

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
March 26, 2002 - 10:00 a.m.
(Public Hearing - 4:00 p.m.)

Amended Agenda

- I. Call to Order
II. Roll Call
III. Pledge of Allegiance
IV. Approval of Agenda
A. Amendments
B. Tabled or Withdrawn Items
V. Approval of Minutes
VI. Matters of Public Concern - Non-Action Items
VII. Matters from the Commission
VIII. Consent Calendar:

- A. Resolution No. 2002 35 A Resolution Supporting Legislation to Transfer Certain Public Domain Lands to the Pueblos of Santa Clara and San Ildefonso, and Amending and Replacing Resolution No. 2001-141 (Attorney's Office)
B. Request Approval of an Increase in Compensation of \$18,000 in Professional Services Agreement #22-0063-IH With Ayudantes Incorporated to Provide Alcohol and/or Substance Abuse Treatment Services (Community & Health Development Department)
C. Request Approval of an Increase in Compensation of \$5,000 in Professional Services Agreement #22-0065-IH With Millennium Treatment Services Incorporated to Provide Alcohol and/or Substance Abuse Treatment Services (Community & Health Development Department)
D. Request Approval of an Increase in Compensation of \$75,000 in Professional Services Agreement #22-0066-IH With Recovery of Alcoholics Incorporated to Provide Alcohol and/or Substance Abuse Treatment Services (Community & Health Development Department)
E. Request Approval of an Increase in Compensation of \$32,000 in Professional Services Agreement #22-0067-IH With Rio Grande Alcoholism Treatment Program Incorporated to Provide Alcohol and/or Substance Abuse Treatment Services (Community & Health Development Department)
F. Request Approval of Amendment No. 3 for an Increase in Compensation of \$20,000 in Professional Services Agreement #20-0010-DW with St.

March 1, 2002 w/ corrections

Consent approved
Consent approved
Consent approved
Consent approved
Consent approved

Elizabeth's Shelter to Provide Transitional Living Services in Santa Fe County (Community & Health Development Department)

Consent

G. Request Approval of Amendment No. 5 for an Increase in Compensation of \$20,000 in Professional Services Agreement #20-0015-DW with Life Link to Provide Outpatient Treatment Services for the Santa Fe County DWI Program (Community & Health Development Program)

Consent

H. Request Authorization to Accept the Santa Fe County Cooperative Extension Service as Co-Applicant and Subsequent Service Provider for the Recreational and Curriculum Portions of the ATD Prevention Grant from the New Mexico Department of Health (Community & Health Development Department)

Called approval

I. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, Ink Impressions, for the Printing and Mailing of the 2002 Notice of Valuation Forms (County Assessor's Office)

Consent

J. Resolution No. 2002 ^{30A} Resolution Requesting an Increase to the Fire Protection Fund (209)/ La Puebla Fire District to Budget Insurance Recovery Revenue For Expenditure in Fiscal Year 2002 (Fire Department)

Called approval

K. Resolution No. 2002 ^{31A} Resolution Requesting an Increase to the Capital Projects Fund (318) to Budget Remaining Grant Funds on SAP Grants #98-LNR-1-3-G224 and #99-LNR-1-3-G335 for Expenditure in FY 2002 (Project & Facilities Management Department)

Consent

L. Request Ratification of Change Orders No. 1 and No. 2 to Construction Agreement #22-110-FD With D.A. Baker for Construction of the Turquoise Trail Fire Sub-Station (Project & Facilities Management Department)

Isolated 3-0 Approved

M. Request Ratification of Amendment Number One to Professional Service Agreement #22-105-PFMD with Ortega & Associates for Professional Architectural and Engineering Services for the Youth Shelters and Family Services Facility (Project & Facilities Management Department)

Isolated 3-0 Approved

N. Request Ratification of Change Order Number One to Construction Agreement #21-163-CH with Gerald Martin for Construction of the Santa Fe County Public Safety Complex (Project & Facilities Management Department)

IX. Presentations:

A. Presentation on the Santa Fe County Maternal & Child Health Council "Zero to Three" Strategic Plan

B. Presentation of Santa Fe County Employee of the Quarter: Debra Garcia (Erle Wright)

X. Administrative Items:

A. Committee Appointments

1. Appointment to the La Cienega Local Development Review Committee

2. Appointment to the Agua Fria Local Development Review Committee

cc. Murski
Audrey Montoya

XI. Staff and Elected Officials' Items:

A. The Clerk's Office

1. Resolution No. 2002 ³⁶ A Resolution Imposing an Annual Liquor License Tax Upon Persons Holding State Liquor Licenses

Approved

B. Community and Health Development Department

- Approved* 1. Resolution No. 2002 ³/_A Resolution Requesting Approval of the Annual Update to the Five Year Plan for the Public Housing Authority (PHA) and PHA Certification of Compliance with PHA Plans and Related Regulations (Public Hearing)
- Approved* 2. Request Approval to Enter Into A Professional Services Agreement with Crisis Response for \$30,000 to Provide 24-Hour, On-Site Assessment and Intervention Services

C. Fire Department

- Approved* 1. Request Approval of Recommended Amendments to the Land Use Assumptions, Capital Improvement Plan and Impact Fees Relating to the Santa Fe County Fire and Rescue Impact Fee Ordinance

D. Project and Facilities Management Department

- Approved* 1. Request Authorization to Enter Into Project Funding Agreement #22-131-PFMD with Youth Shelters and Family Services for the New Youth Shelters and Family Services Facility
- Approved* 2. Request Authorization and Approval of Amendment No. 2 to Professional Services Agreement #22-105-PFMD with Ortega & Associates for Professional Architectural and Engineering Services for the Youth Shelters and Family Services Facility
- Approved* 3. Request Authorization and Approval of Change Order No. 2 of Agreement #21-163-CH with Gerald Martin for Construction of the Santa Fe County Public Safety Complex
- Approved* 4. Request Authorization to Terminate Extension Revenue Credit Guarantee Agreement with the Public Service Company of New Mexico for New Electrical Service for the Santa Fe County Public Safety Complex
- Approved* 5. Request Authorization to Terminate Electric Line Extension Agreement with the Public Service Company of New Mexico for New Electrical Service to the Santa Fe County Public Safety Complex
- Approved* 6. Request Authorization to Execute Extension Revenue Credit Guarantee Agreement #22-151-PFMD with the Public Service Company of New Mexico for Electrical Service to the Santa Fe County Public Safety Complex
- Approved* 7. Request Authorization to Execute Extension Agreement #22-152-PFMD with the Public Service Company of New Mexico for Electrical Service to the Santa Fe County Public Safety Complex
- Approved* 8. Request Authorization and Acceptance of Utility Easements for the Public Service Company of New Mexico and Qwest Communications for New Utility Service for the New Santa Fe Public Safety Complex
- 3/2 approved* 9. Update on the Space Programming for the New Public Works Facility and Request for Direction on Design Elements of the New Public Works Facility to Be Located Off NM599

E. Public Works Department

- Approved* 1. Request Approval of Change Order No. 1 for the Agua Fria Phase II Sanitary Sewer, Drainage and Road Improvements Project, Condore Construction Company

Tabled

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SFC CLERK RECORDING 08/17/2004

2. Request Approval of Revised Solid Waste Administrative Fee

F. Matters from the County Manager, Estevan Lopez

F. Matters from the County Attorney, Steven Kopelman

1. Executive Session

a. Discussion of Pending or Threatened Litigation

i. Michelle Romero v. Santa Fe County

ii. John Conway v. Santa Fe County

b. Discussion of Purchase, Acquisition or Disposal of Real Property or Water Rights

*Need →
Approval*

Authorization and Approval of Agreement No. 22-153-PFMD for the Closeout of the Rio En Medio Community Center Project with Jarco General Contractors

XII. Public Hearings (Beginning at 4:00 P.M.):

A. Ordinance No. 2002 – An Ordinance Adopting a County Capital Outlay Gross Receipts Tax (Second Public Hearing)

B. Emergency Ordinance No. 2002 *01* An Emergency Ordinance Declaring Hazardous Fire Conditions and Banning the Sale and Use of Ground Audible and Aerial Fireworks and Restricting Campfires, Open Burning, Open Burning of Vegetation or Rubbish, Smoking and Other Restrictions Reducing the Number of Possible Ignition Sources

XIII. ADJOURNMENT

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

2136696D

SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 26, 2002

Paul Duran, Chairman
Jack Sullivan, Vice Chairman
Paul Campos
Javier Gonzales
Marcos Trujillo

SANTA FE COUNTY

2136697

REGULAR MEETING**BOARD OF COUNTY COMMISSIONERS**

March 26, 2002

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:40 a.m. by Vice Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Paul Duran [late arrival]
 Commissioner Jack Sullivan
 Commissioner Marcos Trujillo
 Commissioner Javier Gonzales
 Commissioner Paul Campos

Members Absent:

None

IV. APPROVAL OF THE AGENDA

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

COMMISSIONER SULLIVAN: Estevan, you have amendments or tabled and withdrawn items?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, we do have one amendment to the agenda that had been posted and that is under Staff and Elected Official items, XI. F. 2. this item is added and it's Authorization and approval of agreement #22-153PFMD for the close-out of the Rio en Medio Community Center project for Jarco General Contractors. That's the only amendment, Mr. Chairman.

Also, I would request that item XI. E. 2 be tabled. That's Request approval of the revised solid waste administration fee and Mr. Chairman, those are the only amendments and requested tablings. I would just point out that there's also one other item, XI. B.1, A resolution

requesting approval of the annual update to the five-year plan for the Public Housing Authority and Public Housing Authority certification of compliance with plans and related regulations. I would ask some flexibility as to when that item can be heard, depending on when the individual that sits, the non-Commission individual that sits on the Housing Board is able to be present. Other than that, those are the only considerations to this agenda, Mr. Chairman.

COMMISSIONER SULLIVAN: Any changes by the Commission?

COMMISSIONER TRUJILLO: If not, Mr. Chairman, move for approval.

COMMISSIONER GONZALES: Second.

COMMISSIONER SULLIVAN: Motion for approval and second approving the agenda. Any further discussion? Those in favor say "aye." [Unanimous]

V. APPROVAL OF MINUTES: March 1, 2002

COMMISSIONER SULLIVAN: Are there any additions or corrections to those minutes?

STEVE KOPELMAN (County Attorney): Excuse me, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Kopelman.

MR. KOPELMAN: On page 13, at the top, there's a comment from Commissioner Trujillo and then there's a response from Robert Anaya and it mistakenly notes that it's Commissioner Trujillo. So that needs to just be cleaned up.

COMMISSIONER SULLIVAN: Okay. I noticed that. I have a couple of just housekeeping changes that I can give to the recorder. Are there any other changes by the staff or from the Commission? Hearing none, then I'd like to get a motion for approval of the minutes as amended.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: Moved by Commissioner Campos.

COMMISSIONER TRUJILLO: Second.

COMMISSIONER SULLIVAN: Second by Commissioner Trujillo.

COMMISSIONER GONZALES: I'm abstaining from this vote.

COMMISSIONER SULLIVAN: Any further discussion? Those in favor say "aye." [Unanimous] Opposed? One abstained. Commissioner Gonzales abstained due to his absence.

VI. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

COMMISSIONER SULLIVAN: Are there any persons in the public who would like to address the County Commission on any item? Seeing none, we'll move on.

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VII. MATTERS FROM THE COMMISSION

COMMISSIONER SULLIVAN: We'll start from the right. Commissioner Gonzales, do you have any matters from the Commission?

COMMISSIONER GONZALES: No, just well one issue. I spoke with Mr. Kopelman about this yesterday and it goes to the request that I had made a couple weeks ago about meeting with Sam Montoya and the issue of the money. I know you guys have been really busy on the GRT and that's right where I'd want your priorities, but if we can make sure that over these next couple of weeks that you reach out to Mr. Montoya and get some resolution to the McCune monies that have been allocated for Native American Summits. And to see the viability of either contracting with them to do work or just transferring the money, the remaining balance, what's left over, to the association to continue on with that.

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, we have noted the previous request and both myself and Mr. Montoya were absent for part of the last two weeks, but I do have a call into him now and we will, hopefully before the next meeting have an opportunity to meet and discuss these issues.

COMMISSIONER GONZALES: Great. The other thing is, Mr. Chairman, I had an opportunity to tour the jail facility last week, I believe, with Mr. Parrish. Looks great. One of the things that came out though, something that was needed was library books, but also computers to teach basic word processing and spreadsheet skills. Not to access the Internet because they don't want them accessing the Internet but they do need access to computers for basic life skills or business skills. So can we check with our IT Department, Corky, and see in terms of the surplus, as part of any natural process that we look at surplussing equipment that we look at some of the needs out at that facility also before we start to surplus.

A lot of the computers that we surplus couldn't be used necessarily for accessing the Internet and taking full advantage of it but they could be used for running basic word processing and spreadsheet skills. So if that's available I'd like to see what we can do about making some computers available out to the facility. Thank you

COMMISSIONER SULLIVAN: Okay. Commissioner Trujillo?

COMMISSIONER TRUJILLO: None.

COMMISSIONER SULLIVAN: Commissioner Campos?

COMMISSIONER CAMPOS: Nothing.

COMMISSIONER SULLIVAN: I have nothing. Surprised, aren't you?

COMMISSIONER SULLIVAN: Let me ask a question on this Consent

Calendar.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner.

COMMISSIONER GONZALES: There was one other issue that I wanted to bring up under Matters from the Commission.

COMMISSIONER SULLIVAN: Oh, another issue. You can have one of mine.

COMMISSIONER GONZALES: Thank you. Just one more issue. It was, Katherine just reminded me just to follow up that I would like to commit ten grand out of my capital outlay budget to go to supporting the road study that Commissioner Sullivan has been calling for.

COMMISSIONER SULLIVAN: And I wanted to commit a like amount for mine. And one of the \$10,000 fundings in my package was contingent on legislative approval of that facility and I don't know that that happened or not. So we need to check on that.

MR. LOPEZ: Mr. Chairman, do you remember which one that was?

COMMISSIONER SULLIVAN: It was for the Hands Across Culture.

MR. LOPEZ: Mr. Chairman, I'm told that it was. We did get legislative funding for that.

COMMISSIONER SULLIVAN: Did?

MR. LOPEZ: Did.

COMMISSIONER SULLIVAN: They did get legislative funding. Okay, so that was for physical, structural improvements I believe. So I believe I still have \$10,000 left. Okay. And if that's the case, I want that to go to the road study.

MR. LOPEZ: Mr. Chairman, then for clarification, we have a commitment from yourself and from Commissioner Gonzales of \$10,000 apiece for the strategic road improvement study.

COMMISSIONER SULLIVAN: Right. And we understand that that was about \$18,500 was the figure that they mentioned.

COMMISSIONER GONZALES: That's correct. And the sooner the better. It would be great to see that.

VIII. Consent Calendar:

- A. Resolution No. 2002-35. A Resolution Supporting Legislation to Transfer Certain Public Domain Lands to the Pueblos of Santa Clara and San Ildefonso, and Amending and Replacing Resolution No. 2001-141 (Attorney's Office)**
- B. Request Approval of an Increase in Compensation of \$18,000 in Professional Services Agreement #22-0063-IH With Ayudantes Incorporated to Provide Alcohol and/or Substance Abuse Treatment Services (Community & Health Development Department)**
- C. Request Approval of an Increase in Compensation of \$5,000 in Professional Services Agreement #22-0065-IH With Millennium Treatment Services Incorporated to Provide Alcohol and/or Substance Abuse Treatment Services (Community & Health Development Department)**
- D. Request Approval of an Increase in Compensation of \$75,000 in**

2136701

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- Professional Services Agreement #22-0066-IH With Recovery of Alcoholics Incorporated to Provide Alcohol and/or Substance Abuse Treatment Services (Community & Health Development Department)**
- E. Request Approval of an Increase in Compensation of \$32,000 in Professional Services Agreement #22-0067-IH With Rio Grande Alcoholism Treatment Program Incorporated to Provide Alcohol and/or Substance Abuse Treatment Services (Community & Health Development Department)**
 - F. Request Approval of Amendment No. 3 for an Increase in Compensation of \$20,000 in Professional Services Agreement #20-0010-DW with St. Elizabeth's Shelter to Provide Transitional Living Services in Santa Fe County (Community & Health Development Department)**
 - G. Request Approval of Amendment No. 5 for an Increase in Compensation of \$20,000 in Professional Services Agreement #20-0015-DW with Life Link to Provide Outpatient Treatment Services for the Santa Fe County DWI Program (Community & Health Development Program)**
 - H. Request Authorization to Accept the Santa Fe County Cooperative Extension Service as Co-Applicant and Subsequent Service Provider for the Recreational and Curriculum Portions of the ATD Prevention Grant from the New Mexico Department of Health (Community & Health Development Department)**
 - I. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, Ink Impressions, for the Printing and Mailing of the 2002 Notice of Valuation Forms (County Assessor's Office)**
 - J. Resolution No. 2002-36. A Resolution Requesting an Increase to the Fire Protection Fund (209)/ La Puebla Fire District to Budget Insurance Recovery Revenue For Expenditure in Fiscal Year 2002 (Fire Department)**
 - K. Resolution No. 2002-37. A Resolution Requesting an Increase to the Capital Projects Fund (318) to Budget Remaining Grant Funds on SAP Grants #98-LNR-1-3-G224 and #99-LNR-1-3-G335 for Expenditure in FY 2002 (Project & Facilities Management Department)**
 - L. Request Ratification of Change Orders No. 1 and No. 2 to Construction Agreement #22-110-FD With D.A. Baker for Construction of the Turquoise Trail Fire Sub-Station (Project & Facilities Management Department)**
 - M. Request Ratification of Amendment Number One to Professional Service Agreement #22-105-PFMD with Ortega & Associates for Professional Architectural and Engineering Services for the Youth**

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Shelters and Family Services Facility (Project & Facilities Management Department)

N. Request Ratification of Change Order Number One to Construction Agreement #21-163-CH with Gerald Martin for Construction of the Santa Fe County Public Safety Complex (Project & Facilities Management Department)

COMMISSIONER SULLIVAN: And my question on the Consent Calendar was, Estevan, items B through H, well, maybe I have it wrong here, maybe it's B through G, are all contract items that we also have under the regular agenda for contract approval and should we take these all at one time when it comes up on the regular agenda?

MR. LOPEZ: Mr. Chairman, I don't believe that they are on the regular agenda.

COMMISSIONER SULLIVAN: No?

MR. LOPEZ: I may be mistaken.

COMMISSIONER SULLIVAN: I thought I saw—well, if they're not then so be it. I thought I saw it on the regular agenda. Okay, are there any items on the Consent Calendar that the Commission would like to isolate and discuss?

COMMISSIONER GONZALES: Mr. Chairman, I move for approval of the Consent Calendar.

COMMISSIONER SULLIVAN: I have a couple of items. Commissioner Campos? Any items?

COMMISSIONER CAMPOS: No.

COMMISSIONER GONZALES: With the exception of the items—

COMMISSIONER SULLIVAN: Okay. Oh I guess two of the items that were in the back had to do with the agreement with Ortega. M and N had to do with agreement with Ortega and Associates and with a change order for Gerald Martin. Those were two items that were, that are on the regular calendar. And as I recall reading them, I think one had to do with ratifying previous decisions that the County Manager had made, and then there was new ones. For purposes of lack of confusion here, I kind of suggest that we put those all together. Is there some reason these need to go first in the Consent Calendar?

MR. LOPEZ: Mr. Chairman, I think if you would like we certainly can do them all together under the Project and Facilities Management Department.

COMMISSIONER SULLIVAN: Right. Because we've got—let me find it—yes, under item D.2 is a authorization and approval to amend the Ortega and Associates agreement and item D.3 is approval of change-order number two of Gerald Martin for construction of Santa Fe County Public Safety Complex. And these other two are ratifications of amendment one. I'd kind of like to take those all together, do those all at one time.

MR. LOPEZ: Mr. Chairman, that would be fine with us.

COMMISSIONER SULLIVAN: All right. So let's just move M and N if we can then over to D. Are there—I'd like to look quickly at I and K, and those are the only two

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that I have. Are there any others, Commissioner Trujillo, that you wanted to isolate?

COMMISSIONER TRUJILLO: No.

COMMISSIONER SULLIVAN: Okay, so there's a motion from Commissioner Gonzales to approve the Consent Calendar with the exceptions of I and K, which we'll discuss now, and M and N, which we'll discuss when those items come up under the regular agenda. Is there a second?

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Second, Commissioner Campos. Any further discussion? Those in favor say "aye." [Unanimous] Those opposed? Motion carries.

VIII. I. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, Ink Impressions, for the Printing and Mailing of the 2002 Notice of Valuation Forms (County Assessor's Office)

KATHERINE MILLER (Finance Director): Mr. Chairman, the Assessor isn't here but I can try to answer any questions you have on this.

COMMISSIONER SULLIVAN: I've got to get back to it. Is that a budget form, Katherine?

MS. MILLER: Mr. Chairman, there's a memo and then a bid.

COMMISSIONER SULLIVAN: These aren't tabbed so they take a while to get through.

MS. MILLER: It's about 2/3 of the way through that section.

COMMISSIONER SULLIVAN: Okay. We got one here. All right. All this effort here, this is a fairly minor question. These go out once a year for the assessment valuations. I had a question as to why we're changing, one of the changes to the form is to increase the size of "Benito J. Martinez, Jr." on the envelope from 12 to 14 point. Is the—as far as I know, he's not opposed in the election.

MS. MILLER: Mr. Chairman, that was probably before he found out he wasn't opposed.

COMMISSIONER SULLIVAN: I just wanted to find out if there was some need to do that. Some postal need or something to do that. I think it's pretty imposing when those tax assessments come anyway, in bold and so forth. Just perhaps to look at that. It's not something that needs to be decided today.

MS. MILLER: Okay. Mr. Chairman, it was a request out of their office, the specifications, I don't know what the motivation behind it was.

COMMISSIONER SULLIVAN: Maybe since he's not here just inquire about that on my behalf.

MS. MILLER: Okay. I'll do that.

COMMISSIONER SULLIVAN: All right, if there are no other questions on

that item, is there a motion?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Motion and second, motion from
Commissioner Trujillo, second from Commissioner Campos. Those in favor say "aye."
[Unanimous] Those opposed? The ayes have it.

MS. MILLER: Thank you.

VIII. K. Resolution No. 2002-37. A Resolution Requesting an Increase to the Capital Projects Fund (318) to Budget Remaining Grant Funds on SAP Grants #98-LNR-1-3-G224 and #99-LNR-1-3-G335 for Expenditure in FY 2002 (Project & Facilities Management Department)

COMMISSIONER SULLIVAN: And my question on this one is that—I don't know if I'm going to find it again—are all of the, what were the additional funds going to be used for?

TONY FLORES (Projects Manager): Mr. Chairman, members of the Commission, both of these are state appropriations. The purpose of the budget increase is that we did not budget for the 98 grant to bring that into FY02 so we can finish off the improvements to the tennis courts, the post and cabling at the Agua Fria Park for their improvement plan.

COMMISSIONER SULLIVAN: Okay, I found it. So my question was, were all of these special appropriations appropriated for the Agua Fria Park?

MR. FLORES: Mr. Chairman, members of the Commission, these two are specifically appropriated for the Agua Fria Park improvements and that's the way the legislation reads.

COMMISSIONER SULLIVAN: Okay. So this is to budget monies that we didn't have?

MR. FLORES: Actually, they weren't budgeted. We had them as part of the grant and during our reconciliation, during the reorganization, we need to have two grants closed out by June 30th so we need to bring that money into this year's budget so we can finish spending out the appropriation.

COMMISSIONER SULLIVAN: Okay. So this is not new money for the park.

MR. FLORES: No.

COMMISSIONER SULLIVAN: Okay. And I just wanted to be sure that both of those SAPs were projects that were appropriated for the park, which you say they were.

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

COMMISSIONER SULLIVAN: Okay. That's all the questions I had. Any other questions? What's the pleasure of the Commission?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

COMMISSIONER SULLIVAN: Motion and second. Those in favor say "aye." [Unanimous] Opposed? Ayes have it. Motion carries.

IX. Presentations

**A. Presentation on the Santa Fe County Maternal and Child Health Council
"Zero to Three" strategic plan**

WHITNEY ROBBINS: Good morning, Mr. Chairman, Commissioners. My name is Whitney Robbins and I've been working under contract with the County for it seems like months to produce this plan and today, on half of the Maternal and Child Health Council, I'm happy to present the "Zero to Three" strategic plan requested in your July resolution asking that Santa Fe County stand for children. Although eight months ago you charged the Maternal and Child Health Council with creation of this plan, it's development has been the result of an incredible collaboration of 12 early childhood social service and health care agencies. These include the Santa Fe Community College Nosotros program, Presbyterian Medical Services Early Head Start, Santa Fe Community Infant program, Catholic Charities Teen Support program, New Mexico Department of Health Children's Medical Services, City of Santa Fe Children and Youth Commission, Santa Fe Public Schools' Teen Parent Center, Santa Fe Children's Museum, United Way of Santa Fe Success by Six, New Mexico School for the Deaf Step High and St. Vincent Hospital case management services.

It is with great pleasure that we dedicate this "Zero to Three" plan to Cameron Lauren Gonzales, and all her young peers in Santa Fe County, with special thanks to her father, Commissioner Javier Gonzales and to Commissioner Paul Campos, Commissioner Paul Duran, Commissioner Jack Sullivan and Commissioner Marcos Trujillo, who have resolved to stand for children and whose support has created a plan to ensure that children and families will have opportunities to thrive in Santa Fe County.

Suzanne Zilke was our facilitator for the seven meetings held between October and March. She has brilliantly consolidated the plan into the fold-out version inside the cover, and I wish everybody here could see it. It's a beautiful job. I'm going to go through this because it really contains the whole plan and pick out certain areas.

The vision of the "Zero to Three" strategic plan is that all children in Santa Fe County will begin their lives with opportunities to thrive. The overarching goal is to create a child-friendly and family-friendly county, to foster community wide grassroots collaboration and planning for infants and toddlers, to honor, welcome and support parents of new children as expert caregivers, to reduce health disparities and create culturally competent "Zero to Three" services, and to secure sustainable funding to support the coordination and implementation of the "Zero to Three" plan.

The mission of the plan is to create awareness in Santa Fe County that the first years last forever, to promote the optimal health and social, emotional and cognitive development of

Santa Fe County's infants and toddlers, and to support and strengthen families, caregivers, communities and all who work on behalf of children zero to three years of age in Santa Fe County. That is a large bill to fill.

The group over the months that we've worked together broke down the plan into five different priority areas. These are home-visiting, infant/toddler care, infant/parent mental health, pre-natal infant/toddler health and parenting opportunities for families with new children. There are a number of key strategic issues that were identified and these were, number one, securing adequate sustainable support, establishing leadership and responsibility for each priority area, building coalitions among stakeholders, providers from the community, developing and advocating for child-friendly, family-friendly policies, creating and funding a "Zero to Three" social marketing plan with bilingual public relations and educational materials, leveraging funding from coalitions for recruitment and training of professional and lay and community providers, evaluating existing services and programs and developing best-practice model for "Zero to Three" care.

The criteria for success identified in order that this can happen is that children and their parents will be valued as a unit and treated with dignity and respect. Parents and families will be included in the planning of resources and services. Each priority area will have strong, consistent leadership from agencies and naturally occurring community networks. Sustainable funding will be secured. Legal status, class and race will not be deterrents to accessing services. Cultural competence will be the norm for all providers. Resources and services will be available before problems exist. Resources will not be limited to services and programs, and quality health and mental health care will be accessible in diverse cultural and language settings in close proximities to clients' neighborhoods.

Only one of these priorities, infant/parent mental health, already exists as a single program, the Community Infant program, which was identified in your resolution as the cornerstone of this "Zero to Three" plan and which you have supported since 1999. The Community Infant program in the budget for the coming year, in order to support an additional bilingual therapist and a full-time program administrator, we'll be asking for \$70,000 more than last year, than this present year. These are necessary in the Community Infant program's decision to grow in order to accommodate the increased case load, growing number or referrals, and a waiting list for services.

During the process of developing the "Zero to Three" plan, we've discovered several funding opportunities through already established streams. One is through the Families, Infants and Toddlers program that's federally funded through the Department of Health. And the other is the Medicaid EPSTAT screening program.

In the other four priority areas, many programs already exist but must be brought together as coalitions with the specific leadership and funding in order to implement these parts of the plan. In the resolution passed last July, number three states that the County should held develop sustainable funding sources for the implementation of the strategic plan with its cornerstone being the Santa Fe Community Infant program.

As I said, some streams of funding may be possible that need to be looked into, but

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what needs to happen next in implementing this plan, we feel, is that a coordinator has to be hired in order to bring all these pieces together. The Maternal and Child Health Council does not have the time or the resources or the money to do that. And if you will look in the back, in the plan, just before the first orange page, we have come up with a proposal for hiring a coordinator. The responsibilities of the coordinator would include, at a minimum, securing sustainable funding for ongoing implementation of the "Zero to Three" plan, including social marketing to stand for children, staffing support to plan priority work groups dedicated to implementing strategies capable of maximizing resources, and building community participation coalitions and leadership to assure lasting commitment to the wellbeing of children and families.

An initial funding of \$50,000 is requested for the first year of coordination to take this plan from being a large packet to something that actually happens. I want to thank you—well, one other thing I wanted to mention is in the conclusion. Well, I'm not going to mention it, I'm just going to say thank you to all for the opportunity to work with so many dedicated people who have been passionate about their work with early childhood groups and the desire to put children first in order to support the development of this plan. Thank you so much. And if you have questions about the plan I'd be happy to answer them. If there are questions about what's going to happen next, Ariane Mahmud-Ghazi, who is the chair of the Maternal and Child Health Council is going to speak to that.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Well, let me just begin by saying thank you for the wonderful dedication. I've had the honor of receiving lots of recognition over the last couple of years but this is very special. So I appreciate the dedication to Cameron because I've been able to see first had the investment of what happens to our children when we invest early on in their lives through reading and love and all the important things that will last a lifetime for them. So I wanted to say thank you for that.

But I also want, as you mentioned in your presentation, the Commission has made a commitment to this since 1999. Have you been tracking some of the results, some of the—it is too early to track or are we seeing that the investment that the Commission has made into these programs is actually resulting in a change of lives and being able to run interference in young parents' lives who can help make them better parents for their children?

MS. ROBBINS: From the perspective of the Community Infant program, I think the numbers of people that are being seen and the numbers that are have been on the waiting list are speaking to it. There are a number of people who have been through the program and discharged. Others are still continuing to be followed. I think it's very difficult when you're dealing with mental health interventions to have some kind of a quick answer. The Community Infant program has performed an evaluation of its first year which contains a lot of clinical information as well as client satisfaction, and they have contracted already for another evaluation to be done this spring.

