hearing; governing body passes resolution. Is there any discretion in passing that resolution and creating that district once a petition has been filed?

MR. FRANCIS: Mr. Chair, Commissioner Campos, discretion in terms of -

COMMISSIONER CAMPOS: Saying no.

MR. FRANCIS: They basically - you're able to write the resolution within certain parameters that are included-

COMMISSIONER CAMPOS: Do you have the right to say no to the petition?

MR. FRANCIS: Oh, sure. Yes.

COMMISSIONER CAMPOS: You can say I don't want to see it.

MR. FRANCIS: The governing body will vote on it.

COMMISSIONER CAMPOS: Full discretion to say no, I don't want a TIDD.

MR. FRANCIS: Right.

COMMISSIONER CAMPOS: Okay. Thank you.

MR. FRANCIS: And Mr. Chair, Commissioner Campos, that's an important question when you're dealing - or a more important question when you're dealing with a tax

increment district within a municipality because there they have sort of two governing bodies that they can go to. But at any step of the way no governing body is obligated to join. So for example, the Mesa del Sol one, it's in the City of Albuquerque but Bernalillo County has so far opted not to join into that. So they aren't giving up any of their increment or their revenues to that project. And the same would be – the petition would come before you in the form of a proposed resolution and then you would amend it, enact it or reject it as you see fit.

So then the next step, you create the district and the district becomes a political subdivision. So it has certain rights through the local government division or the Department of Finance and Administration, and certain rules that it has to follow, the Public Meetings Act and things like that. And the makeup of the board of the tax increment for development district board is pretty much up to you. Some areas have decided that the governing body, elected officials should make up most of the board or the majority of the board. I think Doña Ana County is looking at having fewer elected officials on there and more development type people on there. Not necessarily from the developer but people more interested in economic development. So the board makeup can either default to the governing body elected board or it can be set up as you see fit.

And then after the governing body sets up and forms the tax increment district it goes – if they desire they go to the state for the state increment. And like I said, most of these are really massive developments so really, the state increment is the keystone of their development plan and their infrastructure plan. I think you might hear of a project before you that is actually maybe not suited to go to the state level but that doesn't mean they can't form a tax increment district just at the County level for specific infrastructure. The State Board of Finance will look a lot at the whole picture and how a master planned community is situated. And so it almost lends itself more to very large projects than it does to smaller projects. But there's no reason this can't work at just the local level without going to the state.

And then there's still – within the act there's still a lot of ambiguity in some of the language and one of them is the legislature has to pass legislation authorizing any bond issue for the tax increment development district. It's unclear to me at this point whether that means bond issues that are based on just the state money, the state gross receipts tax, or if it also means bond issues based on what the County decides. So if you do do a tax increment development district and it doesn't get the state gross receipts tax share there still may be a legislative authorization required.

CHAIRMAN SULLIVAN: I had a question. If you are dedicating gross receipts tax, how do you account for that? Is it just the gross receipts tax that's registered in that district?

MR. FRANCIS: Essentially, Mr. Chair, what Taxation and Revenue Department will do is set up a separate code for that district.

CHAIRMAN SULLIVAN: Let's say there's a residential development that has no commercial. Those people drive to Santa Fe to buy their groceries. Those gross receipts tax wouldn't be recorded in their district, right?

MR. FRANCIS: Right. It would only be the gross receipts tax above and beyond the baseline generated within the district. So commercial –

CHAIRMAN SULLIVAN: If there's no commercial in the district even afterwards -

MR. FRANCIS: Commercial and retail has to be a pretty good part of the plan.
CHAIRMAN SULLIVAN: In order to generate any gross receipts tax.

MR. FRANCIS: Well, there would be gross receipts tax on the construction of residential property. So depending on how much that is - it really depends on the scale of the infrastructure. If it's a simple pipeline or an extension of a road, gross receipts tax generated from the construction of homes may be sufficient to cover that. But you're right. It really - the design is for a community, a master planned community with retail, commercial, industrial, residential, all interacting together.

CHAIRMAN SULLIVAN: For sustainability you'd want commercial that gave you a revenue stream from gross receipts tax, I would assume.

MR. FRANCIS: Precisely. And so the two big developments we have, Mesa del Sol and SunCal, they both have economic development programs. Mesa del Sol has Advent Solar and the Albuquerque Studios and all these things that will generate gross receipts tax above and beyond, and will also attract retail environments. Plus they're planning a retail outlet on the interstate right at the edge of their property.

CHAIRMAN SULLIVAN: We've seen it's very difficult to encourage commercial in developments outside the city. Rancho Viejo has over 1,000 homes and just a couple of months ago got its first coffee shop. So it's hard to find that sustainable source of gross receipts tax when you're so close to a metropolitan center like Santa Fe.

MR. FRANCIS: Yes. And that's why they're not likely to go out further out towards Las Vegas or places like that where they're really depend on being near an urban area or within an urban area, because the retail and the commercial are a significant component of the plans generally.

CHAIRMAN SULLIVAN: and that retail and commercial has to be within that district.

MR. FRANCIS: Right. Correct. Nothing that happens outside. For example, even if you had a construction company located within a tax increment district, they're gross receipts tax wouldn't be in there because construction is site-based so wherever they go to outside of the district would still generate those taxes. But if you have a major facility - and this brings up other questions about what kind of incentives you give to companies. If they're within a tax increment district and you give them some type of property or gross receipts tax incentive, you're basically taking away some of the revenue that's supposed to be financing that district. So it becomes very complicated as you approach this. But I think the main thing is to have very clear guidelines and very clear expectations going into a project, so that everybody is sort of on a firm footing going in, rather than later on.

CHAIRMAN SULLIVAN: One of the things we did at our last meeting and Commissioner Vigil was out of the country at the time, but I took some funds that I had in my discretionary funds and I put them at the staff's discretion to analyze any of these districts that come in the future because I think what you're telling us is that there's a lot of combinations

and permutations and the economic evaluation of it is quite complex.

MR. FRANCIS: Right. And it's important to have an independent economic analysis of it. The developers who set up these districts will generally have – will fund any kind of economic analysis you might require, but you also want to make sure it's independent. We're working at the state level to do our own independent analysis of these projects, purely from a state point of view. And once again, it gets complicated as you move up the government ladder because the state issues are very different from the County issues in terms of approving these things because we're looking at where they're going in the whole state, and how they're interacting with the whole economic development program for the state.

CHAIRMAN SULLIVAN: Thank you.

MR. FRANCIS: And I'd be happy to take some more questions or I can leave it there. I think you just got a handout of the presentation. One thing I'd point you to is pages 6 and 7. This is sort of a chart of how the increment would work. In a blighted area, an area of declining property tax values, and then the second area is one where growth might otherwise occur but maybe not to the extent possible, but there would be some growth. And in that case, because you're creating a static baseline you might actually end up seeing less revenues.

Mr. Griego has all my information if you have any specific questions you want to ask me later on feel free to contact me.

CHAIRMAN SULLIVAN: Okay, other questions for Mr. Francis?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: What are the major distinctions between this and a public improvement district?

MR. FRANCIS: Pretty much the major distinction is the gross receipts tax, and the state commitment. In the public improvement district, the business improvement district, special assessment districts all are local and they don't – you can't draw on state revenue for them.

COMMISSIONER VIGIL: And do you know if there are any other public improvement districts besides those – I think there's a few in Albuquerque?

MR. FRANCIS: Public improvement districts, I think there are several all around the state. Tax increment districts, there's only the three I mentioned, the two in Albuquerque and then one in downtown Las Cruces. But within the Mesa del Sol tax increment district is a public improvement district.

COMMISSIONER VIGIL: You can do both?

MR. FRANCIS: Yes. You can sort of stack them up. The public improvement district as I understand it is an ability to assess an additional mill on a particular area for public improvements. Where in a tax increment district you're not actually raising any taxes. They have limited authority to raise property tax for a short period of time but the distinction is the tax increment district is banking future revenues that are expected to come in.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Other questions for Mr. Francis. It's a complex

topic. Commissioner Campos has a question.

COMMISSIONER CAMPOS: Quick question. Mesa del Sol is not a blighted area of a slum area, is it?

MR. FRANCIS: Right.

COMMISSIONER CAMPOS: It qualifies for a TIF anyway?

MR. FRANCIS: One of the main features of the Tax Increment for Development Act of 2006 is it allowed tax increment for development districts to be done for economic development reasons. We've actually had tax increment financing in New Mexico since 1979 through the Metropolitan Redevelopment Act, but it was only property tax so it was of limited use. And what this 2006 act does is open it up to economic development projects. I think Mesa del Sol is by no means blighted. It was raw land when it was started.

COMMISSIONER CAMPOS: The west side of Albuquerque is probably raw land, with some development.

MR. FRANCIS: Exactly. Right.

COMMISSIONER CAMPOS: So basically, some people will argue that this is nothing more than another way to help a developer finance his development.

MR. FRANCIS: It's a legitimate argument. It is letting the developer front-load the infrastructure or get the infrastructure down. All of the infrastructure that's paid for by a tax increment development district is deeded to a County or a City, a local government, so it is public infrastructure.

COMMISSIONER CAMPOS: It comes out of the - all the monies that stay in that district don't go to the general fund aren't available to the County Commission or the City Council to use in other ways.

MR. FRANCIS: Some share of it. You can only go up to a max of 75 percent.

COMMISSIONER CAMPOS: So you're financing a developer's development but you're kind of taking money away from your own general fund. I don't know. I just have trouble with that.

MR. FRANCIS: This is, particularly the slide on page 7 is where this becomes a real issue. If you think the area is already growing and you're helping somebody to come in and grow faster maybe or something like that, you would be seeing revenues that otherwise would have come in go to that particular district. If it's another district where revenues are stagnant or declining because it's a blighted area then you would actually probably see an improvement in revenues because you're not getting those revenues now.

But it's a real question about what you think is the growth of a community and where you think that growth is going.

COMMISSIONER CAMPOS: There's certainly public policy involved in blighted areas and slum areas, but if you're just subsidizing development then that's a whole different issue.

MR. FRANCIS: Right.

COMMISSIONER CAMPOS: It seems to me.

MR. FRANCIS: And you'll hear three or four different sides of that story. I

think it's important to know the facts of the matter and to have clear guidelines, so that it doesn't become sort of a subsidy for developers to go willy-nilly. But it is - you take a role of planning outside of the governing entity and put it into a new political subdivision. And you're right. Those tax dollars generated in that area or some portion of those tax dollars generated in that area do not benefit the broader area; they benefit that area until the infrastructure is paid off. And then it goes back into the general fund.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER VIGIL: I have a question, Mr. Francis. Are you familiar with how this might work with affordable housing, inclusionary zoning, and if in fact this would be a benefit?

MR. FRANCIS: Mr. Chair, Commissioner Vigil, the way it would work is what you decide to put into your resolution. Like I said, the City of Albuquerque has really gone probably most aggressively in insuring workforce housing and affordable housing as part of the plan going in. So Mesa del Sol had to agree to I believe 15 percent affordable housing. They had to agree to various steps of affordable housing. It really depends on the governing entity, the governing body and what they put into that resolution, but part of the act talks about the need for affordable and workforce housing as part of any plan and so that's something that the Board of Finance, for example, will look at too, is that part of a plan. They're not definite criteria. They're not absolutes, but whatever the resolution sets up becomes the absolute. So a County Commission could easily put in certain requirements for affordable housing and then the key there is also to define affordable housing very clearly.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Well, we appreciate that update and summary and I'm sure we'll be discussing it with you a great deal more as these proposals come forward. Anything else, Mr. Kolkmeier? Does that take care of it? Okay. Thank you for bringing that forward. Appreciate it.

- XIII. B. 2. Authorization to Publish Title and General Summary of an Ordinance Adopting A County Regional Transit Gross Receipts Tax (North Central Regional Transit District)**
- 3. Authorization to Publish Title and General Summary of an Ordinance Calling for A County Regional Transit Gross Receipts Tax Election (North Central Regional Transit District)**

CHAIRMAN SULLIVAN: Is there any staff introduction on this?

MR. ABEYTA: Mr. Chair, no. Not at this time. We'll let the North Central Regional Transit District representatives make the presentation and then staff may have some questions and also may be able to answer questions that the Commission may have for staff.

CHAIRMAN SULLIVAN: Okay. Ms. Lucero.

JOSETTE LUCERO: Thank you, Mr. Chair, members of the Commission,

Board member Anaya. I'm Josette Lucero with the North Central Regional Transit District and thank you for allowing us to present two ordinances before you this morning. As you all know, in 2003 legislation was passed creating regional transit districts throughout the state. In 2004 legislation was passed allowing RTDs to go to the counties to ask for a gross receipts tax. The current district is made up of 11 members, four counties, two municipalities, and five tribal governments. As you all know, with diminishing federal funds, a still no-dedicated state or transit fund and no earmarks in sight we find the need now to go out for GRT to be self-sustaining for the district.

In 2006 the NCRTD board passed the first service plan and in the finance portion it recommended that we do seek a GRT for funding. On March 14th the board also unanimously passed a 3/16 resolution to bring to the four counties within the district, and that's what we're presenting to you today. This will generate approximately \$12 million for the district. We've been working with a consultant to update our service plan and we have close to \$20 million worth of need within the district.

The different counties have been asking, well, what is my county going to get? What is my city going to get? So we've appointed a GRT subcommittee made up through the board and we'll be meeting on this next week to divvy up that pie. Particularly for Santa Fe County, the requests have come in over \$8.2 million. The GRT will generate about \$6.8 million in this county. So obviously, we're going to have to prioritize some of the projects.

So the amended service plan indicates expanded services within the district and also goes over a financial plan. I'm going to have Jack Valencia and my staff go over the ordinance piece of it. We do have an amendment that I believe Commissioner Montoya is going to present to you, and then Linda Trujillo will go over all the expansion within Santa Fe County. We've gotten information from your staff as well City of Santa Fe staff on what the service plan expansion is going to be. So with that, Jack.

CHAIRMAN SULLIVAN: Excuse me, Ms. Lucero. One question before Mr. Valencia starts. The \$8.2 million within the city and the county of Santa Fe of expansions that you think might be possible, is that the total cost of the capital and the operating for those?

MS. LUCERO: Yes, Mr. Chair. It is.

CHAIRMAN SULLIVAN: Okay. Thank you.

MS. LUCERO: And you have before, I believe, the service plan expansion, and the back pages will give you the details of the costs. But we'll go over that.

CHAIRMAN SULLIVAN: Where do we have that, Ms. Lucero?

JACK VALENCIA: Thank you, Mr. Chair, members of the Commission. I'm Jack Valencia, project manager for the NCRTD. We had provided a briefing packet to you all last week. I don't know if it's part of your agenda as published. But let me just highlight some of the components that Ms. Lucero has already highlighted on. She spoke about the background information that created the NCRTD as a regional transit district. We have in there the transit act along with the state statute that refers to the application and the requirements of the regional transit district to pass a resolution, provide notice for publication purposes to the varying entities and that would be four counties.

This is the fourth of our presentations. We've presented to the other three counties within the district. Our staff attorney has been working with the County Attorney with regard to the publication and in addition to that, bringing the ordinances to you. As Ms. Lucero said, we've been working on the transit plan. We've been working with your planning staff. We've been working with Commissioner Anaya in addition to that as our board member, and we've brought all these - we're bringing forth all of these requests for service to the various county commissions.

One of the things that I want to bring up, or a couple of items I want to bring up is House Memorial 35 was a memorial that created a study for transportation in the state of New Mexico that was chaired by Lt. Governor Diane Denish, and in that study they determined that only five percent of rural transportation needs were being met in the state and it would take \$20 million in order to achieve approximately 20 percent efficiency in the state system. So as you see, on a statewide basis we've identified our local needs and we're moving forward to try to address those.

Mr. Chair, members of the Commission, in your second resolution that I saw in the packet and I would need to bring to your attention for modification purposes and that's the resolution calling for a County regional transit gross receipts tax. I think in the Now, therefore, it says Los Alamos County in the document. And I think that needs to be corrected in order to read Santa Fe County. It was in the second ordinance, Mr. Chair and Mr. Ross, for notification sake.

Within the ordinance we have provided the notification to the County Attorney. There is 75 days in which the Commission needs to take action to place this on the ballot for November 2008. This is a window of opportunity. The requirement in the statute says that it be a general election and/or a special election. Special election is cost prohibitive to the district in the four counties that we would need to have this election.

Mr. Chair, members of the Commission, I would like to turn it over to Linda Trujillo to speak specifically to the service expansion plan and we'll stand open for any questions you may have.

COMMISSIONER CAMPOS: I have a quick question, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Assuming this matter gets on the ballot in November, what efforts is your organization going to make to "educate" the public about the value of what you're selling?

MR. VALENCIA: Mr. Chair, members of the Commission, Commissioner Campos, we're going to do a quite intensive informational campaign throughout the four counties. We welcome the opportunity to go into each one of your districts or public hearings where you think we need to within the community, not only within the County of Santa Fe, the City of Santa Fe, but we're going out and we've made the same offer to the other counties. So it will be an informational campaign showing the value of public transportation, the investment in it, and whether or not the voting public deems it necessary to vote in the affirmative.

COMMISSIONER CAMPOS: Do you see that there may be other requests for

tax increases on the ballot in November?

MR. VALENCIA: Mr. Chair, members of the Commission, Commissioner Campos, to date, I haven't heard any of that with regard to the general election. Obviously, we've seen House Bill 400 that was talked about here in the course of the session. That died with regard to the rail regional transit district. That at this point in time isn't an item. It could be, but one of the things in speaking with your elections bureau and with Denise Lamb is one reason that we're bringing these out in a simultaneous nature is so that we can be first on the ballot in all four counties so that we can run a coordinated, simultaneous education effort.

COMMISSIONER CAMPOS: Are you waiting for the Governor or DOT to tell you whether they're going to have a special session to ask for the approval of the Rail Runner tax?

MR. VALENCIA: Mr. Chair, members of the Commission, Commissioner Campos, we haven't heard directly from the Governor's office, nor from the DOT. We can only speculate with that.

COMMISSIONER CAMPOS: You haven't asked them directly?

MR. VALENCIA: We have not asked them directly. Mr. Chair, members of the Commission, I'm going to turn over the service extension plan to Linda Trujillo.

LINDA TRUJILLO: Mr. Chair, Commissioners, my name is Linda Trujillo. I'm the operations transit manager for the North Central RTD, and what I have here and passed out before you there is the service expansion proposal. This is merely a draft based on some of the recommendations that came in through a questionnaire that was passed out to our delegates on our board. They're broken down into two sections. The first is Santa Fe County. Presently, we are operating a greater Eldorado express, contracted to All Aboard America, and this current cost is \$240,000 and the service operates, as you can see by the schedule, on limited hours.

On the next page we propose an expansion as per some recommendations that we received, and the expansion would be between the hours of nine and four when our present service is not running but they would like to have the service expanded and they would also like to have some Saturday service that presently is not offered.

The RTD would run this expansion. It would be one FTE, one driver and one vehicle, and the approximate cost would be \$91,618 per year. As we go through your handout there you can see that there's various proposals based on the requests of where there is a deficiency in service. Santa Fe County, New Mexico 14 Route would be Cerrillos, Madrid, Golden, and this would be a new route served by two vehicles and 4.5 FTEs. The approximate times that we're proposing that we run service are between 6 to 8 pm Monday through Friday and 8 to 8 on Saturday every half hour.

These are approximate schedules that have been recommended. However, they can always be modified based on a need. They can be changed to peak hours, and the amount of service can be reduced if we don't need service on every half hour and we don't need 14 round trips per day that can be addressed as well. But based on the recommendations that we've received this is how we've based this proposal. The cost for this route for New Mexico 14 is

approximately \$316,000. These are operating costs. As you can see, and through the back there's a description of how we came up with that.

The next route that was proposed is Rancho Viejo, the College Route, and there presently is no bus service in this area. We're proposing seven round trips per day and hourly service between 6 and 8 Monday through Friday and 8 to 8 on Saturday.

The next one is La Cienega to 599, connecting to the Rail Runner station. There presently is no bus service in this area. The same hours, 6 and 8 Monday through Friday and 8 to 8 on Saturday. Sunday service would be a consideration on this particular route. There'd be approximately seven round trips per day on an hourly basis.

We're also looking at the Pojoaque corridor that was brought to our attention. We presently do have three round trips per day through this corridor, provided by Rio Arriba County from Española to Santa Fe. The proposal would be that because there is a county split in there that in the spirit of cooperation Santa Fe County and Rio Arriba County would work on this as far as which parts lay in their particular county. We would like to definitely increase service as we can see through the present operation that three round trips per day from Española to Santa Fe is not sufficient. We're asked to recommend 6 and 8 Monday through Friday and 8 to 8 on Saturday, with ten round trips per day.

Española to Chimayo and Pojoaque, there is service. There is a slight misstatement here in that there is no bus service, and Rio Arriba County does provide demand response service into the Chimayo and Pojoaque area presently and has been doing so for the last six years. So there are - we'd like to create this into a fixed route once again based on 6 to 8, six round trips per day.

Presently there's no public service that goes to the ski basin so we would like - I think it would be very beneficial to the community and to the county that Santa Fe Ski Basin be included in having some transportation. We've seen other communities that have done this to ski areas and it's been very profitable.

The next one would be Santa Fe-Pecos area. I thought there was no service in here. However, I did not take into consideration the fact that there is one contracted All Aboard America bus that goes through this area from Las Vegas to Santa Fe, one round trip per day. However, we are proposing expanded service in there to approximately every 45 minutes, with about five round trips per day.

There would be an expansion that we propose to ADA para-transit service. Our elderly and aging community is very important. We want to provide the best service we can according to ADA compliance and to the Governor's Commission on ADA and Handicapped. So we're proposing that we increase this to have a 6 and 8 Monday through Friday service, Saturday service as well, and that we would provide a 24-hour advanced notice scheduling, according to the FTA regulations.

The operating costs were calculated here and they are driver's salary, gasoline, based on \$4 a gallon which may be outdated very soon, oil changes, tire replacement and safety inspections. There is an additional \$69,000 for additional operating costs. Built into this was also \$900,000 for additional vehicles, and there's a summary on the next to the last page. Also

included in this is the recommendations that came from the City of Santa Fe and there was a Route 6 service frequency of improvement. These recommendations came from the Santa Fe Trails office and the Route 6 would be \$575,000 a year plus capital costs of \$1.1 million for the purchase of three buses. Route 4, would be \$1.5 million for four new buses and \$575,000. Route 2 service expansion would be a \$460,000 operating cost with a \$1.1 million cost.

The summary of cost for the Santa Fe County would be \$2.9 million, including operating and capital. Summary of costs for the City of Santa Fe is \$5.3 million with a total summary of cost of \$8.2 million.

CHAIRMAN SULLIVAN: Questions? Commissioner Vigil.

COMMISSIONER VIGIL: With regard to your proposed routes, the ski basin area would that cost just be during ski season or are you proposing this route all year?

MS. TRUJILLO: It could be year-round. This basically was based on a year-round cost with seven round trips, depending on whether or not you have summer activities as well as winter activities. In some of the other areas they are considered dual ski resorts in the fact that they have the ski lifts operating to attract summer clientele. Again, this would be modified upon your wishes and what you wish to offer.

COMMISSIONER VIGIL: And actually, I'm not a member of the RTD or haven't been so I apologize because I'm not as familiar with these discussions, so these have not been prioritized, correct?

MS. TRUJILLO: Correct.

COMMISSIONER VIGIL: Okay. These are just proposed through the RTD process currently.

MS. TRUJILLO: Mr. Chair, members of the Commission and Commissioner Vigil, these were recommendations made to us through a questionnaire that we had distributed to each of our representatives of their particular service area. These recommendations came to us basically as you might want to say a wish list of what they would like to see in addition to what presently is existing in public transportation in the community. These would need to be prioritized based on the amount of money available and the collection of the regional transit gross receipts tax.

COMMISSIONER VIGIL: So it's like a wish list then. And it would seem to me that really a major focus that I'm sure this has been discussed through your process would be really identifying the need for transit, once the rail trail and the Rail Runner have been established. And I know that you're doing something in this wish list between La Cienega and 599 which is one of the designated stops that the success of the Rail Runner would be dependent on what's available for transportation, subsequent to that mode. So I'm surprised, I guess, in a way that that's not a particular focus for these dollars, because through the MPO process, and maybe I'm making an unfair statement there. I don't mean to. Otherwise I just don't see it in the presentation. It would seem to me and I know at the MPO process what we've tried to do is incorporate the Rail Runner as a regional transit as much as we possibly can, so that's why we really advocated for the 599 route and why I, if I have any part of it, will continue to try to bring in northern New Mexico as users for that.

But the best way to make that happen is through this mode of transportation. Did you want to respond to that?

MR. VALENCIA: Mr. Chair, members of the Commission, Commissioner Vigil, you're very correct in the emphasis in the 599 area and we passed a resolution asking the DOT to place the 599 site there so that we could service it and distribute people throughout northern New Mexico. The difference between the presentation that we have here is we're working in conjunction with Middle Rio Grande Council of Governments separately to negotiate contracts that we would serve with our fleet and our personnel from their revenue stream, not the revenue stream that would be generated from this 3/16 regional transit gross receipts tax. So we will be servicing that area. We will be providing the connectors and the distribution, but we're doing it out of a separate pot of money than from this.

COMMISSIONER VIGIL: Where is that money coming from, Mr. Valencia?

MR. VALENCIA: Mr. Chair, members of the Commission, Commissioner Vigil, the monies that presently are operating the Rail Runner operations, my understanding is coming from the road fund. I was in Washington last week and they are in the process of receiving some congestion mitigation monies to assist in funding for an additional three-year period from the phase of Bernalillo up to Santa Fe at a \$10 million per year allocation. My understanding also is that the second phase funding of the Belen to Bernalillo, that they've actually acquired an additional \$10 million per year also. So my understanding is that they have \$20 million available to them in these CMAC monies, along with other forms of whether if it the road fund or other aspects that they're presently funding the Rail Runner today.

COMMISSIONER VIGIL: Okay. Next question is is there going to be a fee for service from the users of the service on this?

MR. VALENCIA: Mr. Chair, members of the Commission, that is a policy that is established by the board of the NCRTD. Presently there is a fee schedule.

COMMISSIONER VIGIL: Oh, there is.

MR. VALENCIA: From Taos to Española it's \$2 and from Española to Santa Fe is \$2.

COMMISSIONER VIGIL: And the commuter train from Albuquerque to Santa Fe, is there a fee for that currently?

MR. VALENCIA: I know that they are working through some fee schedules. I'm not familiar with what they have proposed.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. I think we appreciate just having gotten this information and I think it's quite useful. I think there's some questions that we have that would be good for the staff to work out. I think they have to deal with operating costs and capital costs and also the federal reimbursements that would accrue to each of those. I understand it's 50 percent for operating and 80 percent for capital. And some of that would play into the amount of \$6.8 million. So I think we, in the interests of time, we need to get this resolved ahead of time because the 3/16 looks like it may be a pretty hefty chunk for us to carry and it may not really be needed initially.

So I move to table until our next regular meeting, which would be April 12th?

MR. ABEYTA: I believe it's the 8th that's the land use. And then there's the admin at the end of April, in 30 days, the 29th.

CHAIRMAN SULLIVAN: Which would be the more appropriate to hear this?

MR. ABEYTA: It may be the 29th to give us enough time to work all of this out and possibly talk to the other counties and get information from them.

CHAIRMAN SULLIVAN: We have 75 days to deal with it.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I don't know if you're going to get a second or not, but I just wanted to, if this is going to be tabled, at least to offer the amendment to the resolution.

CHAIRMAN SULLIVAN: Was it the second one?

COMMISSIONER MONTOYA: The second one, yes.

CHAIRMAN SULLIVAN: Okay. Go ahead. Tell us what that is.

COMMISSIONER MONTOYA: it would read: Shall there be imposed a County regional transit gross receipts tax -

CHAIRMAN SULLIVAN: It's on page 2?

COMMISSIONER MONTOYA: It's on page 2, yes. Right under the bold County regional transit gross receipts tax question. At a rate of 3/16 of one percent to finance the administrative - that would be added on there - the administrative and operational costs and capital expenditures of public transit services in the North Central Regional Transit District. That would be the question.

CHAIRMAN SULLIVAN: Bus services would be replaced with public transit.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Kind of a more general term. Okay. So we'd need to know that that means.

COMMISSIONER CAMPOS: Question.

CHAIRMAN SULLIVAN: Question, Commissioner Campos.

COMMISSIONER CAMPOS: The City of Santa Fe, Mr. Valencia, have they voted or will they vote on this?

MR. VALENCIA: Mr. Chair, members of the Commission, Commissioner Campos, we are set to make an informational presentation tomorrow. It doesn't require a vote by them. The County governments of the all four counties are the ones that are empowered for placement on the ballot, but we are making an informational presentation tomorrow evening.

COMMISSIONER CAMPOS: City Council, no role in approving whether this GRT is put on the ballot?

MR. VALENCIA: That is correct, Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, sir.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Question. In terms of the period of time, what is the period of time that this GRT is in place for?

MR. VALENCIA: Mr. Chair, members of the Commission, there isn't a expiration or a sunset to it.

COMMISSIONER MONTOYA: So it's in perpetuity then.

MR. VALENCIA: Yes, sir.

CHAIRMAN SULLIVAN: Okay, motion to table. Is there a second?

COMMISSIONER ANAYA: Regarding the motion to table -

CHAIRMAN SULLIVAN: There's a number of issues that I think need to be worked out. We just received these cost estimates yesterday around 4:00, indicating the \$8.2 million, but there are a number of things that I think need clarification because capital costs are reimbursed 80 percent by the feds, operating costs are reimbursed 50 percent by the feds. Now, providing that money comes in and also I think there's some issues that we also as the County Manager indicated, need to discuss with the other counties, because we are the larger of the four counties and we need to have some dialogue with them to discuss this entire issue and it appears we have enough time to do it. But at \$7 million a year it's a big hit on taxpayers and the real question is, at least initially, do we need that much?

COMMISSIONER ANAYA: When is the deadline?

CHAIRMAN SULLIVAN: Mr. Ross, do you have any deadlines on that?

MR. ROSS: Mr. Chair, Commissioner Anaya, I don't have the exact date but it's in late May.

MS. LUCERO: Mr. Chair, it's May 28th.

CHAIRMAN SULLIVAN: Okay. Questions? Commissioner Vigil.

COMMISSIONER VIGIL: The question is for Steve Ross, and I just got wind of some of this information, so the question I have is I guess initially there was a smaller proposal for the GRT and not it's 3/16 of one percent. Is it possible to enact a referendum that would allow up to 3/16 for this GRT? And that the amount of the GRT be identified per county per need, and evaluated on an ongoing basis?

MR. ROSS: Mr. Chair, Commissioner Vigil, no. You have to specifically identify the tax increment that's going to be collected.

COMMISSIONER VIGIL: So we couldn't draft a referendum that would say up to 3/16?

MR. ROSS: No. The Taxation and Revenue Department would not know what to collect if you did that.

COMMISSIONER VIGIL: Okay.

MR. ROSS: So we need to establish a budget and then collect the amount of tax from all the taxpayers in the district that would pay that budget.

COMMISSIONER VIGIL: Okay. Next question is for Roman. Roman, do you feel that staff could benefit, or the Commission could benefit from a little more time in gathering more information on this? Just, having been gone, I just don't have the most updated information.

MR. ABEYTA: Mr. Chair, Commissioner Vigil, yes, I do. One thing that I want to bring to the Commission's attention is that this tax will be imposed on city residents, and a lot of times we're criticized as a County for imposing a tax on city residents without the City's input. So I would like to get the City's input on that, because I remember we ran into that over our fire tax that we passed last year. And then again I also would like to get Jack Kolkmeier's feedback on this and his analysis of the proposal before I would feel comfortable making a recommendation to the Commission.

COMMISSIONER VIGIL: Thank you, Mr. Chair. That's all the questions I have.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Valencia, also I'd like for you to have a direct conversation with DOT about their plans on the Rail Runner tax. I'd like to have that information. We had a discussion earlier and I expressed my concerns about how this would impact the ability of local government to raise its own revenues. And just as an aside, it seems to me that state government should be looking at this from a bigger perspective and not from a GRT perspective. To move the Governor, to move the legislature, it's like moving mountains. So I do want that information from DOT.

MR. VALENCIA: Mr. Chair, members of the Commission, you'll have that. I'll make a phone call today.

CHAIRMAN SULLIVAN: Okay. We have a motion.

COMMISSIONER CAMPOS: Second.

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

CHAIRMAN SULLIVAN: And I think that motion would then apply to the next item on the agenda too, which is the additional resolution. I think that's understood.

COMMISSIONER CAMPOS: Let's make it clear. Motion to table.

CHAIRMAN SULLIVAN: Okay. There's a motion to table item -

COMMISSIONER CAMPOS: XIII. B.2 and 3.

CHAIRMAN SULLIVAN: We already passed 2. XIII. B. 3. Is there a second? I'll second Commissioner Campos's motion.