I think it's hard not to be able to give quick answers but I think some of the people who have been through the program probably are the best judges of how successful it's been and

we're asking for more money for the coming year, as I said because the case load has been up to 45 clients and at one point, four, six weeks ago, there was a waiting list of 14. And the three therapists cannot handle that alone.

COMMISSIONER GONZALES: Who's on that waiting list? Give us a profile of what those individuals look like.

MS. ROBBINS: I don't have—

COMMISSIONER GONZALES: You don't have to tell me their names, but what's the profile of the people that are waiting to come into the program? Are they young parents, or is it—

MS. ROBBINS: Yes. They're all parents with infants who have been referred from different agencies.

COMMISSIONER GONZALES: That are believed to be at risk for some reason or another.

MS. ROBBINS: Yes. Yes. Definitely.

COMMISSIONER GONZALES: And one of the things that we've learned through these programs is that at-risk parents—it doesn't always happen, but it could lead to patterns of child abuse. Is that correct?

MS. ROBBINS: Oh, absolutely. I think a couple of the people on the waiting list have had psychological problems themselves. There have been cases with families where the father has been in prison. It runs the gamut.

COMMISSIONER GONZALES: So what you do is go in and actually work with these parents to try and understand the importance of the investment in their child so their child isn't condemned to repeat the same issues.

MS. ROBBINS: Well, through the Community Infant program the work is therapeutic intervention. It's counseling, it's referral and it's once or twice weekly home-visits to the family to get them to improve their relationships with their infants.

COMMISSIONER GONZALES: Is there collaboration that's going on with other providers in the community or other agencies that are wanting to do the same thing?

MS. ROBBINS: Yes.

COMMISSIONER GONZALES: So there's not a level of redundancy that's occurring?

MS. ROBBINS: Yes. And the Community Infant program through the Frost Foundation funding for three years now has provided a community education series with usually four sessions per year to inform providers about infant mental health, what it is and to work together on referrals.

COMMISSIONER GONZALES: Final question, Mr. Chairman. Has the funding that the Commission has provided for you since 1999, have you seen that that has made a measurable difference also in being able to attract additional funding? Has that been the case or not?

MS. ROBBINS: Not at this point. Frost Foundation has funded a staff position in the past and has provided funding for three years now for the Community Learning Series. I

was able to get a couple of small grants this year in order to send staff to a national conference in California and there isn't time at the moment. We need to pursue that because I am sure there are plenty of grant opportunities out there. Like working through the FIT program and with Medicaid EPSTAT screening. There's money there; it's a matter of having the time to figure out how to go and get it, and I hope to do some of that in the next three months.

COMMISSIONER GONZALES: Thank you. Thank you again.

MS. ROBBINS: Thank you.

COMMISSIONER SULLIVAN: One question, Whitney. In priority three, infant and parent mental health, we've seen just in the last month on television some tragic events regarding that specific issue. Is this something we in Santa Fe County should be worried about? Is there a mechanism for a woman who is in that state of emergency to access this program? What's the connection, or the lesson that we can learn from that?

MS. ROBBINS: Well, Mr. Chairman, I think the lesson that we can learn is we already have a mechanism in place and that's the Community Infant program along with all the other agencies who may receive referrals from the police department, from hospitals. I think in this case if I recall, her husband said, "Everything's fine. Nobody's going to intervene." I don't know how that will happen here but Child Protective Services, there are a whole lot of mechanisms in the county and if a referral is given the Community Infant program or another goes in and does an assessment. Then that's where action can take place, either with therapeutic action or by referring something that's beyond their capability.

COMMISSIONER SULLIVAN: Is there, or is there contemplated any type of a hotline where someone who is obviously troubled as this woman was could bypass the paperwork?

MS. ROBBINS: I don't know the answer to that but it certainly is a good idea and there should be such a thing. There's a Crisis Hotline, I know, through the Rape Crisis Center. I don't know what other hotlines exist for mental health but we can find out.

COMMISSIONER GONZALES: That's a great idea.

COMMISSIONER SULLIVAN: Any questions?

COMMISSIONER TRUJILLO: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Obviously, the message is loud and clear that ages zero to three are the formative years. Those are the years that lay down the groundwork, the foundation if you will, for the rest of your life. How are we targeting those families, those people in need of the services that you delineated here? You're a resource, but how do we make sure that some of those families that are in need out there do not fall in a vacuum and that utilize what you're providing?

MS. ROBBINS: Well, Commissioner Trujillo, I think one of the recommendations that we make in here is that all infants, all new babies and their mothers have home-visits pre-natally and during the first year and I think a lot of problems and issues can be identified at that time. Presently, probably about 50 percent are receiving home-visits and those referrals come from pediatricians, from the hospital upon discharge from other agencies. I think

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we have a long way to go so that we're assured that every new family has a home-visit by a professional of some sort. So I think that's one method of detection.

COMMISSIONER TRUJILLO: Mr. Chairman, I guess just to expand on Commissioner Trujillo's point though, so you have relationships then with basically the frontline providers, whether it's a hospital who has the opportunity to evaluate the parents' interaction or a pediatrician or police reports or whatever. Do you have the existing relationships? Do people know out there that this resource exists so that when they see that there may be an at-risk parent here that they can refer them to you directly?

MS. ROBBINS: Commissioner Gonzales, yes. We are trying very hard to make known the existence of the Community Infant program. It's difficult when the three therapists are making home-visits all week long and there isn't personnel to go and do outreach. So one of the things we're hoping for in addition to a bilingual therapist next year is—I've been serving as program coordinator at ten hours a week and writing these plans, is to hire a more full-time program coordinator who could do some of that outreach and publicity. We're just, after almost a year getting listed in the phone directory for the first time. We need to publish some materials and make a larger effort.

But I think through the community trainings, the Community Infant program is getting more and more well known and that's why the referrals are going up and there isn't personnel to take care of the cases that need seeing.

COMMISSIONER TRUJILLO: I guess the ideal situation would be long-term, that this program would provide an inertia that would attract those people in need, and that takes time through reputation and through more funding and things like that, but this is great. Thank you.

MS. ROBBINS: We're barely three years old and we've come a long way and it's getting frightening that we need personnel to take care of the need out there and I'm sure there's a lot of need that hasn't been established already.

COMMISSIONER TRUJILLO: Are you submitting your, what is it? Your coordinator as part of your budget? The \$50,000 FTE if you will. Will we be looking at that?

MS. ROBBINS: Yes. We don't have an outlined, specific budget yet, but that will come.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a thank you, Ms. Robbins and Commissioner Gonzales for their leadership in bringing this report, creating this report and moving this issue so fast in such a short time. We appreciate it very much.

MS. ROBBINS: Thank you very much.

MR. LOPEZ: Mr. Chairman, Mr. Anaya just informed me, going back to the question you asked earlier about the hotline. He informed me that there is a 24-hour Crisis Response Hotline through PMS and that's part of the CARE Network that's already in place to deal with issues such as the one you brought up.

COMMISSIONER SULLIVAN: How do we—what's that phone number and how do we know that phone number?

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MR. LOPEZ: I would defer to Mr. Anaya. I don't have it readily.
ROBERT ANAYA (CHDD Director): Mr. Chairman, I don't have the phone number but I'll get it and we can put it on the air. I'll get it for you right now.
COMMISSIONER SULLIVAN: Okay. How do we publish that phone number?
MR. LOPEZ: Mr. Chairman, and we'll also make sure that we get that on our County website.

IX. B. Presentation of Santa Fe County Employee of the Quarter: Debra Garcia

COMMISSIONER SULLIVAN: The next is a presentation, following up as a subset of the Academy Awards, of the Santa Fe County Employee of the Quarter. And the winner is—

ERLE WRIGHT (GIS Coordinator): Mr. Chairman, members of the Commission, the winner is Ms. Debra Garcia. It is with great pride that I bring Debra forward. She's been with Santa Fe County for just over three years now. Debra's an integral part of the GIS and information technology team in the Project and Facilities Management Department. This is a team that truly is a synergistic group of people and that is that the whole is more than the sum of the parts. Debra's nomination for Employee of the Quarter is based on her outstanding work on the Insurance Service Organization maps that were prepared for review on setting the fire insurance rates, working with the Fire Department and also her incredible efforts on the redistricting plan

Debra's also constantly receives many compliments and expressions of thanks for her positive and helpful attitude from members of the public and the development community coming in and seeking our information and basically, she's a wonderful asset to County staff and basically serves as a role model for us all in keeping a positive attitude and truly being public servants. So with your permission, I'd like to bring Debra up here and present her the certificate for Employee of the Quarter.

DEBRA GARCIA (GIS Department): Thank you. This is a great honor.

COMMISSIONER SULLIVAN: The Academy gave Denzel Washington 45 seconds. We'll give you a whole minute. She didn't want it. There you lost your opportunity.

MR. LOPEZ: Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Lopez.

MR. LOPEZ: I've got a phone number on that Crisis Response Hotline phone number. It is 820-6333. We will post that on the Internet as well.

COMMISSIONER SULLIVAN: And that, they have the capability of taking any crisis issue.

MR. LOPEZ: I believe so, and it's a 24-hour hotline.

COMMISSIONER SULLIVAN: And where does it go to? Who answers the phone at the other end of the line?

MR. LOPEZ: Mr. Anaya?

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MR. ANAYA: Mr. Chairman, the hotline is operated through Presbyterian Medical Services. Mr. Mark Boschelli, who was here as part of the presentation of the CARE Connection is one of the clinical directors of that facility, as well as Laurie Schraeder as well works with the Crisis Response Hotline. There's also another clinical director. I don't recall the gentleman's name off the top of my head, but they rotate and there's always somebody on the other end of that line to respond to those issues. They also have a mobile crisis response unit that can respond to those people in need out in the community.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: Is that a toll-free hotline?

COMMISSIONER SULLIVAN: 820 is a local exchange, isn't it?

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, I believe it's a local number. I will check to see if they have a toll-free hotline number. That number is local and it's in the phonebook posted as such, as a Crisis Response Hotline.

COMMISSIONER TRUJILLO: This is available countywide though, right? We've got some long distance areas in the county.

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, we'll get both numbers and make sure they're posted on the website.

COMMISSIONER TRUJILLO: Thank you.

COMMISSIONER SULLIVAN: Thank you, Robert.

X. Administrative Items:

A. Committee appointments

1. Appointment to the La Cienega Local Development Review Committee

ROMAN ABEYTA (Land Use Administrator): Thank you, Mr. Chairman. We have one vacant position and we received two resumes. One from Quinn Simons and a Mr. C. C. Mursky. The BCC may appoint one of these persons to serve until 12-31-02.

COMMISSIONER TRUJILLO: Mr. Chairman, I recommend Mr. C.C. Mursky to serve on the La Cienega Local Development Review Committee.

COMMISSIONER GONZALES: Second.

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

COMMISSIONER CAMPOS: I'd just like to know more from Commissioner Trujillo as to why he's making his recommendation.

COMMISSIONER TRUJILLO: If you look at the resume, Commissioner Campos, the individual has been active in the community and is very interested in the future of the community including the community planning and I think that this individual will provide some much needed insight into community planning and the direction that community wants to go in the future.

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COMMISSIONER SULLIVAN: Any further discussion? Hearing none, we have a motion and a second. Those in favor say "aye." [Unanimous] Those opposed? Motion carries.

X. A. 2. Appointment to the Agua Fria Local Development Review Committee

MR. ABEYTA: Thank you, Mr. Chairman. We currently have two vacant positions on the Agua Fria Local Development Review Committee and we received a resume from Audrey Montoya. The BCC may appoint Ms. Montoya to serve until December 31, 2002.

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER SULLIVAN: There's a motion and a second. Discussion?

COMMISSIONER CAMPOS: Question, Mr. Chairman. Mr. Abeyta, have you interviewed Audrey Montoya? Do you know if she's a person that can work with the group and is knowledgeable in the area?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, no we have not. But we don't normally interview any of these applicants either. If the Board would like us to do that we could look into that but normally we don't interview.

COMMISSIONER CAMPOS: The Agua Fria committee has recommended Audrey Montoya?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, it's my understanding that the chairperson for the Agua Fria Development Review Committee brought forth this resume to us and is recommending her.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER SULLIVAN: Roman, was there another name that was also submitted? I got a fax a day or so ago. Was that for Agua Fria or was that for La Cienega?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, the only one I know of for Agua Fria is this Audrey Montoya. If you'd like to forward that fax to me there still is one more vacant position. We could take a look at that. Maybe the faxes were La Cienega. I'm not sure.

COMMISSIONER SULLIVAN: I thought it came from you. I'll check. Right now we just have one applicant, but there are two positions open.

MR. ABEYTA: Yes, Mr. Chairman.

COMMISSIONER SULLIVAN: So there's a motion and a second. Any further discussion? Those in favor say "aye." [Unanimous] Those opposed? Motion carries.

COMMISSIONER GONZALES: Mr. Chairman, can I real briefly on the

Agua Fria issues? I'd like to request that the Agua Fria Development Review Committee do a review of the zoning issues in the traditional historic community and to begin to discuss and debate any recommendations that they would make to the Commission in consideration of zoning changes. They've just basically been sitting idle, not really doing too much, other than reviewing current applications. The traditional historic zoning that's applicable is what's applicable in—well, Agua Fria sits inside the urban community, it's all the County zoning that's applicable inside it and that may not necessarily reflect where they may want to go.

The Commission did not make the Agua Fria area a priority in our planning process so I would like for this committee to begin to review the zoning that's currently in place and see if they want to recommend any changes to the Board of County Commissioners.

MR. ABEYTA: We'll do that, Mr. Chairman, Commissioner Gonzales.

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a comment for Mr. Abeyta is that when recommendations are to be made they should probably be made by the whole committee. I think I would feel more comfortable.

COMMISSIONER GONZALES: Right.

COMMISSIONER CAMPOS: Maybe the committee can interview and have its own comments.

COMMISSIONER GONZALES: Oh, I'm sorry. You're talking about the appointments, not the zoning.

COMMISSIONER CAMPOS: Yes. In general.

MR. ABEYTA: Okay, we can do that.

XI. Staff and Elected Officials' Items

A. Clerk's Office

1. Resolution No. 2002-38. A resolution imposing an annual liquor license tax upon persons holding state liquor licenses

BECKY BUSTAMENTE (County Clerk): Mr. Chairman, members of the Board, this is an annual resolution that we need to bring before the Board. It's taken out of the statutes. It's the only amount we can charge is by statute so there's no changes from last year.

COMMISSIONER SULLIVAN: Which I understand is \$250. Is that correct?

MS. BUSTAMANTE: Right.

COMMISSIONER GONZALES: Move for approval of the resolution as presented by the Clerk.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: There's a motion and a second. Any further discussion? Those in favor say "aye." [Unanimous] Opposed? Motion carries.

MS. BUSTAMANTE: Thank you.

XI. B. Community & Health Development Department

2. Request approval to enter into a professional services agreement with Crisis Response for \$30,000 to provide 24-hour onsite assessment and intervention services

MR. ANAYA: Mr. Chairman, Commissioners, ironically, this item before you deals specifically with the Crisis Response project and I'm going to defer to Mr. Sims who's going to give a more detailed explanation of the services.

DAVD SIMS (DWI Coordinator): I went downstairs and got off the bulletin board downstairs in the lobby of our own building. The Crisis Response poster that has the phone number, local number and 800 number, and lists some of the things, situations that they deal with. Listed here are depression, loss, anger, despair, anxiety, grief, crime victim, abandonment, abuse, addiction and violence. So these are some of the areas that this Crisis Response works on.

They not only work with adults but also adolescents. So this is something that's a very critical part to our comprehensive health, mental health and substance abuse mental health issues in the county. And Crisis Response has served as a very integral part of this comprehensive effort. And through the funding that we have received for the first time this year, allocations have been made based on requests and identified gaps in working with the CARE Connection to fill those gaps. And many of the items in the Consent Calendar as well as this item have to do with filling gaps in our community as far as behavioral health services.

COMMISSIONER SULLIVAN: David, if someone doesn't know that number and let's say the call 911, is there a link there?

MR. SIMS: I do not know the answer to that question.

COMMISSIONER SULLIVAN: That might be something to explore. I'm just thinking that if someone is troubled—

MR. SIMS: We'll make that happen.

COMMISSIONER SULLIVAN: And this is not only for Presbyterian Medical Services, but then when calls come in, do they refer persons who have called to the appropriate providers?

MR. SIMS: Their role is to do something on an immediate, emergency-type basis. They do, they not only answer phone calls, one of the questions earlier was who answers the phone. They have currently 28 trained volunteers that are the immediate contact people that answer the phone and then based on the information that that volunteer gathers then referrals—that person then contacts someone who is a trained, licensed

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counselor, usually a masters level-type person trained in dealing with these specific kinds of situations.

At that point the person will either continue with a phone-based intervention or an onsite intervention, or an emergency room, they will go to the emergency room to address a specific problem with someone brought to the emergency room. They will go to the detention center to address a specific problem with someone there. Efforts are being made through the work of Crisis Response so that if someone is brought to the detention center or to the emergency room, that really that's not the best place for that person, whether it be because they don't have that serious a level of immediate medical need, or because that person has not been arrested or charged with any crime, that through the mechanisms in place with Crisis Response that that person can go to a place that's, number one, more effective in dealing with the immediate problem that that individual has, and also something that will save the County a great deal of money ultimately by people who don't need to be in jail not going into the jail.

The people in the booking area at the detention center know to call Crisis Response when there's a situation that they could deal with more effectively than a detention center. The emergency room the same way. And so ultimately, one of the things that going to result from the \$30,000 in this contract is that probably much more than that will be saved by the County over time in reduced costs at the detention center and reduced cost through the sole community provider funds that the County puts into the hospital for the emergency room. So ultimately this is going to be a real good pay-off for the County as far as cost savings.

COMMISSIONER SULLIVAN: David, how many calls do they get?

MR. SIMS: As far as jail diversion interventions where they actually went to the jail they do about 300 a year and about half of these are substance abuse. As far as telephone interventions with jail diversion, they do about 700 per year, telephone interventions, and about 90 percent are either primary or secondary causes of the phone call being made have to do with substance abuse and then just the Crisis Hotline itself, they receive about 4,800 calls a year and of these, about 20 percent are directly substance abuse calls.

COMMISSIONER SULLIVAN: It's 24 hours a day.

MR. SIMS: That's correct.

COMMISSIONER SULLIVAN: Any other questions from the Commission?
What's the pleasure?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: I'll second that. There's a motion and a second for the professional services agreement with Crisis Response. Any further discussion? Those in favor say "aye." [Unanimous] Those opposed? Motion carries.

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XI. C. Fire Department

1. Request approval of recommended amendments to the land use assumptions, capital improvement plan and impact fees relating to the Santa Fe County Fire and Rescue impact fee ordinance

STAN HOLDEN (Fire Chief): Mr. Chairman, members of the Commission, you'll recall at the last meeting the Commission adopted the land use assumptions and the capital improvement plan for the impact fee update. At that time the Commission gave direction to the department to review the possibility of either reducing or exempting fees for affordable housing projects. In your packet you have a cover letter and you also have an analysis that was performed by Southwest Planning and Marketing.

COMMISSIONER SULLIVAN: I think we don't have the analysis.

CHIEF HOLDEN: You don't have it?

COMMISSIONER SULLIVAN: Unless I was singled out here.

CHIEF HOLDEN: Not intentionally.

COMMISSIONER SULLIVAN: No, I don't think we have the analysis. It does say it's attached here.

CHIEF HOLDEN: Okay, I apologize, Mr. Chairman. [Analysis attached as Exhibit 1] The last page of the analysis shows the impact fee schedule, which for Class 7, which is where the affordable housing unit would reside, the current fee is .275 and if the Commission were to give a 100 percent exemption on the fee, the remaining fees would increase 15 percent. If the Commission chose to give a 50 percent reduction in the fee, the other fees would increase approximately 10 percent.

There are some inherent problems in trying, in having the consultant perform this analysis because we do not keep statistics in the County for affordable housing through the Land Use Department so what we had to do was extrapolate utilizing numbers from the Community College District, where it's about 15 percent. So extrapolating that out countywide, about 15 percent, that's how these numbers were derived.

COMMISSIONER TRUJILLO: You're saying that we need to offset it elsewhere? Any affordable housing benefit that we make would have to be offset by increasing and augmenting the impact fees elsewhere? To generate—

CHIEF HOLDEN: Mr. Chairman, Commissioner Trujillo, that's the Fire Department's recommendation, in order to make the fees whole. To utilize the numbers prepared by Southwest Planning, if we were to do a complete exemption, there would be a reduction in the overall amount of revenue collected of about \$265,000 a year and if we were to do a 50 percent reduction, it would be about \$132,000 reduction. So in order to offset the decrease and make it whole we would recommend that we increase the fees 10 percent if we do a reduction and 15 percent if we would do a total exemption.

COMMISSIONER TRUJILLO: Mr. Chairman, I appreciate all the work that has been put into this schedule but can you give me a comparison, a synopsis if you will of what if we were to remain status quo versus implementing this schedule.

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CHIEF HOLDEN: Well, if we were to remain status quo, someone who currently builds a 1000 square foot home in the county, regardless of their standing would pay \$275 for that 1000 square foot home as impact fee for the fire and rescue fund. If we gave them an exemption, of course they pay nothing. If we gave them a 50 percent reduction they would pay \$138 for that 1000 square foot home. Does that answer your question, Commissioner?

COMMISSIONER TRUJILLO: Yes. And that's based on a given set of criteria that qualifies a family or a person for the affordable housing exemption, right?

CHIEF HOLDEN: That's correct.

COMMISSIONER TRUJILLO: Do we have that criteria?

CHIEF HOLDEN: We would get that direction from the Commission. We have looked at both the HUD definition, which is recommended by Robert Anaya, or looking at the County's current definition that's in the County ordinance regarding affordable housing. Either one of those would be acceptable.

COMMISSIONER SULLIVAN: I wonder if, what I'm a little concerned about is that as I understand the affordable housing ordinance, it's the builder or the developer who applies for the permit and so we have a definition of let's just say \$134,000 for a two-bedroom home. That's an affordable home and then we have to match that up with an affordable home buyer. So I see any reduction in the permit fee as not creating more affordable housing, because that's defined by our ordinance and I see it as a benefit to the builder or developer. I don't see it as a benefit to the affordable home buyer. Am I missing something there?

CHIEF HOLDEN: Mr. Chairman, no, you're exactly correct. We have delved into the same problem utilizing the same concept. The issue really revolves around the individual landowner or homeowner who is desirous of building their own home or buying a mobile home and setting it on some existing property. That was really the target that I believe the Commission was asking us to look at. But there's no way of providing for affordable housing exemption and reduction without including it as an all-inclusive definition that has been defined either by the County or by HUD. From a legal standpoint, there's no way of doing it.

COMMISSIONER TRUJILLO: If we would implement a 100 percent of a 50 percent exemption we could get some demographics next year and see what effect it's having and if it's benefiting the community and get a pulse from the community in how they feel about this implementation, because the impact schedule is open to yearly review, right? So whatever we implement today we can evaluate next year.

CHIEF HOLDEN: Mr. Chairman, Commissioner Trujillo, certainly the Commission can give us direction to have it evaluated annually and we could come back in a year from now. The current ordinance requires an evaluation, a review by the Commission every five years.

COMMISSIONER TRUJILLO: Every five years.

CHIEF HOLDEN: So we were not scheduled to come back from back in

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February to five years from now. So it would be a while. But certainly the Commission as the governing body could give us direction to come back and report on whatever the Commission directs us to do a year from now and let you know what has transpired. We can tell you that in talking to the Land Use, we know it's going to be an administrative problem irregardless of what we do because whether we give an exemption or we have a reduction in the fee, it's going to require more paperwork and more administrative time. And certainly the Land Use Department has no more capability to perform that work than the Fire Department does because this does impact the Fire Department, it would fall upon us to perform that review.

So what we would have to do is have some form of application that the person would fill out that would have to be reviewed by the Fire Department to make sure that they met the criteria and then communication back to Land Use before an exemption or a reduction could take place.

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Chief Holden. The money that goes into the fire and emergency, does that affect insurance rates for the people living in that area?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, it definitely does.

COMMISSIONER CAMPOS: So it's a benefit to everybody in the district including the people who have affordable projects.

CHIEF HOLDEN: Yes sir.

COMMISSIONER CAMPOS: Mr. Chairman, my impression is that I'm against this. I don't think it really benefits too many people. It's going to be expensive. I think insurance rates would be better if we had more money in these districts. So I think all people are benefiting by this thing. And if we look at the savings of \$250, most people are going to finance over 15 to 30 years so it's a very minimal kind of thing. I think it's better to have the money from everybody at this point since we can't really differentiate between everybody who qualifies, people who want to put in a mobile home or build their own home. I would say let's just stay with the status quo and not give the special exemption. I don't think it will work. It won't be that effective and it will cost us money and staff time and we're already short on that.

COMMISSIONER TRUJILLO: I think I agree with Commissioner Campos. When I brought it up I guess I wanted the program of affordable housing in Santa Fe County to stand on its own but I see now that trying to implement something like this would be quite enigmatic and really, really hard to do and the benefits of the impact program probably outweigh the implementation for addressing affordable housing in this program. We can look at affordable housing elsewhere and we're taking that initiative but I think that doing it this way will make it more complicated than what it was. So status quo.

COMMISSIONER SULLIVAN: Is this an action item? Is there a motion?

Commissioner Campos?

COMMISSIONER CAMPOS: Chief, what would be the appropriate motion? Just to sustain current levels?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, I believe the correct motion would be to leave the impact fee schedule as currently proposed by the Fire Department with its five-year update and that would leave the schedule exactly as it is currently. That's what we left it at back in the February meeting until the Commission reconsidered this item today. So I believe that would adequately cover it. I would defer to legal counsel.

COMMISSIONER CAMPOS: I would so move according to the comments of the Chief.

COMMISSIONER SULLIVAN: That is to maintain the schedule in its current form until further action by the County Commission.

COMMISSIONER CAMPOS: Yes.

COMMISSIONER GONZALES: Second.

COMMISSIONER SULLIVAN: There's a motion and a second. Is there further discussion? Those in favor say "aye." [Unanimous] Those opposed? Motion carries.

COMMISSIONER TRUJILLO: Thank you for all the good work, Stan.

COMMISSIONER SULLIVAN: We appreciate that. That takes care of item C. 1. We'll move now to Projects and Facilities Management Department. We're going to do an executive session here over lunch. Is that correct, Estevan?

MR. LOPEZ: Mr. Chairman, that is correct. I just got a call from Commissioner Duran and he said that he's probably about—he should be here by 12:30. He asked that if the Commission would indulge him and delay beginning executive session until that time he'd like to participate in that discussion.

COMMISSIONER SULLIVAN: Okay, we'll do the gross receipts tax now then. No? Okay.

COMMISSIONER CAMPOS: Let's not indulge him.

COMMISSIONER SULLIVAN: All those in favor of indulging the Chairman—hearing none, we'll move forward. Oh, by the way, for those who are here or watching, there will be a hearing starting at 4:00 on the gross receipts tax, proposed gross receipts tax ordinance.

XI. D. Project and Facilities Management Department

1. Request Authorization to Enter Into Project Funding Agreement #22-131-PROJECT AND FACILITIES MANAGEMENTD with Youth Shelters and Family Services for the New Youth Shelters and Family Services Facility

MR. FLORES: Mr. Chairman, members of the Commission, as you are all aware, the Youth Shelters and Family Services Facility is a new project that is currently in the design process. Probably about 55 percent complete in the design process for the new the Youth Shelters and Family Services Center which will be located lower Agua Fria. The facility has various funding sources: Community Development Block Grant, there is funds from the City of Santa Fe, from state appropriations and from Santa Fe County.

Very early on in the discussions we had talked with the Youth Shelters Board, after the Project and Facilities Management Department took over the project to discuss how they envisioned the facility to be comprised, what it would look like, how it would be built out over phases, what the goals of the program were, etc. As part of the requirements of the CDBG application last fall the Board approved a professional services agreement for the architectural engineering services related to phase one of the facility.

Subsequent to that as I've indicated in the memo, the Youth Shelters Board and the Project Facilities Management Department have discussed the facility and they are prepared at this time to contribute \$30,000 to the facility or to the project. And I use the word project very broadly. The \$30,000 would be used if necessary for phase one or for subsequent phases of the project and that's why there's not an expiration date on this project funding agreement. They have, however, indicated that they would like the funding to be used in specific areas as indicated in the project funding under Article I, which would be including professional design services if necessary, construction costs, both facility landscaping improvements or infrastructure improvements, in addition to equipment and furnishing to the facility once phase one is built, or the subsequent phases.

Today, Ms. Karen Keene, who is the executive director from the Youth Shelters Board is with us to answer any questions that you may have of her. Other than that I stand for any questions.

COMMISSIONER SULLIVAN: Questions from the Commission?

COMMISSIONER GONZALES: Mr. Chairman, I'd move for approval of the request as presented by staff.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Motion for approval, and Karen, did you want to say anything? Just come up to the microphone briefly.

KAREN KEENE: Mr. Chairman and Commissioner, just thank you very much. You have been incredibly supportive through this entire process and Tony has been just a gem. So thank you.

COMMISSIONER SULLIVAN: You're welcome.

COMMISSIONER GONZALES: Thank you for what you do.

COMMISSIONER SULLIVAN: Those in favor say "aye." [Unanimous]
Those opposed? Motion carries.

VIII. M. Request ratification of amendment number one to professional services agreement #22-105-PROJECT AND FACILITIES MANAGEMENTD with Ortega and associates for professional architecture and engineering services for the Youth Shelters and Family Services Facility (Project Facilities Management Department)

MR. FLORES: Mr. Chairman, members of the Board, as you are familiar with, as I stated previously, the Board approved a professional services agreement with Ortega and Associates back on October 20th for the professional design services related to the facility, phase one specifically. As part of the requirement subsequent to that, as part of the requirements by the Land Use Department, we are required, the County is required to submit a development plan or master plan for approval through the Agua Fria Development Review Committee. This is where the project resides within.

That additional service was not negotiated or included as part of the original agreement. The original agreement provides or allows for additional services to be compensated at a rate that's originally indicated in the contract at a price that's deemed fair and reasonable. The amendment number one to that professional services agreement was approved by the County Manager on December 31, 2001 in accordance with Resolution 1997-83, which basically states that the County Manager has authority to approve or authorize amendments having a value not exceeding \$25,000 for agreements that have been previously approved by the Commission.

However, the approved amendment is required to be brought back before the Board for ratification, which at that time will fulfill the authority levels of the County Manager. So item M. under the Consent Calendar deals with the ratification of said amendment in the amount of \$5,000 to the professional services agreement that was previously approved by the County Manager. And I hope I didn't confuse you on that but that's a process we need to undertake for ratification.

COMMISSIONER SULLIVAN: In the staff memo for item M, you say that the approved amendments are required to be presented to the Commission for ratification, at which time the full authority will be restored. That meaning you want to ratify it and then the County Manager returns to having the authority for a \$25,000 change order. Is that what that means?

MR. FLORES: Correct. Correct.