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

CHAIRMAN SULLIVAN: Thank you very much and we look forward to getting that information. We need to break for lunch and there's been some folks here that I know - I think at least are here for the road issues. Is that correct? If you're here for a road issue, would you raise your hand? I'm sorry we've been delayed on that but actually we're moving rather fast if you believe that. Nonetheless, we need to break for lunch because some Commissioners have commitments for lunch, so we're going to resume after lunch, so go out and enjoy Santa Fe's lunch and benefits. What time do we need to get back together?

COMMISSIONER CAMPOS: Mr. Chair, I'd suggest 2:00. That gives us an hour and a half.

CHAIRMAN SULLIVAN: Yes, sir. Well, we can't set times and I want to give you enough time. If we're rushed, I'm afraid - we have a staff recommendation, that staff recommendation is for denial of both of those. I want to give you enough time to present your case and we have to take things in the order that they're in the approved agenda and as I say, we've actually been moving fairly quickly, and I apologize but we will need to recess.

HARRY SHAPIRO: I can't stay.

CHAIRMAN SULLIVAN: Okay. Well, if there's someone who can from your group we'd appreciate them coming back at 2:00. Thank you very much. The meeting is adjourned until 2:00 pm.

[The Commission recessed from 12:25 to 2:04.]

XIII. B. 4. Consideration and Possible Approval of Resolution No. 2008-___. A Resolution Accepting Gamble Oak Road and Rosa de Castilla Road for County Maintenance in the Canoncito Area, Commission District 4

MR. MARTINEZ: Mr. Chair, Commissioners, the residents of Gamble Oak Road and Rosa de Castilla Road are requesting for the BCC to accept Gamble Oak Road and Rosa de Castilla Road for County maintenance. Included in your packet that shows the general vicinity. These are dirt roads that do not meet County standards. The roads are unimproved with drainage issues and phone lines traversing the driving surfaces. As a matter of fact one of the pictures you will see shows about three areas where there's existing water that's ponding on the road and these pictures were taken probably about two months ago.

The roads lack sufficient easements and cul-de-sacs as per the County Code. The plats provided by the residents show a dedicated 25-foot easement for Gamble Oak Road with the last .12 miles of the road not situated within the dedicated easement. Rosa de Castilla also has a 25-foot dedicated easement. The residents have not met all the requirements outlined in the road acceptance policy and are requesting for the BCC to waive the criteria in the policy and accept it in its current condition.

Public Works does not recommend the acceptance of Gamble Oak Road or Rosa de Castilla. I stand for questions.

CHAIRMAN SULLIVAN: Questions for staff? Commissioner Campos.

COMMISSIONER CAMPOS: How many families are served by, let's say Gamble Oak Road?

MR. MARTINEZ: Mr. Chair, Commissioners, according to the petition that was provided by the residents it shows approximately 11 signatures on the petition.

COMMISSIONER CAMPOS: So you're assuming 11 dwelling units, 11 family homes?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: No, Rosa de Castilla?

MR. MARTINEZ: Rosa de Castilla is a shorter road. It appears that there was maybe only two or three residents on that road.

COMMISSIONER CAMPOS: And when were these private driveways I guess, when were they cut?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, I have no idea, since these are not County maintained. Since they're private roads I have no idea.

COMMISSIONER CAMPOS: These weren't involved in any subdivision approvals or anything like that?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, I don't believe so.

COMMISSIONER CAMPOS: Okay. Thank you, sir.

CHAIRMAN SULLIVAN: Other questions for Robert?

COMMISSIONER MONTOYA: Mr. Chair,

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Have there been any improvements at all to get this to where it is, something that the County can take over?

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, it appears there aren't – there haven't been any improvements on this roadway. Like I said, the pictures show there are some areas that are ponding and if you see – you're pretty limited by the fence lines within those areas. The plats show there's a 25-foot easement, and with a minimum 20-foot driving surface you don't have sufficient room in the right-of-way to address the drainage with bar ditches and culverts and that type of improvements. And this isn't a simple case of just running the grader up and down the road. As a matter of fact you'll see in some of the pictures you'll see in some of the pictures there are phone lines that are on the surface of the roadway.

COMMISSIONER CAMPOS: Commissioner, may I ask a question?

COMMISSIONER MONTOYA: Sure.

COMMISSIONER CAMPOS: Did we look at one of these sites? Did we drive out together?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, that is correct. I took you out there to the roads that are being considered.

COMMISSIONER CAMPOS: Both of them?

MR. MARTINEZ: That is correct.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: So you're saying here the width isn't something that can be accommodated.

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, in order to accommodate the drainage there is not sufficient width. County Code calls for 50 feet of right-of-way. I believe there is an exception that will allow you to go down as 38 feet. But currently there's only 25 feet.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Other questions of staff?

COMMISSIONER VIGIL: Robert, after having looked at the picture is there a possibility that this road could be widened any way in the future?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, it's possible it could be widened if there's additional right-of-way that's acquired from the property owners.

COMMISSIONER VIGIL: Could it be a dedicated easement from the property owners?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, it would have to be a dedicated public easement and then dedicated to the County for maintenance purposes.

COMMISSIONER VIGIL: Right. Because currently its width doesn't even meet County standards, correct?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, that is correct.

COMMISSIONER VIGIL: What is the width for County standards?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, the minimum width as per the Code is 50 feet, but there is an exception going down to 38 feet.

COMMISSIONER VIGIL: No further questions at this time, Mr. Chair.

COMMISSIONER CAMPOS: I have one final question.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Robert, dollars. Let's assume the County decided, what the hell, let's do it. Buying the land, improving the land, doing the drainage, how much would it cost the County?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, the right-of-way alone, you're probably looking at about \$40,000 an acre. The County Attorney and myself are currently involved in a right-of-way acquisition for a County road that the easement was not clear and I believe the market, the appraisal was at about \$30,000 to \$40,000 per acre.

COMMISSIONER CAMPOS: How many acres of right-of-way?

MR. MARTINEZ: I'm estimating about one, maybe two acres.

COMMISSIONER CAMPOS: Okay. And what about the improvements themselves. Because that's pretty tough country. It's steep, it's narrow, it's hard to work with.

MR. MARTINEZ: Mr. Chair, Commissioner Campos, you've got extensive drainage issues on that road. You're probably looking at about three different areas that would require culverts, probably some bank stabilization, wire enclosed rip-rap, basecourse. I would guess you're probably looking at about a quarter of a million dollars.

COMMISSIONER CAMPOS: For the improvements themselves.

MR. MARTINEZ: That is correct. Not including right-of-way.

COMMISSIONER MONTOYA: Oh, that's not including purchase?

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, just off the top of my head I don't believe it would cover the acquisition of the right-of-way.

COMMISSIONER CAMPOS: Thank you, sir. I'm done.

CHAIRMAN SULLIVAN: Anyone else? Okay is the applicant here? Would some one of you like to speak or do you have a representative who would like to speak for you?

PEYTON YOUNG: Good afternoon. My name's Peyton Young and I'm a resident in that neighborhood and I live off of Rosa de Castilla. The road has fallen into real disrepair over the last few years and as Mr. Martinez was pointing out to you, it needs a lot of work. The neighborhood is pretty mixed low to moderate income neighborhood and I think it would be hard for us to come up with that kind of money to fix it up. So we were just approaching the County for some kind of assistance with getting it so that it's not a safety hazard anymore.

Right now there's a lot of elderly people that live on it. There's ten houses I think off of it. It would be difficult for a fire engine to get back there, emergency vehicles. It's really difficult when either we get a lot of rain and there's pooling on the road, for people to get in and out in their cars. Last year when we had the three feet of snow it was really tough for people to get in and out and for us to be able to get the road cleared. So we're not saying that you should spend \$250,000 on it but if there was some way that we could work with you to get it into better shape so it was safer for all the residents we'd really appreciate it.

CHAIRMAN SULLIVAN: Okay. Thank you.

COMMISSIONER VIGIL: I have a question.

CHAIRMAN SULLIVAN: Commissioner Vigil, question.

COMMISSIONER VIGIL: You may not know this but maybe some of the other residents. Are there any school children in that area? Does the school bus drive it?

MS. YOUNG: Yes, there are. It doesn't drive it. They have to take their kids to the end of the road to be picked up by the school bus.

COMMISSIONER VIGIL: How many school children are in that road.

MS. YOUNG: Four.

COMMISSIONER VIGIL: Have you consulted with the school board? Is this Santa Fe Public Schools?

MS. YOUNG: Yes.

COMMISSIONER VIGIL: It is?

MS. YOUNG: Yes.

COMMISSIONER VIGIL: Have you consulted with the school board and their transportation division to see if through the bus route funding there might be some assistance?

MS. YOUNG: Well, I think that the school bus runs on Old Las Vegas Highway, and everybody's responsible for getting their kids out to Old Las Vegas Highway, so I'm not sure they would be willing to do that.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN SULLIVAN: Other questions for Ms. Young? Anyone else like to speak?

ANGELIE HACHEL: I'm Angelie Hachel. I'm one of the residents that lives on - we have as a community tried to do renovations of our road, but with the road being so much rock it's difficult, even with the picks and shovels and bringing in dirt and gravel to continually have it maintained. He was talking about telephone wires, that's actually Comcast that came out four years ago. Came, dug up the road a little bit, put the cable underneath and

put a little bit of dirt on the road but not enough to make a difference. And that caused some additional drainage problems. The road used to be able to run like this and now, the water runs everywhere when you run down the hill. Like Peyton was saying, we're not asking – because we understand funding is limited, but dirt, gravel, something that we can get it to a safer level, a level level, so that if especially emergency vehicles need to come through there that would not be an issue.

Last year most of us walked from the highway to our houses because of snow. Emergency vehicle response is becoming an issue as our neighbors become a little bit more elderly and have a little bit more medical problems. Just any kind of assistance that could be made. If we could get a big dump truck full of rocks we'd be willing to do the work, but when you're looking at rock and purchasing it on your own it's like \$200 a truckload is what we've been given an estimate on. I know we grade roads all the time so I know that dirt goes somewhere. Just any form or help or provision that would help us to help ourselves. So that's what I want to say. Thank you.

CHAIRMAN SULLIVAN: Sure. Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Has anyone sought legislative funding for the upgrade or improvements to this road? No.

JAMES LUJAN (Growth Management Director): Mr. Chair, Commissioners, all that would come back to the County if they seek legislative funding. It's got to be a County road first. And also, Commissioner Vigil, your question about the school bus route, that money would come to the County first. We get the money. The local entities get it first.

COMMISSIONER VIGIL: Right. But the money would come from state.

MR. LUJAN: We could apply for it if this was a County road. We can't because it's not a County road.

CHAIRMAN SULLIVAN: Other questions for Mr. Lujan? Yes, ma'am

LORRAINE GARCIA: I am also a resident of Rosa de Castilla. And what I don't understand is, I know that it's all private roads and whatever, and we had come to the understanding – this was maybe two years ago, they had told us that if we would give our road or our easement to the County that they would give us maintenance for it. They would fix it for us. And we never questioned that because when we saw Calle de los Alamos, they have it. The County fixes their road, and up the ridgeway they fixed their road. And we didn't know that it would be that much of an impact just to help us just to get the dirt and help us with the grading and that. I think if we graded it, and I think we just need a couple of culverts. I think that would help the situation on the road.

With the snow that we've had, and we've had a lot of traffic on that road, which we didn't have, what? Maybe five, six, seven years ago. And now we have vehicles coming up and down, up and down, and that has given the road a lot of wear and tear. And we try to keep it up to par with few people that were living there about 15 years ago, but as everybody that has been moving in to the area the roads have gotten worse, because of all the traffic that we have

going up and down and we just can't keep it up anymore. So we're just trying to ask for some assistance.

CHAIRMAN SULLIVAN: Thank you, Ms. Garcia. I think what Commissioner Montoya was alluding to is of course the County can't expend taxpayer funds on private property. That's against the anti-donation clause of the state constitution. So it has to be public property or a public road or a public right-of-way. There have been cases in the past, even though the road is not public road, the community has gone to the legislature and has asked for money. And let's say you were able to get \$150,000 or something from a legislative appropriation. Then we - and this has been very rare, but we've held the money in abeyance and conditionally accepted the road as a County road, then used that state money to upgrade it. But we have a liability situation where if we accept the road and it's not up to County standards and then there's an accident, something happens, then the question is why didn't you follow your own policy and now you're responsible for this accident or this injury. So it's a chicken and egg thing, as you can see. And usually the chicken is the money. And somehow, if we could find the funding and that funding is enough to bring it up to the standards or close to the standards that something could be done in the future with additional funding to make it fully acceptable.

It's very difficult to take it from raw, private, mud road and as soon as we start putting gravel on it then we have to put street signs on it, then we're accepting maintenance responsibility. That means people call us and want them to snowplow them out and get them out of the mud and so forth. So you just can't be a little bit into the road business. You're either all the way there or you're not there and I think that's the dilemma that we have.

MS. GARCIA: Well, the thing is we already have street roads up there. We're all designated. We had to get roads up there like the County roads. That's what I don't understand. All of them have County roads. We're all under roads now. We're not under Route 3 or box 25 or whatever. We're all already.

CHAIRMAN SULLIVAN: My understanding is the County does designate, depending on the road sign, for safety and emergency, there are road names, and Robert can assist me on this, but if the road signs are one color they're County roads and if they're not, they're a private road. Is that how it works, Mr. Martinez?

MR. MARTINEZ: Mr. Chair, that is correct. All streets are required to have a street name whether they're County or private. The distinguishing color of signs is yellow letters on a blue placard are County maintained. White on green or white on brown are private.

CHAIRMAN SULLIVAN: So we do have people come in and say, you've got a street sign on my road and how come you're not maintaining them, and that's the reason. We have to designate them but unless they're County rights-of-way and we've accepted them for maintenance. We have a list that goes to the Transportation Department every year. That makes them eligible for future funding, co-op funding, school bus route funding, legislative funding. Then we can legally maintain it. Okay. Are there other questions for the applicant or the staff? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I guess the concern I have with it is

we have, and correct me if I'm wrong, Robert, we have over 500 miles of County road now and in my district, we don't have County roads that look quite like that, but almost like that. And we have an issue with the County in trying to maintain those roads that are County roads. We don't have enough people that work for us to even maintain the roads that we have now. I could take you out to various County roads in my district and show you the drainage problems that we have.

Unless the staff can tell me, Mike, we can accept this road and fix your road, then I have an issue with it. Because I have people that live on a County road and are constituents of mine that can't get the quality service that they need because it's a County road. So this is a tough issue. You're not the only ones in this spot. There are many, many people out there that live on a private road that is not County maintained that are dealing with the issue that you're dealing with. You're not alone. How can we help? Maybe we could say, okay, if we adopt this - and this is just me talking. We've got to get the whole Board here - and then you go to the legislature to get funding, and they give funding towards that road, then we could maintain it with the money that we get from the legislature. Then that means that you all have to go lobby your legislators and say, Look, this is the issue here. We need money for this road and unless you give it to us they're not going to touch it.

That's one way. This is a problem. What's happened out there is the developers that developed that property and sell to you, they don't make those roads to County standards in the past. Now we require them to do that, so we don't have this problem. But there's just that issue. I don't know. How do we solve this problem? But we do have County roads out there that need to be looked at now. And we're stretching our staff. They're doing a great job but it's just - and we're proposing to do a bond to fix up the County roads. Maybe somehow we could put some of that money into adopting some other roads. I don't know the answer. Thank you, Mr. Chair.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: You're in my district and I think there is no lack of compassion for your situation. But I agree with what Commissioner Anaya said. A lot of people in the county are in the same problem. We don't have the money to take care of what we already have, which we're stretching already. And unfortunately, it's a bad situation. I've been out there; I know how bad that road is. Going to the legislature is an option but it's not an easy option. I wouldn't - I would say it would be very difficult to raise \$300,000 to get this road up to where it has to be because as Commissioner Sullivan said, it's either a County road or it isn't a County road. There's no in between. You just can't just go out there and throw some dirt out there or some gravel. It has to be a County road or we cannot touch it by law. That's the constitution.

So there's compassion. It's just that you're in a very difficult situation and I'm sorry that I don't see a quick solution or an easy solution to your circumstance. Thank you, Mr. Chair.

MR. MARTINEZ: Mr. Chair, I'd like to make a comment. Regardless of who

is responsible for improving this road, whether it be adopted by the road at some point in time or whether it's the residents, the primary or the first thing that needs to be addressed is the right-of-way. There is not sufficient width in there to accommodate bar ditches so you can install culverts to carry that water off the roadway, down through the culverts into a drainage area. So that is the first thing that needs to be resolved is the right-of-way width.

Now, if the property owners would grant additional easement on both sides of the road, that would be a start.

CHAIRMAN SULLIVAN: And perhaps this is something that the homeowners could have some more discussions with Public Works on. There are options like special improvement districts that are created. They're expensive, because everyone has to pay that cost through their assessments to their property and to whoever buys the property after you sell it. But there are mechanisms to do it but I think what Mr. Martinez is saying too is that we have to start off with a safe width to deal with and from there we can begin to tinker with that. But if you get one person who is cantankerous about donating or selling an easement then you've basically held up the whole operation. So that's probably a first step is to see if people would be willing to do that and if they are, get back with Public Works and say, well, we got the first step done here. What's the next step we can do? And it's a process. It's not a simple one. Other questions? Comments? Commission, what's the desire of the Commissioners? Is there any motion? Okay we don't see a motion.

COMMISSIONER CAMPOS: This is for acceptance of this as a County road?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: So the motion would be to deny the petition at this time, to accept these to roads as County roads. That would be the motion I guess.

CHAIRMAN SULLIVAN: Okay, there's a motion to deny the petition and I assume that indicated not adopt the proposed resolution.

COMMISSIONER CAMPOS: Yes.

CHAIRMAN SULLIVAN: Is there a second? I'll second that motion for discussion. Any discussion?

The motion to deny passed by 4-1 voice vote with Commissioner Montoya casting the dissenting vote.

COMMISSIONER VIGIL: I would like to just figure out if Public Works might be able to advise the neighborhoods about their alternatives and make sure there's a clear understanding between what's private and what's County. Since we've done our rural addressing I think that has confused residents a bit and they think because we've signed a road that in fact it is a County road, assigned a name, rather, for a road. And also, I'd like to gain a better understanding when these requests come before us how the road originated. If it was actually built by a resident? How it currently is maintained. I know in that particular area a lot of residents hire private maintenance companies to take care of snow

removal and that kind of thing.

If there's a way that public works could create either a staff person – and I know, Robert, you have a lot of expertise but you may not have the time to work with a lot of the neighborhoods to let them know what alternatives they actually have. Because this is a diligent process on behalf of these residents. They really want our assistance to be able to help them out and we're caught between a rock and a hard place to do it. But we might be able to advise them about alternatives, how they can do things privately, how they can go to the legislature, how they might be able to go to the Department of Transportation, to look at what can be done with bus routes. Apparently this particular area feels that the bus route alternative is not necessarily viable for them because first of all, a rock and hard place for the County, but if the state does designate it a bus route the state does come in to support that. But I'm not sure what that process is or the Santa Fe Public Schools. There's a lot of support systems out there that might be able to be pursued. And so if you leverage all these options these residents might be able to come forth with more ability. And of course I agree with you; gaining the easements from the private residents is really important and the best way to do that is if those are dedicated and there isn't a need for further costs to purchase them – but all those alternatives, if they're identified and clearly understood, and you probably did the best you possibly could with that, Robert, I'm sure. But I'd like to see that pursued, perhaps in a position with Public Works because this is a consistent request we get and it's a consistent denial we have to give. It's very frustrating to be put in that position. And I think it would be much more helpful if we created some kind of a support system to empower the community members to be able to do something, to come forth with something more than just a petition.

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, myself and my staff are always available for residents that call or come in. We get numerous requests about private roads. Unfortunately, there's a fine line of what we can do being County employees and assisting on private property. But we're always there to answer questions. As far as giving engineering advice, we tend to shy away from that.

COMMISSIONER VIGIL: Okay, well perhaps an ombudsman or some position, maybe perhaps through Land Use or something would be helpful. But I don't want to put staff in a position about giving advice that's beyond legal parameters for them, but I do think that we can educate our communities with regard to alternatives, to a greater extent. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you, Robert.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I guess what I'd like to tell the people who are applying for the acceptance is that it doesn't stop here. What you could do is still contract your representatives and your senators and let them know what your issue is and have them probably maybe write a letter. And petition them. Have them write a letter saying We could get you money, and then that way you could have that letter come back to us and

have a letter saying that these people – that we, the representatives are going to fund this road. And maybe that’s another way. I don’t like to just say no and not think out of the box. But maybe we could do that to help you.

CHAIRMAN SULLIVAN: All right. Thank you, Commissioner.

XIII. B. 5. Consideration and Possible Approval of Resolution No. 2008-__ . A Resolution Accepting a Portion of Camino Capilla Vieja for County Maintenance In the La Cienega Area, Commission District III

MR. MARTINEZ: Mr. Chair, Commissioners, the residents of Camino Capilla Vieja are requesting for the BCC to accept a portion of Camino Capilla Vieja for County maintenance. Included in your packet is a map that shows the general vicinity of this road. This road is primarily a dirt road with cold filling in some areas and does not meet County standards. The road is mainly a one-lane road and it does not have dedicated easements throughout the entire section of roadway, or a cul-de-sac as per County Code. The residents have not met all of the requirements outlined in the road acceptance policy, but are asking the BCC to waive the criteria and accept it in its current condition.

Public Works does not recommend the acceptance of Camino Capilla Vieja at this time. I stand for questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Questions from Commissioner Anaya.

COMMISSIONER ANAYA: Robert, what other stuff was supposed to be submitted?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, the main thing is according to the policy, it discusses about bringing it up to County standards. It discusses about easement widths, appropriate easements for the roadway. Like I said, Mr. Gallegos came in and we met a couple of times. I told him what we needed. He came back with some plats, but there’s still some plats lacking that show sufficient or any dedicated easement throughout some portions of the roadway. As I said earlier, the County Attorney and I are dealing with a right-of-way issue on a County road that the County is acquiring, purchasing the easement because it wasn’t clear back in the 70s when this road became a County road that the easement was actually dedicated to the County. So that’s just some of the criteria in the acceptance policy.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Other questions for Robert? Okay, is there someone representing the applicant here today?

RICHARD ROMERO: Thank you, Mr. Chair and Commissioners. My name is Richard Romero. I’m a landowner there in La Cienega. I’m going to give you a brief history of that road. This road goes back to El Camino Real. This is the original road that the Spaniards came up through Las Bocas, which is the mouths of the river, the Santa

Fe River and La Cienega River. It's over 400 years old. Up to a few years ago when Carlos Martinez was a County Commissioner here, this road was maintained past my property onto the Gallegos Ranch. It was maintained. The cattleguard was put there by the County Commissioners. The culvert under the road was put in by the County.

Since then, in his infinite wisdom, one of our neighbors has come back to the County and move the maintenance of this road back to the beginning of his property. We were never notified of this issue being done. So recently, we've gotten into an issue where this person has diligently worked to close this road even further. Brief history going back, there are going to be people here that will explain. One person brought in a 54-foot double-wide, and it was brought in in two sections, and they were able to pull it in. I had a renter that lived on my property that had a 12- or a 14-foot trailer and when she had to leave and she wanted to move the trailer out, we couldn't pull it out. That was seven, eight years ago.

Since then he has choked down this road even further. This person has machinery and he works the road like if it were his own privately maintained road. I've got a renter right now that has a handicapped child. She's this little girl that got kicked in the head here recently at a racetrack where they were running some horses and she got kicked in the head. The County, the bus system will take a little bus and take her to the house but in the winter - he's gotten all the drainage that goes down into my property. I have no problem with that because I've dealt with it. I was old highway designer. I worked at the Highway Department for 40 years. So I've been able to deal with that.

But recently there was a guy that ordered a backhoe to do some work further down from where I'm at, and they went in in a flatbed truck to take the backhoe back in there. He's put wires across, electrical wires across the road where they couldn't even - it doesn't have no clearance, so they couldn't deliver the tractor, the backhoe.

I believe this is not your problem. I think what we have is a neighbor that persistently wants to choke off anything going south of his house. So I don't think we can get a fire truck into our area anymore. If something goes wrong, if my rentals burn down, sure, I can't come after you, but believe me not, I'm going to put somebody in court and you'll be one of the first people who go in with me, because you took this maintenance back away from us. You have the deepest pockets, and he has deep pockets too, so he's probably going to end up in court with me.

We're not trying to force-feed you to maintain anything for us or get it done for us, but this was being done back to when Carlos was a County Commissioners in the 60s and 70s. It was maintained then. But yet today, through my neighbor's wisdom - and he's a relative of mine, he has made it clear to the County that it is no longer a public road. He calls it a private road. How can it be private if it was public for 400 years?

All we are asking is for your attorneys and your people to be able to maintain our road, because people are dying. Out of the Gallegos family there are very few of them left. They're up in age, 92, the 90s, like when my dad passed away. I hope you can help us. It's an issue that this maintenance should never have been taken away from us. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Romero. Anybody else?

ALONSO GALLEGOS: Mr. Chair, the Board, my name is Alonso Gallegos. I'm from the Gallegos Ranch here in La Cienega. I'm the one that got the petition signed by ten different signators, that's basically I believe 99 percent of the folks that would be impacted by this County road that we want you to continue, to resurrect the maintenance on. Like Mr. Romero said, this road is a historical road. It's the Camino Real. When Linda Grill was Commissioner, she had the last improvements done to the road, which were significant. They put more culverts on down past Mr. Romero's property and two extra cattleguards, culverts plus that asphalt milling. It was brought up to County standards as far as we were concerned.

What's lacked since is the County to maintain it, which now it's been covered over with silt and like Mr. Romero stated, when his relative, the individual that's encroaching on the property, he's been doing this for a number of years and the County has failed to recognize that on account of for some odd reason the County maintenance ends at his property. My family had 44-foot cattle pots go down there to haul livestock out of there and we can't do that anymore. It's impacted us economically. Now we have to do alternative shipping for our cattle operation.

Besides that, I don't know if you have in your hands the letters of correspondence I had with County staff, particularly Mr. Martinez. Do you guys have those letters?

CHAIRMAN SULLIVAN: I don't think those are in the packet, Mr. Gallegos.

MR. GALLEGOS: Well anyhow, on October 23rd I got a letter from Mr. Martinez with an evaluation of issues of concern to take up this road for County maintenance. On November 14th I answered those issues of concern and basically, this is a different scenario to the previous petitioners that you had here before us. This is not a new subdivision here. These are landowners that have been paying taxes before the County became the County seat. We've enjoyed the maintenance of the County when it was formed up to about a few years ago. He put in these issues of concern easements and right-of-way. Throughout the years and recently, up to I think a couple years ago, the latest family transfers which the locals usually do, family transfers, not subdivisions, the County has required the individuals, the families that are doing these divisions, to dedicate easements. Everyone's given 20-foot easement or better.

There's a couple items, I think Mr. Martinez mentioned that. There's a couple of properties that probably have not, but they're willing to. I have their signatures that they're willing to dedicate easement to the County if it isn't there already, which they think is prescriptive. It's in there. Everyone recognized that road except this one individual. In 97 or 98 I came before the Commission and I was directed by legal staff and the Legal Department to do a plat search. What they were going to do with this individual was condemn his property if I got a petition signed by all the landowners that were south of his property. I didn't pursue it until now, 2007.

Another issue, criteria he had here was a turnaround at the last property. I've

spoken with the landowners at the end of this County Road 54, La Capilla Vieja. They've agreed to give a turnaround. They'll provide a turnaround to County standards. So basically, everyone, the ten petitioners that signed this are in agreement to go ahead and dedicate this road fully and cooperatively and we ask you to waive any criteria of surveying and improvements on the grounds that this is a County road and it's always been and should continue to be. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Gallegos.

JERRY GALLEGOS: Yes. My name's Jerry Gallegos and I'm an owner on that road on Camino Capilla Vieja, a landowner and I have a house, and I'm also speaking for my brother, Angelo Gallegos, which lives out there also. And I moved out there 16 years ago and I was able to get my double-wide in there, and now our neighbor up the road has narrowed that road so narrow you can't ever get a trailer in or out of the area. And he's seemed to make it his own road, like everyone has said. He makes his own speed bumps. My wife is handicapped and stuff and every time we have to go through that road we have to go really slow. It turns into a mud mess when it rains or snows.

Those cattleguards haven't been maintained. The County put those cattleguards years ago. It's always been a County road as long as I know, since I was a kid, because I am part of the Gallegos - it was the Gallegos Ranch down there. Graders used to go down there, grade the road. And now, if any maintenance needs doing I have to get my tractor out there and remove boulders and rocks that come down from a big slide that's there and it's always been a County road, as long as I've known, and I'd like to see it maintained by the County. That's all I have to say.

CHAIRMAN SULLIVAN: Thank you, Mr. Gallegos. Okay. Anyone else?

KURT YOUNG: Hello. My name is Kurt Young, and I'm here to support this resolution. This ranch that we own, the road runs right to this ranch and it's a very difficult road to traverse. I don't know if you've ever been out there, but it's formerly maintained by the County and it's not anymore. It's part of the - as Alonso Gallegos said, it's part of the old El Camino Real and maintaining this road I think is of historical importance as well as practical importance.

Currently the road maintenance ends at a cattleguard that is very difficult to traverse or go any further. Beyond that it gets very rough in a lot of areas and I think from a public safety standpoint it might be nice if we at the end of this road had a cul-de-sac which we'd be willing to do as well as even put on part of my land, if that needed to be so that we could create that aspect of public safety and allow for people who go down there and somehow get lost to turn around and traverse back in a safe manner.

From this historical perspective I think that maintaining part of the Camino Real is not only part of one of our cultural heritage but something that we need to think about from the standpoint of preserving our historical heritage as well. What I brought is a petition signed by 99 percent of all the landowners out there, some of whom are not here today. I'll mention their names. Richard Romero, Ron Romero, Adrian Romero, F. Brazfield, the estate of Victor Gallegos, BLM is represented by William Parks, Tom and

Connie Young, Bob Cochrane, Angelo Gallegos, Jerry Gallegos and Ray Tapia and myself, Kurt Young. We certainly hope that you all consider this and I hope that you'll pass this resolution.

CHAIRMAN SULLIVAN: Thank you, Mr. Young.

MR. J. GALLEGOS: Can I say one more thing.

CHAIRMAN SULLIVAN: Go ahead, but we're running short on time here. Make it short if you would, please.

MR. J. GALLEGOS: I just want to say when I did a land transfer, me and my brother, from my dad's property, I went ahead and gave the easement to the County of the road to be maintained. I gave an easement and the County agreed to me at that time that they would maintenance the road. This was done a few years ago when we did our land transfer and I don't know what the deal is that it's not being done.

CHAIRMAN SULLIVAN: Okay. Thank you, Mr. Gallegos. Okay, other comments, questions from the Board? What's the wishes of the Board?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: At one point they said that the blade down there. Do we have any documentation on that?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, we've researched our distance on our certified road list that's approved by the Board every year and is forwarded to DOT for funding. The distance on 54 which Capilla Vieja, we maintain a portion of Camino Capilla Vieja, but it's considered part of County Road 54. The distance where the road starts is from the frontage road there by Decker's, by the racetrack. The distance that we maintain now is consistent with the distance on our book, ten, twenty years ago. Now, I'm not disputing the fact that maybe the Commissioner at that time directed staff to install cattleguards or culverts or cold millings. I'm not disputing that. I'm just saying that the distant that we maintain now is consistent with what was on our certified road list 20 years ago.

COMMISSIONER ANAYA: My concern again, but this could be a different - I'm looking at it two different ways. My concern, and I had the same concern with the last one that we have County roads that we haven't even maintained yet. And I'll give you one example. The County Road that runs by the community center. We have been trying to upgrade that road since I've come in office, and it hasn't happened. And again, here we are adding to the maintenance of what the staff has to do.

Now, I'm looking at the Camino Real part of it. If this has been a road that's been used for over 400 years, public, the public used to go through there, and maybe this is a question of Steve. I don't know. I'm just trying to throw something else out there. Would it be appropriate to adopt it on those terms? But then back then, that was a two-track road, probably six feet wide.

MR. ROSS: Mr. Chair, Commissioner Anaya, there's no question that this is a public road. There's no question that it is and the public has a right to use it like they

have for 400 years. The problem is that there's one gentleman on the road - I'm just hearing this for the first time today, is apparently one gentleman on the road who disputes that fact. So either - if we agree to take the road in we're going to need to get right-of-way and that's either by deed from these folks, who've agreed to deal with that, and by condemning that piece of road that the gentleman disputes the ownership of. That's the only way you're going to get the County to have legal right to move down the road with equipment and maintain and blade the road. So you're probably looking at litigation - not substantial litigation but litigation nonetheless against this one individual.