COMMISSIONER SULLIVAN: And what was the amount of the first?

MR. FLORES: Mr. Chairman, members of the Commission, \$5,000, inclusive of gross receipts tax. So below the \$25,000 authority level that the Manager has.

COMMISSIONER SULLIVAN: And that was \$5,000 to attend a meeting of the Agua Fria Development Review Committee?

MR. FLORES: No sir. That is to develop the master plan and development plan for submittal to the Agua Fria Development Review Committee. It's additional services of the preparation of the master plan.

COMMISSIONER SULLIVAN: I guess I don't understand why we wouldn't have a master plan as a part of the normal services for the Youth Shelters Facility.

MR. FLORES: The additional basic design services as defined do not include master plan and development plans for projects. Not every project requires that level of preparation of documents. The original contract was negotiated for basic design services, additional services would be calculated or determined at a later date if they were necessary. It has always been my policy that we never negotiate additional services if they were not necessary.

COMMISSIONER SULLIVAN: I guess my thought was that as a part of this, you develop a schematic plan which is a part of the basic services and that indicates where the buildings will be and the surrounding site conditions, which is basically in essence a master plan. Isn't that adequate for a presentation to the Agua Fria Committee?

MR. FLORES: Mr. Chairman, members of the Commission, as part of the land use requirements, we have to show development of the entire site. We can't just take into consideration where the location of any facility, whether it's Youth Shelters or any other facility would be located within a seven-acre tract. It is required that we bring that forward for development plan for the entire tract, to take into consideration existing uses, potential uses, infrastructure, roads, traffic analysis, those ancillary services to a basic design contract. And that is a requirement from our Land Use Department.

COMMISSIONER SULLIVAN: So you're presenting a master plan for development of the rest of the property, but we don't own the rest of the property, do we? Who owns this property?

MR. FLORES: Mr. Chairman, we are subleasing this entire seven-acre tract from the State Land Office. So the County in essence is a lessee of the—

COMMISSIONER SULLIVAN: And the entire seven acres is going to be used for this facility or are we going to have some other uses for it?

MR. FLORES: There will be additional uses for this site.

COMMISSIONER SULLIVAN: So this master plan would address what those additional uses might be other than Youth Shelters and Family Services Facility.

MR. FLORES: That is correct, Mr. Chairman.

COMMISSIONER SULLIVAN: Okay. Any other questions? Okay, then we need to move on ratifying, first of all, the County Manager's actions, which was item M of the Consent Calendar.

COMMISSIONER GONZALES: So moved.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: There's a motion and a second to approve item M of the Consent Calendar. Those in favor say "aye." [Unanimous] [Commissioner Trujillo was not present for this action.]

XI. D. 2. Request Authorization and Approval of Amendment No. 2 to Professional Services Agreement #22-105-PFMD with Ortega & Associates for Professional Architectural and Engineering Services for the Youth Shelters and Family Services Facility

COMMISSIONER SULLIVAN: That was amendment one to the Ortega contract. We're now on amendment two of the Ortega contract.

MR. FLORES: Mr. Chairman, members of the Commission, the memo kind of outlines a sequential events that have taken place. Two of the primary issues that require us to come before you today on amendment number two are one, the Board, at their February 26th meeting appropriated funds to be used in the amount of \$20,000 to be used for the construction of the Youth Shelters Facility. That was approved as part of the capital Commission outlay. Just a few minutes ago you approved the additional \$30,000 to the project funding agreement with the Youth Shelters.

What we would like to do is bring forward to the project now and include that in the maximum allowable construction costs. So what we are asking for today, the amendment to Mr. Ortega's contract is very small in comparison to the entire MACC. However, we are requesting an increase in the MACC, therefore that is what the amendment also takes care of. So we are requesting that we approve the increase to the maximum allowable construction cost to \$525,000, and also to increase Mr. Ortega's contract from \$41,826 that was approved through amendment number one to \$45,977.81, inclusive of gross receipts tax.

COMMISSIONER SULLIVAN: Questions of Tony? I had one question. You're restating the MACC now to be the maximum allowable construction cost to be \$525,000 and you say that includes gross receipts tax and the contingency. Don't we normally exclude the tax and contingency from the MACC, particularly the contingency, because if the architect is required to bring the project in under the MACC and if we've allocated all of our contingency, then we have no money for change orders or possible unforeseen circumstances during construction.

MR. FLORES: Mr. Chairman, members of the Commission, there are actually two ways to determine a MACC or a maximum allowable construction cost that we have used here at the County and I have also used in my private professional life. One is including a contingency and gross receipts tax, because that is the entire construction budget, or not to include it. When this contract was negotiated back in September, October of last year, the maximum allowable construction cost included a contingency and gross receipts tax. So we are staying consistent with the way this original contract was set up. There are two ways of determining what a maximum allowable construction cost is.

COMMISSIONER SULLIVAN: But does the contract—you understand my point—does the contract have a requirement that the architect bring the project in under the MACC, and if he can't either through deductive alternates or whatever means, then he's got to rebid it. Is that a requirement of this contract?

MR. FLORES: Actually, he's required to redesign it and then rebid it. That is a requirement of this contract.

COMMISSIONER SULLIVAN: That's my point, it's that the MACC now, if we have the contingencies and the tax in there, one thing, it ups the fee, because the percentage fee has those components in it which don't relate to the construction cost. But also, if he brings this project in at \$525,000.00 then he has satisfied his contractual commitment. But, we have no money for change orders or any unforeseen site conditions that might come up.

MR. FLORES: I understand your point, Mr. Chairman and that is being taken into consideration.

COMMISSIONER SULLIVAN: How?

MR. FLORES: This contract, again, it was negotiated with the MACC inclusive of those items. The responsibility of the construction costs is part of the responsibility set forth in the agreement of the architect. Currently, today, I can tell you that we are in the situation of having to go back and review the statement of probable costs, to back down the statement of probable cost for this facility because of those concerns. We are addressing those concerns. They will be addressed before we even bid this project.

COMMISSIONER SULLIVAN: I guess, if that's the way the contract reads, I wouldn't have a problem with approving the additional \$4,000 in fees, but I'd like to condition that on the MACC being redefined in the architect's contract to exclude tax. It doesn't change his fee, but just in terms of definition of the MACC to exclude tax and contingencies so that he has a target to hit which still leaves you, I believe you have the contingencies of \$27,387 here.

MR. FLORES: Correct.

COMMISSIONER SULLIVAN: It still leaves you \$27,387 to work with during construction to handle unanticipated change orders that might occur and inevitably occur in one form or another. Is that reasonable?

MR. FLORES: Yes, that's reasonable.

COMMISSIONER SULLIVAN: I would make a motion for approval with that condition regarding the maximum allowable construction cost.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Motion and a second. Is there further discussion? We're on item D.2. Hearing none, all those in favor say "aye." [Unanimous.] Those opposed? [Commissioner Trujillo was not present for this action.]

VIII. N. Request ratification of change order number one to construction agreement #21-163-CH with Gerald Martin for construction of the Santa Fe County Public Safety Complex (Project Facilities Management Department)

MR. FLORES: Mr. Chairman, members of the Commission, again, we are before you requesting ratification of change order number one to the agreement 21-163-CHEDD for the construction of the Public Safety Complex. Change order number one was actually submitted in August of last year, August of 2001, for the installation of landscaping sleeves under the asphalted parking areas.

They requested that change order at that time from what I can gather from the files so that we would not have to go back in and remove the asphalt and concrete curbs when we have to put in the installation of the landscaping. That amendment or change order number one was authorized and approved by the Santa Fe County Manager on January 31st of this year in accordance with Resolution 1997-83. And I stand for any questions.

COMMISSIONER SULLIVAN: Questions of the Commission? I guess the one question that jumps up here is of this \$5,716 change order, was landscaping not anticipated in the original design?

MR. FLORES: Mr. Chairman, members of the Commission, if I take you back some time, right after I came back from the state, I brought forward the construction bid for the Public Safety Complex. Because of the budgetary constraints at that time, the landscaping alternate was not approved by the Board. It was not recommended to be approved by the Board for the Public Safety Complex. Knowing we would have to install landscaping as part of the conditions for occupancy, we removed that out of the budget, removed that out of the contract for the lump-sum bid, so to speak for the construction of the Public Safety Complex.

COMMISSIONER SULLIVAN: But it had already been designed. It was an alternate and we decided, based on your recommendation not to take it because we didn't have the money.

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

COMMISSIONER SULLIVAN: But the landscaping had been designed and assuming that it had been designed, weren't the sleeves also designed in?

MR. FLORES: That's correct, but this is for the installation, Mr. Chairman, not the design.

COMMISSIONER SULLIVAN: So we're not doing the landscaping now; we're only doing the sleeves. Is that the idea?

MR. FLORES: In anticipation of eventually putting in the landscaping that we're required to put in.

COMMISSIONER SULLIVAN: At some future time.

MR. FLORES: Yes, that's correct, Mr. Chairman.

COMMISSIONER SULLIVAN: So this is not a design deficiency that

causes it, it's just adding in some money for the sleeves.

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

COMMISSIONER SULLIVAN: That we now have that we didn't have before?

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

COMMISSIONER SULLIVAN: Where did we get the money?

MR. FLORES: As part of the contingency.

COMMISSIONER SULLIVAN: We're taking it from contingency.

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

COMMISSIONER SULLIVAN: Okay. Further questions?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Motion for approval and a second for item N of the Consent Calendar. Those in favor say "aye." [Unanimous.] Those opposed? Motion carries. [Commissioner Trujillo was not present for this action.]

XI. D. 3. Request Authorization and Approval of Change Order No. 2 of Agreement #21-163-CH with Gerald Martin for Construction of the Santa Fe County Public Safety Complex

MR. FLORES: Mr. Chairman, members of the Commission, as you know, we are about 93 percent complete on the Public Safety Complex with anticipated occupancy mid-May. As part of the reconciliation of our projects, it has become necessary to bring forward to you change orders that relate directly to our construction projects. This instance is change order request number two for the Public Safety Complex for services that have been directed to the contractor to complete.

I have provided for you in the packet a listing of each of the change order distributions. It shows it's on a spreadsheet that's landscape rather than portrait. It shows each of the items. The associated costs, the costs associated to the County, the costs associated to the architect, the costs associated to the electrical or mechanical subcontractors.

Now I need to point out at this time that the actual request for change order number two is only in the amount of \$86,118.61. We just ratified change order number one for the total change orders for the Public Safety Complex to date would be \$91,834.61, which equates to approximately 2.3 percent of the total construction cost. What I need to point out to you is that the County is currently working with the architect to determine the exact cost of these associated change orders, specifically in change order number two that would be attributed to the County.

The spread sheet indicates that our total responsibility will only be to date, \$81,634.14. However, to make the contract whole, the increase would be to entire amount

of \$91,000, the \$5,000 of the first change order and the \$86,000 on the next one. The purpose for that is the County is currently negotiating with the contractor, the design contractor, the architect for omissions or errors that may have been included as part of the bid documents. So what we have done since November, December of 2001 all the way through working with our County Attorney staff is sit down and begun dialogue with the architect on their responsibility for these errors and omissions from construction contract or the construction bid.

So currently today, the County's obligation for actually paying for these services is \$81,634 but in order to make the contract whole, because the contract is between the County and Gerald Martin, we need to increase the contract to correlate between the total amount of change orders.

COMMISSIONER SULLIVAN: Questions? Tony, isn't there some mechanism that, it looks like these are all coming at one time near the end of the project and isn't there a mechanism when a change order occurs that the County's representative is supposed to be notified, particularly over a certain dollar amount? Why are these all coming at this one time?

MR. FLORES: Mr. Chairman, members of the Commission, we are currently working on that policy, the procedural policy and how change orders will be dealt with in the field. I can't answer for you at this time how or when each of these were approved or at what point. I have taken it as our responsibility since we are the project team now that we need to get ahead of these and get them wrangled together and bring them forward to you. But yes, there is a policy procedural committee that is being established to address how change orders will be handled in the field, the authority levels, the liability that's placed upon County staff for directing these issues, etc.

But currently, I can't answer for you how in the past change orders were handled in the field.

COMMISSIONER SULLIVAN: My experience has been that, obviously what the contractor is claiming here is that the County in the field, someone, verbally authorized \$91,000 in changes to the facility and he's now wanting to be paid for it. Typically, the way change orders operate in my experience is, if you need a change you request it. The County reviews it and then in order to save time it can be approved as some of these others have by the County Manager up to \$25,000. If it's a major change it has to come to the Commission. It looks like we had a sequence of a number of changes here, one of which is \$14,600, now totaling \$91,000.

Was it County staff that directed these changes in the facility?

MR. FLORES: Again, Mr. Chairman, it is my personal professional experience that that's the way change orders are handled also. I cannot answer for you though when and by whom each of these change orders was approved in the field.

COMMISSIONER SULLIVAN: Does the architect feel that they're reasonable and necessary for the functioning of the building?

MR. FLORES: Mr. Chairman, members of the Commission, it is part of

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our policy, Project And Facilities Management's policy, that we receive certifications from the architect that these prices are fair and reasonable and that they have been procured in the best method. We have received that confirmation from DCSW, Design Collaborative Southwest who is the architect of record, and they do feel, as do I feel, that these are necessary to the building.

COMMISSIONER SULLIVAN: And you're working, I assume, with the County Manager on tightening up this change order policy because we now have another large building coming under construction in the near future here.

MR. FLORES: Mr. Chairman, members of the Commission, actually the policy direction is coming out of the County Manager, the County Attorney and the Finance Department because it affects all three of those including Project and Facilities Management. So it is, it's going to be a rather large committee to start off with to try to get his policy in place.

COMMISSIONER SULLIVAN: Any other questions?

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: You're saying you really don't know who in the County approved any of these change orders?

MR. FLORES: Mr. Chairman, Commissioner Campos, we do not have in my files authorized signatures for direction of any change orders.

COMMISSIONER CAMPOS: Who at the County would have been on top of this project? Who should have been contacted or who would have had the authority to approve?

MR. FLORES: Mr. Chairman, Commissioner Campos, I can't answer that question on the project management team part of the reorganization. All I can submit to you is that today, it is my responsibility.

COMMISSIONER CAMPOS: Okay.

CHIEF HOLDEN: Mr. Chairman.

COMMISSIONER SULLIVAN: Ah, so it was you. Now we know.

CHIEF HOLDEN: Well, certainly I will take some of the responsibility for the change orders that were field directed. When we're progressing during a project and no one's in charge, someone has to make a decision about when the architect leaves off half of a wall and forgets to sheetrock the other side of a wall, someone has to step up and say, Sheetrock it. So those, and I think it's pretty obvious from looking at the change orders have been field directed. They were all necessary and the architect has agreed, even though as you have been told, in our opinion, some of these could be considered errors and omissions. At some point we're going to have to deal with that.

But someone from the County's perspective, and if you want to point the finger, don't point it at Tony, it can be pointed at me, had to give direction to the contractor to put the sheetrock on the wall and continue with the project and not delay it.

COMMISSIONER SULLIVAN: Tony, you have personnel in your

department that are supposed to be doing construction monitoring, right? During the field process?

MR. FLORES: Mr. Chairman, members of the Commission, that is correct.

COMMISSIONER SULLIVAN: It shouldn't be left to the user agency to do that. That should be centralized within the administration department. So I assume that each project now has someone who's assigned from your staff.

MR. FLORES: Mr. Chairman, it's actually two-fold. Three-fold in some instances. The using department, for instance in the Fire Department, they have the assistant fire chief who's very capable in the construction field so it's a cooperative effort. However, as part of the reorganization, Mr. Ojinaga and myself have instituted procedures within our department where my project field managers do not have that authority to discuss change orders in the field. That information is brought back to me.

It's not that I am the final authority on it but I had to develop steps or sequential steps for approval statuses from my construction field managers to myself. So there's a wide range of levels that are in place today of how things are brought forward. Not specifically with change orders; I'm just talking in the very big picture. In the instance of the Fire Department since we have quite a few Fire Department substations, regional headquarters, etc. in the process, we cooperatively now do our project management with the assistant fire chief and Chief Holden in addition to our staff within Project and Facilities Management.

COMMISSIONER SULLIVAN: Well, I guess what I'm getting at is I think you need to have one designated representative. If you don't have one designated representative in the field, then the contractor will respond to instructions from whoever shows up—myself or you or Stan or whoever. And that's a prescription for multiple change orders. One person needs to be designated. In this case is that you, Stan?

CHIEF HOLDEN: Well, I guess it was me, early on. But you have to recall, Mr. Chairman, that half-way through this project, we got Tony back. So from that point on, we have functioned more as a team and we basically take direction from Tony and we let Tony and his staff make the communication back through the architect and through the contractor. And it works out much better that way. As a matter of fact it's worked so well from the Fire Department's perspective, Tony's division now is overseeing all of the Fire Department's projects, including the new substations and regional stations that are being currently build.

So it's a new process and it's worked out very well but before we got Tony back, someone had to step and take responsibility from the County's perspective on this particular project to make sure that it stayed on track and on schedule. Otherwise we would have never been capable of opening the regional communications center July 1.

So it was very time sensitive and if you look again, if you look back at the change orders that were issued in the field as fill directives, I think they can all be justified and they're all reasonable change orders.

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COMMISSIONER SULLIVAN: Okay, but I think the lesson here is the contractor has to know that there's one designated representative. Not necessarily Tony, but whoever's out in the field and that person may not have the authority to make a decision. He may have to bring that back to whoever he has to bring it back to but that's who the contractor communicates with. So anyone else that comes out and says, Oh, I think we need this and so, or I think you need to paint the sidewalk yellow or whatever, that is not an official communication to the contractor, whereas that designated person, if they say, you need to put the sheetrock up on the wall, that is, and you've obligated the County to pay for that and a lot of times that confusion will result.

So are we on that track, do you feel?

MR. FLORES: Mr. Chairman, members of the Commission, absolutely.

COMMISSIONER SULLIVAN: All right. Okay. Any further questions of the Commission? What's the pleasure on item D. 3?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Motion for approval, a second. All those in favor say "aye." [Unanimous] [Commissioner Trujillo was not present for this action.]

- XI. D. 4. **Request Authorization to Terminate Extension Revenue Credit Guarantee Agreement with the Public Service Company of New Mexico for New Electrical Service for the Santa Fe County Public Safety Complex**
5. **Request Authorization to Terminate Electric Line Extension Agreement with the Public Service Company of New Mexico for New Electrical Service to the Santa Fe County Public Safety Complex**

MR. FLORES: On March 23, 2001, Public Service Company of New Mexico was provided a request for new electrical service out at the Public Safety Complex. Based upon the information that they were provided, they calculated the new service for the Public Safety Complex to be \$15,555.34. That was to be revenue-credited back to the County, provided the County met that amount of money over an 18-month period which is reviewed in six-month increments.

The Board approved both the line extension and the revenue credit agreements in November. When my project management team went to make the application for connection now to the Public Service Company, we reviewed the documents that were provided to last March and determined that the information that had been provided to PNM was in error. They had been provided overhead utility service from the main feeder line into the Public Safety Complex in a direct violation of the Land Use Code and also the covenants that went along with the acquisition of the property.

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After a lot of discussion with PNM, it was determined that the best course of action that they would like to see would be terminating those agreements and then having the County authorize and approve new agreements for the correct type of service which is an underground service and a T-3 transformer. So the items number 4 and 5, we are requesting that those original line extension agreements and revenue credit agreements are terminated in the amount of \$15,555.34 so that then I can request authorization and approval of the new agreements, 22-151 and 22-152 respectively for the new overhead service, which amounts to \$18,874.87. And again, the net cost or the net up front cost to the County is zero provided that we meet the revenue over an 18-month period. Based upon the averages of other facilities of similar size, we will more than exceed the \$18,000 over the 18-month review period.

COMMISSIONER SULLIVAN: Why do we need two agreements?

MR. FLORES: One is a line extension agreement and one is a revenue credit agreement. So one is basically getting the service to the facility and the other one is the revenue credit agreement. They require two types of agreements. In essence they say the same thing.

COMMISSIONER SULLIVAN: Okay, let's take four and five together then. Any questions of the Commission? No questions. Then let's have a motion on items 4 and 5 which are the termination agreements.

COMMISSIONER GONZALES: So moved.

COMMISSIONER SULLIVAN: Motion.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: And a second. Those in favor say "aye."

[Unanimous] Those opposed? Motion carries. [Commissioner Trujillo was not present for this action.]

- IX. D. 6. Request Authorization to Execute Extension Revenue Credit Guarantee Agreement #22-151-PFMD with the Public Service Company of New Mexico for Electrical Service to the Santa Fe County Public Safety Complex**
- 7. Request Authorization to Execute Extension Agreement #22-152-PFMD with the Public Service Company of New Mexico for Electrical Service to the Santa Fe County Public Safety Complex**

COMMISSIONER CAMPOS: Move to approve both.

COMMISSIONER GONZALES: Second.

COMMISSIONER SULLIVAN: Motion for approval. Any further discussion? Those in favor say "aye." [Unanimous] Those opposed? Motion carries. [Commissioner Trujillo was not present for this action.]

XI. D. 8. Request Authorization and Acceptance of Utility Easements for the Public Service Company of New Mexico and Qwest Communications for New Utility Service for the New Santa Fe Public Safety Complex

MR. FLORES: Mr. Chairman, members of the Commission, again, this is related to the new services, utility services for the Public Safety Complex. Working with PNM, with the new project management team, it was determined, one that the agreements needed to be redone and approved, but it was also found that we needed to have proper dedicated easements for the Public Safety Complex and the detention facility. The detention facility was built a number of years ago. That main feeder line that comes in there, there was a portion of that that had never been platted as a dedicated easement to Public Service Company of New Mexico.

What we have done as part of this project and the requirement before we can actually get service in there is we have contracted to have utility easements platted for Public Service Company of New Mexico and also Qwest Telecommunications for their distribution box. So this is authorizing those types of easements.

COMMISSIONER SULLIVAN: Questions? Do I have a motion?

COMMISSIONER GONZALES: So moved.

COMMISSIONER SULLIVAN: Moved by Commissioner Gonzales.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Seconded by Commissioner Campos. All those in favor say "aye." [Unanimous] Motion carries. [Commissioner Trujillo was not present for this action.]

Is Mr. Martinez here yet? No. From the County Housing Authority. Item 9 is an item that I think is going to take some discussion of the full Commission involving a \$1.6 million projected overrun on the Public Works Facility so we may want to take a motion to—

COMMISSIONER CAMPOS: Just take our break and go to executive, but one issue I raised is could we add personnel matters at this point so that we could discuss them today?

GERALD GONZALEZ (Assistant County Attorney): I think we're prepared to do that.

COMMISSIONER SULLIVAN: The question is can we add that to the agenda for the executive session, personnel matters.

MR. GONZALEZ: It wasn't noticed in that way, so I see the question that you're asking. In that respect, it ought to be noticed in order to be discussed in the executive session.

COMMISSIONER CAMPOS: There's no way around it? No emergency situation? Nothing to expedite?

COMMISSIONER GONZALES: I think there might be an emergency

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situation that could potentially, that I'd like to bring up in executive. I would guess if we talked about it in executive we'd have to come out and note that it was discussed. I'm assuming. If and when that we found emergency merit to discuss a personnel situation.

MR. GONZALEZ: If there were, and the Commission were to find that it were an emergency, then they could go ahead and meet for purposes of meeting those. As long as the emergency was covered by the executive session exemption.

COMMISSIONER GONZALES: So would we get that clarification from you in executive session then?

MR. GONZALEZ: It actually ought to be part of the motion going into executive session.

COMMISSIONER GONZALES: We'd have to state the emergency?

COMMISSIONER SULLIVAN: I think we're ready to go into executive session. Do we have a motion?

- IX. G. Matters From The County Attorney**
- 1. Executive session**
- a. Discussion of pending or threatened litigation**
 - i. *Michelle Romero v. Santa Fe County***
 - ii. *John Conway v. Santa Fe County***
 - b. Discussion of possible purchase, acquisition or disposal of real property or water rights**
 - c. Emergency discussion of limited personnel matters**
 - d. Authorization and Approval of Agreement No. 22-153-PFMD for the Closeout of the Rio En Medio Community Center Project with Jarco General Contractors**

Commissioner Gonzales moved to go into executive session pursuant to NMSA Section 10-15-1 (2, 7 & 8) to discuss the matters delineated above. Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Gonzales and Sullivan all voting in the affirmative.

[The Commission met in executive session from 12:30 to 2:00. The meeting was reconvened at 2:00 with Commissioners Trujillo, Campos and Duran present, Commissioner Sullivan presiding.]

CHAIRMAN DURAN: I move to come out of executive session.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: It has been moved and seconded to come out of executive session.

MR. KOPELMAN: Mr. Chairman, I might add for the record, the only

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things that were discussed in executive session were pending or threatened litigation in the case of *Michelle Romero v. Santa Fe County*, and *John Conway v. Santa Fe County*, and a discussion of purchase, acquisition or disposal of real property or water rights, and exigent emergency discussion of limited personnel matters. Also, the Jarco matter.

COMMISSIONER SULLIVAN: All those in favor of the motion say "aye." [Unanimous] Those opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

COMMISSIONER TRUJILLO: Mr. Chairman, I move to approve the action taken in executive session.

COMMISSIONER SULLIVAN: That action was pursuant to F.2, Authorization and approval of agreement #22-153-PFMD for the close-out of the Rio en Medio Community Center project for Jarco General Contractors.

XI. B. Community and Health Development Department

1. Resolution No. 2002-39. A resolution requesting approval of the annual update to the five-year plan for the Public Housing Authority (PHA) and PHA certification of compliance with PHA plans and related regulations (public hearing)

DODI SALAZAR (Housing Administrator): The Santa Fe County Housing Authority requests approval to adopt the annual plan pursuant to Section 511 of the Quality Housing and Work Responsibility Act of 1998 in accordance with the Department of Housing and Urban Development.

Section 511 of the QHWRA created the public housing agency plans, a five-year and an annual plan. The five-year plan describes the mission of the Housing Authority and the long-range goals and objectives for achieving its mission over the subsequent five years. The annual plan provides details about the Housing Authority's immediate operations, program participants, programs and services, and the strategy for handling operational concerns, residents' concerns and needs, programs and services of the upcoming fiscal year.

Section 511 of the QHWRA also requires the Board of County Commissioners to conduct a public hearing to discuss the annual plan and to invite public comment regarding the plan. The annual plan will be submitted to the Department of Housing and Urban Development no later than April 17, 2002. I stand for questions.

COMMISSIONER SULLIVAN: Any questions of Ms. Salazar or Mr. Anaya? Mr. Anaya, do you have any comments?

MR. ANAYA: Mr. Chairman, members of the Board, after I review, I was very impressed with it. I think it's a very good thought-out plan. So I would—

COMMISSIONER SULLIVAN: Now is this a vote of the Commission or is this a vote of the Housing Authority?

MR. KOPELMAN: Mr. Chairman, this will be a vote of the Housing Authority Board, which is comprised of the County Commissioners and Mr. Martinez.

MS. SALAZAR: Mr. Chairman, there is also a public hearing that needs to follow.

COMMISSIONER SULLIVAN: That's right. There is a public hearing. All right. Hearing no further comments from the Commission or questions of Ms. Salazar. This is a public hearing. Those who would like to comment on the Housing Authority's annual plan please step forward. Seeing none, we'll close the public hearing. Are there any further questions or comments from the Commission of the staff?

COMMISSIONER TRUJILLO: If not, Mr. Chairman, move for approval of Resolution 2002-39.

RAY MARTINEZ (Housing Authority Board Member): Second.

COMMISSIONER SULLIVAN: A motion and a second from Mr. Martinez. Any further discussion? All those in favor say "aye." [Unanimous] Those opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

XI. D. 9. Update on the Space Programming for the New Public Works Facility and Request for Direction on Design Elements of the New Public Works Facility to Be Located Off NM599

[Commissioner Gonzales rejoins the proceedings at this point.]

MR. FLORES: Good afternoon, Mr. Chairman, members of the Commission. The purpose of today's item on the agenda is two-fold. One, it is our policy through this new reorganization that we bring projects forward to you at different points in time to let the Commission know where we are, how we're proceeding, what are problems or instances where we need direction on, and the second issue is to discuss specifically elements of the Public Works Facility that, as the Project Development Division Director I am requesting direction on or assistance with in moving forward to the next level.

To give you some background on where we are and how we've gotten to today, in April of this year we issued and sold the 2001 Series of GOB bonds which earmarked a portion of those, or \$4 million of that for the construction of the new Santa Fe County Public Works Facility. The proposed facility will be located off of New Mexico 599, actually the frontage road off of 599, on property owned by the state and leased to the County. The lease has already been approved by the Board back in November of last year.

Immediately upon the sale of the bonds, the Public Works Department began to put together their estimated or projected needs as they knew them to be able to then put those into a request for proposal packet and solicit it for professional design services. I was involved in that process with Mr. Lujan and Mr. Martinez from the Public Works Department in my former life here at the County in the purchasing division. We developed the solicitation package to select an architect. While that solicitation was out, representatives from the Public Works Department, the former Resource Development

Department, and the Finance Department sat down to develop a budget for the project.

We knew that they had sold \$4 million worth of bonds but we needed to develop a project budget that separated out construction costs, professional design costs, contingency costs, utility costs, etc. That was done back in October of 2001. What was developed at that time is that we developed a construction budget, which is a MACC, not including the contingency, which was added on later. We set aside a site improvements budget of \$500,000 out of the entire project.

The purpose of that is that the site, if you're familiar with it at all, there is some terrain issues with it and it's not currently being served by any utility. We at that time anticipated some expensive infrastructure costs to bring utilities to the site or develop them onsite, so we purposely set aside monies from the earmark to be able to address those once we got to that point of developing exactly what type of utilities, whether they'd be onsite or be able to be brought in from a feeder service line.

In addition to that, we also set up the design budget for the A&E services and we successfully negotiated those rates and the Board actually approved a contract with the Louis Berger group as the prime contractor and the Bauer Freeman McDermott Group as the architect of record back on the 17th of November. As part of that agreement as such in the solicitation, we required the architect or the contractor, I should say, to review energy efficiency as part of the basic services. We, at the direction of the Commission, put that in, both the space programming and the schematic design phase.

In addition, as you all are aware, the contractor is required to provide to the County a statement of probable cost at each phase. The purpose of that is one, we ensure that we're still on the right track, and two, before the County gives direction to proceed with the next phase as required by the contract, we are given the ability or the opportunity to review the statement of probable cost and compare it to the budget to make sure that we head off any concerns as they get further along.

What I have done in this memo is to break it up into three portions. The programming portion gives you an idea or an update of where we've come over the past couple of months. The second portion of it is the statement of probable cost. The County has received that. We have expressed serious concerns with the estimations and we'll go into those in a little bit, and then the third part is the energy efficiency and alternative energy.

Ultimately, what we're looking for is direction on those issues as a result of this presentation. So if there aren't any specific questions I'd like to briefly go through each of the three components if acceptable.