So as long as you go into that with your eyes open you'll know what the situation is. The County has not maintained the road legally because we haven't carried it on our road list for a number of years. That's what's needed to establish this as a County maintained road, and that's maintenance, open and notorious for ten years or more, and we haven't done that.

COMMISSIONER ANAYA: So there's just that one individual. Because he said 99.9.

MR. ROSS: 99.9 percent, right. So we would have to deal with one individual and either that individual would have to agree, voluntarily agree to relinquish right-of-way to the County or the County would just have to accept the road as is and condemn that property. And maintain it thereafter.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Move for approval of the acceptance of a portion of Camino Capilla Vieja for County maintenance in La Cienega.

CHAIRMAN SULLIVAN: Motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: And second. Discussion?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'm going to vote against the motion. I think it's the wrong motion. Staff has spoken pretty clearly to us as to what the position is and why. The other thing is we're accepting roads, we have to look at this from the big picture perspective, not reactively, piecemeal. There may be 20 roads that need to be public roads more than your road. Serves more families perhaps. Perhaps the condition of the road is better. Perhaps it fits into our plans better. To just do it piecemeal at this point, without looking at the other roads that may merit greater consideration for acceptance as public roads is just not clear thinking. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I have some specific questions with regard to this road. It currently is on our County road list for maintenance purposes. Would you clarify that?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, no, it is not. If you saw those pictures that I circulated, there's a cattleguard and that's where our maintenance ends. The Gallegos and the rest of his neighbors are requesting for the Board to accept maintenance beyond this cattleguard.

COMMISSIONER VIGIL: And how much - what portion of the road is that? How many miles?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, it is a total of .7 miles, just a little under $\frac{3}{4}$ of a mile.

COMMISSIONER VIGIL: I'm familiar with that road. It's very narrow in some places so even to gain easements from there you'd have to dig into a hill, wouldn't you?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, that is correct. As a matter of fact when we did our evaluation we couldn't turn around. We basically had to see-saw our vehicle back and forth just in order to make a turn to exit the roadway.

COMMISSIONER VIGIL: So is the community wanting us to accept this for maintenance purposes only?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, it is ownership and maintenance.

COMMISSIONER VIGIL: Ownership. So we would be in the same position we were with the last case we heard and that means accepting something that is not County road standards.

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, that is correct. Their argument though is that the County has maintained it at some point in time.

COMMISSIONER VIGIL: And what you have stated on the record is that your records indicate have to the extent that we currently are, but beyond that we don't have in-house records?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, that is correct. The distance that we currently maintain on our certified road list is the same distance as what was 20 years ago.

COMMISSIONER VIGIL: Okay. It seems to me that we should probably advise this community as we did the previous members who were here with regard to what alternatives they have and it seems to me that if I were to compare the roads we have here this one is passable, versus the one that we saw, we heard last, that doesn't seem - it's really far more hilly. This one at least has a bladed surface that doesn't include lots of peaks and valleys, so to speak, whereas the one I saw, or at least the pictures I saw of the area out on Old Las Vegas Highway, that road - and I don't know who built it - is actually on a hill. Correct?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, that is correct.

COMMISSIONER VIGIL: And with regard to the needs of both of these roads, it seems to be the safety issue is more involved with the Old Las Vegas Highway than this particular road. Is that correct?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, I don't want to downplay the safety of every resident but I believe if you listen to Mr. Romero's comments, he said a fire truck couldn't get into his property now because of the width of the roadway. It's been necked down from one of the property owners. So I think both of them probably have both of their safety issues.

COMMISSIONER VIGIL: Okay. And how many other roads in the La Cienega area are in this situation? I'm familiar with La Cienega pretty well, but it seems to me that we've got the main road, the County roads that are being maintained for the highly trafficked areas but there's quite a few rural roads out there that are in the same situation, aren't there?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, that is correct. Like I said earlier, we get requests on a regular basis to evaluate roads for possible acceptance by the Board. And nine times out of ten they don't meet County standards.

COMMISSIONER VIGIL: Okay. And it seems to me that the community itself is going through a planning process or they've come before us, particularly on water issues, and they've united quite a bit with regard to some of the services that I do believe that they are going to be receiving some funding for a community center now and other services. So they have a strong support system in the legislative branch. And I know they have had strong support from the County with regard to other particular issues, but with regard to the roads, how have we been able to help them with this? We just basically follow the same policy?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, typically - well, what we do is we follow the law. We can only maintain County public roads. It's against the law - anti-donation - for us to assist with maintenance or improvements on private roads.

COMMISSIONER VIGIL: I need to speak with you a little bit more about that after the meeting with regard to how we create a support system. When I ask these things I'm not asking for Public Works to violate the law. I'm asking for Public Works to create a system within Public Works that can better provide alternative guidance for them. If we can't do it perhaps somewhere else they can go. It's not about what can or can't be done legally. I don't expect you to cross that line. That's it, Mr. Chair. I have no further questions.

CHAIRMAN SULLIVAN: Thank you. Okay, we have a motion. We lost one of our people here.

COMMISSIONER CAMPOS: He's not coming back for a while.

CHAIRMAN SULLIVAN: Okay, we have a motion and the motioner is not here but we still have a motion active on the table.

The motion to approve failed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this vote.]

XIII. B. 6. Discussion Regarding Non-County Residents to Use the County Transfer Stations for Solid Waste Disposal and Recycling Services

MR. MARTINEZ: Mr. Chair, first I'd like to introduce our new solid waste manager, Rick Vigil. He's been on board since around the new year and after today, typically he will be the person that can address your solid waste concerns. I'll go ahead and get started with this discussion. Santa Fe County receives requests on a regular basis for non-county residents to dispose of solid waste and recyclables at the County transfer station. The existing Solid Waste Ordinance, 2005-05, does not allow non-county residents to use the County transfer stations, and as per the ordinance, a non-county resident is defined as a resident that lives outside of the exterior boundaries of Santa Fe County, or a resident that lives within the county boundaries but lives in an incorporated or a municipality.

As per the ordinance, residents can purchase a 24-trip permit for \$35 or a 10-trip permit for \$20, which includes recycling. Residents that choose only to recycle at the County facilities can purchase a recycling permit for \$15. It is estimated that an average home will generate approximately 2 ½ tons of solid waste per year. The actual cost for the County, for the Public Works Department to process these 2 ½ tons of solid waste is approximately \$171. County residents that purchase a 24-trip permit are paying approximately 20 percent of what it actually costs to process those 2 ½ tons of solid waste. The remaining 80 percent is subsidized by the general fund.

You'll see on the second page of the memo are other entities and what their rates are for transfer station use, ranging from Bernalillo County all the way down to Valencia County. In the event that Santa Fe County residential - Santa Fe County residential fees are by far the cheapest in the area, second to Socorro, Socorro County being the closest in comparison. It's recommended that if non-county residents are allowed to dispose of their solid waste that they should not be able to dispose of their solid waste at the same rate county residents are, and we threw in a suggestion there that non-county residential rate be \$70 for a 20-trip permit, \$40 for a 10-trip permit, and \$30 for a recycling permit.

The issue is that we've got to be a little bit cautious, or very cautious if we open this up to non-county residents, because basically, that opens it up to the City of Santa Fe residents along with the Town of Edgewood, portions of the City of Espanola, portions of the residents that reside on the San Miguel-Santa Fe County line. This item is for discussion only and I stand for questions.

CHAIRMAN SULLIVAN: Commissioner Campos, then Commissioner Vigil.

COMMISSIONER CAMPOS: Mr. Martinez, what's wrong with having more waste? We just can't handle it? We don't have the personnel? We don't have the sites? It seems like if you have volume and if you're charging people and you're making money, why not?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, if that was the case,

that we were making money, that wouldn't be an issue, but as I stated in the memo, the general fund is subsidizing 80 percent of the program. And we've figured that there's roughly 70,000 households in the City of Santa Fe, with them being able to use the transfer station at \$171 a ton, you're looking at that having a fiscal impact of over a million dollars on the Santa Fe County transfer stations.

COMMISSIONER CAMPOS: Do we have a differential rate for non-county residents as we define them presently, and have them pay more?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, yes, we can.

COMMISSIONER CAMPOS: Does that make sense? Does that answer your raising of a concern of money and the general fund?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, it does, but just remember, if we're going to be handling additional waste, we're going to probably need additional facilities, additional personnel, additional equipment, additional fuel that will be used so our budget would have to be increased to reflect the additional waste that we're receiving.

COMMISSIONER CAMPOS: I guess we go back to the discussion we had several years ago where we wanted to make this - what would you call it?

MR. MARTINEZ: Enterprise fund.

COMMISSIONER CAMPOS: An enterprise fund but to do so we'd have to raise the rates for everybody. This Commission was not willing to do that. So basically, we're subsidizing this effort through the general fund. If we allowed non-residents to do so we'd just make the situation worse. Is that what you're saying?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I understand you bringing this forth for discussion. I actually think we really need perhaps even some more information. I'm not sure. Because the overriding policy is we want to encourage recycling. We want to encourage solid waste being placed at a delivery spot and to what extent do we want to encourage it? I think the additional information that I would actually need would be what the current City rates are, what the current rates are for Edgewood, whether it would be an incentive, whether these other rates that are being proposed would actually entice City or municipal residents to use County facilities or not. I know their rates are attached to their water bills and they have a recycling program and there's a lot that we can't provide in terms of services but we do want to be able to encourage, it would seem to me the focus would be non-users for these services to have them. So perhaps one of the policies or alternatives that could be considered is that you don't currently have the ability to have this service for you and if that ability exists within the municipality, that would eliminate that. But I'm not sure if what the intent was in moving forth, other than the overriding policy to try to get more non-users involved.

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, as far as the Edgewood

residents, we did show what Torrance County's rates are because that is the closest facility for the Edgewood residents, and their rate is \$148 per year for residents, and \$207 a year for non-residents. And as far as comparing our rates to the City of Santa Fe, it would be kind of difficult because we'd be comparing apples to oranges because the City of Santa Fe has curbside pickup whereas the County does not.

COMMISSIONER VIGIL: Still, the non-users could cross those boundary lines. I'm thinking of our La Cienega transfer station. I'm also thinking of trying to encourage those people who are on the outskirts of Glorieta and those areas to come and use these transfer stations. You're looking at different dynamics here and different distances and different transportation issues. What I'm hoping this is trying to do is create some kind of incentive to get more county residents using these transfer stations. And I guess I don't have a sense of clarification that it has to extend to municipal residents since they do have that option. Why do we include them?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, if I understand the question, why do we include municipalities?

COMMISSIONER VIGIL: In this particular proposal.

MR. MARTINEZ: Because there was some discussion as allowing incorporated areas, not specifically the City of Santa Fe but other incorporated areas like the Town of Edgewood, to use the County facility.

COMMISSIONER VIGIL: And the Town of Edgewood would have a different dynamic because they are so rural in nature.

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, that is correct. I believe we determined there was about 1300 households in the Town of Edgewood. So the amount of waste that would come in from the Town of Edgewood would be a lot less than the City of Santa Fe.

COMMISSIONER VIGIL: Where does that waste go currently?

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, the Edgewood waste, they can either use the Torrance County facility or the Bernalillo County facility.

COMMISSIONER VIGIL: Okay.

CHAIRMAN SULLIVAN: Any other questions, Commissioner?

COMMISSIONER VIGIL: No.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Let me ask one thing. Robert, what brought this forward? Was this a request from residents from Edgewood?

MR. MARTINEZ: Mr. Chair, yes, it was specific to Edgewood but we didn't specifically target the Edgewood area because we get requests on a regular basis for other non-county residents to use the transfer stations.

MR. ABEYTA: And Mr. Chair, at one of our Commission meetings, Commissioner Anaya asked me under Matters from the Commission to bring this forward to the Commission and it was a result of meetings we have had with the Town of Edgewood.

CHAIRMAN SULLIVAN: All right. Thank you, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you for bringing this forward so we can talk about it because I've had some constituents ask me, how come we can't get a permit? Not many, but one or two. And I don't know about any other constituents or how many have contacted you and asked you for a permit. But I thought - I'm not hearing any suggestions from staff. Did we have suggestions?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, basically, we brought this as a discussion item because if the Board chooses to allow non-county residents to use the transfer stations we need to publish title and general summary to amend the ordinance. So that's why we brought it up for discussion today so we could get direction from the Board giving us direction, okay, let's proceed with publishing title and general summary, being able to have that public hearing in order to make changes to the existing ordinance.

COMMISSIONER ANAYA: So right now we haven't talked about money. Would we talk about that at the next meeting?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, that is correct. When we publish title and general summary, we will bring forward at the public meeting what our recommendations are as far as rates, boundaries, and we will base that on the direction we get from the Board.

COMMISSIONER ANAYA: There would probably be certain boundaries. I know that in some areas in Edgewood, they are rural areas. They don't get trash pickup. So those are the people that I'm talking about. Some of those people get trash pickup but occasionally people have to go to the transfer station to do weeds or grass or large items. If they want to do that then I feel that we should give them an opportunity to purchase a tag for ten trips, and it wouldn't be the same amount as a county resident; it would be higher. I don't know what that amount is, but that's the way I look at it. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: This is coming, Robert, from the Edgewood area. Of course Edgewood is a town, a municipality. Do they have trash pickup?

MR. MARTINEZ: Mr. Chair, they do not have trash pickup. They do not have a transfer station.

CHAIRMAN SULLIVAN: Okay. So people in Edgewood have to use private haulers.

MR. MARTINEZ: Mr. Chair, that is correct.

CHAIRMAN SULLIVAN: Just like, for example, people in Eldorado uses private haulers.

MR. MARTINEZ: That is correct.

CHAIRMAN SULLIVAN: So if we enacted this, and I understand it's up for discussion today, not for action. Then would we have the whole Town of Edgewood coming to our transfer station?

MR. MARTINEZ: Mr. Chair, that would be possible. It depends upon any parameters that this Board puts forward that we could include in the ordinance.

CHAIRMAN SULLIVAN: Have there been any discussions with the Town

of Edgewood about their providing some service? It looks like this is the centroid of the problem area where residents need trash services. It would see that we could either get a joint powers agreement with Edgewood and have it operated by Edgewood. It seems like basically we're talking about the Edgewood area here, rather than making a global policy that could cause us problems in other areas. Maybe we need to resolve the Edgewood problem, which is apparently they don't have any trash service. James.

JAMES LUJAN (Growth Management Director): Mr. Chair, Commissioners, we've had the same issues in the Chimayo area with Rio Arriba County. And what the problem is is that we feel from Public Works is that we are the cheapest venue around. We are the cheapest. And that's when we feel that the gates will open and people will come to us. Right now the people in Eldorado can buy a permit, so that's a difference. They choose to get their private haulers. What we're fearful of is the gates will open because we are the cheapest around. And you saw by Torrance County, there is double what we are, so that's the fear. So we've just got to gear up to it. We're all set for any amount of trash. We're just going to have to gear up for it, get bigger transfer stations and have more transportation.

It's the duty of the municipalities to provide health, safety and welfare and right now Edgewood does not have it. And Commissioner Anaya has had requests and we've tried to accommodate some of those that live right on the boundary. Their house is on one side and part of their house is in the town of Espanola and part of it's in Rio Arriba so we have allowed it. But we have the same issues up in Chimayo area. The Town of Espanola and Santa Cruz, Commissioner Montoya, all the way back when Commissioner Trujillo was here, people wanted - because we are cheaper than Espanola's. So they want that. We had contractors come to us wanting to drop construction debris. We're just a lot cheaper, and that's the fear that we have.

CHAIRMAN SULLIVAN: Well, Torrance County is four times what we charge.

MR. LUJAN: Well, definitely.

CHAIRMAN SULLIVAN: Right now. Not counting out of - non-residential. Non-residential is six -

MR. LUJAN: So what we recommended, if we do allow this change in the ordinance that we at least double or triple the amount that people pay, because a lot of the county residents have already paid for most of this infrastructure over the years, and we still need to upgrade it. It's a good thing we're getting the Stanley transfer station finally enclosed. We're working on all of them. We're finally getting bathrooms to these facilities for our caretakers. We're finally upgrading them after all these years that I've been trying to fight for them and we're finally doing it.

CHAIRMAN SULLIVAN: Have we talked to the Town of Edgewood about developing and let's say working out a transfer station operated by the town and we would pick it up -

MR. LUJAN: Every meeting we've had with them, since way back since

Sam Montoya was manager, I know Roman, we've been in meetings. They always bring it up. They want us to provide the trash. They've always asked us. I understand Torrance County at one time, according to Phil Weston when he was here, they asked them to be a joint venture with them and I guess whatever didn't happen there. We're still just a little further than I believe even Torrance transfer station from the center of the Town of Edgewood at our Stanley. We only have the Stanley station. I think we're about 17, 18 miles in there somewhere, and I think Torrance is just a little closer. Well, to some residents. Edgewood is so scattered.