The contractor, the architect and the engineer set out, conducted a series of interviews with County staff to develop a space programming tool that as you know, is the foundation for building any facility. That's really where we go through the nuts and bolts of the facility, determine the relationships, the adjacencies, size requirements. There's also a comparison of the Code requirements, not only land use or zoning ordinances but also Uniform Building Code, Uniform Fire Code, etc.

have had an increase of about 41,000 square feet for the entire facility. Now, again, the entire facility taking into consideration the admin building, the maintenance building, the fuel island the storage areas. In the packet they have actually provided you a square footage breakdown for each of those areas. Based upon those, we were actually pretty close to the numbers that Public Works had originally estimated for their needs. The areas that really were inflated due to the fact of the interviews were the shop and field yard areas.

So that gives you an idea of how the programming has come about. I think we've conducted a series of 12 two to four-hour meetings to go through the programming of the facility.

Getting to the statement of probable cost, as required and as previously indicated, the contractor is to provide the County statements of probable cost at each phase. At the end of the programming phase he has provided us a statement of probable cost that currently is in excess of not only our budget that we established but also the original earmark of \$4 million for the new Public Works Facility. I need to point out though that those areas are still under development. The buildings themselves we feel, and it would be a recommendation today that we are in-line with our original budget for the actual bricks and mortars of the building. The areas that we need to further explore and determine the levels of construction are yard and materials storage areas. Those areas have a \$1.8 million price tag and that is with all the site improvements, utility improvements, etc. So those are areas that we need to further develop and further explore before I can affirmatively come before you and tell you we're half a million dollars over budget or we're right on budget.

So that is the area we are currently looking at to try to determine the best course of action on how to deal with the yard areas. That is the area right now that we've identified as the expensive item that kills our budget. So again, we're reviewing it and I'll provide you an update once we get to the next level. And like I said earlier, we're going to bring updates periodically as we get to each phase.

COMMISSIONER SULLIVAN: Tony, quick question. While you're on the cost part of it. In your estimate that's submitted by AES, the total is \$4.626 million, versus the \$5.36 million that you indicate in your note. What's not included in that?

MR. FLORES: The statement, Mr. Chairman, Commissioners, the statement of probable cost did not include two important items. One was gross receipts tax, so that had to be added to the \$4.6 million and if you look on his statement of probable cost, there's a caveat on the bottom, it says, Probable cost includes GRT and any type of contingency. So GRT was not included in his original statement of probable cost.

COMMISSIONER SULLIVAN: But that's only six percent.

MR. FLORES: Correct. So six percent of that, plus a contingency on top of that that we have built in of \$153,000, we're over budget.

COMMISSIONER SULLIVAN: But you're still not at the \$5,360,000.

MR. FLORES: \$4.6 million at six, almost seven percent, because—

COMMISSIONER SULLIVAN: Six percent is \$250,000, plus \$153,000—

MR. FLORES: Plus \$153,000.

COMMISSIONER SULLIVAN: You're still only less than \$5 million.

MR. FLORES: You may be right, Commissioner. I'm trying to do the math real quickly in my head. It's about \$600,000? \$600,000. You've corrected me. The \$5.3 is an error in my addition.

COMMISSIONER SULLIVAN: See, already we've saved money.

MR. FLORES: Regardless of the fact, we're still, without GRT, the \$4 million bond, we have \$4.6 without GRT and contingency. So we're still over budget.

COMMISSIONER SULLIVAN: I understand. But it's not as bad as we thought.

MR. FLORES: Correct. You're correct.

COMMISSIONER SULLIVAN: Excuse me. Go ahead.

MR. FLORES: I'm sorry. Thank you for that.

COMMISSIONER SULLIVAN: No charge.

MR. FLORES: It still would equate to probably about \$600,000 over budget. Based upon the facility costs and the review of those facility costs, we're averaging about \$118 a square foot and that's an average. That can be plus or minus and that is purely for the administrative and service areas. So that's where we are in the budget and again, I've indicated that we are still looking at the costs associated with the exterior yard areas, and how we can reduce or minimize those costs that would be borne by the County for this project.

The third item is dealing with the energy efficiency and alternative energy. We have had numerous discussions on how we proceed or how we want to be perceived with this building and the approaches that we want to take for the energy efficiency of the new Public Works Facility. The contractor, and it's rather lengthy, but the contractor has provided us a very detailed approach of being able to provide an energy efficient building using solar heating, passive solar heating, natural ventilation, using the approaches of site planning and building orientation, building shape, window types and location, daylighting, building insulation, landscaping, etc.

He has also provided us three options for the types of mechanic units that are going to be reviewed by the operations division of Project And Facilities Management to determine which is the appropriate route dealing with the maintenance issues. What we don't want to have happen is put a system on the building that we do not have current staff available to maintain it. So we have to look at that also.

They're also looking at energy efficient elements for exhaust systems, plumbing devices and electrical components, and I've stated that we're reviewing those as viable options. The contractor has also reviewed preliminarily the potential for alternative energy elements as part of the design components of the new facility. Based upon the discussions with the prime, the architect, and the mechanical and electrical engineer, it has been indicated that they need to further evaluate alternative energy sources for the Public Works Facility, over and beyond basic design services that were included as part of the contract.

All the energy efficiency elements, they begin to address.

So our issue today is we can take that next level, which is the preliminary review, which they've indicated is \$4,257 and if directed then to do a final study of \$4,683 if we are able to direct them to do that. My issue to the Board today is regardless of the number of, or dollar amount that we're over budget, the bottom line is today we are over budget. I need to be able to have some type of direction on how the Commission wants us to proceed on the alternative energy source potentials for the site and at what level you want that brought back before you.

If it is to be taken out of the construction budget then I need direction on what areas we want to address to be able to fund either these studies or the eventual energy, alternative energy components that we would include as part of the facility. And that basically summarizes what the presentation or update is for today.

COMMISSIONER SULLIVAN: Questions of staff?

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I appreciate the staff taking a look at the issue of energy efficiencies. I think that should be part of any construction project within the County or any projects that we see that could from an economic standpoint promote, greater efficiencies in terms of energy usage. But it seems to me what I'm hearing here that to implement and to promote energy efficiencies throughout this building that it might become too economically costly or in the name of that we may have to give up something else at the Public Works site. Is that right?

MR. FLORES: Mr. Chairman, Commissioner Gonzales, I believe, at least in my opinion there's two issues. One is energy efficiency the other is alternative energy sources. The energy efficiency is a mandate that the Board has given us and we have given the contractor to include these elements in the building. Those are already included and factored in.

COMMISSIONER GONZALES: That's already factored into the estimates, the alternative energy.

MR. FLORES: It is the alternative energy that we need to discuss and have direction on on how we want to pursue that.

COMMISSIONER GONZALES: So if we were to support alternative energy uses, you're saying that the cost may be great enough that we'll have to pull from other parts of the project.

MR. FLORES: Mr. Chairman, Commissioner Gonzales, based upon, like I said earlier, based upon whatever that number is that we're over budget, the bottom line is that we're over budget right now. So yes, we would have to make some modification to offset the cost of alternative energy versus square footage of the building.

COMMISSIONER GONZALES: It doesn't sound like we have a lot of choice. I mean my feeling is that we may have to forego the alternative energy for the sake of being able to meet the future space needs of the Public Works Department.

COMMISSIONER TRUJILLO: Without compromising energy efficiency.

COMMISSIONER GONZALES: Without compromising. Because from what I understand, the energy efficient model is already in place. That's what's been spec'ed currently.

MR. FLORES: That's correct, Mr. Chairman, Commissioner Gonzales. It was a recommendation that we've kind of come up with that we all believe that energy efficiency and alternative energy are issues that are paramount and at the forefront. It would be my opinion that what would make sense, at least to me anyway, is that we look at alternative energy Countywide with County sites and to be able to do a study that is more in depth and not very specific to a project. It's probably a knee-jerk reaction to say this project we come with alternative energy sources.

Rather, if we're going to spend the money, let's spend it to maybe an analysis Countywide for alternative energy sources. And that may make more sense in the long run so that it will assist us in planning when we're building new County facilities.

COMMISSIONER GONZALES: Mr. Chairman, not to digress on that issue but wouldn't it, along those lines, aren't there companies out there like Siemens and some of the others that will come in and do performance contracting for the County where they would do an evaluation of our current energy use and what equipment we have in place to use energy and then propose ways that we can make changes so that we can increase our efficiencies and decrease the amount of energy that we're using?

MR. FLORES: Mr. Chairman, Commissioner Gonzales, in November I believe of 2001 or December, we had a long meeting with the representatives from NACo dealing specifically with energy efficiency. As part of that meeting we also were introduced to the people from the Environment Department, Mr. Went, and I believe it's Mr. Trujillo who is the engineer over there. They have offered to come in and do energy audits of the existing County facilities. We've identified five of them through the state of New Mexico to be able to come in and do analyses for us on each of our facilities to determine if we are in fact being energy conscious.

In addition to that, they have also indicated that once we get to the next level of this project, the Public Works project specifically, they will offer us free service to come in and evaluate the plans in the programs to be able to determine if in fact what I'm telling you and what the contractor is telling me, we are being energy efficient. So there are other people out there that we have contacted about that.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, it would seem to me that by implementing austere energy alternatives it would be prohibitive as far as being able to complete the project. Is that what I'm hearing?

MR. FLORES: Mr. Chairman, Commissioner Trujillo, I think first and foremost is that we have to determine if we're going to go down that path if it's even feasible, one. If it was feasible, then we would need to determine through your direction, how do we pay for that feasibility? How do we implement those alternative energy

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components into the facility and then at that point, trade off a wind turbine or other issues versus square footages.

So I think first we'd have to determine whether it would be even feasible for this site. We have some preliminary indications but I don't believe that they are to a level that I could present you. So I think that would be the first and foremost is that we have to determine if they're feasible. If they are feasible, then where do we take areas away from the project to be able to afford them or come up with a separate funding source.

COMMISSIONER SULLIVAN: Other questions? Commissioner Duran? Commissioner Campos?

COMMISSIONER CAMPOS: Mr. Chairman, I'm just concerned because we talk a lot about energy and energy alternatives but at Public Safety, we talked about then and then we were told that we couldn't do it because it had gone too far. Initially we had been told we had plenty of time. Initially it took forever to set up these initial appointments with County staff. And then after that, we did finally have a meeting and were told, No problem. Let's look at it. And you know what happened. Nothing.

Another project, the same story. Can we cut anywhere as far as the building size to accommodate some of these basic requirements?

MR. FLORES: Mr. Chairman, Commissioner Campos, are we talking energy efficiency or alternative energy?

COMMISSIONER CAMPOS: I would say we need to talk about both.

MR. FLORES: Mr. Chairman, Commissioner Campos, if we address the energy efficiency, I am prepared to tell you that those elements are within the current programming and within the cost estimates. What are not in there are the alternative energy sources. And you are correct. With the Public Safety Complex, when it was brought back before the Board for approval of that construction agreement, there was some—I don't want to use the word misconception, but I don't think everybody was aware of the fact that that architectural agreement had already been awarded 15 months prior to that.

And I know that because I was part of the negotiation team when we originally solicited that project. What went on in between and why energy efficiency was not the forefront of that project, I can't address. I did submit to this Board on any other project it would be forefront. And I believe with the Public Works, that's one of the purposes of this presentation is to bring it forward to you and say the architect or the contractor is providing these as energy efficiency options. However, they have indicated that if they want to take us to the next level for alternative energy, I cannot, I as staff cannot make that determination at this time because of the budget constraints.

COMMISSIONER CAMPOS: The question I have for you, Mr. Flores is are there any places where we could actually cut maybe the building size or other things so that we could have some alternative energy and efficient energy uses?

MR. FLORES: Mr. Chairman, Commissioner Campos, currently with the programming document that we received and the diagrammatic layout that we received this week I believe, we are currently right at where they say we need to be. But again, we have

not gone through that schematically, which is basically putting up partitions and walls to see exactly how this it to be laid out to get the final number for square footages. As you all know, from a programming document to a schematic document, the square footages may change. So I'm not prepared to say that there's any place to cut. I'm being told currently that based upon the interviews that were conducted and the space needs that have been identified, we are right there.

COMMISSIONER CAMPOS: Right now.

MR. FLORES: Right now.

COMMISSIONER CAMPOS: So even though you were 40,000 feet off, right? from the County's original estimate of 120,000-some, you're now up to 164,000 and you're just barely right on, right now?

MR. FLORES: Mr. Chairman, Commissioner Campos, that's what the interviews and the programming documents from the contractor are indicating.

COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Mr. Chairman, I think it's our responsibility to provide a service to the community and by going to extremes as far as energy efficiency is a subterfuge to providing that service that we need to provide the community. I think that it is very clear that the structure is being quite sensitive in the area of energy efficiency, complementing standards and regulations that permeate this nation. But to go to extremes and compromise the service that we're trying to provide to the community I think is out of the question. We should not compromise this facility by trying to implement austere measures of alternative energy efficiency.

COMMISSIONER SULLIVAN: I think Tony, the only comment that I would add is that when we discussed the approval of the architectural contract, I specifically brought up these issues, and the issues that we're now deciding not to discuss or analyze any further are the issues of wind generation, photovoltaic panels, microturbines generating electrical power onsite and solar panels to preheat domestic water. We're saying all of those things we're going to trashcan.

I specifically brought that up during the approval of the architectural contract and was told by the architect that these things would be evaluated. Now, the question then, the first step is to evaluate them. Then the next question says, Well, if these are too expensive, we then may have to decide that unless we can get pilot project funding from the Department of Energy or from the state, that we're not in a position to fund there because our primary responsibility is the public health, safety and welfare.

So it appears to me that we're not even giving the items a chance. We're dismissing them out of hand without any evaluation. They may be more expensive. We may have to make that tough decision later on: No. This is not the time or place. We can't find any supplemental funding for this, but we haven't even gotten to that point. And I tell the story of the guy who was running for coroner and—this is a true story, actually and I know the

guy. His political pitch was that he would always give the dead guy a chance.

So before we declare the guy deceased, it just seems that we haven't even given him a chance. So I guess where I disagree is that in the \$4,200 for the initial evaluation, it was my understanding that that was part of the architectural agreement and I didn't realize that we were wordsmithing between energy efficiency and alternative energy. The energy efficiency, doesn't seem like too much to that. Passive solar heating, natural ventilation and natural lighting. That seems kind of, those are kind of slam dunks. So I don't know that we've done very much analysis at all and I felt that that was a part of the basic services, understanding that once that was evaluated and the costs came in, then a decision would have to be made were we going to select any of these, and if so, then that would require some specialized design, obviously, not knowing what that might be, whether it was photovoltaic or wind turbines or so forth.

So I just feel that we've been let down here and that we were not going to evaluate for these things and we're going to declare them DOA and that's going to set a precedent for the rest of the County's facilities here. We're always going to be in this same Catch-22. We're always going to run out of money and we're always going to not evaluate these. That was my understanding of the contract. Any other discussion or questions of Mr. Flores?

COMMISSIONER GONZALES: I would just move then for direction that we proceed forward with this without factoring in the alternative energy components at this time.

COMMISSIONER TRUJILLO: Second.

COMMISSIONER SULLIVAN: There's a motion and a second to proceed forward without factoring in any of the alternative energy components. Is there discussion? Hearing none, all those in favor say "aye." [Commissioners Gonzales, Trujillo and Duran voted with the motion.] Those opposed? [Commissioners Sullivan and Campos voted against.] Three-two? Motion carries.

XII. E. Public Works Department

1. Request approval of change order number one for the Agua Fria Phase II sanitary sewer, drainage and road improvements project, Condore Construction Company

JAMES LUJAN (Public Works Director): Mr. Chairman, members of the Commission, Public Works is requesting approval of change order number one in the amount of \$35,921. It is a deduction. We have eliminated some items on the project and if you go to third page, and picked up some other ones, but it is a negative \$35,000 for the project including gross receipts tax.

COMMISSIONER TRUJILLO: That's coming back to the County?

MR. LUJAN: We will have another change order. We have finished the

project. When we do final quantities there are some items but we will still be within budget of the project. We increased some of the driveway pads and we've had to replace some concrete so it will come back but we're still within the budgeted project, base price.

CHAIRMAN DURAN: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Duran.

CHAIRMAN DURAN: James, you know there's been some people down there in the village that are complaining that the driveways that we've installed, number one, have not been historic—do not represent the historic width that has been used over the last 20 years or so and I had a discussion with you about that. They're also concerned that it may not be safe and I know that you and I have had a hard time getting together to go look at those situations. But if it turns out after we've analyzed these claims that they're not safe or that the width of those driveways should be wider for whatever reason, the money, do we have money set aside for that?

MR. LUJAN: Mr. Chairman, Commissioner Duran, we don't have money set aside. We will definitely do the project within the price that we have but in those cases we may have to do them in-house. And the one particular driveway that you're referring to, we did increase it just this last week from a 12-foot driveway to an 18-foot driveway. They're still claiming it's inadequate. I'm still—the right-of-way that's shown on that particular roadway is 12 feet. We do have the plat. But Mr. Kopelman and myself have not been able—we're looking into what we could do for, was directed last Commission meeting to look into the right-of-way there. We just haven't come up with a solution.

We did increase the driveway this last week from 12 feet to 18 feet.

CHAIRMAN DURAN: Did you have to move the concrete?

MR. LUJAN: Yes, what we did, we moved the concrete. It was a small item. Approximately \$400. So if we have to increase it again, but we're right now barely within the right-of-way. And that's on our side. On the opposite side where the width of the road is, we still don't meet the 18 feet. There's only a 12-foot right-of-way.

CHAIRMAN DURAN: Okay.

MR. LUJAN: But we have addressed it.

COMMISSIONER SULLIVAN: That lady was in at that last meeting and she spoke. I can't recall her name.

CHAIRMAN DURAN: Tamara Lichtenstein.

COMMISSIONER SULLIVAN: Yes. Under Matters from the Public.

MR. LUJAN: Mr. Chairman, we have addressed some of the other driveways. We've met with the people. There are a few items that we'll have to clean up and we're working with some of the homeowners on those items.

CHAIRMAN DURAN: Okay. Thank you.

COMMISSIONER SULLIVAN: Any further questions of Mr. Lujan? What's the pleasure of the Board with regard to change order number one?

CHAIRMAN DURAN: Move for approval.

COMMISSIONER TRUJILLO: Second.

COMMISSIONER SULLIVAN: There's a motion from Commissioner Duran, second from Commissioner Trujillo. Any further discussion? All those in favor say "aye."
[Unanimous] Those opposed? Motion carries.

XI. F. Matters from the County Manager

MR. LOPEZ: Mr. Chairman, Commissioners, I have only matter to bring to your attention and that is that a couple of weeks ago the City's water utility implemented their Stage 2 drought restrictions, pursuant to emergency ordinance 2000-09 that was enacted back in August of 2000. Our water utility automatically follows suit and implements the same drought restrictions that the City does and so I just wanted to alert the Commissioners to that fact and let you know that we are following suit on that water restriction declaration.

I should also note that I believe, or it's not at all unlikely that the City may implement Stage 3 drought restrictions relatively quickly. I think they were going to be considered last night and were put out temporarily but I think it's probably that they will be implemented relatively soon. So I just bring this to you attention for informational purposes. That's all.

COMMISSIONER SULLIVAN: Is that all from the County Manager?

MR. LOPEZ: Yes, Mr. Chairman.

COMMISSIONER SULLIVAN: I see in the audience, the Chair would like to recognize Councilor Karen Heldmeyer in the audience. Do we have any others coming in? No? Thank you for joining us.

XI. G. Matters from the County Attorney

MR. KOPELMAN: Mr. Chairman, thank you. I think we dealt with all the issues in executive and then right afterwards, so I have nothing further. Thank you.

COMMISSIONER SULLIVAN: The last item, at 4:00 we'll begin the public hearings chaired by our illustrious Chairman and the only suggestion I would make Mr. Chairman is that perhaps we switch B and A. I think B will go pretty quickly. That has to do with declaring hazardous fire conditions.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: And get that out of the way quickly and then we can send Stan home to Edgewood.

CHAIRMAN DURAN: You don't want to do that now?

COMMISSIONER SULLIVAN: We could but I think it was noticed for 4:00.

CHAIRMAN DURAN: Okay. You're right.

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COMMISSIONER SULLIVAN: We need to wait for 4:00. So we've completed the agenda in absolutely record time, well, the agenda until the public hearings. [The meeting recessed from 2:45 to 4:10, reconvening with all Commissioners present.]

CHAIRMAN DURAN: We call the meeting back into order, back into session. Commissioner?

COMMISSIONER GONZALES: Just before we go into the public hearing. A real quick point of personal privilege?

CHAIRMAN DURAN: Sure.

COMMISSIONER GONZALES: I wanted to make an announcement that Santa Fe County has received a couple of awards. First award was an "Acts of Caring" award that was given out by the National Association of Counties. I had nothing to do with the selection, I promise. It's an "Acts of Caring" award that recognizes Santa Fe County's contributions to our public health and the creation of the Health Planning Commission. Actually the award is to the Health Planning Commission that we created. They've done such a great job in serving our community that on the 11th in Washington, D.C. Jaime Estremera-Fitzgerald and Rebecca Frenkel will be on Capitol Hill receiving the award.

And I also wanted to state that Santa Fe County, at the United Awards banquet, that they gave special recognition to Santa Fe County. The staff was recognized together with the Santa Fe County Health Planning and Policy Commission, the CARE Connection and St. Vincent Hospital for bringing in community representation and resources to push forth the health agenda in our County. So I just wanted you guys to see this great plaque that's collaborative leadership, 2001, Santa Fe County United Way of Santa Fe County. And we'll be bringing home from Washington a very cool "Acts of Caring" plaque that recognizes the Planning Commission's efforts as well. So I think we're making great strides in the area of public health. I wanted to commend Virginia and the Health Planning Commission for receiving these two areas of recognition.

CHAIRMAN DURAN: Thank you, Commissioner. Okay, we're going to do item XII. B so we can let Stan go back to work.

XII. PUBLIC HEARINGS:

- B. Emergency Ordinance No. 2002-4. An emergency ordinance declaring hazardous fire conditions and banning the sale and use of ground audible and aerial fireworks and restricting campfires, open burning, open burning of vegetation or rubbish, smoking and other restrictions reducing the number of possible ignition sources**

CHIEF HOLDEN: Mr. Chairman, members of the Commission, I appreciate your consideration in moving us up on the agenda, and it's nice to see so many people have turned out in support of placing a ban on restricting fireworks and smoking. Thank you all. Mr. Chairman, this is a very serious matter. Even today we've had a three-

acre fire just outside of Fenton Lake that was caused by man that has yet to be extinguished and so that we know that the fire conditions are extremely high and hazardous as can be attested to the Ruidoso fire just this last weekend.

So we're asking again for the third consecutive year that the Commission impose an emergency ordinance to restrict and ban the use of fire, campfires and other man-caused sources of forest fires or wildfires. And I stand for questions.

COMMISSIONER GONZALES: Mr. Chairman, Stan, we adopted a wildland fire ordinance, is that right?

CHIEF HOLDEN: That's correct.

COMMISSIONER GONZALES: So how is that ordinance working now? What are we doing to, or is it working or at times like this do we see value of it and more specifically, are the 14 volunteer fire departments from around the county working within their communities to provide education and training as to how you can create defensible spaces around homes?

CHIEF HOLDEN: Mr. Chairman, Commissioner Gonzales, it's a very good question. I think it's too early right now to tell whether or not the wildland interface ordinance is doing what we intended it to do. But to answer your other question, yes, absolutely. Santa Fe County Fire Department is involved in the Fire-wise Community program and the Fire Marshal, Hank Blackwell has worked very extensively in the field with the public and homeowners associations to educate and get pro-actively involved in communities cleaning up their areas to reduce the fire danger and fire risk.

COMMISSIONER GONZALES: Do we have the technology in house through our GIS systems to determine that the current level of vegetation vulnerability to fire risks? And through that are we identifying communities that are potentially more at risk than others in going in and being pro-active in those areas.

CHIEF HOLDEN: Mr. Chairman, Commissioner Gonzales, again, yes. We have worked closely with GIS and the university of New Mexico and the State Forestry and US Forest Divisions to identify potential hazards that we have in the county specifically and we have a number of those areas identified as you know as a result of the wildland urban interface ordinance as well. Although we don't have the resources to effectively march into all the subdivisions all at one time to address them, we have identified the priorities and we are working with those neighborhoods.

COMMISSIONER GONZALES: But we know that the vegetation can be, in some areas of the county can create more risk than others, right?

CHIEF HOLDEN: Certainly.

COMMISSIONER GONZALES: And with that then we can actually go into the neighborhood associations or send out maybe mailings to people notifying them that they are living in conditions that are more risky than other parts of Santa Fe and they need to be extremely cautious.

CHIEF HOLDEN: Mr. Chairman, Commissioner Gonzales, that's correct. And as a matter of fact, even today we have had people that were originally opponents of the urban

wildland ordinance, have come forward and have now recognized the danger as result of some increased education that's been provided through the Fire Marshal's office and they're recognizing the danger now and they're being pro-active as well in addressing those concerns.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Follow-up question for the Chief. We approve subdivisions today in areas like the forest where there's a lot of fuel. Should we be doing anything affirmatively prior to approving and platting these subdivisions?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, I think you have done that. The wildland urban interface ordinance speaks directly to that issue. That's why not only fuel management and mitigation but the types of structures that are allowed in those types of interface areas is a huge consideration and when the Commission approved the ordinance, that was a huge step, a step that not many counties in the country, as a matter of fact, have taken to address those specific concerns. So we're very much on the pro-active side.

COMMISSIONER CAMPOS: How do we advise, say, a prospective purchaser who goes out and wants to buy land up in the mountains? How do they learn about this? I know there's a study that's been done that shows where the greatest dangers are but how do we inform the prospective consumer that there may be problems that they haven't appreciated?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, there is no formal way I know of on a deed to make that recognition known to a prospect. But through education and through the media we hope to heighten the awareness of the public to be more cognizant of the danger that may be associated with building a home in those types of areas. And I think that is working because as a result of the urban wildland ordinance, we've had a tremendous number of phone calls to the office specifically asking questions about the potential homeowners or land purchasers and what they would need to do to meet the Code. So it is working I believe.

COMMISSIONER CAMPOS: I want to suggest that we at least study the possibility of doing more. When we approve something, information that must be provided to the consumer to address this issue and provide them specifically site-specific information as to the fire dangers in that particular area. I think that's the only way to really get complete coverage. Because there are a lot of folks that just don't appreciate how dangerous it is to live in the mountains. And if you could talk to Mr. Abeyta about this and come up with some ideas I would appreciate that very much. I think that's where we have to go and we have to go there soon.

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, we'll certainly research that and I'll discuss that with Mr. Abeyta and see what we can come back to the Commission with as far as formal action.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: If there's no other questions of Stan, this is a public hearing. Is there anyone out there in the public that would like to address the Commission concerning this issue? Okay, what's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval.

COMMISSIONER GONZALES: Second.

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

The motion passed unanimously upon roll call vote with Commissioners Trujillo, Gonzales, Campos and Sullivan and Chairman Duran all voting in the affirmative.

MR. KOPELMAN: Mr. Chairman, if I might also add for the record, it's in the ordinance, but that the Commission has found that there's an emergency condition and that's the underlying basis for going forward with this ordinance at this time.

CHAIRMAN DURAN: Good. Thank you.

CHIEF HOLDEN: Thank you, Commissioners.

CHAIRMAN DURAN: Thank you, Stan.

XII. A. Ordinance No. 2002-5. An ordinance adopting a county capital outlay gross receipts tax (second public hearing)

CHAIRMAN DURAN: This is the second public hearing and so that the public is aware, we have gone through several weeks of negotiating and working with the City, other private entities that have been involved in helping us develop this ordinance and I know a lot of hard work has been put into it and I commend everyone who contributed to this effort. So how do you want to handle this, Estevan, do you want to just open it up for public comment first?

MR. LOPEZ: Mr. Chairman, it may be worth our while, we've made copies of the most recent draft available to the public and if anybody doesn't have one I think there's some at the back of the chambers. But in addition it might be worth having Mr. Kopelman just briefly outline the highlights of the ordinance as it stands and then open it up for public comment.

CHAIRMAN DURAN: Okay, when you finish each section we can ask questions pertaining to that section. Thank you.

MR. KOPELMAN: Thank you, Mr. Chairman, members of the Commission, members of the public. The document that's in front of you and that's been distributed is the latest draft of the County capital outlay gross receipts tax that will be passed upon by the Commission. And again, this document has gone through quite a few changes from the time it was first drafted about a month or so ago, based on a lot of public input.

In addition, the Commissioners also have a version of proposed City Council revisions and I don't know if you want me to run through those, Mr. Chairman.

CHAIRMAN DURAN: Why don't you, when you get to that section where the revision is requested, let's talk about it then.

COMMISSIONER GONZALES: And the other thing that maybe just as consideration, Councilor Heldmeyer is here and went through this yesterday. They afforded me

the opportunity to address the Council so I don't know if it would be appropriate to have her—
CHAIRMAN DURAN: Let's do that because she has a meeting she has to go to at 5:15.

COMMISSIONER GONZALES: Go through the issues that the Council wanted after she's concluded and then that way we can hear from her the intent of the changes and what they wanted.

CHAIRMAN DURAN: Do you want to listen to her before or—

COMMISSIONER GONZALES: I would suggest that we let Steve go and finish the summary of this and then on the issue of they City's requested changes maybe yield then to Councilor Heldmeyer to do it, but it's your call. However, you feel is most appropriate.

CHAIRMAN DURAN: Well, let's ask Councilor Heldmeyer. Your meeting starts at 5:15? How long do you think you're going to be through with your presentation of the ordinance by?

MR. KOPELMAN: Mr. Chairman, ten minutes.

CHAIRMAN DURAN: Oh, okay.

MR. KOPELMAN: So I won't highlight the changes that the City's proposing then. Councilor Heldmeyer will do that. Okay, the first set of changes—well, I'll go through each section real quickly. Section 1 is just an introduction to the ordinance and talks about, it's a one quarter of one percent gross receipts tax.

Section 2 merely adopts by reference provisions in the New Mexico state statute, the enabling legislation. Section 3 lists specific exemptions and that's also statutory from the enabling legislation which is Section 7-20-21e. Section 4 is the general dedication which pretty much tracks the question which is that $\frac{3}{4}$ would be for water, wastewater, open space, roads and the rest of the $\frac{1}{4}$ would be for any other purposes allowed by law.

Section 5 then really is the heart, 5 and 6 are the heart of the ordinance. Section 5 deals with the specific projects and expenditures. And the first sentence provides that as long as it is imposed at least half of all revenues generated from the County capital outlay gross receipts tax, that is from 100 percent of the revenue, shall be used for regional projects that benefit residents within the incorporated boundaries of the City of Santa Fe. And then the following sentence provides that over the course of the next, of the first ten years that the tax is imposed—and again, collection would begin on January 1, 2003 if the referendum election passes on April 9th—provides that no less than 75 percent of all of the tax revenue be dedicated for water and wastewater projects, no less than 15 percent to open space, parks and recreational projects, no less than 5 percent dedicated to improving the safety of existing roads, streets or bridges, and then the remaining 5 percent may be used for other public projects as permitted by law.

Subsection A of Section 5 lists the projects that the County and City would jointly fund together through the GRT and otherwise: The Buckman Rio Grande water diversion project or alternate Rio Grande water diversion projects;

Subparagraph 2 talks about drinking water and wastewater infrastructure projects that include, but aren't limited to development of new wells and redrilling or refurbishing of existing Buckman area wells.

Subparagraph 3, development of return-flow, water recharge, river restoration, stormwater management and/or aquifer storage and recovery projects.

Subparagraph 4 is development of water quality and quantity improvement projects, which includes water rights acquisitions and the replacement of leaking pipes and fixtures and other conservation measures.

Subsection B of Section 5 talks about other projects that the County is anticipating funding. Real quickly to run through those, development of new wells and redrilling or refurbishing of existing wells outside Buckman. Two is water and/or wastewater projects to protect and improve the aquifers in La Cienega, Agua Fria, Edgewood and Eldorado areas. Subparagraph 3 talks about water and/or wastewater projects in northern Santa Fe County, including the communities in the Pojoaque, Tesuque and Santa Cruz Valleys.

Subparagraph 4 addresses open space, acquisition of land for open space, trail networks and then improvement of existing COLTPAC and similar open space projects, which would include signage, fencing, erosion control, improvements to trails and trailheads, parking and public facility.

Subparagraph 5, the Santa Fe River Trail project.

Subparagraph 6, the Santa Fe Rail Trail project, and subparagraph 7 addresses various projects to enhance safety of existing roads in Santa Fe County.

Subsection C says that in addition to the projects, other projects will be funded through the public review process, which is spelled out in Section 6.

Finally, subsection D of Section 5 deals specifically with the joint regional projects funded by the City and the County under subsection A of Section 5 and it provides that the decision to proceed with joint projects, as well as ownership, construction, management and operation of such projects shall be negotiated by the City of Santa Fe and the County in a separate agreement and that the agreement shall include among other things, a dispute resolution process. And the final sentence in that subsection provides that if the designated revenue under the GRT is not sufficient to fully fund the project in question, then the City and the County will negotiate and determine each entity's proportionate share necessary for completion.

And just by way of illustration very quickly, the City and the County have already entered into a memorandum of understanding along with various federal agencies to begin the process on the Buckman project. Part of the agreement provides that the City will fund 60 percent of the project and be entitled to 60 percent of the capacity. The County, 20 percent, and that's just over a ten-year window for the Buckman diversion project, so that if it turns out that the local share is, say, \$40 million, and under the GRT, \$30 million is funded. If there's an additional \$10 million that's not funded under this mechanism in the ordinance, then, based on the percentages, the City then would be responsible. I guess it would be about 75 percent and the County 25 percent. So that would be an example of how this would work.

Finally, Section 6 deals with public review and audit. In Subsection A, all expenditures are subject to an annual, independent audit. Subsection B provides that funding under the County capital outlay gross receipts tax for projects that are undertaken on a joint basis with the

City, again under Subsection A of Section 5, will be reviewed and approved by the Santa Fe Regional Planning Authority. And really what that's dealing with again is funding under this GRT.

Subsection C provides that projects which are undertaken under Section 5 that aren't the joint City/County projects all will be reviewed by an advisory committee or committees appointed by the Board of County Commissioners that would contain representation from the areas affected by the projects. By example, the Roads Advisory Committee may review road projects and COLTPAC may review open space projects. That would be a decision that would be made by the Board of County Commissioners down the road.

Subsection D provides that on a periodic basis as it deems necessary, the Regional Planning Authority will review the projects that are listed in Subsection A of Section 5, which are the joint City/County regional projects, will assess the progress made on such regional projects and will evaluate needed future joint funding efforts.

Section 7 just deals with the effective date, which would be January 1, 2003. That would be the date that the first imposition of tax would be permitted under state law. That's a quick summary of the provisions of the ordinance that's in front of the Commissioners. I'd be happy to stand for any questions or you may want to hear from Councilor Heldmeyer first about the City's additional proposed revisions.

CHAIRMAN DURAN: Councilor Heldmeyer. Please state your name for the record.

KAREN HELDMEYER: My name's Karen Heldmeyer and my address is P.O. Box 909, Santa Fe. I want to thank you for the opportunity to speak before this body and more particularly to thank you for the effort that the County Commissioners and the County staff has put in, especially this last couple weeks in trying to get an agreement that works between the City and the County, that allocates this money that will be raised from both people in the unincorporated areas and in the incorporated areas, to projects that will benefit them both.

It's been a very intense and interesting set of negotiations but I think the feeling on the City Council is that with the few changes that we're suggesting, that we've come up with an agreement, on ordinance that will be one that we can all live with and will benefit people throughout the county, city or otherwise.

Let me just briefly tell you the changes that have been proposed. Some of the intent we arrived at last night at City Council, some of the specific wording changes were still being worked out as recently as about an hour ago so I'm going to read these.

In Section 5, specific projects and expenditures, and you'll note we didn't change anything on the first page so that was helpful. On the third line where it says "used for regional projects" we want that to say "joint regional projects, see Subsection A below." And that's just to get some specificity about which regional projects we're discussing. When we talk about this 50 percent of the tax that's going to be allocated to these joint regional projects and then when we skip down to Section A, which are the specific projects that the County anticipates funding on a joint basis with the City, they are primarily water and wastewater. That is the City's biggest infrastructure needs right at the moment. It's a big set of infrastructure needs for the

County as well.

However, there was an additional section added to that Section A, subsection 5, infrastructure for affordable housing, because affordable housing is another one of our big issues. But it would not go for affordable housing per se, just infrastructure.

In subsection B, where it talks about other projects that may be funded out of the other 50 percent, it was suggested to be added the Santa Fe Railyard Park as number 7. And in subsection D, and this is not on your paper. We just had Judy Beatty fax over the changes that we made last night. In line 4, where it says "separate agreement" the addition was made, "separate joint powers agreement" because the assumption it would be an agreement between the City and the County.

And skipping down to Section 6, subsection B, County capital outlay gross receipts tax funding for projects that have been approved by the City of Santa Fe and Santa Fe County under subsection A of Section 5 of this ordinance shall be subsequently reviewed and approved by the Santa Fe Regional Planning Authority. And this was an attempt to clarify what we felt was the intent of this ordinance, which is that the City and the County would work out what projects we wanted to work on, how we would allocate costs of these. That was an issue and then, once that agreement was made, projects would go to the RPA for funding. And RPA would make the funding decisions. They would not make the decision about what projects to do; that would be made ahead of time by the City and the County.

And that is, amazingly enough, the extent of the amendments the City Council added. I will say that this is a little bit of a leap of faith for both sides. It's a leap of faith for the County because you're agreeing to share money that you hope will be coming in to you. It's a leap of faith for the City because this is all based on a County ordinance and as we all know, ordinances can be amended at any time by a body but we are relying on the good faith of the County that if changes occur in this ordinance that the same kind of process we just went through will be what we go through at the time, namely negotiation between the City and the County, coming up with something that we both can live with and that will benefit all of the citizens.

We really appreciate your efforts in this area. The resolution we passed last night said if this ordinance stands as we amended it, the City will support the referendum on the gross receipts tax. And we hope that's the case and we hope we go forward and have some great projects together. Thank you.

CHAIRMAN DURAN: Karen.

COUNCILOR HELDMEYER: Yes.

CHAIRMAN DURAN: And so if we don't approve your amendments, you won't support us? Is that—

COUNCILOR HELDMEYER: The negative wasn't discussed. I think if these amendments are not supported I think the Council will have to meet again as a body and decide what to do.

CHAIRMAN DURAN: Okay, well I have a couple of questions. Maybe you can help me. By adding number 5, the infrastructure for affordable housing, we have a review

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process where this ordinance is subject to an annual, independent audit and review. Our immediate need is obviously water, water rights and maintaining a sustainable water resource.

COUNCILOR HELDMEYER: Right.

CHAIRMAN DURAN: Couldn't we just leave that out? It would be nice to be able to deal with all the community's problems all at once but I don't think we're going to be able to get to everything until after we've tackled the water issue. And if we can assess, if in three years we've dealt with all the water, we can talk about bringing in, changing the priorities.

COUNCILOR HELDMEYER: There's nothing in this about phasing, about which projects come first, which come last. I think that this was put in because Councilors see this as a real need and also because it's related to the water and wastewater issue, namely, that the kind of infrastructure that affordable housing frequently needs is related to water and wastewater. Maybe I should defer to Commissioner Gonzales who spoke last night favorably for the concept, but I don't think that this ties us down to a three-year time period or a ten-year time period to doing this. It's just one of the things that the money could be available for.

COMMISSIONER GONZALES: Mr. Chairman, specifically to that point, Councilor Heldmeyer is right in that the way the wording of the ordinance is listed, it says, "The following are specific projects that the County anticipates funding on a joint basis with the City of Santa Fe." According to the ordinance it still has to go to the RPA, and the reference is to not only water and wastewater projects but the way the ordinance is written, there's the five percent that could be used for other public projects as permitted by law.

I think what the Council was saying last night was that we ought to list for the public and through the ordinance that affordable housing is a priority for both governing boards and something that will be looked at, which is something that I'm in favor of. I think that right behind water we have a strong need to deliver a supply of housing that's accessible to local people. People have talked about setting the priorities for the usage of water and affordable housing obviously would be a priority so they go hand in hand.

The infrastructure for affordable housing isn't necessarily coming out of the 75 percent that would be allocated towards water. A portion of it could, if it went to support water pipes going into affordable housing projects but there's also other venues to pull that money from that we could—again, it's just a statement of support for the affordable housing needs.

CHAIRMAN DURAN: Okay. Steve.

MR. KOPELMAN: Mr. Chairman, members of the Commission, just to clarify, the only infrastructure that this GRT would be able to be used for in affordable housing would be water, wastewater and roads.

CHAIRMAN DURAN: Okay.

MR. KOPELMAN: So it's limited anyway. It's not the bricks and mortar. It's the capital projects that are allowed under the statute.

CHAIRMAN DURAN: Okay, great.

COMMISSIONER GONZALES: Can I say something? Just real quick? And this will continue to go to your point of the discussions with Councilor Heldmeyer. And that,

what I heard last night as being a priority for the Council, what really goes to page 3 D. being a big issue, the method of joint powers and the projects would be administered and how it would be clarified. Some of the other things I heard and Councilor Heldmeyer could correct me, the Santa Fe Railyard Park was actually the vote that occurred that was referenced in the paper today, a 5-3 vote for the railyard park. The paper referenced that it was a 5-3 vote for the entire ordinance when in fact the Council as a whole, 8-0, voted to support the ordinance as it was amended.

But the railyard park, there was some issues of deliberation amongst the Council and—but when you look at everything else, the substance of the ordinance stayed intact, I think as Councilor Heldmeyer indicated they're wanting to see more clarification as to exactly how do we talk about the distribution of funds? Who's going to manage the project? What's going to govern that project and how did the Council know that there will be a seat at the table for them as the RPA begins to identify priorities and fund those.

So I think strictly to your point, what happens is we don't approve some of these changes, I think we need to look at some of the changes that we wouldn't be approving. If the Commission said today, We don't want to allow the Santa Fe Railyard Park language to go in there, I'm not sure if that would be something that the Council would go back and say, Well, forget it. We're not going to support this. If we wiped out item D, then that would be an issue that the Council would go back and say, Well, there isn't enough in this ordinance to make us feel that we would have a seat at the table.

So I think we've just got to look at each of these amendments individually and know that some would make the difference in the support by the Council and others would not. I think the issue of D and the issue of 6.B seem to me where everything is evolved around.

COUNCILOR HELDMEYER: Mr. Chairman, yes, I agree with Commissioner Gonzales. I just did not want to speak for the entire governing body when in fact the governing body hadn't in fact addressed that particular issue. But I think there is probably every Councilor and the Mayor has a hierarchy of importance for these and I think for all of them, the governance of how this money is going to be spent and what is more—in general, what it's going to be spent on is more important that specifically what it's going to be spent on.

But I can't speak for any individual Councilor about where they're going to draw the line about what will make or break the deal for them.

CHAIRMAN DURAN: I just have one more question and then I'll pass the floor. The Santa Fe Railyard Park, when is the City—I thought the City was going to start developing the rail park relatively soon.

COUNCILOR HELDMEYER: In fact the process of starting to develop the railyard park has occurred. The process is being undertaken by TPL, who has already started a nationwide contest for designers to design a park. There are now four finalists. The finalists are going to come back in in a month or so with designs. They're going to pick a finalist. Under our agreement with TPL, it is their responsibility to pay for the design and implementation of that design. Once the design is completed, then upkeep for the park reverts back to the City but at this point, creating the park is the responsibility of TPL.

CHAIRMAN DURAN: Okay. Steve, so the way it's worded right now, if we funded projects or the Santa Fe Railyard Park, would that come out of the 15 percent open space?

MR. KOPELMAN: Mr. Chairman, it could come out of the 15 percent open space. That's one of the options. And again, there's not an absolute commitment here but it wouldn't come out of the 50 percent for the joint project. That was the City's wishes.

CHAIRMAN DURAN: It would not?

COMMISSIONER GONZALES: The City is requesting through this language that the County, through our other 50 percent that would be used for County projects, we'd use that money to put into the railyard. That's what the City's asking. It was a split Council vote. It wasn't the entire Council that asked.

CHAIRMAN DURAN: Okay. I don't have any other questions. Does anyone else?

COUNCILOR HELDMEYER: Mr. Chairman, I just wanted to say, it's supposed to give you an additional degree of freedom where you can spend the money. It doesn't tell you where you have to spend the money.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of things, just comments on the City's aspects of it. I think we have some other comments on the percentage allocations, perhaps after testimony. I think if the City felt strongly or feels strongly that the railyard project should be a countywide project, then it should be in A and it should come under the City's joint 50 percent. Everything in D is essentially "county" projects, "county" being county outside the municipal boundaries of Santa Fe, but of course there's another municipality, Edgewood in Santa Fe too. So I think that's probably an inappropriate place for it. If the City's strong on it, then I think it should be put over in A.

In terms of Section 5, the change of the language where it says "See subsection A below," my question is, the first sentence that's been added to this since our last meeting is that in essence, as long as the tax is imposed in perpetuity, the benefits, half of the revenues shall be used for regional projects that benefit residents of the incorporated boundaries. And then you say in your amendment, "See subsection below." That limits it to these four or five types of projects and I would think that we would not want to do that. I would think that that would be determined each year by the joint powers agreements and so forth. But I wouldn't think that we would want to in perpetuity limit the projects to those listed under A.

Am I reading that wrong?

CHAIRMAN DURAN: Let's get a legal opinion on that.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, that's not the intention and it probably would be a little clearer to say, By way of examples, see subsection A below. I think that is probably more accurate.

COMMISSIONER SULLIVAN: Why say it at all? I think that it adds some vagueness. I think the language is very clear the way it is and as long as half the money is going

to regional projects that benefit residents in the incorporated boundaries, that leaves it open to these types of projects or any others. That just seems to be one—do you feel that it makes it clearer by saying it that way?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I personally don't know that it's necessary. It seemed to be an issue that some of the Councilors felt was important. And I don't think there's a problem if we say, such as those projects listed. I think it's just by way of example. I don't think it in anyway detracts and I wouldn't want it to be seen as limiting language.

COMMISSIONER SULLIVAN: Okay. Then another question I had, Councilor—

CHAIRMAN DURAN: Do you want the Councilor to respond to that? Or Karen, are you acceptable with that change of language. If you are, then I don't think that we need to have—

COUNCILOR HELDMEYER: Not really, and here's why. Right now, I think the Council has been very clear over these last two weeks and last night that our priorities are water and wastewater. And we want to make sure that the projects that we work on first are water and wastewater. Once, or if, those needs are ever met, we might be amenable to looking at other kinds of projects that might come under the 50 percent, but right now, we want it limited to water and wastewater projects.

There is a paragraph 6. D that talks about how the Regional Planning Authority can, on a yearly basis, look at what's been done, look at what needs to be done and certainly if there are things that we both agree need to be added to this 5. And we could discuss it at the RPA and then this ordinance could be amended. But right now, I think the Council is very clear that we don't want to—it's the right word but it's wrong in this context—water down Section 5. A. That we really want to put our emphasis in these two areas. We think this is where we need to put the most money into infrastructure. We think that these are the areas that will most benefit our residents and the residents in the unincorporated county, and this is where we want the emphasis right now.

So to say, such as, or including, then what you're talking about are possibilities for other projects. There is a mechanism to put them in here, but it's deliberately a more complicated way to do it because our emphasis right now is on these kinds of projects.

COMMISSIONER SULLIVAN: So then, Mr. Chairman, Councilor, your modifications to Section 5, because when it was originally put together, these were examples of projects that we were going to fund together. Your modification says, These are the projects. There will be no other projects unless we go through the 6.D procedure of changing them. Is that what you're suggesting? In perpetuity.

COUNCILOR HELDMEYER: Well, until we jointly decide otherwise.

COMMISSIONER SULLIVAN: So there's to be no other, there's no time frame here and we can't do any other projects except these four or five if we add in affordable housing.

COUNCILOR HELDMEYER: The County can certainly do any number—

COMMISSIONER SULLIVAN: The County can't, it has to be jointly.

COUNCILOR HELDMEYER: Yes. But out of the 50 percent, right now and for the foreseeable future, next five years, let's say, we would like to see this money spent on water and wastewater projects. That is the emphasis we would like to see this 50 percent take. Now, if something came up and it wanted to be discussed at the RPA and everyone agreed it was a good thing even though it was different, then we could amend this.

COMMISSIONER SULLIVAN: But I think the Commission probably agrees that we want to see the money spent on water and wastewater too. The concern I have is limiting to these four projects. There's San Ildefonso, there's a number of projects that may come up just 12 months from now that may not specifically be listed here.

COUNCILOR HELDMEYER: San Ildefonso is covered.

COMMISSIONER SULLIVAN: Okay, San Ildefonso as an alternate. Okay. But there may be others that we can't think of in our wisdom at this very point in time that we may want to do. Why subject those projects to bureaucracy.

CHAIRMAN DURAN: Commissioner Sullivan, if I might interrupt for a moment. These projects, I think, our water problems aren't going to be solved in five years. We might get close to it but in five years we're still going to be spending money on water, wastewater issues. And the document specifically states, and if you feel so strongly about something that isn't mentioned here that needs to be funded, well then all you need to do is get a consensus or a majority of the Commission to bring it forward to take to the RPA to have the Regional Planning Authority consider it as a high priority issue and it needs to be funded.

COMMISSIONER SULLIVAN: Well I guess, Mr. Chairman, I wouldn't have any problem if that were five years, but this is as long as—what we're saying if we adopt this language is as long as it is imposed, this tax will only be used for these four projects.

CHAIRMAN DURAN: Unless it's amended.

COMMISSIONER SULLIVAN: Unless it's amended through going through the RPA process.

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: Why limit both entities so much?

COMMISSIONER GONZALES: Let me just ask Commissioner Sullivan a question because the way I read—I'm not seeing this as four specific projects. I see one specific project, the Buckman Rio Grande water diversion project and/or alternate Rio Grande water diversion projects, which includes San Ildefonso or going to Cochiti. Or any other water diversion project that may come aboard. So I think that we can pursue water diversion projects without having to amend this. Issues number 2, 3 and 4, seems to me that they were written to be broad enough where it would encompass almost any project out there that would address any of these issues, whether it's drinking water and wastewater infrastructure, but not limited to the development of new wells or redrilling or refurbishing of the existing Buckman wells, development of return-flow, water recharge, river restoration, stormwater management, development of water quality and quantity improvement projects.

It seems that Mr. Kopelman and Mr. Lopez drafted this broad enough that they're not four

projects but that they are guidelines to the Commission and to the Council through the JPAs and the RPA that this is a criteria that a joint project would have to meet. And so I don't want to get confused with seeing it as four projects because I don't see it as four projects. I see it as four levels of criteria that would need to be met in order to use the 50 percent of the money that the RPA is going to be using. Now, am I reading that wrong, Steve?

CHAIRMAN DURAN: You know, it also says that the County anticipates funding. It doesn't say that these are the only ones we are going to fund.

COMMISSIONER GONZALES: And I guess my point out of all this, so whether we use language that the City Council has proposed or that would be modified, to reference down to these specifically four issues I think it's a reference to four levels of criteria or areas of involvement that we're going to address water and wastewater issues, not four specific projects.

COMMISSIONER TRUJILLO: That's true.

COMMISSIONER SULLIVAN: Okay, my last question, and the reason I brought that up, because that first sentence as it has been amended says "shall" and whereas before we say that the following are specific projects that the County anticipates funding, then we modify that by saying "shall." So I think we are limited to those four items, but you're right. Certainly it's a good point that the four items are somewhat broad so we could put a lot of projects underneath that. I would make a comment too that replacement of leaking pipes, I know that at least one Councilor is very concerned about the amount of water that's lost in leaking system pipes and I really think that's a Sangre de Cristo Water Company issue of maintenance of leaking pipes as opposed to a regional water criteria.

COMMISSIONER GONZALES: His only point on that real quick as you go forward because I was there yesterday is that Councilor Pfeffer was referring to reports that 15 or 20 percent and saying that's net new that would to the region.

COMMISSIONER SULLIVAN: Yes, and you could use that almost with anything. I guess the other question I had for you, Councilor, while you're here was what I don't see and what I'd like to see added into this is the commitment by the City, should it pass a gross receipts tax, that it would utilize that in the same fashion. That is to say, we're offering for half this money to be used for regional water and wastewater and for the things that the City and County feel are important within the City of Santa Fe. What I wouldn't like to see is the City of Santa Fe pass an additional gross receipts tax of a quarter percent or whatever in the future and not commit, make the same commitment in that tax and use it only for CIP projects of other natures. Would that be acceptable to the Council?

COUNCILOR HELDMEYER: It wasn't discussed so I can't speak to that. I think the assumption was that if this were in place we would not be imposing that tax any time in the foreseeable future but that's just an assumption so I don't want to speak for the Council.

COMMISSIONER SULLIVAN: And hopefully you wouldn't have to if the needs aren't that much. But if they are and if the Buckman project goes from 60 to 100 to 150 million or whatever it is, it may be seen necessary to do that and I'd want a quid pro quo commitment on the part of the City if they're willing to put their money into the regional

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projects as well. Do you feel that's there, just based on your informal analysis?

COUNCILOR HELDMEYER: It really wasn't discussed. Initially, before any of this started, I think there was some discussion of both of us going to the voters at the same time with 50 percent of what we were allowed to assess. However, that didn't occur. So for nine people I'm not going to speak.

CHAIRMAN DURAN: Can you speak for yourself? How do you feel personally about it?

COUNCILOR HELDMEYER: I would be okay with that.

CHAIRMAN DURAN: Steve.

MR. KOPELMAN: There is only one of the suggestions from the City that I think from a legal standpoint might present a little bit of a problem. That's on subsection D of Section 5, the fourth line down when it says, "in a separate agreement" and the City had suggested a separate joint powers agreement. The problem is there are going to be opportunities when you're not going to need a JPA. Sometimes we can do just a memorandum of agreement and if you go the joint powers route you're talking about holding it up for months because it requires approval by DFA.

So sometimes it will require a JPA, sometimes it won't. But I don't think, I would not recommend to the Commission to add separate joint powers agreement because that would tie our hands, require us to have a joint powers agreement all the time when a lot of the time we won't need it; we can streamline it.

CHAIRMAN DURAN: So Commissioner, I have one question. So your desire to have the City include us in their quarter percent increase if and when they ever do that, how would you suggest that we incorporate it into this document?

COMMISSIONER SULLIVAN: I would just suggest at some appropriate place, wherever it's felt to be appropriate, whether it's in Section 5, which talks about the joint projects or in the preamble, one of the preambles, that we just say that this ordinance is constructed based on the anticipation that should the City of Santa Fe enact a gross receipts tax under the terms of this statute that it would similarly allocate its revenues in the manner outlined by this ordinance. Not specifically tying it down exactly but saying that the general intent is that if the money is needed, obviously they're going to go out for the gross receipts tax, the problems are still there, we would want them to put their cards on the table as well as we have.

COMMISSIONER GONZALES: Can I address that issue, Commissioner? Just because I think that the ordinance already does this. I think it's probably a wrong message to send out also that, to the voters that there could be another tax that's going to be coming their way when we don't know if in fact it will, assuming we're able to work together. But Commissioner Sullivan, in D, D basically states the decision to proceed with joint projects, as well as ownership construction, management and operation of such projects funded shall be negotiated between the City and the County in separate agreements.

So I guess my point at that point would be that if the Council enacted their own gross receipts tax and the voters approved it, and they weren't willing to use that to participate in any joint projects, I think that there's a mechanism here to force that issue to take place. More

specifically to your point, if the—and this is something that Councilor Heldmeyer brought up in previous discussions, if in fact the Buckman diversion project comes in way over what we're estimating it to come in, this allows for a mechanism to make sure that the overruns that it's negotiated between the City and the County as to what type of funds we would be coming to the table with to cover those overruns.

So I'm a little concerned about this ordinance starting to reference some future ordinance that may or may not take place. If it does take place in the future and the Council says Forget it. We're going to do it on our own. This is an ordinance that basically could be changed at that time and say, Well, then the Commission at this time believes that we're not going to fund 50 percent of the joint projects because you've already got money that's sustaining some of your issues. We'll go out on our own. So I just, I think that there are mechanisms to address your concerns, Commissioner Sullivan, at the time, if and when a City GRT is passed and they don't want to offer any of that money to participate in joint projects.

CHAIRMAN DURAN: If I could just add on to that, the other thing is that we feel as a Commission it's important to get the City to buy into our ordinance and our effort. I would think that if the City imposed their gross receipts tax at that time that they would feel the same way.

COUNCILOR HELDMEYER: I would hope so.

COMMISSIONER SULLIVAN: That's what I was trying to get across. I hope we have at least a gentleperson's quid pro quo agreement here.

COUNCILOR HELDMEYER: I cannot speak for the rest of the Council because it wasn't discussed. I can say that Councilor Chavez did talk about amending the JPA for the RPA within the next six months so that it has the mechanism for the spending function that we're giving it. That, or another JPA or MOU may be an appropriate place to make that kind of agreement. I'm not sure if more ordinances is necessarily the place. If you want to poll the Council on the issue, feel free.

COMMISSIONER SULLIVAN: Mr. Chairman, the last City comment that I had on the City suggestions, in Section 5 again, for as long as it's imposed, at least half of the revenues generated from the County capital outlay gross receipts tax shall be used for, and the ordinance currently reads, "regional" and the City wants to put in "joint." I wonder if there are projects that we're anticipating that are regional projects that the County would be doing itself without City participation, and that those could move forward. And whether making them into joint projects would perhaps slow those down. Does that—

CHAIRMAN DURAN: I don't think this would preclude us from taking on a project.

COMMISSIONER SULLIVAN: Well, I just don't know what joint means. We're talking about again this 50 percent and we had said regional projects and now it says joint regional projects. And so I'm just anticipating that there might be some regional projects that the City is going to take on by itself, which would be funded with these monies, and there might be some that the County would take on by itself funded with these monies, and does every project have to be a joint project? Is that necessary? Or are we tying our own hands?

COMMISSIONER GONZALES: Mr. Chairman, I'm sorry, I just wanted to lend my two cents. So I make sure I understand this, because as you're asking your questions I'm understanding it to be different than what I'm reading it. What I've always understood is that the 50 percent was a commitment for joint projects, City and County projects that would be worked through the RPA and governed by independent agreements between the City and the County. And part of that governance is who's going to be the lead agency? How much money is going to be put into place? Who's going to administer all the documents and do all the follow-up and actually take control and run with it?

For instance, the Buckman diversion project, the City is clearly, and should be, in the position to be the lead agency. And they're going to run with that project. Now the County and the RPA, through that process will fund, hopefully fund, the Buckman diversion project. So that's the way I understand it and I don't know if I'm seeing it different because regional projects—and I think Chairman Duran brought this up in the letter that I read yesterday on his behalf is that this tax truly forces us into jointly acting on behalf of the community regionally. Am I not—is this the right way to see this, or not?

CHAIRMAN DURAN: That's how I—I think that there's a lot of trust that we're basing this newfound partnership on and you need to trust us as well as we need to trust you. I think if we move forward with that in mind the community will benefit and that's what this is all about is making sure that the community benefits from our work and the understanding that we try and have with one another.

COUNCILOR HELDMEYER: I think from the City's point of view the way we understand joint and the reason that that was added to regional is by joint we mean going through the governance process that we talk about in Section 6, that you talk about in Section 6 of this ordinance, namely, that it will be something that both of us agree on and that will be funded through the RPA. Certainly with the other 50 percent, you've given yourself a lot of leeway to do what you want, but we feel for these joint regional projects that both the City and the County need to be included in the planning, included in the governance and included in the funding through the RPA.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: A question for Mr. Kopelman. What does the word "joint" add? What does it change from the sentence that's written without it?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, it just clarifies the fact that it's working together. "Joint" means both. That way it's clear that it's City/County working together as opposed to the City acting unilaterally on a regional project or the County.

COMMISSIONER CAMPOS: So if the County wants to act, it has to act under 5B, right? On its own regional projects.

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, or through the RPA. You'd have to get the RPA at that point.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Educate me a little bit, Steve, and I don't want to complicate the issue, and I really respect and appreciate the great steps that have taken place to solidify the relationship between the City of Santa Fe and the County of Santa Fe, but I thought that last time when we were going over the ordinance we had talked about participation by the City of Española, because there are the same sorts of issues that exist between the City of Santa Fe and the County of Santa Fe, exist between the City of Española and the County of Española and in fact, half of Española or at least one-fourth or one-third will be paying into the gross receipts tax fund, so why are we leaving the City of Española out here?

MR. KOPELMAN: Mr. Chairman, members of the Commission, it's ultimately a policy decision but I think the reason this came together the way it did is because virtually half of the electors in this election and most of the tax from the gross receipts is going to be collected within the municipal boundaries, and it's projected that over the next ten years that population will be pretty much right around 50 to 48/52, and so there's a huge number of electors in the city and there are very strong regional needs. But that's ultimately a policymakers' call rather than staff.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: If I could just add, Commissioner Trujillo, we have that discretion to go and work with the City of Española or the Town of Edgewood. That's within our discretion. So I don't think we're leaving them out of the picture. It's just that we had to deal with the significant issue of the metropolitan area where 50 percent or more of the taxes will be raised.

COMMISSIONER TRUJILLO: I just want to make sure that we address the needs countywide.

CHAIRMAN DURAN: Okay, Karen. Thank you very much.