CHAIRMAN SULLIVAN: But Torrance is a lot more expensive. \$230 a year.

MR. LUJAN: That's correct.

CHAIRMAN SULLIVAN: You might as well go to Stanley and go the extra mile. That's an issue. It sounds like another issue here, Commissioner Anaya, is we need to talk with Edgewood about some more centralized service and I think it would be appropriate that Santa Fe County could help with that. I don't know how, but this sounds like it's kind of the backdoor way to do it.

MR. LUJAN: Well, what those areas are doing, they're doing regionalization of solid waste. For instance, North Central Solid Waste is Rio Arriba, City of Espanola, Los Alamos County. Maybe it's time to look at one of those authorities. But we can't get out of Caja del Rio because of our commitment to the Caja del Rio. So we're bound by that. So our trash from Santa Fe County has to come up here, and that's the only way we can dispose of it. If it was easier to dispose of in Torrance County it would make it a lot better for us, but we're going to have to truck that trash, and that's kind of the bind we're in also. Because we're committed long term to Caja del Rio.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Mr. Chair, I think you hit the nail on the head and I think that we need to sit down with the Mayor, the new Mayor and the Town of Edgewood, at least in that area and see what they're thinking is. Because I don't think we've had that conversation yet. And bring up the fact that, listen, there's people in your city or your town that want to use our transfer station and let's just talk about it and see what comes out of it. Maybe nothing, maybe we'll be back here, but I don't know how to address the issues up north.

MR. LUJAN: Well, it's probably a little easier from up north to haul the trash to Caja del Rio because we're closer. Our distance is down there, but maybe we could develop a landfill with them and us be a partner of Edgewood. And it would make our costs cheaper for down in that area. We'd still get some of the Stanley area and bring trash here, but if we could work something in some of those areas that are closer to Torrance County we'd be in favor of it. We're still generating trash and bringing it to Caja del Rio from that area. Let's turn it around and maybe we can work with them and them develop the landfill.

COMMISSIONER ANAYA: That I like, because I know we've brought up

the fact that why do we truck our trash from Stanley all the way to Caja del Rio when we can truck our trash to Tarrant County. So we need to have that conversation too, and it would be a lot easier on us.

MR. LUJAN: Correct.

COMMISSIONER ANAYA: Can we have that?

MR. LUJAN: I'll open the dialogue with whomever I need to, maybe through Jennifer to get a meeting set up and I'm sure the Manager would like to. But we do have a commitment to Caja del Rio, so much trash, yes. And I think we're meeting it.

COMMISSIONER ANAYA: Can we meet that with the other transfer stations?

MR. LUJAN: I believe so. I'd have to look at the agreement. But I think we can divert some of our trash from down south to them. We'd be willing to divert some of it and contribute to their expenditure.

COMMISSIONER ANAYA: Do you see where I'm going?

MR. LUJAN: Yes, I sure do.

COMMISSIONER ANAYA: It makes sense.

MR. LUJAN: To help them out also.

COMMISSIONER ANAYA: Okay. Yes.

MR. LUJAN: Because it's costly to truck trash.

CHAIRMAN SULLIVAN: I think there's an overriding issue here, James, and it's really - I was a strong supporter when your division came to us for an increase in funds for this. If we're truly to move forward on solid waste management we're going to have to seriously consider increasing not only current funds but definitely looking at a different fee scale for non-county resident users. Because I would even like those people who are on the outskirts, like in Pecos and areas that aren't within the county to start using our facilities. The overall mission here being to do something productive and concrete and centralized with solid waste. So I think really Edgewood is probably, as Commissioner Anaya said, needs to be addressed and perhaps there are some resolutions where everyone needs to be at the table. But I think the overriding issue here is we need to start moving forward with looking at a more appropriate fee schedule. That's it, Mr. Chair.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: That brings up to discuss the issue of enterprise fund that we had several years ago but the Commission wasn't ready to have at that point, to truly make this an enterprise, self-paying fund, so that the rates would have to go up and that would - I think that's what Commissioner Vigil is suggesting, maybe re-evaluation on how we approach the problem and make this enterprise fund, make it self-pay, free the general fund, provide better services to all and really collect more trash, and that's what we're here to do.

COMMISSIONER MONTROYA: Collect more?

COMMISSIONER CAMPOS: Yes.

COMMISSIONER MONTOYA: Like pick it up for them?

COMMISSIONER CAMPOS: So that people wouldn't be putting it in the arroyos and stuff, they'd bring it to us.

COMMISSIONER MONTOYA: No, we'd go pick it up from them.

COMMISSIONER CAMPOS: That's way down the pike. Are you serious?

COMMISSIONER MONTOYA: No, I'm serious. I get that question all the time. How come you don't pick up our trash?

COMMISSIONER CAMPOS: Well, it depends on volume. It's a question of how many people are -

MR. LUJAN: Mr. Chair, Commissioners, I started that program at Rio Arriba. It's just that you're so remote. It's different from picking up in a municipality, curb to curb. You have a house here, a mile away you may have another house and that gets very costly for residential pickup. But I've got a recommendation, since nobody's running for office and unopposed, it's a good time to raise the fees.

COMMISSIONER CAMPOS: Enterprise fund.

CHAIRMAN SULLIVAN: Well, that is something that we should be doing anyway, and that's one thing that we haven't done, I think in water fees as well as solid waste fees, and that's that we have to have a goal to reach. We can't raise the fees eight times to make it an enterprise fund at one time.

MR. LUJAN: But in increments thereof.

CHAIRMAN SULLIVAN: But if that's our goal and we're saying we're going to make it an enterprise fund in three years, then we have to have schedule of rate increases that does this. You've got to do them incrementally. You can't triple or quadruple the rates at one time but if you're moving towards that goal you can and then ultimately people will adjust to that. They'll take their trash elsewhere. They'll get private haulers or they'll pay the fee. If that's our goal I think we need to have a projected schedule of rate increases and over a period of five years, and we need to approve it all at once and then it just automatically goes into effect so we're not having to come back to such a gut-wrenching issue every time to raise the rates \$5. We know that we're headed towards ultimate self-sufficiency.

MR. LUJAN: It would improve services.

COMMISSIONER CAMPOS: Absolutely. Improve the facilities. I think that's worth looking at. We tabled that discussion about four years ago. I think it's time to bring it back up.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: It looks like we have - if I could summarize, we have kind of two issues. One is some more communication with Edgewood to look at that issue as a separate issue, and it's an important one in that area and it might save us some diesel fuel as well. And then we need to look not just at raising fees and non-residential fees, we need to look at a scenario, I think, for a goal. But what is our goal? Is that goal enterprise fund? If it is, if that's what the staff recommends, how much does it

really cost to do that? And can we justify that to the voters? And if so, then we should take the leap and bite the bullet and set out a five-year plan and do it. And in the process, set out better services, whether that's transfer stations that are more convenient, closer in, better hours, more personnel - we can combine better services with increased rates. I think that's a good start.

MR. LUJAN: Mr. Chair, if that's the direction you want us to look at we'd definitely want to look at a rate increase and we could come back in a month or so, two months, with what's going on just for discussion again.

COMMISSIONER VIGIL: And Mr. Chair, I would just add to that, I think what I'm hearing is not a sort of piecemeal approach to this for one rate increase but perhaps an accelerated fee schedule that would identify a goal, as was mentioned, whether or not this is to be an enterprise fund, whether it's going to be self-sufficient, whether or not we're going towards a goal, whatever that goal is. And I think the goal was an enterprise fund, at least that was -

MR. LUJAN: Correct me if I'm wrong, I believe we are a portion of an enterprise fund, it's just not fully supported. No enterprise. Okay. Because we do generate a little but it's mostly subsidized.

COMMISSIONER VIGIL: By general fund. And I think the goal was for it to be at least self-sustaining. So perhaps that would be the next baby step.

MR. LUJAN: Okay. We'll look at that.

CHAIRMAN SULLIVAN: Okay. Well, thanks for bringing that forward and that will give you some direction I think.

XIII. D. Matters from the County Manager

1. Update on Various Issues

MR. ABEYTA: Mr. Chair, the only thing I have is that we will be putting in your mailboxes an update on the new Public Works facility and the change-orders that have come in. That is something that the Commission requested a few months back, that we provide you with a monthly report. So we have that for you and we'll put it in your mailboxes. That's all I have.

CHAIRMAN SULLIVAN: Okay. Thank you.

XIII. E. Matters from the County Attorney

1. Executive Session"

- a. Pending and Threatening Litigation**
- d. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with a Bargaining Unit**

CHAIRMAN SULLIVAN: We have some time here before our 4:00 presentation on the courthouse. Do we have some time to get the executive session?

MR. ROSS: Mr. Chair, I think we could complete the executive session in the time remaining if we're pretty efficient about it. We have to discuss pending and threatening litigation and discussion of bargaining strategy preliminary to collective bargaining negotiations with a bargaining unit.

COMMISSIONER VIGIL: I move that we go into executive session for the purposes as stated by our County Attorney.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 5) passed by unanimous [5-0] roll call vote with Commissioners Anaya, Campos, Montoya, Vigil and Sullivan all voting in the affirmative.

[The Commission met in executive session from 3:35 to 4:17.]

CHAIRMAN SULLIVAN: Okay, let's call the meeting back into session. We are returning from executive session where we discussed pending and threatening litigation and discussion of bargaining strategy preliminary to collective bargaining negotiations with a bargaining unit. I'd like a motion to come out of executive session.

COMMISSIONER VIGIL: So moved.

CHAIRMAN SULLIVAN: Do we have a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Montoya.

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

XIII. C. Community Services Department

1. Presentation, Discussion and Approval of New Judicial Courthouse Design [Exhibit 1: Renderings]

JOSEPH GUTIERREZ (Community Services Director): Today's meeting is a follow-up to the meeting that we had two weeks ago where we presented some various designs to you. You instructed staff to go back and work with the design team and come up with an option to you 1/26 design, which the Commission preferred over the latest design. As Commissioner Sullivan said, we are in front of you today for review of the latest design discussion and approval. I have Judge Hall who would like to make some comments. Also Bob Calvani and Evan Sockalosky with Durrant Architects will make a presentation on the latest design and the changes. I know Mayor Coss is here and he would like to make some comments. Also Rad Acton and Sharon Woods. Rad Acton acted as kind of the chair of this private or public design team and Sharon Woods was also on this design team and kind of co-

anchored it. Sharon Woods is also the chair of the H-Board.

Again, I want to stress that this process had taken about seven months and staff is anxious to move forward on this. It's our intention to bring this Commission here a construction agreement approving the building of the courthouse. We are really pushing hard to break ground on this project before the end of this year. With that, I'll turn it over to Judge Hall for his comments.

CHAIRMAN SULLIVAN: And then – it's good to see you, Judge Hall. Thank you for coming again. We do want to get, I think, before we go too far into the comments, the architectural presentation so the Commission can get a detailed summary on what the changes have been. Go ahead, Judge Hall.

JUDGE JIM HALL: Mr. Chair, members of the Commission, I'm just going to make some general comments so then you can hear the follow-up from the architects. I am here on behalf of all of the district judges in the First Judicial District and I am here on behalf of the judges to urge you to approve this design that has been presented here today. This project must move forward we need this courthouse to move forward and the design that is being presented meets the functional requirements of the court. I will say that in my conversations with members of the public, the vast majority of those folks I talked to understand that the height and size of the building are necessary, given the functions of the court. Almost everyone I talked to says they want the courthouse to be downtown, and they understand and are willing to accept the height and size of the building to meet the goal of having the courthouse downtown. That's not unanimous in the community, but it certainly is the vast majority of the people that have spoken to me.

I do want to – and I think this is important – thank the people who have participated in the public process related to the design, and I want to tell the Commission that I believe that the input that these people have given has been valuable to the development of the design of this building. I want the Commission to know that. I think the final design is a good design. I'm not an architect. I'm not a specialist on any kind of styles of architecture. But for what it's worth I like this design. I think it fits in well with the state buildings that are on that side of town. I think it respects the architectural style of that area but also provides a level of individuality in some of the design features, and I hope that the individual Commissioners will conclude that this design is acceptable.

I also want to thank the architects that have worked on this project. We've given them a very difficult task. They've been called upon to address a variety of comments on the design of this building, and of course in that circumstance there's a danger that there won't be a cohesive design that's presented, design by committee, is what it's been referred to, is not particularly effective. My personal opinion is that these architects have managed to incorporate the comments including many of the comments that you had two weeks ago, and that they still maintain a cohesive design on this building. And I hope the Commission will recognize this.

It's time to move forward. We could probably tinker with this design forever if we chose to, but we need to move forward and get a new courthouse. So on behalf of the judges I am urging the Commission to approve this design so we can move forward and begin

construction. And so with that, I think we're going to turn it over to the architects who can talk a bit about the changes that have been made since the meeting with the Commission. Bob.

CHAIRMAN SULLIVAN: Thank you, Judge. Don't go away.

BOB CALVANI: Mr. Chair, Commissioners, I'm Bob Calvani with NCA Architects. About two weeks ago we came before you and we showed you all of the revisions that we had been through over the last six, seven months. We showed you one that was somewhat traditional territorial, and you gave us some direction to go back and look at some of the schemes that we had done, in particular, one that was more of a classical design. And you gave us that direction and that's what we did.

About a week ago we met with a group of citizens and listened to their comments as well as the comments we got from you at the last Commission meeting and tried to come up with a scheme that not only meets the needs of the Commission and the judges and the citizens of Santa Fe. I think today you'll see with this scheme - and Evan Sockalosky is going to go through some details, but as you'll see from this scheme, it's true, we kept the brick parapet cap and the coping. We did, however, bring back the columns and those dimensions that we had on the classical design. We did in fact listen to your comments about bringing back the stone at the base of the building and we've integrated that into this design. And then you'll notice that from the earlier schemes, we had a nice articulation, a lot of movement and rhythm on Sandoval Street and breaking up that façade which was different from the last scheme that we showed and when we took that direction from you as well.

Again, I think that we've met the needs of you, the Commission and the County and the judges and also the citizens. This has been a long and lengthy process but we have tried to integrate these various views into our design. And you will see today that it has been changed considerably with the column sizes, the spacing of the columns, the stone and like I said, the elevations on Sandoval. With that, I'd like to have Evan Sockalosky talk a little bit in more detail about the changes that we need meet and take it from there.

EVAN SOCKALOSKY: Mr. Chair, Commissioners, my name is Evan Sockalosky. I'm with Durrant Architects. As Bob mentioned, we've gone through quite a process on this and you've seen in front of you a number of different designs, and we really do feel that this design does incorporate a lot of those ideas. They're meeting so many different ideas and bringing them together was a challenge but as Judge Hall mentioned, I really do think it benefited the project. I think we got a lot of ideas from the citizens, from the public, and thoughts that we hadn't looked at before that have helped get us to where we are today.

Bob mentioned some of the changes. Obviously, some of the big, significant changes that we've made from the previous design you saw are the proportion and design of the overall columns. They are again, go back to more of a classical design, a little heavier column, which relates to columns you see around the city but there's definitely a different proportion, a different feel to them that reaches back to that January design that you spoke of. The addition of the stone along the base also gives you that strength and that kind of feel and authority that we were looking for and that we got from the design with the stone. Then again, significantly, the rhythm along that west façade.

The west façade, throughout all of the designs we've tried to let some of the elements there relate, again, back to what's going on inside the building, and so as you go around the corner with the quoin and the element there that projects out that gives it added depth, that's significant areas within the building, and as you go down that façade, those elements that project out and with the larger windows, those also relate to the judges' chambers. So there's a hierarchy and movement along that façade that emphasizes what's going on inside.

Similarly, on the east façade, and you can see on that rendering down below – actually John, if you leave the one down below first, it shows the combination of the lower colonnade. Again, the columns along there were changed. The proportion is more of the traditional classical design, and how that kind of relates in scale and brings down the scale of this large building as you approach and walk under, not only providing shade but also a nice relationship between the grand entry that's glazed and the lower area of the plaza. And then again, on that east façade, on the two images that you see there, those larger openings into the gallery space again. So relating to what's going on behind and responding to the character of the building and the relationship of the space inside and out. It was really important for us to keep throughout all the designs.

As Bob mentioned, we did incorporate a brick cornice as opposed to the different cornice that we had previously, and we really felt as we worked through this and tried to respond to the different ideas is that it was a way to tie the building to its context a little bit, while still allowing us the freedom to add some of these elements of the stone and the columns to make it stand out. But we didn't – we felt after all of the meetings we had and working through it that it was a good way to respect both sides and to really try and bring them together into a kind of coherent whole that really is what we have here. I guess with that, I'd open it up to questions.