COUNCILOR HELDMEYER: Thank you. I appreciate your indulgence in hearing me first and I now get to go chair my first Public Works Committee meeting.

CHAIRMAN DURAN: Good luck. I'm sure you'll do a good job. Okay, this is a public hearing. Is there anyone out there that would like to address the Commission. Please step forward. How many of you out there would like to speak? State your name for the record and if it isn't Jones or Smith, could you please spell it.

JUNIPER HUNTER: Hello, Mr. Chairman, members of the Commission. My name is Juniper Hunter. My address is 945-A Agua Fria. And I'm here today as being in favor of increasing the amount of open space and putting trails and maintaining open space. It's extremely important for Santa Feans' quality of life in that it adds a huge amount for everyone that lives here. I think we have a large obligation to current residents that we need to fulfill by maintaining areas like this. By having lots of open space that's accessible it increases the health and welfare of all residents.

I'd like to encourage you to put in more open space to make Santa Fe a vibrant place to live. It also contributes to the economy. I go to an order of something like 12 races a year. Governor Johnson goes a lot of races. I know there's a large and growing community of people

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who go to events all over New Mexico. Santa Fe right now doesn't have very many events that draw a lot of tourists, races, running races, cycling races, equestrian activities, and I feel that increasing and maintaining open space will help bring more people to events like that and bring in a lot of money to Santa Fe's economy making a tax less significant when everyone is doing a little better.

And having these open spaces benefits not just the residents but everyone who visits Santa Fe. A lot of people come to Santa Fe for its natural beauty and having accessible open space I think is a huge part of that. I'd also like to see that when you do allocate funds that you give a priority to existing areas so that new development comes after areas that need it because I think we need to fulfill our responsibilities to the residents who are here already. And I'd also just like to say that I think the work that has been done in this area has been excellent. The Dale Ball Trail is a blessing and an excellent start. Please continue supporting Santa Fe's vitality by supporting and funding open space.

CHAIRMAN DURAN: Thank you, Mr. Hunter. Next speaker please.

EDWARD ARCHULETA: Mr. Chairman, Commissioners, for the record, my name is Edward Archuleta and I am representing 1000 Friends of New Mexico as well as the Santa Fe Watershed Association. I would like to begin by commending this body and your staff, especially Steve Kopelman and Estevan Lopez for putting together such an excellent document. I would also like to comment you for working out the concerns with the City of Santa Fe and that both bodies have agreed to the terms of this document, or at least I think you've worked out all the concerns.

I want to say that both 1000 Friends of New Mexico and the Santa Fe Watershed Association support the ordinance as it is written. This is a great step in the direction of revenue sharing, which is something that 1000 Friends has been advocating for for some time now, and this is another great step in terms of City and County cooperation. Although we were originally hoping for a little higher percentage for open space, we are grateful for the amount that you have settled on. The Santa Fe Watershed Association is grateful that "river restoration and stormwater retention" was included in this draft.

I'm also glad that the railyard park is being included for funding. However, as a former member of COLTPAC and a member of the selection committee choosing the design of the railyard park, I'm a little bit concerned that any funding for the park come out of the 15 percent allocated for open space. I think that should stay with COLTPAC. How that's going to be worked out, I'm not sure. I think Deb Fry-Love will address that.

But finally, I would like to stress that if the City and County embark on working together to acquire more water for our residents, that the needs of current users come first before more water is allocated for future growth. Thank you for your time and again, congratulations on working this out with the City. Now we just have to get this passed by they votes. Thank you.

CHAIRMAN DURAN: Thank you, Mr. Archuleta. Next speaker please.

RITA HORTON: Short people have a problem. Chairman Duran, Commissioner Trujillo, Gonzales, Sullivan, Campos, you all know who I am. You know I'm a

trouble maker. I've given you a big packet. I'll only read two pages. There's a tremendous amount of documentation at your fingertips and I will just touch on it. Rita Horton, 294 Broken Arrow Trail, Edgewood.

Gentlemen, our subject is foresight planning of water systems of Santa Fe County, with one being or no greater importance than the other. The difference is the cost of the swiftly master planned communities surrounding Santa Fe, creating a massive water market, needing a tax increase of 7.3, some will go other places, to be paid by the entire county with tremendous obstacles in water availability. I was glad to hear you're going to drill. There is new technology on the market which makes drilling not quite as terrifying.

The federal government today is suing New Mexico for irrigation water rights relating to the Corps of Engineers dam construction beginning in 1923. The Rio Grande San Juan/Chama diversion of Colorado River water has interstate and international compacts of Colorado, Utah, Nevada, California, Arizona, Texas and two old Mexico claims to both Rio Grande and Colorado rivers waters, with millions and millions of people screaming we want water. In the Estancia Valley, 70,000 acre-feet per year pumped, 30,000 acre-feet recharged, 40,000 acre-feet lost from storage each year.

It was historic agricultural field which must be retired. And I've been working on it. Foresight master planning of southern Santa Fe County water markets will cost Santa Fe nothing for the water markets. I won't say about the sewage. Those water systems will be paid for by those who use the water from a conserved and reclaimed water source of last evapo-transpiration by the retirement of active irrigated agricultural lands to benefit public welfare of Bernalillo, Tarrant and Santa Fe counties.

My request is for a special-use 40-year permit to place water to beneficial use from the pre-basin, 1948 to '53 water rights owners. First in time, first in rights, including those water market owners who serve large areas of public welfare which will also benefit the pre-basin water rights owners' market place. It's taken us 28 years to create our market place. It's taken us that long to find the water to serve that market place. There's room for other marketers. The only hope for conservation, reclamation and the safety of public welfare of the Estancia Valley and eastern slopes of the Manzanita, Manzanita and Sandia mountains is based upon my request for the retirement of the agricultural lands belonging to those historic pre-basin '48 to '54 water rights owners whose evapo-transpiration is estimated at approximately 85 percent of the water pumped and is historically draining that basin.

I have two ten-year old copies of two advertisements to change place and purpose of use which I believe have been approved. There may be one more. They are ready to roll We need clearance. You Santa Fe County Commissioners have Clay Kilmer's hydrograph showing escalation of time and loss. That will be after this, the first two after this, of storage in the basin. You have also Horton's hydrograph showing Sandia snowmelt flood. That flood has such tremendous volume and velocity that it could not create a water mound. The last page of the hydrographs shows the small water mound we read this year. Unfortunately, John Jones did not copy me ten of those as I requested and only Paul Duran will have the original. The rest I've had to mark off.

Senior water rights, first in time, first in right, have the right to make a call, shut down junior water rights when those junior water rights are damaging to senior water rights. If we can't get it changed, that's the way it will happen. The entire agricultural area of the basin is in a critical management area. All wells are being damaged. The Estancia Basin is believed to be a closed basin. Evidence supports that premise. It was recognized from the beginning that the Estancia Basin was a mined basin and would not support irrigated agriculture. The intent of the State Engineer was that all water of the state of New Mexico be placed to beneficial use. Resources Investigation Report 934163, plate one, establishes the losses, and I didn't have time to copy one of those for each of you. I may have given it to you in the past.

The enlarging cones of depression from the irrigation center north of Moriarty was 50 feet deep in 1989 with a cone of depression extending to Edgewood, lowering their watertable 20 feet from 1965 to 1989. Twenty feet in twenty years is not at all bad. In fact it's excellent. The Estancia Basin study in 1995 by John Shumaker and Associates show that same cone of depression had fallen to 80 feet, a 30-foot loss in six years. Shumaker did not measure the area of the cone of depression. Clay Kilmer—you have that one too, two of them—shows that from 1995 to 2002, the cone of depression with lowering of the watertable in the Edgewood area, 5'6" to 6'6" per year. Thirty-six feet in the second six-year period. We've got to get those irrigation wells changed. Retire the irrigation rights. Put them to a better beneficial use.

To specify the pre-basin water rights owners, first in time, first in right, isolates the worst areas of damage by those who own the land above those water resources and will continue pumping water long after other resources are gone. As the sloping sides of the basin are dewatered, the dewatering time frame speeds up. Think of an oval funnel with lots of water area at the top, plenty of storage at the bottom. As the watertable drops, the water area diminishes and the storage also diminishes, in that area the storage has been diminishing for 54 years. We are running out of time. If the basin goes down, so too will Bernalillo County in their eastern slopes of the Sandias.

In our—following the Clay Kilmer, you find the Horton market area, the Horton wellfield, at the intersection of two big faults. They type of documentation we have, you should have on your wells, each and every one of them. You get a better view of what's happening. You don't have to wonder what's happening, you see it, and it can all be on a tellog. So you pick up your phone and call, take it off on your computer. I request a special-use 40-year permit to place water from retired irrigated agricultural fields, estimated to have an 85 percent loss of evapo-transpiration, in a windy, desert environment, to a different beneficial use by retiring those lands, by the creation of a special permit to cover both pre-basin irrigation rights and large water market rights of large water marketers to benefit storage and the public welfare in Bernalillo County, Santa Fe County, and Torrance County, and it will have to happen. Thank you, gentlemen. I won't bother you anymore.

CHAIRMAN DURAN: Thank you. Next speaker please.

DEBRA FRY-LOVE: Mr. Chairman, Commissioners, my name is Debra Fry-Love. I'm the New Mexico state director for the Trust for Public Land. I live on County Road 76. My personal beliefs mirror those of the first speaker and as you know, I came before this

body two weeks ago to argue for 25 percent of this fund to be utilized for open space and also encouraged the Commission to work with the City Council on the drafting of this resolution.

In the last two weeks, we've seen this Commission work very closely with the City Council to reach what we hope is a mutual agreement on the terms of this ordinance and I'd like to particularly commend Steve Kopelman, the County Attorney, and Estevan Lopez, the County Manager as well as this Commission for what I see as an extraordinary effort in that regard. So for this reason, the Trust for Public Land is supporting the 15 percent that is currently slated for open space, despite the fact that we'd love to see more, and we're hopeful that once water has become less of an urgent issue as Commissioner Duran suggested, we might in the future be able to dedicate more funding to open space.

I'd also like to just clarify the position of the Trust for Public Land and the railyard park project. The City of Santa Fe asked the Trust for Public Land to lead the effort to create a world class park on that site. If this is truly a TPL park, we're done for. We're looking to be partnering with the City of Santa Fe as well as the County and any other entity that we can with the community of Santa Fe to create a park on this property that would serve the region at large. We believe that this park has the opportunity to connect several open space priorities for the County, including the Santa Fe Rail Trail and the proposed Santa Fe River Trail. We envision the railyard park to be a new hub within a regional trail system, addressing some of the needs that the first speaker suggested.

So therefore we believe that it is appropriate to list the railyard park as a priority under this gross receipts tax, which as Commissioner Duran suggested, has a community benefit and we believe that this park will have a benefit to the entire Santa Fe community. So in recognition of the mutual efforts of the City and the County, I'd just like to reiterate that we do support 15 percent for open space, we'd like to see the railyard park added back into the list of open space projects along with the rail trail and the Santa Fe River Trail, and lastly we commend the County's efforts to partner with the City and other interested partners to craft this measure and we wish you luck.

CHAIRMAN DURAN: Next speaker please.

ANDREW BECKERMAN: Commissioner Duran, Commissioners, my name is Andrew Beckerman. I live at 1001 Camino Rancheros. I too would like to thank the Commission for working with the City Council in crafting this ordinance that I think is going to be beneficial to both residents of the county who live in the city and residents of the county who live outside of the city limits. While I would rather see more dollars go to the preservation of open space, because that provides not only recreational opportunities for our community but also facilitates recharging of our aquifer.

I can certainly appreciate at this time the need to focus these new gross receipts tax revenues on our water crisis. Nonetheless, I'm glad that you are willing to consider allocating 15 percent of these revenues for open space acquisition and development. I support the spending of some of those open space acquisition and development dollars on the railyard park. I feel the railyard park will be a regional park, not only a city park and I think it's important because it's a place where a number of different trails converge from different parts of the

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whole metropolitan region.

It will also be the terminus of a hoped for light commuter rail line in the future. And I feel the railyard park will be an asset to our entire county. And again, thank you for your joint efforts in working with the City on this gross receipts tax ordinance.

CHAIRMAN DURAN: Thank you. Next speaker please.

NICHOE LICHEN: Good evening, Mr. Chairman and Commissioners. My name is Nichoe Lichen. I live at 2929 Camino del Bosque. And really what I have is just a question and I apologize if it winds up being dumb. I came in late reviewing this newest draft. But on page 2, number 2, acquisition, it talks about design, acquisition and construction in the general language, and then when you move to what the County plans to do, to me it seems to be talking just about acquiring land and then only doing improvements on existing acquired land.

I wondered why, under that section, you weren't also including design and construction for new spaces.

CHAIRMAN DURAN: Would you like to address that Estevan or Steve?

MR. KOPELMAN: Mr. Chairman, members of the Commission, members of the public, Section 4 is the general dedication that comes out of the statute. That's all permissible. The projects that are listed are only—they're not all-inclusive by any means. And for example, if you look on B 4, which talks about acquisition of land for open space, that's a broad category that could certainly include design. It talks about trails. It talks about public facilities. I think it's implied that that would be a part of this subsection. I don't think it's meant to be limiting. I don't read it as being limiting and not permitting, for example, design or construction. I think that's include in there by implication, certainly.

MS. LICHEN: Okay, I just want to make sure we didn't box ourselves out of something late on. I'm an affiliate of El Camino Real River Connection, so we're very interested in the Santa Fe River Trail project. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt. I'm a citizen of Santa Fe and a county resident. Bravo. I've been waiting for this day a long time. Anyway, congratulations. I think this is a great day and I totally support all the work that you've done and I'm very grateful. I just have a couple of comments. One is that I hope you would understand the City's concern that 50 percent go to joint efforts dedicated to water because those are expensive projects.

The section B, which Jack indicated was dedicated to County interests, I think is good as long as we also consider that to be countywide, and that's why the railyard park could come into this section. I also feel that a discussion should take place when it comes to open space that open space within the city limits is discussed as well as outside the city limits.

The other thing that I would have you possibly think about adding as an 8. to the B section is what the City's added, and that is infrastructure for affordable housing, which would be roads, water and waste in the county. And then I just want to end by saying often it seems to me that we have been taught to believe that negative equals realistic, and positive equals

unrealistic. We look for the problems rather than seeing the possibilities. This thinking has hindered meaningful City/County cooperation in the past. With this ordinance things will not be the same anymore. We as a community will be mapping a way out of stuck positions that have not worked for us and into a good, orderly direction, creating the potential for unlimited pathways of mutual environmental benefit.

I encourage the passage of this very positive, well thought out, visionary ordinance. I commend the City and County elected officials and staff for this genuinely cooperative effort. As a caring citizen, I do not take this ordinance lightly and pledge my continued support as our community begins to embrace regional planning and water management with a shared commitment to a sustainable water future. I urge citizens of Santa Fe and county residents to vote to pass this County capital outlay gross receipts tax on April 9, 2002. Only working collectively can we begin to solve our problems, manage growth, protect our region and keep our water sustainable. Thank you for your good and hard work.

CHAIRMAN DURAN: Thank you, Carolyn. Next speaker please.

JOHN BUCHSER: Chairman Duran, Commissioners, thank you for the opportunity to speak to you today. My name is John Buchser. I'm the water issues chair for the Santa Fe group of the Sierra Club and I wrote up a brief statement which I'll leave with the secretary. Thank you for the latest copy, the one that I was given actually was a draft from Friday but today's is quite similar. It's amazing how effectively you were able to integrate both the Sierra Club's and other organizations' comments into this version.

We believe the current draft to be an excellent piece of legislation and we hope that it sees very little if any change. Part of the process in creating the Santa Fe Open Land and Trails Plan, adopted in May 2000 was to take a public opinion survey. In this survey, the public indicated a primary concern was about wildlife and natural resource protection. This included wetlands and waterways. An important part of a sustainable water infrastructure is recharge of the aquifer. We would hope to see a substantial portion of this tax applied towards acquisition of wetlands, and towards ensuring that these are put to optimal use.

We believe that parts of both the 15 percent open space and the 75 percent water allocations could go towards the acquisition and operation of these wetlands and waterways. We ask that the Commission continue its quest to develop an equitable growth policy for the County. New development should pay its way. As a clearer picture emerges of what the full costs are of providing a water supply and treating effluent, the County should ensure that development pays their full share. Further, in order to be equitable to current residents and builders alike, the County should determine what a reasonable growth rate for the county is. A major part of this growth limit must be how much water we can supply.

Thank you once again on the behalf of our nearly 2000 members in Santa Fe County.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

JANIE BOSWORTH: Mr. Chairman, Commissioners, I'm Janie Bosworth, the executive director of the Santa Fe Conservation Trust. I live at 73 Nine Mile Road in the county. I would like to say I agree with so many of the positive statements that have been made by those who have preceded me. Congratulations on this joint effort. We feel that we need

funds to protect and maintain our current open lands and trails before we buy more of either. In '97 the Trust partnered with the City and the County to buy an 18-mile right-of-way along the Santa Fe Southern rail bed between Santa Fe and Lamy. This is an example of a public-private partnership that brought our community one of its most valued and usable assets.

Today, almost four years after the opening celebration in '98 the trail is used by countless numbers of Santa Feans and visitors for hiking, biking and horseback riding. Unfortunately, in the original agreement, there were no funds set aside for maintaining and patrolling the trail to ensure its upkeep and safety. Though the trail is remarkably free of litter, there are other problems that have occurred. The railtrails at both Old Agua Fria and Nine Mile Road, for instance, have both been vandalized. There is also a tremendous amount of illegal use of motorized vehicles.

We need money for signs along the trail that explain the rules and courtesies and we need to be current with maintenance of the trail heads, and we need money for patrolling for safety, for injury by motorized vehicles and unsavory characters.

And on another subject, about COLTPAC properties. We hope that the County will consider putting conservation easements on all COLTPAC properties to ensure that the will of the people who voted to fund these bond issues is not overridden down the road. We must put easements on the land currently held by COLTPAC and create a stewardship fund to see that they are maintained now and in the future in the condition in which they were acquired. Nothing short of this will protect these lands as open space in perpetuity. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

ALAN LARSEN: I'm Alan Larsen. I chair the road committee for the Eldorado Community Improvement Association. I'm on the County Road Advisory Committee and I would like to address the support to roads that can come from this funding. Just before Rita Horton walked away she said to me, Hey! I forgot. I wanted to demand ten percent for roads. I personally would like to see at least that much. Certainly the five percent that's there is totally inadequate.

One of the things that's needed here is we need to have—we're talking about open space. We're talking about areas that do not have paved roads leading to them. We're talking about things that we'll need. We'll basically need reasonable maintenance for gravel and unfortunately what we have in the county pretty much are dirt roads. I think that we need a larger allocation towards the County basecourse program. We currently are basecoursing on the order of eight to ten miles of road a year. We have—what? Three, four hundred miles of dirt road out here in this county? It will be forever before we get them all basecoursed.

The other point is, that basecourse—okay, in Eldorado, all of the roads were basecoursed when they were initially built. Any road that has been there that has not received—well, most of the roads haven't received new basecourse and most of them are in bad need of additional basecourse, additional improvement. This winter, we've had an extremely dry winter. We had enough moisture yesterday morning to help alleviate some dust problems I presume but hardly anything more than that. Last winter, I know one day came to the conclusion that all of the roads in Eldorado, all of the unimproved, of the non-weather-proof

roads, were essentially impassible. This has been true several years and I think we need to address that type of problem. And I think this funding would get us to where we might have a chance to do something more towards doing that. I thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

WALTER WAIT: Mr. Chairman, members of the Commission, my name is Walter Wait at 48 Bonanza Creek Road in Santa Fe County. I am here this evening representing the San Marcos Neighborhood Association. I have a prepared statement and I have one question. Our association supports this initiative and believes that the Commission must continue to develop and improve the County's infrastructure. While our neighborhood relies on well water almost exclusively, our straws suck from the same source.

We believe therefore that sound County water management and sound County policy toward water development is absolutely imperative. This tax will assist us, all of us, to achieve these goals. We also believe that this tax is the best way to further our County open space goals. Our neighborhood is in the middle of an area that the County has earmarked for parks and trail systems. In many cases, the property has already been set aside. However, our bond issues do not provide the ongoing funds that are necessary to breathe life into these parks and trail systems satisfactorily.

If we're to truly create a system to be proud of and one that the citizens and visitors can really use, then we got to set aside funds for maintenance and development. Maintenance and development of trails, signage, parking areas, rest stops, campgrounds, garbage pick-ups, fencing equipment—they all have to be provided on a continuing basis. This tax is our best bet to set aside a continuing annual revenue stream guaranteeing our long-term county investment. We feel that this investment will be well spent if the end result is a park and trail system that our citizens can freely enjoy and that creates an economic stimulus by increasing tourism in our area.

So we urge you therefore to accept the changes that have been suggested today and ask the public to approve a tax that dedicates at least the 15 percent of the annual revenues to open space management, development and purchase. We believe that the citizens of the county will be more apt to favorably respond to this tax request if that language clearly states that this 15 percent portion of the tax will be earmarked for management and development of our newly created park and trail system. We applaud you for working with the City and we sure hope this thing passes by the citizens.

Now, I do have one question and perhaps someone can answer it for me. The Section 5 mentions 15 percent for acquisition and management of new open space. 5.B.5 and 5. B. 6 specifically mention the Santa Fe River Trail and the Santa Fe Rail Trail. I assume then that that 15 percent, which is about a million dollars in revenues, that would mean that \$500,000, because 50 percent of the materials need to go to the Santa Fe City, would go into the management of open space within the City. Those two, or perhaps the railyard as well being the three primary areas that that \$500,000 or 50 percent would go to. Is that correct?

MR. KOPELMAN: Mr. Chairman, members of the Commission and public, that's not correct at all. Okay, the 50 percent are the joint City/County projects that are set forth

in subsection A. Subsection B are additional projects that the County may fund under this tax and the 15 percent for open space could encompass all of these projects. That would be over a million dollars a year that could go for 4, 5, and 6. There's bonding possibilities also that would stretch that money a lot further. So there's nothing that says the City has indicated and maybe under the RPA, City and the County may decide that all the joint projects are going to be water and wastewater. So they may not use any of that money, although I think that river restoration clearly has an open space component to it.

So it's really hard to say definitively how the money would be utilized, but there's nothing that says that half a million dollars, only half a million would be used for any of these projects. The RPA may decide, or the County rather, may decide that it wants to use all the money one year for improvement of existing trails. It may decide the next year to use all of that for the river trail project. There's a lot of different variations and that's where public input comes in and again the ultimate decision by the County Commission in this case.

MR. WAIT: Okay. Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

JOHN KEMP: Mr. Chairman, members of the Commission, my name is John Kemp. I live down here on the Goldmine Road. I don't represent anybody. I'm not here as a special interest group. I'm not here to lobby for anything. I'm here as a voter and a taxpayer. You want me to vote, come April 9th yes on this particular proposition. I look at myself and I say I'm not a City of Santa Fe resident, so the water thing doesn't help me. I look and say I don't hike, bike or ride a horse, so open spaces don't help me. So what does help me? Well, everybody uses roads to get to and from their homes. That helps me.

So I look at this proposition here and I see that in Section 4, which I presume will be on the ballot as a description for me to vote, an inducement for me to vote, and it says that 75 percent of this tax money is going to go to water, to open space and to roads, and yet I look at Section 5 and Section 5 doesn't say that at all. Section 5, when it gets explicit says that 75 percent goes for water, 15 percent goes for open space, 5 percent for roads and 5 percent for whatever else you feel like paying for. That doesn't say what Section 4 says, if you understand what I'm saying.

Now, if I go there as a voter and I see what's here in Section 4, I'm going to be very, very disappointed when I don't see any improvements on my road. Because that's not what that money is going to go for evidently, here in Section 5. So, just as a voter and as a taxpayer, and as someone who can influence other people to vote or not vote. I would like to see something that Section 4 agrees with Section 5 and when I go to the ballot, I know what I'm voting for. Not some pie in the sky, 75 percent is going to go to all these things, one of which I like, but only because I came to this meeting to I know where it's really going to go. I need to know that when I go vote. It has to be on the ballot exactly where it's going to go, so I know what I'm voting for. And that's all I'm asking is that if you put it on the ballot for me to go vote, that what I vote for, I know I'm only going to get 5 percent for roads, because that's what I'm voting for and my vote for that would probably be no, to be honest about it. Thank you very much.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

FLETCHER CATRON: Gentlemen, I'm Fletcher Catron. I live at 1062 Encantado Drive here in town and I'm here simply to support the concept of using as much as possible of this tax for open space. I think I would like to have seen more, but 15 percent is a lot better than nothing. I see this tax used for open space acquisition as long-term planning that would preserve the basic character to the extent possible of our whole county. I think it preserves what Mr. Kemp, for instance, probably lives here for and I ask that you use your best judgement in making sure those dollars go as far as possible because the price of that land and the possibility of acquiring it can only go up and become more difficult. Thanks.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

GARY EHLERT: Mr. Chairman, Commissioners, my name is Gary Ehlert. I'm a citizen of Santa Fe. I also represent the Santa Fe Area Homebuilders Association who supported this program in concept two weeks ago with a written statement. I'd like to first thank the Commissioners for their leadership that they're showing on a regional basis. We are a region. We have symbiotic relationships with each other within that region and we need to move forward on this basis.

I, like Commissioner Gonzales and Mr. Kopelman and Mr. Lopez, were at the City Council meeting, and by the way, I want to also commend and thank both Steve and Estevan for your great work and great leadership also in this whole program. I saw a couple of items coming up from the City Council that kind of frustrated me but after I thought about it I said I gave them nothing more than part of the elective process within a decision making process within the documents that you have in front of you. And because of that I did not see the intent of the document diminished. I did not see the integrity of the document blemished and within that reason I would ask the Commissioners to please move forward and continue your leadership and adopt the program as it was amended by the City of Santa Fe. Thank you.

CHAIRMAN DURAN: Next speaker please.

JIM LIGHTNER: Mr. Chairman, Commissioners, my name is Jim Lightner and I reside in Commissioner Sullivan's district. I do not represent any special interest; I'm here as a private citizen and taxpayer. And like the two gentlemen who preceded me, first of all I would say I do not envy you in your task of trying to decide how to divide up this money should the revenue proposition pass. But I believe that roads in Santa Fe County need more, a greater share of the revenues that would be generated than exist in the current bill, and fervently request that you consider increasing the amount of money that would be spent on road improvement in Santa Fe County to at least 10 percent. Thank you very much.

CHAIRMAN DURAN: Next speaker please.

KARYN STOCKDALE : Thank you, Commissioners. My name is Karyn Stockdale. I live off County Road 70 at 58 Calle Francisca.. I work with the El Camino Real River Connection as well as with the Trust for Public Land. In both efforts, really focussing on the Santa Fe River corridor and the potential for river restoration as well as open space and trails for the entire community. I'm in support of this ordinance as it stands and I commend you all on a general effort that you've put forth to this point and many of the specific points that you

guys have had a lot of discussion on this evening.

I was wondering about the possibility for maybe dedicating a certain percentage of, under the Section 5, Subsection A where you talk about return-flow, water recharge and river restoration and storm water management. Potentially, a certain percentage, a small percentage could be dedicated under this to be used in those river restoration projects and trail easements that will protect the Santa Fe River corridor. It would help with the aquifer recharge by having less eroding banks as well as with stormwater management and any future plans that may come up. It's a continual issue I know with both the City and the County.

So just hoping that maybe you all will consider that and thank you for your time.

CHAIRMAN DURAN: Thank you. Next speaker please.

XUBI WILSON: Chairman Duran and other Commissioners. First I want to say you guys are doing a heck of a job. It's fairly unusual to come to a Commission hearing that's such a love fest. Everyone seems to be pretty happy with everything you did and speaking on behalf of the Green Party of Santa Fe County I want to echo those feelings that we're very pleased with what you've done and think it's a fantastic display of both City and County cooperation and prioritization of addressing the critical water situation that we've been facing for along time. Again, I want to commend you all for that.

Two concerns that we have that certainly aren't things that can't be addressed within the context of the upcoming vote, but concerns that the Green Party has nonetheless, are one, we continue to oppose the purchase of any agricultural water rights unless those are being purchased specifically to protect them from other predatory uses. So we're very concerned that while we do like to see the money spent in infrastructure and things like that, we appreciate the need to go out and look for new water sources. We want to really encourage the County to look other than into agricultural water resources because we think that in the long-term it's important to keep them in place within the rural communities.

The second thing is we'd like to encourage you to consider, you or the RPA, to look into some of the money, and I think it could be considered within Section 5 A. 2, using some of the money for investment in creating incentives for demand-side reduction programs. Things like greywater recycling, things like roof water catchment. Because while bringing in new water sources will be in the best interest and the needs of our community, that will never be enough. There's not going to be a whole lot of new water resources coming in and the real answer to solving our water problems here in the community are going to be finding ways to actually reduce our consumption at the demand-side level. Again, I want to thank you all very much and we appreciate this. I anticipate unless something radically changes with this document that we will be endorsing a yes vote on the referendum and probably turning some of our people loose to turn out the vote for this. We appreciate all your support.

My name is Xubi Wilson and I live at 35 Encantado Loop.

CHAIRMAN DURAN: Great. Thank you, Xubi. Estevan?

MR. LOPEZ: Mr. Chairman, just one point of clarification concerning the demand-side issues that are brought up. Those things are addressed, I believe in 5 A. 4, where we mention other conservation measures. They specifically could be under there.

CHAIRMAN DURAN: Next speaker please.

REBECCA FRENKEL: My name is Rebecca Frenkel I live at 1252 Vallecita Drive, Santa Fe, in the City of Santa Fe. Well, congratulations. I think you guys have done a fabulous job and I'm especially pleased with the way that the County and the City are working together and the effort that this will be devoted towards regional planning. I also am delighted that you're putting so much of these funds toward the water and wastewater needs in the county and I especially want to urge you to concentrate as many funds as you can in those areas where we have citizens who have severe water and wastewater needs. I'm thinking of much of the northern part of the county and also the southern part of the county because we know Edgewood has a lot of needs too. So thank you and we'll continue to watch and help you in any way we can with this effort.

CHAIRMAN DURAN: Great. Thank you, Rebecca. Next speaker please.

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, Commissioners, as the election person in charge of elections in the County, I just would like to give the viewers some information. The election is April 9, 2002. If they call our office at 986-6280 we can give them information as where they can vote. I would also like to say that we're doing the early voting now, so anybody who's out there and wants to come in and vote they can come in to the County here and vote and we will be here until Saturday at 5:00 p.m. on April 6th when we will close, early vote will close. So I just wanted to let the people out there who are listening or seeing our telecast to know that.

I would also like to say that after an election, every time there is an election regarding bond taxing, we get a lot of calls in my office and there are a lot of people who say that it's really unfair that people who voted and we the property owners are the only people that are affected. I would just like to say that this tax is a gross receipts tax and it affects everybody who comes into our county whether in the incorporated or unincorporated area of the county. And it's going to impact them by 25 cents for \$100, per \$100, and I think that's real important for them to understand because that's less than paying for a coke. So it's not a whole lot of impact but it is 25 cents.

The other thing, when we get calls in the office after an election people get really upset because they say well, it only affected the property owners and I would just like to say that this tax will affect everybody. That means the tourists that come into the hotels and use the water, the renters, just visitors for a day, a month or we have a lot of part time visitors here in the county, legal residents and illegal residents. So I just wanted to give that information to the people and thank you very much for the time.

COMMISSIONER GONZALES: Mr. Chairman, I just have a quick question for the Clerk while she's there. We just went through an election and for the individuals that are at home watching or here, the City election isn't necessarily the same voting area, is it? Or what election should someone reference in knowing where to go to?

MS. BUSTAMANTE: Well, we will be publishing it in the newspaper and it has already been published. We try to keep, they're consolidated precincts. We are in the entire county, both in the northern. The City election that we recently had was just in the incorporated

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area.

COMMISSIONER GONZALES: For city residents, do they still go to the same polling place?

MS. BUSTAMANTE: Not all of them but mostly yet. But if anybody would like to call us at 986-6280, we will let them know where to go.

COMMISSIONER GONZALES: On your website, do you, I know that you can get voting information on there, do you state where people can vote on that?

MS. BUSTAMANTE: We can do that and I will make sure that we get that down tomorrow on the website.

COMMISSIONER GONZALES: Great.

MS. BUSTAMANTE: Thank you.

CHAIRMAN DURAN: Thank you. Is there any one else out there that wants to address the Commission?

JUDY STEVENS: I'm sorry. I just got here. This is on the gross receipts tax? Okay. I'm Judy Stevens from the Santa Fe Land Use Resource Center. I haven't heard anything anybody else has said. I'm sorry that I missed the right timing here. I appreciate the changes that have been made in this ordinance. I'm particularly grateful that tonight, the County is opening a door to working out some of the future funding issues through the Regional Planning Authority, since my group was involved in getting the RPA off the ground and we believe very strongly in County and City cooperation.

That cooperation is particularly important in this instance, given how and where the tax is collected. There have been a lot of good discussions in the past week or two, some of which we've been involved in and we're grateful for your having incorporated things that we as well as others have suggested. I usually focus pretty exclusively on ordinance language, the drafting issues, which is not an unreasonable thing to do when it comes to legislation. But if the tax is adopted, this is a case of trying to describe the use of a perpetual source of revenue. The ordinance you're considering tonight is, in the long term very flexible or very loose, depending on how you look at it, and some of that is unavoidable.

An ordinance can be revised so the future is uncertain, and that's unavoidable. I appreciate your public statements concerning your intentions to work cooperatively with the City and through the RPA. I am hoping that those intentions will take us down a road of truly regional approaches to solving many of our common problems. If the voters approve, the County will be getting some very badly needed funding for infrastructure. It was in recognition of those extraordinary needs that the state legislature adopted this tax, specifically to help cities and counties that are maxed out on their other infrastructure funding from the gross receipts tax.

Here in Santa Fe, both the City and County are maxed out and the City, I think will need additional funding of its own. I hope that in the campaign to adopt this tax, the impression isn't given that this is all the new funding that's needed. I'm hoping the City will go to the voters for some additional GRT authority also because they need it too. Congratulations on the many productive discussions and good luck with the election.

CHAIRMAN DURAN: Thank you. Anyone else out there? Okay. That

concludes the public hearing portion of the meeting.

COMMISSIONER GONZALES: Mr. Chairman, just in interest to move this along, I'd like to move for approval of the ordinance as presented for discussion purposes.

CHAIRMAN DURAN: I'll second that.

COMMISSIONER GONZALES: And then I'd like to ask a quick question as it relates to the issue of river restoration. And this goes specifically to the point what I think Commissioner Sullivan was talking about where we're specifically on A listing projects and I don't know as I thought about it whether we're just limiting ourselves to the issues on four or how broad the language really is. And one of the things that comes to mind, we kind of throw river restoration and just one more thing that we can look at, but I guess I'd like Estevan to tell me in maybe less than a minute, how significant is the issue of river restoration in terms of additional water for our region and what it means to quality of life and supporting any type of comprehensive water plan? Is it just something that would be nice to happen or is it going to be integral to when we talk about long-term sustainable water resource that river restoration take place?

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, it's my belief that it really is both of those things. It certainly would be something that's nice to have happen, to have a live river within the midst of our city, but in addition, having a live river and a healthy river ecosystem and riparian area really adds a recharge dimension to helping sustain our overall—the ability of our or the City's wellfields to produce over the long haul. So I think it really does both of those things.

COMMISSIONER GONZALES: Because what's amazing to me, and I never really noticed it until we got into this, Mr. Chairman, but when you walk along the east side of the city, you see this wonderful river flowing, beautiful grounds, lots of trails, or river walkways, and then when you move towards the west side, you get concrete that's thrown all over the place, lots of sand and gravel mining that's taking place and it's just very dry. It's two different rivers. And Estevan basically told me that that because the City's wells are pulling in—is that right? Pulling in the river that's coming in from the east side before it's making it to the west side. Is that right?

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, that's part of it but part of the bigger issue, I believe is the fact that we're basically capturing all of the flow up in the watershed and storing it in the reservoirs for use in the City's water system and by extension in the County's water system. So it's the combination of both those things. We're not letting the flow go through the area naturally and then in addition, we're extracting additional water from the aquifer through the wellfields.

One thing that I would point out relative to this whole discussion as well is that at least the way it's currently—well, regardless of how it's structured in this ordinance, river restoration and efforts along those lines, we shouldn't restrict ourselves to thinking only about the Santa Fe River in that regard because we have the La Cienega Creek—

COMMISSIONER GONZALES: Well, that was my next question I was going to ask you about because I know in Nambe you have the Nambe River, you have the La

Cienega Creek and then some of the other rivers around the county and that was going to go to my next point and the issue of support for acequia systems, which obviously are the life line in many of the communities. It's been mentioned tonight that people don't want us purchasing acequia water rights for domestic use. Again, I'm assuming that the health of an acequia system is very important to a long-term sustainable, comprehensive water program. Is that correct?

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, I believe that it is and I believe that it's something that has to be considered in terms of the overall water plan of the region. As I think several of you know, we have been working with acequia groups to try and work out some ordinances that would protect acequia water rights and give acequias some measure of self-determination in terms of how those water rights are ultimately used.

COMMISSIONER GONZALES: Is there funding that's always needed though to match federal funding for acequia improvements and restoration? is that appropriate to say?

MR. LOPEZ: Yes, I think there will be continuing need for that. That's correct.

COMMISSIONER GONZALES: And my point about all this, Mr. Chairman, is I support the 75 percent or whatever large percentage goes into water but I think that under items A when we list it that we should separate the issue of river restoration and acequia development so that we do maintain a priority commitment on both these issues and try and attach some type of direction to allow some type of minimum funding that would go towards those efforts. Again, it's nice to throw it in there, but it will really happen or not in a comprehensive effort? I don't know. And many times, as Marcos knows especially for the acequia associations, they don't often keep up with a lot of this stuff. They don't have a strong lobbying power, but they're key and they're very important, so I think that we need to make a commitment to them in this effort as well. I know it's not towards the metro point but it should be to the area—there's an acequia that flows through Santa Fe, right? The Acequia Madre and I imagine there's a couple of others that could be used to support this. So at the point that it becomes appropriate I would like us to at least seriously consider that.

CHAIRMAN DURAN: Commissioner, can't we do that out of our 50 percent? Most of the acequias really aren't regional—let me back up. They have nothing to do with the area that the Regional Planning Authority has been working on. It is a regional issue but—

COMMISSIONER GONZALES: I think river restoration is a regional issues and I think there are acequias with the region. There are acequias in Tesuque, there are acequias in La Cienega. There are acequias that flow right through the City of Santa Fe that could be a part of this.

CHAIRMAN DURAN: Well, I guess I'm unclear. Where in the ordinance, what are you addressing in the ordinance?

COMMISSIONER GONZALES: I'm asking that under item A that we consider adding—well, we're going to consider adding the City's request for the infrastructure for affordable housing but under item A, that we specifically state, rather than river restoration under 3 that we separate that as being river/acequia restoration and make a commitment as well as this.

COMMISSIONER TRUJILLO: That could be included in there, can't it? That

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could be part of the river restoration? The acequias? Without diluting the essence of water?

MR. LOPEZ: Mr. Chairman, I think that that is certainly something that if this Commission supports, could fit within the project that you're thinking of. I guess in my reading of this I think it's already basically broad enough but if you feel a need to specify it and make it explicit, I think it certainly is within the context.

COMMISSIONER GONZALES: I agree. It's probably broad enough to do it but I think that the Commission should—my feeling is we should make it explicit in the direction of the ordinance. But I'll hold off until we go further so that we can move on to other things.

CHAIRMAN DURAN: Well, I have a question for the maker of the motion.

COMMISSIONER GONZALES: That's not in a motion at this point yet.

CHAIRMAN DURAN: Oh, you made—

COMMISSIONER GONZALES: I made a motion just to accept it as a whole so we can go through the amendment process.

CHAIRMAN DURAN: Right.

COMMISSIONER GONZALES: But I'd throw that out first before, I want to listen to the other input by the Commission before I offer some type of amendment which would include that.

CHAIRMAN DURAN: Does your motion include the City's—

COMMISSIONER GONZALES: No. It just accepted the ordinance as it was in our packets. Now we could move to the point if you choose to accept any part of the City amendments if you want to.

CHAIRMAN DURAN: Why don't we hear from you since you have the floor?

COMMISSIONER GONZALES: On the City amendments?

CHAIRMAN DURAN: Yes.

COMMISSIONER GONZALES: Mr. Chairman, I move that we would amend—

COMMISSIONER CAMPOS: Could we get your thoughts first, Commissioner? Is that what you were asking for is thoughts?

COMMISSIONER GONZALES: No. He's asking that I present the City amendments.

CHAIRMAN DURAN: Let's have some discussion about the City amendments. I don't have too many problems with most of them, but again, since you have the floor, why don't you take the first City amendment and let's discuss that.

COMMISSIONER GONZALES: Well the first amendment I would make is that the word "joint" be inserted prior to regional projects.

COMMISSIONER CAMPOS: Section 5?

COMMISSIONER GONZALES: Section 5, this is on page 2, so it would read, "as long as it is imposed, at least half of all revenues generated from the County capital outlay gross receipts tax shall be used for joint regional projects that benefit residents within the incorporated boundaries of the City of Santa Fe." And I'm looking at Mr. Kopelman for the

following language, would be, "For example," or "See examples in Section A" is what you were proposing as opposed to see "subsection A below" or are you okay with the City language?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, I think the City language would say, was to see subsection A below and I think from a legal standpoint there's no real problems with it.

COMMISSIONER GONZALES: Then I would accept it and I would include that as my first amendment.

COMMISSIONER TRUJILLO: Is that for discussion?

COMMISSIONER GONZALES: That's for discussion. But there's not a second.

CHAIRMAN DURAN: Do you have a problem with that?

COMMISSIONER TRUJILLO: It says here that at least half of all revenue generated from the County capital outlay gross receipts tax shall be used for regional projects to benefit residents within the incorporated boundaries of the City of Santa Fe. That is at least. There could be more money earmarked for this purpose and I would like to qualify that by saying that if at least 50 percent of the revenue would be targeted to the incorporated boundaries, I would say that 50 percent of the money should be targeted to the unincorporated boundaries too, so that they get the full benefit of what we're trying to do with water.

I don't want to jeopardize the benefits outside of the incorporated boundaries. So if we're guaranteeing 50 percent within the incorporated boundaries, I'd like to guarantee 50 percent outside of the incorporated boundaries.

CHAIRMAN DURAN: I have a question. If we collect \$100 and we spend \$50 of it with the City, don't we get to spend the other \$50 anywhere else we want?

COMMISSIONER GONZALES: Right.

CHAIRMAN DURAN: What's wrong with that?

COMMISSIONER GONZALES: I would just remind Commissioner Trujillo that there may be some joint projects where the money is actually spent in the county, like the Buckman diversion is money that will be spent in the county. Areas that address La Cienega are regional in nature. That's money that will be spent. That's the pool of money that we would be drawing from the 50 percent, I would assume. I mean, it's talking about directly benefiting the city residents. City residents could be benefited through a very comprehensive metro water plan that includes—

COMMISSIONER TRUJILLO: Then this statement here is bogus then. We don't have to then guarantee 50 percent of the money going within the incorporated boundaries. If we're going to do it from a regional perspective we're going to address the projects that need to be addressed regionally.

COMMISSIONER GONZALES: Right.

COMMISSIONER TRUJILLO: So we don't need that statement then.

COMMISSIONER GONZALES: I think that the key wording is benefit. That there will be regional projects that will directly benefit the city residents, whether it's again,

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river restoration, whether it's imported water or whatever it might be that 50 percent of the money that's generated would have a direct benefit on that.

COMMISSIONER TRUJILLO: But we need 50 percent of the monies outside of the incorporated boundaries.

CHAIRMAN DURAN: But I think that says that.

COMMISSIONER TRUJILLO: It does? It says at least half of the revenues. It could be more than half of the revenues.

CHAIRMAN DURAN: If the Commission at the time decides they want to spend more.

COMMISSIONER TRUJILLO: Right. Exactly. So I would like to guarantee that 50 percent go to the unincorporated areas.

CHAIRMAN DURAN: But what if it's a community where the need is greater at the time for—

COMMISSIONER TRUJILLO: That's something that's going to have to be prioritized. If the need, I don't know if we can speculate that it's going to be greater in the incorporated community than in the unincorporated community.

CHAIRMAN DURAN: Let's hear from Estevan.

MR. LOPEZ: Mr. Chairman, I would just point out that even within that 50 percent that we specific for use in regional projects that benefit the residents within the incorporated communities. What we say we're going to use at least 50 percent of those revenues for those projects—let's say that we actually use exactly 50 percent. Well, that regional project that we use 50 percent of these revenues on is going to be benefiting a large portion of the county population that's outside of the incorporated area as well as the population that's within the incorporated area.

So even within that 50 percent designation, it's going to be benefiting not only the area that's within the incorporated boundaries, but a significant piece of the population that's in the immediate area around the incorporated area.

COMMISSIONER TRUJILLO: That's not what this is saying.

COMMISSIONER GONZALES: Regional projects I think would delineate what that issue would be.

COMMISSIONER TRUJILLO: So then why do we have to guarantee 50 percent expenditure within the incorporated area? Why do we have to guarantee that?

CHAIRMAN DURAN: Because the City Councilors and the Mayor felt that since 50 percent of the money generated was going to be generated from people within the incorporated boundaries that they wanted 50 percent of the money to be spent on projects that residents within the incorporated areas would benefit from.

COMMISSIONER TRUJILLO: Well then if 50 percent of the money is being generated within the city, the other 50 percent is being generated outside the city. So let's guarantee 50 percent outside the city.

CHAIRMAN DURAN: Well, what's wrong with keeping it flexible? Okay, your turn, Commissioner Campos.

COMMISSIONER CAMPOS: I think what County Manager Lopez said is exactly right. We're talking about regional projects that affect the people who live within the city but also without. That's what a regional project is. This is not saying solely benefits the city residents. But keep in mind the County being a regional government, we represent the people within the city also. So we have an interest in resolving the big water issues, the bit wastewater issues and that's the design here.

This is really, this goes to the heart of our discussion in the past two, four weeks with the City and I would assure you that we have to make that commitment to the metropolitan area, to the people within and around this area. It's essential. This is where the big wastewater issues are and this is where regional government has to focus and that's what we're doing. I think it's a very key phrase. I think we've got to keep it simple as far as legislation also addressing Commissioner Gonzales' issues about acequias. I think legislation should be kept simple. I think we have enough language here to go there at our discretion and I would just—I hope we could keep this intact and move forward with this language. I think it's very important. And I think it does address your issues, Commissioner Trujillo, about other folks.

COMMISSIONER GONZALES: Mr. Chairman, I'd had an amendment on that original—I don't know if anyone seconded it, but I don't know if you want to finish the City's dialogue before we go on to our personal stuff.

COMMISSIONER CAMPOS: We're going into a discussion of the City I think first.

CHAIRMAN DURAN: I think we need to adopt this thing in its sections. I think we're going to be pretty divided on this thing as a whole. So I need some advice from the rest of you, how do you want to go about adopting this ordinance.

COMMISSIONER GONZALES: Adopt it in sections.

COMMISSIONER CAMPOS: Mr. Chairman, I don't think that's a good idea. I think it's comprehensive. A lot of it's connected; one section affects another, so I think, let's go through the discussion of the City as you had directed and then we can come back and discuss other ideas.

COMMISSIONER TRUJILLO: For the most part I don't have any problem in the language that's being proposed by the County and the amendments that are being proposed by the City except for moving the Santa Fe Railyard Park to Section A.

CHAIRMAN DURAN: You want to move it there?

COMMISSIONER TRUJILLO: Yes.

CHAIRMAN DURAN: I want to move it there too.

COMMISSIONER TRUJILLO: Yes. I don't have any problem with the language that incorporates both the City and the County. I came here ready to recommend on the formula, make recommendations on the formula, the way the money was going to be distributed and what I was looking regarding the formula was that 70 percent should be earmarked for water and wastewater, 20 percent should be earmarked for open space and 10 percent should be earmarked for roads. After hearing the comments by representatives of 1000 Friends and the Public Lands, they're saying that they're happy with 15 percent and if that's the

case, they're happy with it, that's fine. I can revise my proposal on the formula to 70 percent for water and wastewater, 15 percent for open space, 10 percent for roads and 5 percent for other.

I think that the language, we shouldn't get bogged down in the language.

COMMISSIONER GONZALES: Mr. Chairman, I'm prepared—if you want to get the City off—

COMMISSIONER SULLIVAN: Let me just say I would support Commissioner Trujillo's second allocation and only not because to diminish any of the open space but I would just mention that we just recently got a notice from Senator Bingaman's office entitled appropriation request for Santa Fe County. Santa Fe County open space protection stateside Land and Water Conservation Fund, \$1.6 million. Because of its phenomenal development, Santa Fe County is engaged in an active open space program in order to retain the scenic values of the area which have made it a magnet for people to visit and live. The County hopes to participate in the funding that would be provided by the president's request for Stateside Land and Water Conservation funding to increase its open space plan and local conservation efforts and to expand its quantity of preserved open space lands.

So I think we're getting Senator Bingaman involved in the process, which is great so we can parlay that money. I think we've got some other sources. Also this memorandum from Terry Brunner who was formerly with the County and works now for Senator Bingaman, it said that the Senator has also asked for \$2 million for Santa Fe County and City in the Veterans Administration/HUD funding for the Buckman well project. So that's good news too and I think a lot of that is due to the efforts of the Chairman and the staff and also the City and keeping in touch with our congressional delegation.

So I think we have some good funding sources. I'm encourages at where the open space program is going. Let me just add to the question while we're in that Section 5, why are we focused on the incorporated boundaries of the City of Santa Fe? It would seem that since we're talking here about water, 70 percent, 75 percent water and wastewater, that we should really be talking about the urban area boundary. Because the urban area boundary is where the City serves water. They collect the revenues from the water service in the urban area boundary. That revenue is not available to us, to the County.

So it seems like when we're talking about water and wastewater projects, which is what we're talking about here, we're really dealing with the urban area boundary because that's pretty much the definition of the urban area boundary is either it is or it can be in the near future served by water and wastewater, and so it can result in denser development and more compact development. So when I look at that, I'm concerned in regional planning that we're still focusing on the archaic municipal boundary system, which is about to change anyway through annexation, hopefully.

But has that been addressed? Maybe Estevan you can help me with that.

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, we really aren't focused on the incorporated area boundaries. We're focused on regional projects that include the incorporated area but certainly the region around it as well so the urban area and possibly even

something even beyond that. For example, one such regional type project that has been discussed is the potential for building a regional water system up in the Pojoaque and Tesuque stream systems to resolve some long standing water rights litigation. Ultimately that may feed into metro area water supply as well, and that could very well be a regional project that incorporates the urban area, the incorporated area and something that's much larger than that. So it's not focused on the incorporated area boundaries but on regional projects that include that.

COMMISSIONER SULLIVAN: Well, would there be a problem, and again, I'm trying to get us focused and keep us focused on regional planning and regional thinking to get away from the term incorporated boundaries and just say the designated urban area boundary. I was just suggesting that on the third line of Section 5 that instead of projects that benefit residents within the incorporated boundaries of the City of Santa Fe, we say projects that benefit residents within the designated urban area boundary. Because that has the direct relationship, as we all know, the water system and the sewer system in the City of Santa Fe goes beyond the municipal boundaries. And really, this is what this portion of the 50 percent is addressing is trying to provide more water in the City's water and sewer service area, which is nowadays well beyond the City's municipal boundary.

I just think that that more accurately addresses the urban—the urban area is what we're dealing with here, not necessarily the municipal boundary. Does that seem reasonable?

MR. LOPEZ: Mr. Chairman, ultimately, Commissioner Sullivan, ultimately I think that is a policy decision that you'll have to make tonight. But I do think that in most of the instances that we've been able to identify here, we're not talking about the incorporated area, we're not talking about the urban area as has been defined by the regional planning authority. For example, the Buckman system as a different example. Excuse me, the Buckman direct diversion. That is going to benefit the city, the urban area and whatever area that the County water utility serves, which extends well beyond the urban area.

CHAIRMAN DURAN: Right.

MR. LOPEZ: So this is kind of a broader reaching language that's in this right now.

CHAIRMAN DURAN: I think we're trying to complicate the real issue here. Several weeks ago, or actually several months ago, we sent staff out to try and develop an ordinance that was going to, that the voters would pass. And we at one point along the way decided that we needed to have the City's buy-in and that's what they've done the last couple weeks. They've crafted an ordinance here that incorporates the City's concerns based on true regional planning and I don't think we're going to be able to work everything out tonight. I don't think we're going to be able to address all of our concerns.

But I think that if we can adopt this ordinance it gives us a foundation for continued dialogue and regional work that needs to be done. I think that if we doctor this thing up like everyone is suggesting that it's not going to be anything near what was presented to the City Council last night and we're just opening up—it's going to be a Pandora's box.

COMMISSIONER TRUJILLO: Like I said, I agree with you, Mr. Chairman. I

think that I would like to focus on is the formula, the distribution and I would like to see that changed, through discussion. And my proposal is that ten percent go to roads and 15 percent stay in open space and 70 percent go to water and 5 percent go to other. The vernacular, I don't have any problem with semantics or words.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I agree with your comments. This has been worked at very carefully for a lot time. Trying to change a word here, a word there can affect the balance of the meaning, the interpretation that other people may have of this. I think that this is clear enough language. It's good, it's regional. It's not just the City. I think we should keep it simple. Keep it as close to what we have as possible. I do want to address when I have the floor a couple of issues about the City-proposed amendments and then if appropriate we could get into the other general discussion.

COMMISSIONER SULLIVAN: I don't have—if we think that that upsets the applecart to change it from municipal boundaries to urban area boundary, then I say fine. I think we do have and the City expects us to take a look at the allocation issue as long as they get their half. They're not too concerned about that. I certainly agree with Commissioner Trujillo that the if City feels the railyard project is important, that comes in their half which would be in Section A and I think most of these amendments have added substance to the ordinance so I certainly am supportive of them. I do want to speak for the many residents and working people of Santa Fe that aren't here tonight that have to drive on Santa Fe roads, 600 miles of unpaved roads and I think they—we're saying in here currently that open space should get three times as much funding as roads.

I think that roads is a basic service of the County that we need to keep in the forefront, particularly where we're doing recurring funding. So I would, from that standpoint certainly the residents of Eldorado, the residents of Edgewood that are my constituents that I serve and all of those in the southern part of the county feel that this is something that has to be dealt with more than spending \$175,000 a year on. Those would be my comments and don't obsess over the urban area boundary if that is going to cause great consternation. I'm not fixed on that.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: With that I'd just like to then, to move things along, to accept the City's amendments—

COMMISSIONER CAMPOS: I haven't commented on the City's amendments yet.

COMMISSIONER GONZALES: Right. Well, to move things along, to move it, and then if we get a second we can actually debate the City's amendments as opposed to nitpicking at them individually.

COMMISSIONER CAMPOS: I would like to have at least five minutes.

CHAIRMAN DURAN: Why don't you take five minutes and then let's make a motion.

COMMISSIONER CAMPOS: I'd like to have a little discussion on 5 D. 5 D.

talks about a dispute resolution process. I really don't know what that means and how that would work because there's really no legal criteria. It seems that this is going to be a political decision as to how you spend the money, so I think that the final say on 5 D, dispute resolution should be the RPA. They're the political body. I don't think we need to go to a mediator or an arbitrator to decide this. Because there really is no legal criteria. So I would recommend 5 D. as far as dispute resolution that the RPA does have the final say on how these things are resolved.

If we have a four-four vote, let's find a resolution, maybe flip a coin or something if it's that close, to resolve it and move things along. That's one idea I'd like to throw out for discussion. I'd like to have comments from Mr. Kopelman and Mr. Lopez.

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I think that first sentence isn't dealing with the allocation of the GRT. I think it's dealing with an agreement. In other words, when the City and the County decide we're going forward with Buckman, we'll put together an MOU or a joint powers agreement, I think all this is saying is that there would be some provision—in other words in the contract itself.

COMMISSIONER CAMPOS: I understand that. I read that language. I'm concerned about the dispute resolution, what that means. Where does it go from there? I think it should go—dispute resolution should mean that the RPA resolves the dispute. As to ownership or construction or management and operations. Where else do we go, logically, from a political perspective? that's my idea. That's what I'm addressing. Is that clear to you or am I missing the boat?

MR. KOPELMAN: Mr. Chairman, Commissioner, I don't see that the language in any way would prevent the parties from deciding to use the RPA as a vehicle. It's just open-ended. And again, to be totally honest, one of the Councilors pushed that issue very hard.

CHAIRMAN DURAN: Pushed what issue?

MR. KOPELMAN: The issue about having a dispute resolution mechanism. And I think it's somewhat open-ended and I think it would require us, when we sit down to work out details, that we look at how, what happens if there is a deadlock. That's all it's saying really.

COMMISSIONER CAMPOS: Well, I would just suggest that the RPA be the entity that resolves, one way or another, the disputes. As far as 6 B. which talks about the County capital outlay gross receipts tax funding for projects, the language proposed by the City is that they have to be approved by both the City and the County and subsequently submitted to the Regional Planning Authority. I think we're not giving away any power to the City, we're actually consulting with the City. So ultimately, because it is a County tax, I think the County can share this authority but I think we should share it with the Regional Planning Authority by giving, by writing it as proposed by the City essentially gives them a veto because that could stop the whole discussion. There would be no discussion.

So I would say that issues should be begun and determined by the RPA, that that's who we choose to share our power with. And if we talk about the City and County I think we're just

creating a bunch of roadblocks and a lot of problems. So I would say keep it simple. RPA is the key entity in resolving issues and making determinations.

CHAIRMAN DURAN: So how would you like to keep—how would you like that paragraph to be structured?

COMMISSIONER CAMPOS: I would say, delete certainly the word “subsequently.” Delete their proposal entirely. Leave it essentially as is, with the idea, if we need, Mr. Kopelman, additional language to make it clear that the Regional Planning Authority is the key governing authority as far as this money, and not the City and the County separately and apart. I think it makes administration simpler, more direct. It’s a little more effective.

COMMISSIONER GONZALES: Can I speak to that point?

COMMISSIONER CAMPOS: Can I get a comment from staff?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I don’t disagree with you at all and I think that ultimately, it’s going to be a decision that the Commission makes. I think the idea here is that in order for there to be a joint project, the City and the County pretty much have to agree, this is the project we want to go forward with. So rather than, the idea is not having the RPA impose it. I think the idea is the City and the County will have to decide that Buckman is the project then the RPA decides the funding.

COMMISSIONER CAMPOS: I understand the concept that you have here, I’m just suggesting that perhaps another one would be better is my suggestion.

COMMISSIONER GONZALES: I think, to your point, Commissioner Campos, and what everyone’s been saying, this is a leap of faith. This is, as Chairman Duran indicated in his letter to the Council, truly forces us to act in a regional partnership. But keep in mind under the language of item D, the Council or the Commission does have actual veto over project if a joint powers agreement or a mutual aid agreement cannot come up to place as to how the project will be managed and in what manner it will be, then in effect, I think it stops a project. I think that if the City proposes that they want to repair leaks in their system and there’s a proposal that comes forward that this go to the RPA and the Commission as a whole says, No, we don’t want to do it. We’re not going to enter into an agreement to share in this, then we stop this project.

I think what the City, with that understanding knew that it would be important that any project that goes forward has ample opportunity to be reviewed in both governing boards, public process, voted on, and then sent to the RPA for determination of funding. And the way the City’s proposing this, they’re saying that—I don’t think it changes the intent. They’re saying that the projects that have been approved by the City of Santa Fe and the County, which would happen under this joint powers agreement clause of this ordinance shall be subsequently reviewed and approved by the Santa Fe RPA.

So if you’d picture that the joint agreement would come forward to both the City and the County for adoption, if they pass it. Let’s move to the RPA for the actual funding, what they would appropriate. Because the RPA may say, We’re only going to do a certain amount of GRT towards this, and then it’s the responsibility of the City and the County to come up with more money from other places. But the veto power already exists. We’ve already ensured that

amongst, to the City through Section D that's going to require a joint powers agreement that governs all the projects.

COMMISSIONER CAMPOS: Commissioner, if I may, I'm suggesting a different route. Instead of giving the City a veto power and the County a veto power, let's have the RPA make the decisions. Let that truly be the regional decision maker. We have four votes. They have four votes. If we have a deadlock we'll have to design a way of breaking that deadlock. Clearly staff from both the County and the City are going to have tremendous input as to what they suggest. Most things are going to be worked out.

COMMISSIONER GONZALES: But representing the City's point, their concern last night was that the RPA has a majority of the Commission represented. It does not have a majority of the Council. So you're not allowing full participation by their governing board. So their proposal would be, if you're going to go that route, then give them another voice on the RPA. It's not necessarily a bad route if you keep the super-majority so that you require that four of the five have to vote in the affirmative and three of the four have to, but the point by the City was that if the RPA is going to hold the majority of the authority then a majority of the governing boards should have a voice on the RPA as opposed to just a majority of one and not the majority of the other.

COMMISSIONER CAMPOS: Well, I understand the Bushee argument, the Bushee position. I don't agree with it. I think there's a better way of doing this from an organizational perspective. We cannot give our power to the City. We can consult with it and share but we cannot give it. This proposal essentially gives it to them.

CHAIRMAN DURAN: I disagree with you entirely.

COMMISSIONER GONZALES: So do I.

CHAIRMAN DURAN: So what else do you have?