CHAIRMAN SULLIVAN: Questions? Okay, we'll take some questions on the design changes that we've seen. Commissioner Anaya.

COMMISSIONER ANAYA: Bob, which diagram are we going to use? The bottom one or the top?

MR. SOCKALOSKY: They're both the same building. They're just different views. This one is a little closer and the other is just a wide view. You're kind of almost standing right under the edge of this little portal and looking at the building.

COMMISSIONER ANAYA: Oh, I see. So the portal – I'm underneath it.

MR. SOCKALOSKY: You're right on the edge. That's why I wanted to show both views. This shows a little bit more of the overall building while this shows, again, what I'm really trying to incorporate in the views is this is really the way you will see the building as you move around the city and move around it.

COMMISSIONER ANAYA: So the portal doesn't go close to the building then.

MR. SOCKALOSKY: No, it does not connect to the building.

COMMISSIONER ANAYA: At all.

MR. SOCKALOSKY: It's really the plaza itself. The portal along Sandoval, on

the west side, the south and west sides, does connect to the building and sets off from that. And really, the way we were looking at those was coming along Sandoval here, that portal begins to break down the scale of the building and the pedestrian scale, as you're walking under it you're not necessarily sensing some of the size. And then as you move out into the plaza and really from the beginning of this design we've talked about the importance of this public plaza and so on this plaza, it's kind of a two-fold. It kind of ties it together but there's also a need to experience the scale of the building. As you approach the court, obviously, the dignity and the authority that a courthouse needs. So by not treating that small scale all the way out it kind of allows the scale to work together and gives us this more formalized face out in front of the building where people will gather, whether they're waiting to go into the courthouse or maybe holding public functions or other events.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to see a comparison to the version you presented two weeks ago, side by side. I mean, that's the only fair way of comparing if there have been any significant changes, right?

MR. CALVANI: Well, like I said, we can show that to you. The only – the big changes that happened were the columns, the proportion –

COMMISSIONER CAMPOS: I understand that, but a visual is really so much nicer if you have one. I mean, that's the way I would present it if you want to show some real adjustments or changes.

MR. CALVANI: We can show that to you.

COMMISSIONER CAMPOS: Okay. I'd like to see that.

CHAIRMAN SULLIVAN: I've got a picture of it. That's it.

MR. CALVANI: I think he's referring to the more strictly territorial one. Is that correct? The latest rendition.

COMMISSIONER CAMPOS: Well, there's two things we discussed last time. Your latest presentation, and then we pointed out to you what we thought was the appropriate one and we asked you to work with that version. I'm not sure if that happened or not. Let's see.

MR. CALVANI: I think what happened is you talked about the classical one that was the one that was presented in December I believe with the stone coping.

COMMISSIONER CAMPOS: It was January, early January version.

MR. CALVANI: And you talked about going back to that one and maybe making some revisions from the latest one that we showed you. So that's the January one. That's correct.

COMMISSIONER CAMPOS: The bottom left is the January one that the Commission asked you to work with.

MR. CALVANI: Right.

COMMISSIONER CAMPOS: Okay. Now the one you presented to us last time.

MR. CALVANI: Was strictly –

COMMISSIONER CAMPOS: Where is it? Do you have a copy of it?

MR. CALVANI: So, you're right. This was the base. Correct.

COMMISSIONER CAMPOS: Because this was our base as far as the Commission and the directions were pretty explicit.

MR. CALVANI: Right.

COMMISSIONER CAMPOS: So let's look at the base and let's look at what you –

MR. CALVANI: And we met with the citizens and I think, you're right. Which one is the base? If we introduce the brick coping then that kind of alleviates that as the base. However, if you look at the proportions on the entry with the columns and the stone, it's really the base except for the brick coping.

COMMISSIONER CAMPOS: Okay. So as far as I'm concerned, what we suggested last time is a base. This, what you're showing us up front is what you should us two weeks ago as your latest version. That's part of it?

MR. CALVANI: I think what you're saying – these two are pretty much the same. That's correct. The one we showed you, the latest rendition, is that one right there.

CHAIRMAN SULLIVAN: Not the one on the right.

COMMISSIONER CAMPOS: The two on the left.

MR. CALVANI: The two on the left were the ones that –

CHAIRMAN SULLIVAN: Pull that one. That one goes over with –

MR. CALVANI: That's pretty much that one. That's right.

COMMISSIONER CAMPOS: So let's have a discussion now.

MR. CALVANI: Okay. So what we did is we tried to use that as the base, and again, keeping the columns as they are. The color of the columns may have changed between these two but the columns are the same as far as the proportion and so forth, trying to keep – and there was comment by Commissioner Anaya about the stone, and we did do that. I think the big difference that you'll see between that one on the top and that one down there is really the coping which was stone and now it's a brick and we felt like the brick coping fit better, worked better, had a better detail, even though it's harkens back to a strictly territorial design, but it's not.

I think that's what Evan was trying to talk about is that we've made these changes with this as the base. And I think you'll see that the entry is very similar with the same columns except they might wrap around a little bit. The stone is still there. The big, big difference, I think, is the brick coping, and we made that decision because we felt that it worked better. It does work better within the context of the city, and that's why it's there. And we think that we actually used that as the base even though it is a combination and that happened because, again, we met with the citizens and I think they gave some good comments and I think it's a good compromise. And we think the building works well.

COMMISSIONER CAMPOS: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: I'll make a comment and then Commissioner

Montoya. Two things that strike me are that I see what you're doing with the brick coping and it seems to almost not quite fit with trying to make it look like territorial on the top and classic on the bottom. But the other thing – and I'm not, that's not a deal killer for me, quite frankly. What's important I think to me is the color. I think there's been apparently some direction given to you to use a buckskin color or something like that and we keep getting this thing lighter and lighter and lighter, and it started out dark. And I think the darker color does a number of things. It I think gives the building more level of authority that it needs, and I think also it reduces the impact of the scale on it as well. And so my concern is I think the color that's been selected up there is kind of an orange puce and it's not at all appealing to me. I think you'd either go with this warmed over PERA color or the darker color that says, I'm a new building. This is the new person on the block. So I think color is important.

And another detail that I see that hasn't been mentioned, it appears that you've changed the entrance. You've centered the entrance. Before there was a stone – it looked like a stairwell or something here on the left side. Is that correct?

MR. SOCKALOSKY: Actually no. It was all part of the same lobby. It was just a different treatment on that. And some of that was, as this developed multiple times over, personally, that lobby with the glass wrapping and the comb I thought was a little more successful. I thought it actually tied into the building a little bit better and really integrated it and so that was something of kind of my direction on that as far as moving there and changing from the corner of stone to more wrap –

COMMISSIONER CAMPOS: What was behind the brunette lady here in this picture at the bottom?

MR. SOCKALOSKY: That was the main lobby. So you'd actually – the entire

–
CHAIRMAN SULLIVAN: On the left. What is that stone column? Yes, that thing.

MR. SOCKALOSKY: This is wrapping one side of the lobby. This entire piece as it projects. So behind this is all –

CHAIRMAN SULLIVAN: Oh, okay. So you offset the windows, so to speak, to the right.

MR. SOCKALOSKY: Yes.

CHAIRMAN SULLIVAN: And now you've taken that out and you've made that windows also, but you haven't changed the location or the size of the entry, have you?

MR. SOCKALOSKY: No, not significantly. The size is the same. The height is the same. It's just [inaudible] One of the things that we sort of developed that was challenging is it was interesting because it really gave us the chance to continually rework things in the process. Again, as the earlier design was developed and changed again, and as we added columns I felt that was very successfully integrated [inaudible] There was also a desire in the earlier discussions to get a little bit more symmetry to elements of the building and in particular the entry itself. [inaudible] in the front there's a strong [inaudible] there so we were looking at trying to incorporate some of that so that also lends itself to [inaudible]

MR. CALVANI: Commissioner, I think that the whole process and all the renditions that we've done have done nothing more than make the building a success and we've worked out these details like Evan has said. We have taken and listened to citizens talk about our building but to be very honest, we've taken the good suggestions and tried to incorporate them and the whole morphology of this process and this building has been a success and the changes that we've made, we made because they were the right changes to make.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, regarding the columns then, those have gone from the rendition here which we had requested blocks to wood? Is that correct?

MR. CALVANI: They're not - they've always been some kind of a column cover. So each column, whatever they were, we never really called out that particular material. I don't think they would be wood even to begin with because of the maintenance factor but that scheme certainly hearkens back to milled lumber and that sort of thing, which would be territorial. This scheme certainly would not be, and these would be some kind of material with a column cover. It's the scale that we're more interested in and certainly the material will be maintenance free.

COMMISSIONER MONTOYA: Okay.

MR. SOCKALOSKY: If I could respond to your color concern, on the color, obviously, that's a change and also, if you look at the representation up on the board versus the representation in your hand, one of the challenges is each printer seems to come out a little bit differently. So we were working to get some deeper colors and stronger colors that maybe hearken more back to the design that you preferred. And that's what we were working from, and unfortunately, when you keep reproducing things they don't always come out exactly the same, but we understood that issue as well and realized the colors from that versus this current design, and those would be more of the colors we're looking at.

Right now there'd be a combination of those, perhaps, with the dominant color could be this below an accent of the lighter color beneath the portal where there isn't the stone. So there's a relationship there.

COMMISSIONER MONTOYA: So those colors are more in line with what we see on the bottom then. Because I agree with Commissioner Sullivan in terms of -

MR. CALVANI: Well, before we do anything, Commissioners, we would come back with an exterior color palate, just as we would with an interior color palate for your approval. And as Evan has said, when you generate these things by computer, the color is not always necessarily correct, but you will certainly have final approval of any and all the colors that go into the building.

CHAIRMAN SULLIVAN: Okay, other design questions for the architects?
Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Mr. Chair. Thank you. From the past photographs to the ones that we have now it looks like one of those things in newspaper where you have two alike and there's a few things different.

CHAIRMAN SULLIVAN: Find the difference.

COMMISSIONER ANAYA: The columns are bigger and few columns, different color.

MR. CALVANI: You're absolutely correct, Commissioner. There was a combination of two particular schemes and we felt like the changes we made were the correct changes.

COMMISSIONER ANAYA: Yes. I want to first of all thank everybody that put the time and effort to get this far. Like I said and I'll say it again, I was happy with the first building, but it seemed like we had a lot of comments and input and this is what we've come up with and I'm tired of talking about this. So I'd like to make a motion to approve.

CHAIRMAN SULLIVAN: If you can just hold on to that. I think the Mayor would like to have a comment, if that's all right, Commissioner. Or we can get a second and go under discussion. Whichever you like. Okay. We appreciate the Mayor being here and I think we could have one member from the design team that was also going to make a comment. Mayor Coss, let's hear what the City of Santa Fe has to say about it.

MAYOR DAVID COSS: Well, you're only going to hear what the Mayor has to say about it. I liked Commissioner Anaya's motion. That's really all I wanted to do was thank the Commission and the staff and the architects. I think they've done a really good job working with the community. It's been a very exhaustive public process on the design and I always look at the end of the process, do we have near agreement? Close agreement? Pretty much agreement? And I think with this latest design what I'm hearing from my constituents is that we do, so I think the process from that standpoint has been a success and I just wanted to thank Judge Hall and the District Court judges, the Old Santa Fe Association, the Historic Design Review Board people, especially Sharon Woods, that worked on this process from the beginning.

There's been a lot of people working on this and contrary to design by committee as a bad thing, I think design by committee is often the way you find consensus and the way you get a project that everybody can support going forward. And I think it's very, very important that we go forward. Thank you.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Mayor. Commissioner Campos.

COMMISSIONER CAMPOS: Matthew Ortiz, your Councilor, made a motion - suggested recently that he was going to introduce a resolution that would require that an issue be presented to the courts for decision as far as the applicability of the historic district to this particular building. What's the status of that?

MAYOR COSS: That resolution was actually introduced last Council meeting before the one tomorrow. It's not on the agenda for tomorrow. Last night it was postponed at the Public Works Committee so it's just out there. It's pending. Actually, the resolution that Councilor Ortiz introduced was not specific to this project. It was to the question of the legal question about the Historic Design Review Board Ordinance and whether it pertains to other entities of government inside the city limits or inside the historic district.

COMMISSIONER CAMPOS: But it's still out there. Do you have any idea of

whether it will be heard next month or two or three?

MAYOR COSS: I think it will be heard probably in April. Not this month but in the next month.

COMMISSIONER CAMPOS: And if it's heard and the resolution passes, is it going to affect this project?

MAYOR COSS: Commissioner, I can't answer that question. I would think having this under our belts and having agreement in the community would help move this one along.

COMMISSIONER CAMPOS: Anybody can file a lawsuit.

MAYOR COSS: Anybody can file a lawsuit but the City of Santa Fe filing a lawsuit is a little bit different than just anybody filing a lawsuit. But I can't really - I'd have to ask the City Attorney to answer that more specifically and I don't if he could until we deal with that resolution at Council.

COMMISSIONER CAMPOS: Thank you, Mr. Chair.

COMMISSIONER VIGIL: Anybody who has standing. Correct, Commissioner Campos?

CHAIRMAN SULLIVAN: Thank you, Mayor. Anything else? And I think also there was one member or representative of the design team, the ad hoc design team that wanted to speak.

RAD ACTON: Yes. My name is Rad Acton. I was a member of the community design working group. I also have Sharon Woods with me and she has some very supportive comments to make about this process and the outcome of it. But I just wanted to comment the County Commissioners for persevering and continuing to invite public input into this process. I think the community believes it's been very, very constructive.

We feel the building with each go-round has improved greatly. This is an important building. It is at the edge of the historic district. It is a new gateway into the city. It is a symbol of the importance of the Third Estate while deferring to the historic imperative that makes Santa Fe so special. I truly believe this building does many things extremely well. It addresses the judicial authority that is so important. It addresses the historical context it's in. It addresses the humanity of the people approaching the building from the city, from the east, from the west. It embraces, in our opinion, a fair number of the fundamental concerns of the constituents that this building will ultimately serve.

If I may, again, encourage you to consider the complex path we've come and how this building addresses the complex sets of issues that we believe it's done very successfully. And so if you would, I'd like to ask you if it would be okay if we had Sharon Woods come up to the mike.

CHAIRMAN SULLIVAN: Come on.

SHARON WOODS: Hi. I'm Sharon Woods. I chair the Historic Design Review Board for the City of Santa Fe but I'm not in front of you as a representative of the H-Board, because it didn't go before the H-Board and I cannot represent their opinion. I did, however, have the opportunity to sit on the committee. I thank you for that opportunity and for

letting us have a voice in this.

I must tell you, I usually sit up there and it's much more nerve-wracking to be in front talking. I'm never nervous when I'm up there but I'm definitely nervous at the podium. I think just to put this in context a little bit, in our ordinance – our historic ordinance is the second oldest in the nation. In 1912 it was written to awaken the local interest in the preservation of the old Santa Fe and the development of the new along the lines most appropriate in this county, and to advertise the unique and unrivalled possibilities of the city as a tourist center of the southwest. We all benefit. These restrictions are imposed on all of us yet we all benefit. We live here; it's a great place to live. The architecture is homogenous and it's like a tapestry. And it attracts people. Tourists, building, and we benefit by the gross receipts tax of it. So I think that each person that comes before the Board would like to make their statement. What we try and do is we understand that, but it needs to fit within the tapestry of the historic district.

And that's what we did on this committee. We went and said, okay, we understand it has to be that high, which is definitely higher than the ordinance allows. We understand this is your footprint. You've come this far and these are your security issues. But let's work on the style together so that it is homogeneous in the tapestry of the historic district. And I think we got there. The architects are heroes. To have this many people putting in this much input, these guys just kept stepping up to the plate. They did a great job. You have four licensed architects as volunteers to work, and I think we worked a total of ten hours. I'm not one of the licensed architects; I'm a designer, but we all worked to make this happen, and I think – is the building everything you wanted? Probably not? Is it everything we wanted? Probably not. But it's really close.

So I'm with Commissioner Anaya. I suggest this get put to bed and we all can move on to other things. And again, I thank you for the opportunity.

CHAIRMAN SULLIVAN: Thank you, Ms. Woods. I appreciate your time, not only on this committee but with the Historic Board with the City as well. Okay, other comments from the Board? If not, Commissioner Anaya, if you want to reintroduce your motion.

COMMISSIONER ANAYA: Mr. Chair, I make a motion that we approve this and move forward with the new Judge Steve Herrera Judicial Complex, and that they would come back to discuss the colors, both exterior and interior with us.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: There's a motion and seconded by Commissioner Montoya. Discussion on the motion? Mr. Gutierrez, you've got something? Then you better sit down. He who stands up gets into trouble around here. Commissioner Campos, discussion on the motion?

COMMISSIONER CAMPOS: Just a question for Mr. Calvani. Are there any other issues you're going to have to bring to us? This is a broad motion to approve this more or less as presented except for some color schemes.

MR. CALVANI: Essentially no. We're pretty well – we're almost 50 percent through with working drawings. We certainly needed this last piece so that we can get to that

point, and as far as I know, no, there won't be anything that we need to bring before you except for just an update of what the project is and where it is.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Comments, questions?

COMMISSIONER MONTOYA: Mr. Chair, I just too wanted to thank all the people on the committee and from the community for their time and input into the design of this. I think it has been a good compromise in terms of what we had presented to us today and I just want to thank you all for your time and participation. Thank you.

CHAIRMAN SULLIVAN: And I would echo that too and I'm sure Commissioner Vigil wants to -

COMMISSIONER VIGIL: Trump your time?

CHAIRMAN SULLIVAN: Trump my time. And I think the design is extremely important to me. The color palettes are very important to me. Most important to me has been the concept of keeping this service and this building and these persons downtown. I think when you think of all the ancillary services that go with this service that Santa Fe County provides through its judicial complex, whether it's attorneys' offices, whether it's copying companies, whether it's restaurants in the nearby area, all those things keep some vitality and will keep some vitality in this area of town, which right now is fairly barren and some vacant buildings, but it's certainly key to be a real vibrant part of the community, particularly in the close proximity to the Guadalupe Street area.

It really works. I've long had a concern that the downtown of Santa Fe was moving away from Santa Fe. And my question was, where was it going to end up? And I think it's probably here. It's probably - the centroid is somewhere here in this general neighborhood of what's happening and we want to keep it here. We want to keep it in the city. So I am fine with the design. I think it is a compromise and I think we - I can at least work with it.

We do have Judge Barbara Vigil and Michael Vigil and Daniel Sanchez here. Would any of you like to make a comment?

JUDGE BARBARA VIGIL: I'd like to call for the question.

CHAIRMAN SULLIVAN: Judge Vigil would like to call for the question.

Unfortunately only members of the Commission can do that. But I understand your - any other comments? Are you supportive at all of this design? I see some nods in the back so I think we have our judicial component in favor of it. Other comments? Commissioner Vigil.

COMMISSIONER VIGIL: I want to echo everyone's sentiments too to thank the committee. Sharon, I particularly appreciate your comments on really trying to stay within the tapestry of our community. I just came back from Shanghai, Tibet, and China in general, and having been in a concrete jungle that I was in, it was such a refreshing experience to drive into Santa Fe and to see the lack of density that I was exposed to in China. And recognize that we have such a caring community in maintaining that. I appreciate that. I appreciate the Mayor's leadership and support on this. I appreciate the judges who have been so supportive of this. I think that has been such a critical component of that. I appreciate the taxpayers who initially made this possible. And I do think we have a product that's not going to please

everyone right now. But we have a product that is most pleasing to most. So with that, I'm ready to take a vote, Mr. Chair.


CHAIRMAN SULLIVAN: Okay. Any other comments from the Commission?

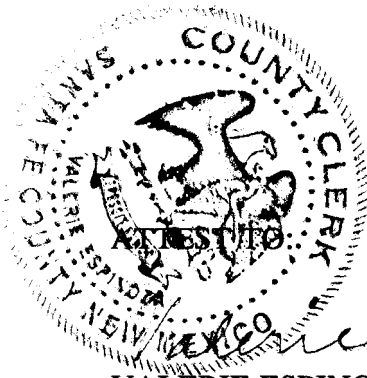
The motion passed by unanimous [5-0] voice vote.

XIV. ADJOURNMENT

Chairman Sullivan declared this meeting adjourned at approximately 5:00 pm.


Approved by:

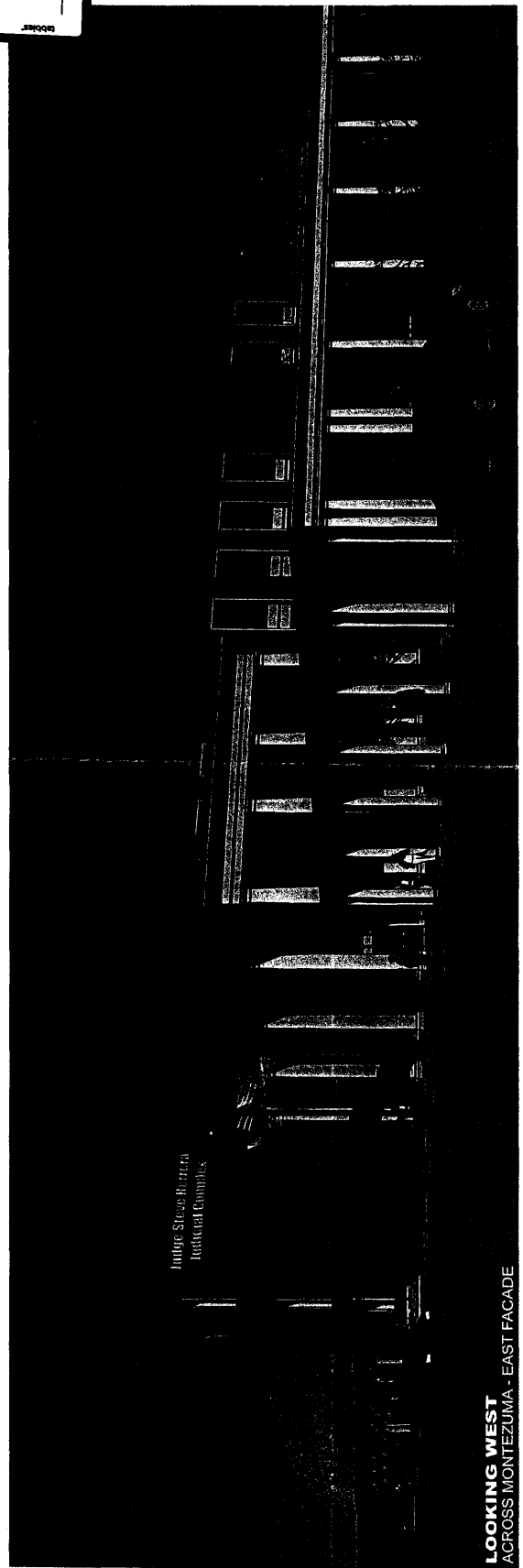

Board of County Commissioners
Jack Sullivan, Chair



Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

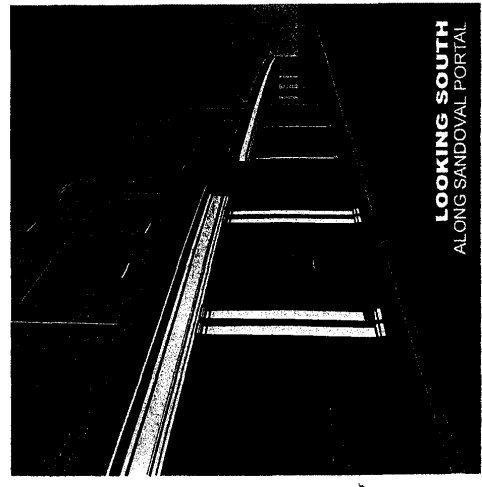
Respectfully submitted:


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

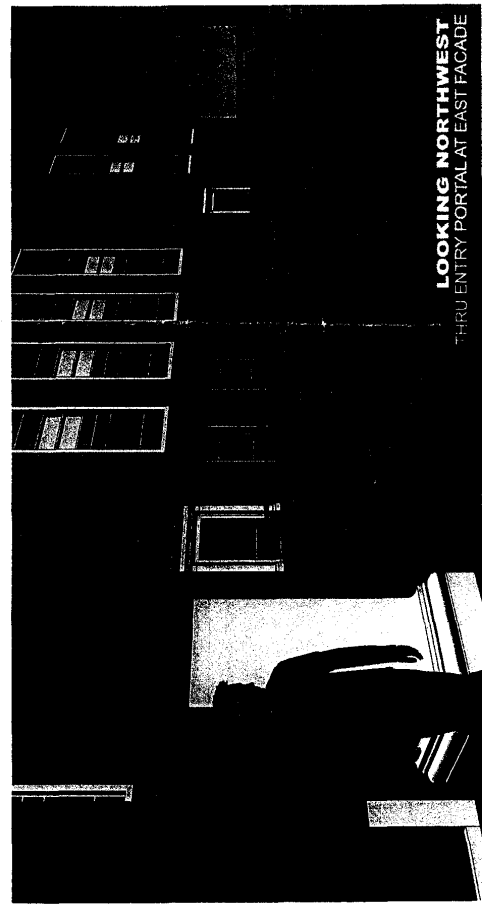


Judge Steve Herrera
Judicial Complex

LOOKING WEST
ACROSS MONTEZUMA - EAST FACADE



LOOKING SOUTH
ALONG SANDOVAL PORTAL



LOOKING NORTHWEST
THRU ENTRY PORTAL AT EAST FACADE

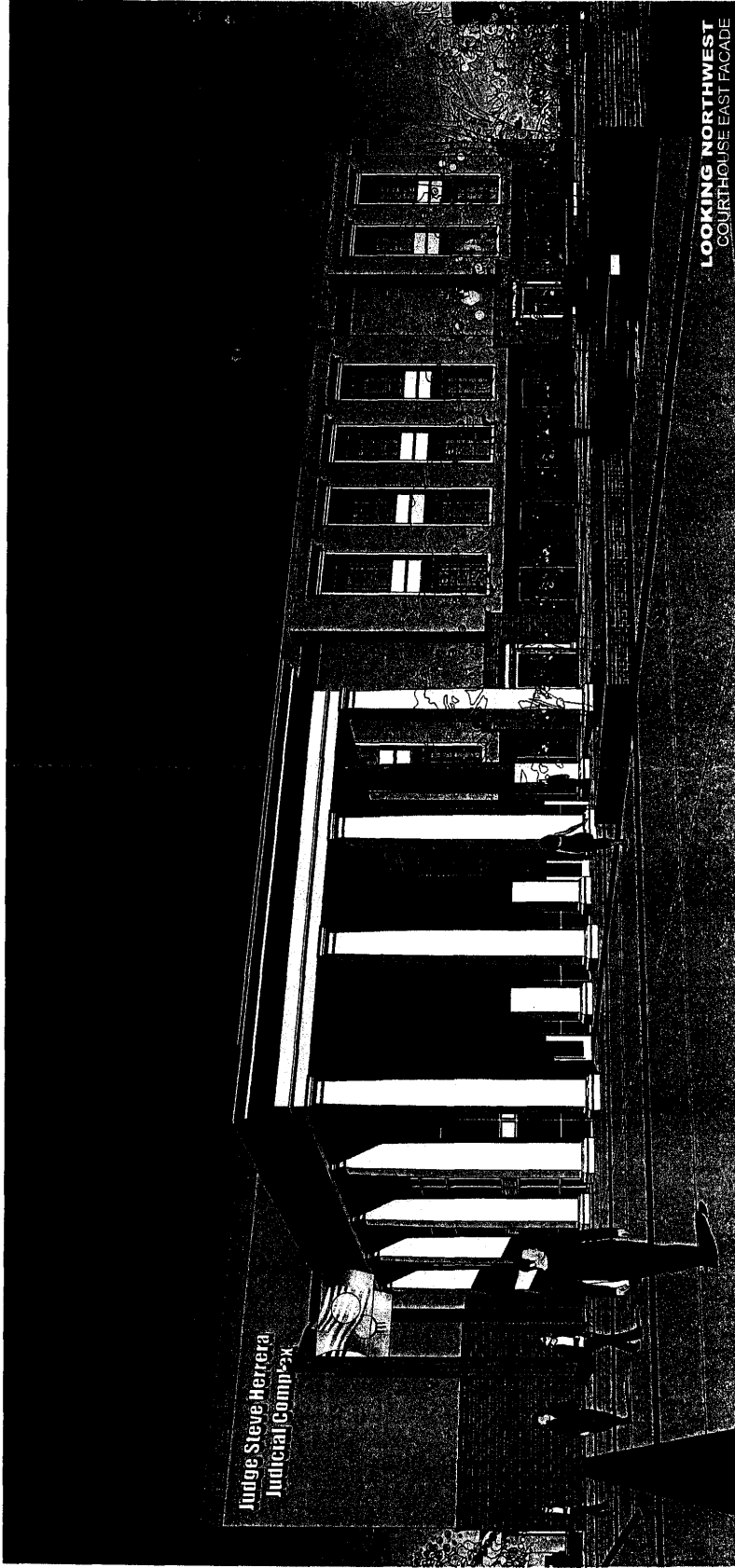
JUDGE STEVE HERRERA JUDICIAL COMPLEX

SANTA FE NEW MEXICO



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OPTION A | 03.25.2008



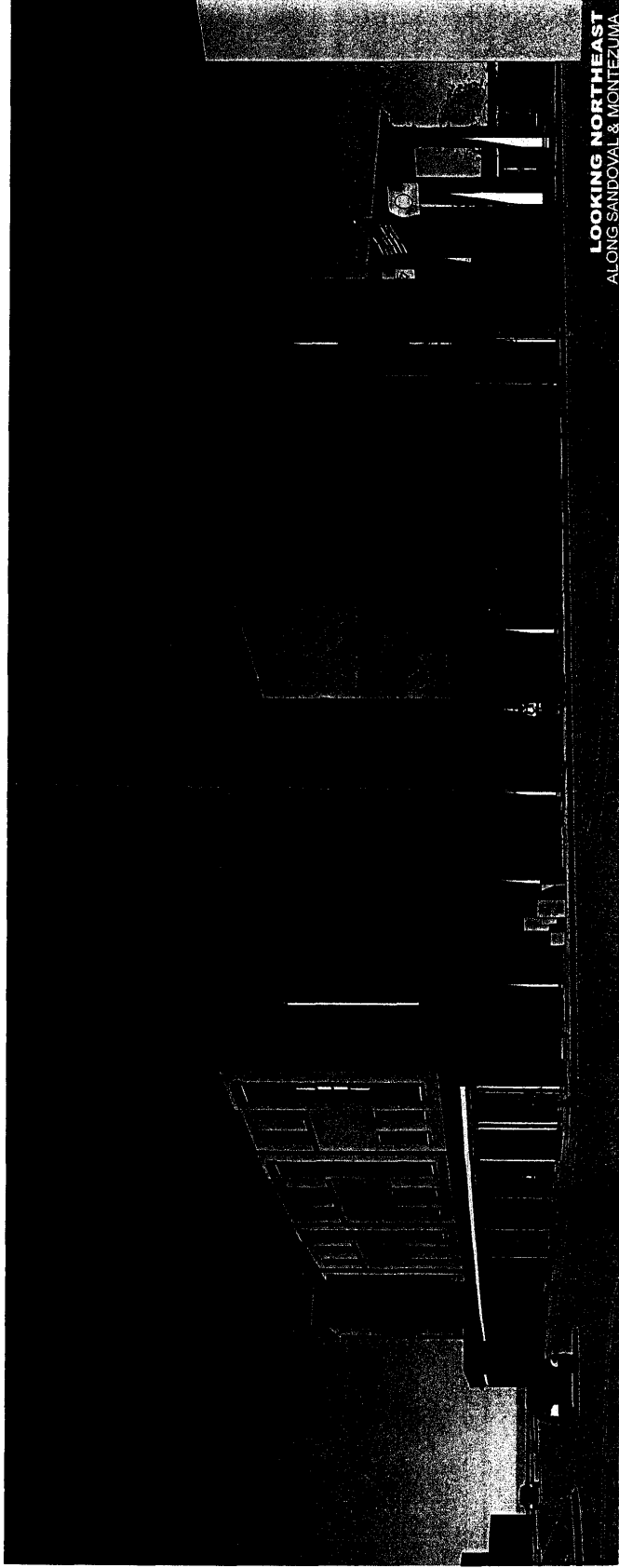
JUDGE STEVE HERRERA JUDICIAL COMPLEX

SANTA FE NEW MEXICO



800.760.7600
OPTIONAL
03.25.2008

SFC CL



LOOKING NORTHEAST
ALONG SANDOVAL & MONTEZUMA

JUDGE STEVE HERRERA JUDICIAL COMPLEX

SANTA FE NEW MEXICO



RECORDED 03/08/2008
OPTIONA

SFC CL

03.25.2008