COMMISSIONER CAMPOS: Those are my major concerns. As far as the percentages, I'd say 75-15-5 and 5. I think it's logical. It's been hashed out. I think people in the community understand it. I think it would be a good idea to stick to that.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just back on that 6 B. Perhaps we have complicated it because originally 6 B was written and then subsequently, 5 D was put in about this joint powers agreement and so forth, which, as Commissioner Gonzales was saying, really gives each entity a veto power because they wouldn't enter into an agreement. So it may be a good idea just to simplify 6 B by simply saying joint regional projects, which is kind of the term we're using here, 6 B would just say, "joint regional projects shall be reviewed and approved for funding by the Santa Fe Regional Planning Authority." Period. We don't get into whether it's been approved by the City or the County because that's already now provided for under 5D.

COMMISSIONER GONZALES: Seems to make some sense. But I don't know if there was another intent of 5B.

COMMISSIONER SULLIVAN: I just want to use the same language if we're

calling these joint regional projects as provided in Section 5 shall be reviewed and approved for funding by the Santa Fe Regional Planning Authority.

COMMISSIONER GONZALES: Does it change the intent of 5 B?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I think from my perspective that may present a bit of a problem at least as it goes to the RPA being asked to approve the funding portion that doesn't come from the GRT. Because I don't know that that's necessarily an issue that either body can give to the RPA.

COMMISSIONER SULLIVAN: No, I was making it specific. I was saying joint regional projects under Section 5.

MR. LOPEZ: As long as we limit the funding decision to that portion of the funding that's coming from the GRT, I think that works.

COMMISSIONER SULLIVAN: This whole thing is about the GRT.

COMMISSIONER GONZALES: Right. It goes to the point that if there's cost overruns, or let's just say that the GRT doesn't generate enough to support a joint regional project, I think what Estevan is saying is that the City and the County are individually going to have our own needs, or we're going to have to find our own sources of revenue to support the difference between what the GRT is bringing in and what the project costs may be. So maybe to your point, joint regional projects funded by the GRT under subsection A of Section 5 of this ordinance shall be reviewed and approved by the Santa Fe Regional Planning Authority.

CHAIRMAN DURAN: You know what? I think B is fine just the way it was originally.

COMMISSIONER SULLIVAN: Originally originally.

CHAIRMAN DURAN: Yes.

COMMISSIONER SULLIVAN: I agree.

CHAIRMAN DURAN: There's nothing wrong with it.

COMMISSIONER SULLIVAN: I agree with that too. I don't think the way the City changed it adds anything, because we have that control, as it were, that they wanted, in 5 D.

CHAIRMAN DURAN: And they are projects that we have decide to undertake on a joint basis.

COMMISSIONER SULLIVAN: Yes.

CHAIRMAN DURAN: That's exactly what they are, based on subsection A of Section 5.

COMMISSIONER SULLIVAN: I think if that's the consensus then disregard all the above.

CHAIRMAN DURAN: How about if we just keep it the way it was originally?

COMMISSIONER SULLIVAN: Keep it they way it was. Now that we've provided what the City wanted, which was in essence a veto, through that joint powers mechanism, they have at any point in time a veto.

CHAIRMAN DURAN: In paragraph D.

COMMISSIONER SULLIVAN: In paragraph D. Now that doesn't answer

Commissioner Campos' concern about the RPA and I understand that, but one thing at a time here.

CHAIRMAN DURAN: It doesn't give full authority to the RPA but it goes to the RPA for their approval.

COMMISSIONER SULLIVAN: That's correct.

COMMISSIONER GONZALES: It does give full authority to the RPA to fund the projects.

COMMISSIONER SULLIVAN: Under subsection A. Right.

COMMISSIONER GONZALES: To say yes or no to whether, to use the GRT to fund a joint project.

CHAIRMAN DURAN: Under A.

COMMISSIONER GONZALES: So it could be that the City and the County do pass a joint powers agreement that the RPA determines that the don't want to fund.

CHAIRMAN DURAN: The basis of the Regional Planning Authority is regional planning.

COMMISSIONER GONZALES: They have the final authority though. The RPA—

CHAIRMAN DURAN: I think that's okay.

COMMISSIONER GONZALES: Right. So do I. But I think that's the way this is written is that the RPA will have the final authority to determine how much of the RPA to fund.

CHAIRMAN DURAN: We're finally going to give the RPA some authority.

COMMISSIONER GONZALES: Some teeth.

COMMISSIONER SULLIVAN: Are you, Commissioner Gonzales, are you speaking in favor of the original language?

COMMISSIONER GONZALES: No, I'm fine with the original language.

COMMISSIONER SULLIVAN: You're fine with the original language.

COMMISSIONER GONZALES: I'm not—I think the route that Commissioner Campos wanted to go and not, I guess in his words transferring the power, I don't see this as a transfer of power to the City. I see it as inviting them to participate fully in the process of developing joint projects.

COMMISSIONER CAMPOS: When you give veto power over money and projects, you give them your authority is the way I see it. I think Mr. Kopelman wanted to make a comment.

MR. KOPELMAN: I just wanted, going back to Section D, I just wanted to reiterate that I don't recommend that you add "joint powers agreement in there." I would recommend you leave it the way it is, a separate agreement so you have the flexibility to do a JPA and some other times you won't.

COMMISSIONER TRUJILLO: Good point.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman, under D again, would it,

Commissioner Campos, accomplish anything if we said, "Which agreement shall include among other things a dispute resolution process which shall include the RPA."

COMMISSIONER CAMPOS: Be the RPA.

COMMISSIONER SULLIVAN: You're saying be the RPA. I understand that. And I'm saying each dispute resolution process is going to be determined—

CHAIRMAN DURAN: What happens if it's four and four.

COMMISSIONER CAMPOS: You flip a coin.

CHAIRMAN DURAN: You can't flip a coin. No, I disagree.

COMMISSIONER SULLIVAN: So each time the dispute resolution process must be determined in the JPA. Is that what we're, Steve, is that what we're moving toward here?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I think the idea is any time we enter into an agreement with the City on a joint project, there would be some provision, let's say mediation, or there would be something that said, No mediation. The project dies if we have disagreement. It leaves, it's very, very open-ended. And I think the idea is that we would sit down and decide, for this particular project the RPA may be the best mechanism to resolve it. For this other one, we agree to mediation. For this other one we say it goes to court. Again, I don't see it as a major issue really. But again, I think ultimately you need to make that decision.

COMMISSIONER SULLIVAN: And that mediation doesn't, constitutionally we can mediate away tax money? We could leave that to a mediator who's not an elected official, either City or County.

MR. KOPELMAN: Mr. Chairman, mediation is non-binding. So in other words, all it is, it would bring in a facilitator. I'm just saying that's possibilities of what can be done. And most contracts have some dispute resolution, whether it's mediation, arbitration, litigation, or just walking away. And this again, is very open-ended. It doesn't say how that has to be dealt with.

COMMISSIONER SULLIVAN: And that doesn't mean that that's the final answer. The dispute resolution could be the appointment of a mediator whom neither party agreed with the conclusions and so it went to court.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, exactly. It can be non-binding mediation. It can be some public process. You have a lot of flexibility and this just keeps it very, very open-ended.

CHAIRMAN DURAN: Commissioner Gonzales, did you—

COMMISSIONER GONZALES: I was just going to say, the dispute resolution is—it may be that it's the RPA. And keep in mind that this agreement is going to come back to the Commission for determination whether they agree with the method that the staff has negotiated with the City that any dispute would be resolved. So I don't think we're giving anything away. It's going to be on a case by case basis. It may make some sense that it just stays with the RPA. It may make other sense that it's big enough that we may see the value of an outside mediator. But we don't know that now because we don't know what projects are

coming forward but I think there needs to be a method of resolution in times where we're at an impasse. That's the only point.

Because you are bringing together two governing bodies. It's very different from one governing body that's elected for a certain function.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Again, this resolution goes to political authority. How do you mediate that? You don't tell somebody, okay, we can't make a decision on a political issue that we have an obligation and duty to do. You resolve it for us. Who are we going to go to? A mediator? You make the political decision. That kind of doesn't make sense to me. And I think that's what doesn't make sense to me about that. A political decision has to be made by a political body and that's the RPA. That's the logical body for resolution.

CHAIRMAN DURAN: Well, I think that we're ready to make a motion on this except for the percentages. So how about if we do that and then have some discussion about the percentages.

COMMISSIONER GONZALES: Mr. Chairman, I'd like to move that we accept City amendments as proposed in Section 5, which includes another item 5 for infrastructure of affordable housing, and the language inserting the word "joint" on line three. And on line four, after Santa Fe, adding "See subsection A below."

CHAIRMAN DURAN: Commissioner, did you say—oh, finish. Go ahead.

COMMISSIONER GONZALES: And then also add under item A, the City railyard park, Santa Fe Railyard Park.

CHAIRMAN DURAN: Affordable housing?

COMMISSIONER GONZALES: And affordable housing.

CHAIRMAN DURAN: Could we say as permitted under this ordinance? You said something earlier, Steve, about—

COMMISSIONER GONZALES: I think the ordinance would already govern that. I don't know if we'd necessarily need that.

CHAIRMAN DURAN: Okay. I just want to make sure that it's clear that it goes for water and wastewater.

COMMISSIONER GONZALES: We could say as permitted by the ordinance in there. I would leave, under Council's advice, Section D alone and under the consensus of the Commission, leave Section 6 B alone. And I think that would take into account.

COMMISSIONER TRUJILLO: Second.

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

COMMISSIONER CAMPOS: That's just, those are the City's?

COMMISSIONER GONZALES: Those are the City amendments that we're accepting.

CHAIRMAN DURAN: Okay. Those in favor signify by saying "aye."
[Unanimous] Opposed? Motion carries.

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Okay, so now we want to talk about—let me ask a question. Is the only paragraph now that's up for discussion this Section 5, which is the allocation, or are there other sections in here that need discussion amongst ourselves.

COMMISSIONER CAMPOS: Well, 5 D. is still an issue I'd like to raise on making the RPA the deciding body on this.

CHAIRMAN DURAN: Why don't you make that motion so we can get that out of the way.

COMMISSIONER CAMPOS: Okay. I would make that motion that Section 5 D, as far as the dispute process, the RPA would be designated the deciding body.

CHAIRMAN DURAN: There's a motion. Motion dies for lack of a second. Okay, so now we're going to do Section 5. Do you want a roll call on the amendments?

MR. KOPELMAN: Mr. Chairman, Becky is right. After all of this is done, you'll need to adopt the ordinance in total as it's presented and as the votes have taken place.

CHAIRMAN DURAN: By roll call. But the amendments are okay by voice vote.

MR. KOPELMAN: Right. And then those amendments will come forward to be voted upon in the ordinance as a whole for adoption. And that will be done by roll call.

CHAIRMAN DURAN: Okay. Commissioner Sullivan, we'll let you have the floor first.

COMMISSIONER SULLIVAN: Oh, are we on D on the percentages now?

CHAIRMAN DURAN: Section 5.

COMMISSIONER SULLIVAN: Section 5, excuse me. I just want to reiterate that I think we have a basic responsibility to provide transportation. And this is not just, by the way, roads. If we put 10 percent in that category, it includes transportation projects, it includes bridges, it includes drainage that would go with that. It includes a number of things that are basic services that the County has to provide. I think open space, we've done GO bond issues, \$20 million worth. That money hasn't yet been fully expended. I think 15 percent is a more than adequate allocation there for that. In fact, I would reverse them, 10 percent for open space and 15 for roads, quite frankly. But otherwise, in the 70 percent, I think certainly indicates our intention to focus as we have all along on the water projects. So I would concur with Commissioner Trujillo on his allocation in that regard.

CHAIRMAN DURAN: I have one question relative to your comments. Estevan and Steve, the ordinance as it's written right now says "...five percent shall be dedicated to improving the safety of existing roads, streets or bridges. The remaining five percent may be used for other public projects as permitted by law." Could we not, if we decided we needed ten percent for roads, use that other five percent for roads?

MR. KOPELMAN: Mr. Chairman, you could.

COMMISSIONER SULLIVAN: That's true of course for open space as well. We could five more percent in open space.

CHAIRMAN DURAN: Well we could, if we decided as a Commission—

COMMISSIONER SULLIVAN: That's right. But for example, the five percent

is a very minimum. Let's suppose, like today, we were told that we were \$1.6 million short on the Public Works Complex. And let's suppose that the Commission decided to tap into that five percent for that. That's the only area in that five percent where we have that flexibility. We've committed ourselves very specifically in every other area. So I don't think that five percent will ever go to roads. I think it will be well utilized under the other category.

CHAIRMAN DURAN: So why don't we say 75 percent then of capital outlay, and then leave that other, and then 15 percent for other public projects as permitted by law. That gives us the flexibility to do whatever we need.

COMMISSIONER SULLIVAN: Well, then what are your other percentages?

CHAIRMAN DURAN: Well, then it would be 15 percent open space. So I would say 70, 15 and 15.

COMMISSIONER SULLIVAN: Well, I think we need to make—that would give zero for roads and I think we're going backwards here. I think we need to make a commitment so that the Public Works Department can budget what its projects are going to be.

CHAIRMAN DURAN: But it gives us the flexibility of doing whatever it is the County needs.

COMMISSIONER SULLIVAN: Well it would in that same philosophy apply to open space too. I would support that philosophy if you just simply said, 70 percent, or 75 percent would go to water and wastewater and then the remainder will be determined as we need it. And that tracks then with what one gentleman said, that that's the way our ballot issue—

CHAIRMAN DURAN: Well, obviously I didn't get anywhere with you on that.

COMMISSIONER SULLIVAN: Well, we're going backwards from five to zero.

COMMISSIONER CAMPOS: How do you propose they be broken down? Seventy-five for water and wastewater?

COMMISSIONER TRUJILLO: We're in a motion. I think Commissioner Sullivan is making a motion.

COMMISSIONER SULLIVAN: No, he was just going down the line to discuss, to get everybody's 75, everybody's percentage issues.

CHAIRMAN DURAN: I like it the way it is.

COMMISSIONER CAMPOS: I do too.

CHAIRMAN DURAN: So then the two of us like it the way it is. So I don't need to discuss it.

COMMISSIONER TRUJILLO: I agree with Commissioner Sullivan. We live in rural districts and one of the most visible issues that we have to deal with is roads and we need to address that. Understanding Commissioner Campos and Commissioner Duran come from the city where most of the roads are paved, we have to deal on a daily basis with roads that are unpaved, that when they get graded, 15 minutes later they need more maintenance. We need to address that and it's important that we designate or earmark 10 percent, or even 15

percent for roads. It's something that we have to deal with. It's a real issue out in the rural district.

CHAIRMAN DURAN: You could twist my arm and take five percent out of the capital outlay and give it to roads as long as open space stays 15.

COMMISSIONER TRUJILLO: Well, that's what I'm saying. I'm saying 70 percent water, 15 percent open space, 10 percent roads, 5 percent other. And that's 100 percent.

CHAIRMAN DURAN: Let's hear what Commissioner Gonzales wants to do.

COMMISSIONER GONZALES: Well, I've been a strong advocate for roads as well because of the safety of the roads. However, I think that if we go that far, this is the wrong method to support as far as we want to go with the roads. To use the gross receipts tax to go and pay for some of the County roads that are not going to be used by everybody is maybe not the best way to go. Property taxes, possibly funding from the state as we have been able to get funding from the state is a good way to go. I guess my point is that I think 10 percent is okay. I'm not in favor of 15 percent going towards roads although I think that there needs to be some discretion left for some other type of use.

I'm conflicted because I think that the open space proposal, especially specifically as we talk about river restoration and acequias should have a component for that. So I'd rather see, my personal support would go 70 percent for water, 5 percent for river restoration, acequias, which would include acquisition of trail easements, so that you actually get both out of that, 15 percent open space and 10 percent for roads and other. So that the Commission could determine where those priorities may be needed.

COMMISSIONER CAMPOS: Mr. Chairman, I think it would be a big error to not do 75 percent for water and wastewater. I think we've spoken to a lot of people in the community. We've gone to a lot of meetings and people are very accepting of 75 percent. I think we could get this thing passed if we had the 75 percent. I think you could talk to our County Manager and County Attorney. We've been to a lot of meetings. This is not our first meeting. We've been to a bunch of meetings.

COMMISSIONER GONZALES: Okay, let me ask you to compromise something then. Would you allow for an item 6 to specifically state a specific project being river restoration and trail easement acquisitions?

CHAIRMAN DURAN: Acquisitions?

COMMISSIONER GONZALES: I'm sorry. River restoration and trail easement acquisition, under the joint projects?

CHAIRMAN DURAN: I'd support that. Keep it at 75?

COMMISSIONER GONZALES: And keep it at 75. But we would specifically state that in the ordinance.

COMMISSIONER CAMPOS: Tell me again. Seventy-five percent for water and wastewater—

COMMISSIONER GONZALES: Page 2, under subsection A, that we would add another component that would say—we already have river restoration under 3, but I would

separate it out and put a bullet that would say river restoration and acquisition of trail easements.

COMMISSIONER CAMPOS: You're talking about page 2, under 5 A?

COMMISSIONER GONZALES: Yes.

COMMISSIONER TRUJILLO: I agree with that. So, Commissioner Gonzales, that would be 75 percent for water, including that stipulation, 15 percent open space, and ten percent roads?

COMMISSIONER CAMPOS: No, five and five.

COMMISSIONER TRUJILLO: Fifteen percent open space, ten percent roads? That's 100 percent, right?

COMMISSIONER CAMPOS: I think other is key. We need that five percent for flexibility because we do have other needs.

COMMISSIONER TRUJILLO: So that's 75 percent water, 10 percent roads and 15 percent open space. That's egalitarian.

COMMISSIONER CAMPOS: What about others?

COMMISSIONER TRUJILLO: That's fair. That represents a cross section of our community. And Commissioner Gonzales is saying that roads are used less than open space and I disagree with that. I think roads are used more than open space. There's a lot of people who don't utilize the open spaces that we have in the county.

COMMISSIONER CAMPOS: I think what Commissioner Gonzales is saying is that there are probably better funding mechanisms, maybe even special assessment districts.

COMMISSIONER TRUJILLO: We've tried that.

COMMISSIONER CAMPOS: Well, we may have to try harder.

COMMISSIONER TRUJILLO: We've tried that. That's been the story of our lives.

COMMISSIONER CAMPOS: I agree that as far as gross receipts tax, we shouldn't spend that much money on roads. I think 5 percent is the right sum for that.

COMMISSIONER TRUJILLO: Let me tell you something. Five percent would generate \$400,000 a year. In roads, that would pave two miles of road. That's what five percent would do in the whole county.

COMMISSIONER CAMPOS: I understand that it's not enough money.

COMMISSIONER TRUJILLO: Right. It's not enough money.

COMMISSIONER CAMPOS: But I think under the circumstances, what we're doing here today—

CHAIRMAN DURAN: Maybe it would bond more. Maybe it would bond millions.

COMMISSIONER TRUJILLO: We need ten percent for roads.

COMMISSIONER CAMPOS: I would move, as far as percentages to keep them as is. Is there a second?

CHAIRMAN DURAN: I'll second that.

COMMISSIONER GONZALES: Man, this is not good.

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

COMMISSIONER GONZALES: The motion is, can you repeat that real quick?

CHAIRMAN DURAN: To just keep it as it's shown on the draft ordinance, 75, 15, 5 and 5. Those in favor signify by saying "aye." [Chairman Duran and Commissioner Campos voted aye.] Opposed? [Commissioners Gonzales, Sullivan and Trujillo voted nay.]

COMMISSIONER GONZALES: Mr. Chairman, I'd move that we make a motion to accept 75 percent water allocation, 15 percent open space, 10 percent for roads and other.

COMMISSIONER CAMPOS: And other? As a combination?

COMMISSIONER GONZALES: Yes.

CHAIRMAN DURAN: Okay, I'll second that.

COMMISSIONER SULLIVAN: Under discussion, Mr. Chairman. I think if you're going to move roads into other, then you need to move open space into other and you need to say, Okay, all of these things will be brought forward and evaluated based on their merits. Just like anything.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, to respond to that, the community, more so than this Commission has made a \$20 million investment in open space. They have demonstrated that this is something that want. It's part of our mission. We have a lot of lands that are available that cannot be open to the public because we have not been able to maintain them or make them safe. This is a new program that the public has said that the want to support. I think that we need to keep 15 percent available for open space and leave the 10 percent for roads. If the Commission determines they want to use the full amount for roads, or for other.

COMMISSIONER SULLIVAN: We already have that authority. The other already includes any eligible category. So that's the same, that's essentially no different from what the motion was keeping it as is because, correct me if I'm wrong, Steve, the other category includes any authorized expenditure under the statute.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, that is correct. However—

COMMISSIONER SULLIVAN: So we could put the five—

COMMISSIONER CAMPOS: I think it does change because it allows the discussion to occur later, here at the BCC level. I think that's fine. I'd go with that.

COMMISSIONER TRUJILLO: We'd lose. Roads would lose.

COMMISSIONER CAMPOS: You never know. You've got to make your best shot then.

COMMISSIONER SULLIVAN: I think what we're doing here is we're creating an entitlement program and we're creating an entitlement program for water and wastewater, which we all agree is the number one priority, and then we're creating entitlement programs, which have been the bane of the federal government for years in

other specific areas. And I just don't see, if that's what we're going to do, how we can eliminate road improvements.

COMMISSIONER GONZALES: I know the Clerk's going to get upset but I'm okay if we just left it at roads and pulled the other also. So I don't—

COMMISSIONER CAMPOS: What's that?

COMMISSIONER TRUJILLO: I second that.

COMMISSIONER GONZALES: But Commissioner Campos seconded.

COMMISSIONER CAMPOS: I think we need a time-out, Commissioner.

COMMISSIONER SULLIVAN: What's he seconding?

COMMISSIONER GONZALES: If we drop the other out of it, it just said ten percent would go to improving the safety of County roads.

COMMISSIONER CAMPOS: Can we take a break for five minutes.

COMMISSIONER GONZALES: Are you changing your motion?

COMMISSIONER GONZALES: No, I'm not changing my motion. We'll just keep it to that.

COMMISSIONER SULLIVAN: What's the motion?

COMMISSIONER GONZALES: The motion is 75 percent water, 15 percent open space, ten percent for roads and other.

CHAIRMAN DURAN: Call for the question. Those in favor signify by saying "aye." [Commissioners Gonzales, Campos and Duran voted with the motion.] Opposed? [Commissioners Trujillo and Sullivan voted against.] Motion carries.

Now, in terms of the ordinance, the Chair will entertain a motion to approve the ordinance as amended.

COMMISSIONER GONZALES: So moved.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Any discussion?

COMMISSIONER CAMPOS: Hold on. Let's make sure we have everything.

CHAIRMAN DURAN: They have it all.

COMMISSIONER CAMPOS: Do you have it all? Section 5—

MR. KOPELMAN: Mr. Chairman, members of the Commission, I can run through it real quickly if you'd like. Let me just ask you before we go on to that, Commissioner Gonzales had proposed a new category 7 for river restoration and the acquisition of trail easements. You may want to vote on that first.

COMMISSIONER GONZALES: I'd like to move that in the form of an amendment. Commissioner Campos, I thought you'd agreed to that.

CHAIRMAN DURAN: I second it. I thought I seconded that.

MR. KOPELMAN: Although you now have a motion on the table.

COMMISSIONER GONZALES: Commissioner Campos, you can't have it the entire way you want it here.

COMMISSIONER CAMPOS: I haven't.

COMMISSIONER GONZALES: I'd like to move that we would add a component there that calls for river restoration and acquisition of trail easements.

COMMISSIONER CAMPOS: Where? Five A?

COMMISSIONER GONZALES: That would be under 5 A. Do you agree to that as a friendly amendment?

CHAIRMAN DURAN: I'll second it. Those in favor of that amendment signify by saying "aye." [Commissioners Gonzales, Duran and Trujillo voted in favor.] Opposed? [Commissioners Campos and Sullivan voted against.] Motion carries.

Now you can continue.

MR. KOPELMAN: Mr. Chairman, members of the Commission, the changes from the marked copy that was distributed today, and that's the one that has all the underlinings, that's the one we've been working off, the changes that were voted on, in Section 5, first sentence, insert the word "joint" after for and before "regional." Then at the end of the sentence, "(See subsection A below.)"

Second change is adding a subsection 5, which would be "Infrastructure for affordable housing (as permitted by law." New subsection 6 is the City of Santa Fe Railyard Park, and subsection 7 is River restoration and acquisition of trail easements.

No change in subsection B, no change in subsection D, no change in subsection 6. D. So that would be the changes. That's what I have.

CHAIRMAN DURAN: With the percentages.

MR. KOPELMAN: I'm sorry. The percentages would be changed so it's water/wastewater set no less than 75 percent, open space no less than 15 percent, and ten percent for roads and other permitted uses.

COMMISSIONER SULLIVAN: Mr. Chairman, let me ask for a clarification. Should the ten percent be for the improving and safety of existing roads, streets and bridges, as it says in here now?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, that would be my understanding. And then after that would be and other public projects—

COMMISSIONER SULLIVAN: And other public projects as permitted by law. And then let me ask one other clarification. In adding A. 7, are you going to continue to keep "river restoration" in A. 3.

COMMISSIONER GONZALES: No. That would delete it from A. 3. That was the intent of the motion to delete it from 3 and make its own—

COMMISSIONER SULLIVAN: And again, a clarification, everything in A. is not under the 75 percent funding. The things in A are under the 50 percent funding.

COMMISSIONER GONZALES: That's correct.

COMMISSIONER SULLIVAN: Okay. Because there was some discussion that all those were under the 75 percent funding but they're under the 50 percent joint regional projects.

COMMISSIONER GONZALES: Right. Fifty percent of the total GRT

that's coming in.

COMMISSIONER SULLIVAN: That's correct.

Ordinance 2002-5 passed by unanimous roll call vote with Commissioners Campos, Duran, Gonzales, Sullivan and Trujillo all voting in the affirmative.

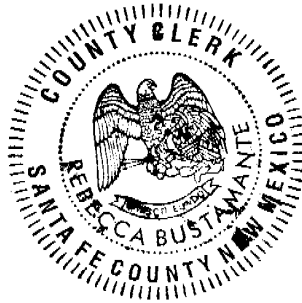
MR. LOPEZ: Mr. Chairman, I think what the Clerk was going to bring up is that it's important that all of the public be recognized that the ordinance that we've worked on here today is not the way it's going to appear on the ballot on April 9th. The ballot question is something a little bit different. This ordinance adds specificity within the question that's on the ballot.

CHAIRMAN DURAN: And who will be adopting that language?

MR. LOPEZ: It's already been adopted.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 7:25 p.m.



Approved by:

Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:

REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1208122
COUNTY OF SANTA FE
STATE OF NEW MEXICO } ss
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 23 DAY OF May A.D.
2002 AT 1:32 O'CLOCK PM
AND WAS DULY RECORDED IN BOOK 2136
PAGE 696-805 OF THE RECORDS OF
SANTA FE COUNTY

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

MARCELA SALAZAR
DEPUTY

\$265,211 that would otherwise not be collected. Fees would increase by as little as \$.03 per square foot for other Class 7 land uses and by as much as \$.06 for Class 3 uses. It should be noted that these fees are still substantially below the level that is permissible under the newly adopted LUA and CIP.

Column 4 shows the fees that would be in place if affordable housing were given a 50% reduction in impact fees and there were a proportional increase of the fees for the other land uses by 5.26% to make up for the \$132,606 that would otherwise not be collected. Affordable housing would face a fee of \$.138 per square foot, while other land uses would see an increase in fees of half the amount shown in Column 3.

IMPACT FEES FOR AFFORDABLE HOUSING
By Southwest Planning & Marketing
March 8, 2002

2136803

SECTIONERK RECORDING 08/17/2004

Under an amendment to the New Mexico Development Fees Act passed in 2001, Santa Fe County has the option to exempt affordable housing from impact fees for fire and emergency services. This paper examines the impacts of such an exemption and provides alternatives for the BCC to consider.

The first issue is the definition of affordable housing. Santa Fe County already has an affordable housing ordinance, which provides a definition of eligibility; that definition is to be updated annually. We recommend that, if there were to be an exemption from impact fees for affordable housing, the same definition of affordability be applied to the impact fees as is already contained in the affordable housing ordinance.

The next question is how many dwelling units would qualify as affordable. Based on discussions with Planning Division staff, we estimate that 15% of the housing in the Community College District would qualify as affordable. It is less clear how much of the housing in other areas of the County would qualify. While there will be a limited number of subdivisions in other areas that would trigger the affordable housing ordinance, there will still be units constructed by owner-builders, including mobile homes, that would qualify. We recommend assuming that 15% of all new housing in the County would qualify.

The next issue is how would fire and rescue impact fee revenues be affected by an exemption for affordable housing. According to the Land Use Assumptions (LUA) and Capital Improvement Plan (CIP) adopted by the BCC in February 2002, capital requirements for new stations and equipment related to growth over the next five years will be \$6,875,800. If impact fees were maintained at the current level, they would collect \$2,523,419 of this amount (36.7%), leaving a deficiency of \$4,352,381.

A portion of the \$2,523,419 would be lost if affordable housing were exempted from the impact fee. This amount is equivalent to the portion of the fees that will be collected from residential uses (70.1%) times the portion of housing that would qualify as affordable (15%) equals 10.51% times \$2,523,419 equals \$265,211 that would be lost. Or, if affordable housing were provided a 50% reduction in impact fees, the loss would be half of this amount or \$132,606.

The County could adjust other impact fees to make up for this lost revenue. The exhibit shows the level of fees that are legally allowable in the first column, the current fees in the second column, and the impact of an affordable housing adjustment in the third and fourth columns.

The third column shows the effect of a total exemption for all affordable housing and a proportional increase of the fees for the other land uses by 10.51% to make up for the

2136804

SFC CLERK RECORDING 08/17/2004

\$265,211 that would otherwise not be collected. Fees would increase by as little as \$.03 per square foot for other Class 7 land uses and by as much as \$.06 for Class 3 uses. It should be noted that these fees are still substantially below the level that is permissible under the newly adopted LUA and CIP.

Column 4 shows the fees that would be in place if affordable housing were given a 50% reduction in impact fees and there were a proportional increase of the fees for the other land uses by 5.26% to make up for the \$132,606 that would otherwise not be collected. Affordable housing would face a fee of \$.138 per square foot, while other land uses would see an increase in fees of half the amount shown in Column 3.

IMPACT FEES (PER SQ. FT.)				
NFPA Class	Fees Allowable Under New LUA/CIP	Current Fees	Fees with Affordable Housing Exemption/Reduction	
			100%	50%
7 - Affordable Housing	\$ 0.750	\$ 0.275	\$0.000	\$ 0.138
7 - Other Uses	0.750	0.275	0.304	0.289
6	0.870	0.335	0.370	0.353
5	1.050	0.355	0.392	0.374
4	1.310	0.460	0.508	0.484
3	1.740	0.585	0.646	0.616

SOURCE: Southwest Planning & Marketing, 2002