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**SANTA FE**  
**BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**March 27, 2001**

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

**SANTA FE COUNTY**

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**REGULAR MEETING****BOARD OF COUNTY COMMISSIONERS**

March 27, 2001

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

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

**Members Present:**

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

**Members Absent:**

None

**IV. APPROVAL OF THE AGENDA**

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- B. Tabled or withdrawn items**

CHAIRMAN DURAN: Sam, are there any amendments or tabled items you'd like to discuss with us?

SAMUEL O. MONTOYA (County Manager): Good morning, Mr. Chairman, members of the Board. We have one amendment on today's agenda. It's under Section VII.F.2, under the County Manager's section, and it deals specifically with the Regional Development Corporation agreement. We have one tabled item, Mr. Chairman, under item Section VIII. B. 3, relating to the community DWI grant fund. Those are the only two changes for today, Mr. Chairman.

CHAIRMAN DURAN: Okay, any other amendments from the Commission? I would just like to say that at 11:45 we're going to break for lunch and then we'll come back at

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1:00. Is that okay with everybody? Okay. That way staff can go have something to eat and so can we.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I don't see on the agenda approval of the minutes. Are we going to approve minute today? IV.C? Ah, okay. There's an amendment on there. Approval of the minutes. Okay.

CHAIRMAN DURAN: So that's next on the agenda. I'd entertain a motion to approve the agenda.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

**IV. C. Approval of the Minutes: February 27, 2001, reconvened on March 1, 2001**

CHAIRMAN DURAN: Are there any changes to the minutes? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

**V. CONSENT CALENDAR**

- A. Resolution No. 2001-38. A resolution requesting a transfer from the contingency fund to the general fund (101) to establish a budget for the County Surveyor for expenditure in fiscal year 2001**
- B. Resolution No. 2001-39. A resolution requesting a budget decrease to the general fund (101)/Regional Planning Authority to realign the fiscal year 2001 budget with the joint powers agreement with the City of Santa Fe for expenditure in fiscal year 2001**
- C. Resolution No. 2001-40. A resolution requesting an increase to the general fund (101)/Region III program income to budget proceeds received from the sale of equipment surplus for expenditure in fiscal year 2001**
- D. Resolution No. 2001-41. A resolution requesting a budget decrease to the general fund(101)/Land Use Department for a special appropriation project (SAP) grant that was revoked by the New Mexico Environment Department**

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- E. Resolution No. 2001-42. A resolution requesting an increase to the general fund(101)/Community DWI grant program to budget additional revenues for expenditure in fiscal year 2001
- F. Resolution No. 2001-43. A resolution requesting a budget transfer from the Housing Capital Improvement fund (301) to the Housing Enterprise fund (517) for expenditure in fiscal year 2001
- G. Resolution No. 2001-44. A resolution requesting a budget decrease to the Community Development Block Grants fund (250)/Sombrillo Teen Center to realign the fiscal year 2001 budget with the remaining fiscal year 2000 cash balance
- H. Request authorization to enter into a construction agreement with JARCO Contractors Inc., IFB #21-45 for the construction of Phase II and III of an addition to the Rio en Medio Community Center
- I. Request adoption of findings of fact and conclusions of law for the following Land Use cases:
  - 1. EZ Case #S 00-4890, Estancia Real at Las Campanas (approved)
  - 2. CDRC Case #V 00-5431, Catherine Ducaj (approved)
  - 3. CDRC Case #A 01-5021, Baxter Brings (approved)
  - 4. CDRC Case #Z 00-5900, International Pond Supply (approved)
  - 5. CDRC Case #Z 5960, Michelle Sanchez (approved)

CHAIRMAN DURAN: Do you want to go through it Sam?

MR. MONTOYA: Mr. Chairman, under the Consent Calendar we have items through I. Mr. Chairman, most of these are specifically related to financial adjustments to respective budgets except for I, which are the findings of fact and conclusions of law on land use cases. I'd ask, Mr. Chairman, that the Board adopt the Consent Calendar unless there are any specific issues that would like to be pulled out by the Board for further discussion.

CHAIRMAN DURAN: So why don't we do that? Are there any items on the Consent Calendar that any of the Commissioners would like to withdraw or pull for further discussion? Why don't we take a few minutes to look at it and then let me know what you want to do.

COMMISSIONER SULLIVAN: Mr. Chairman, I can give you a couple.

CHAIRMAN DURAN: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: While the others are looking. I have some brief questions on D, E, F, G, H and I. 2 and 3.

CHAIRMAN DURAN: Okay. Are there any other items that the Commission would like to isolate? If not, I'll entertain a motion to approve the Consent Calendar excluding D, E, F, G, H, and I 2 and 3.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER CAMPOS: Second.

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



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

So now we'll deal with item V. D. A resolution requesting a budget decrease to the general fund(101)/Land Use Department for a special appropriation project (SAP) grant that was revoked by the New Mexico Environment Department.

COMMISSIONER SULLIVAN: Mr. Chairman, I asked this to be withdrawn just to get a clarification from the staff. I'm not familiar with this project as to why the grant was revoked by the New Mexico Environment Department.

SUSAN LUCERO (Deputy Finance Director): Mr. Chairman, Commissioner Sullivan, this was a grant for the Cuatro Villas project. We had two grants for that, both from EID. And they revoked one for—this one for \$35,173, and we had actually already signed a contract with them for the award, and I believe they either ran out of funding and realized after the fact, or something along those lines. So that is what happened. They are trying to look for additional monies but at this point they have not found any.

COMMISSIONER SULLIVAN: So this was a grant that hadn't yet started.

MS. LUCERO: Correct.

COMMISSIONER SULLIVAN: So it wasn't a matter of performance on the part of the County that it was revoked.

MS. LUCERO: Yes sir.

COMMISSIONER SULLIVAN: It was revoked because they couldn't find the money.

MS. LUCERO: Yes.

CHAIRMAN DURAN: Okay, item E.

COMMISSIONER SULLIVAN: Mr. Chairman, my question on item E was there are additional funds that we're budgeting for additional revenues for the Community DWI program in the amount of \$9,967 and my question was, what are these monies going to be used for. I see them all—I see about \$5,367 of those dollars, of that amount in professional services other contractual services and the balance in supplies and printing and so forth. So my question is, what are we going to do with that money?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, David, who is the director of the DWI program is handing you some information that goes over the areas of expenditure that are anticipated.

COMMISSIONER SULLIVAN: Could you perhaps just summarize that so we don't have to read this in front of the public here.

MS. LUCERO: I was going to make you do that.

COMMISSIONER SULLIVAN: This wasn't in the packet; otherwise we would have read it before hand.

MS. LUCERO: Okay, I apologize for that. The Community DWI program is funded every year through Highway and Transportation Department and typically, what happens is about this time they come up with additional funds, either because in the prior year other entities were unable to expend all of their award. So in this case what we're

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proposing is to use, for example, \$4,367 in the area of enforcement, which I believe deals with DWI warrant enforcement, actually going out and arresting DWI offenders who have outstanding warrants, and then the other expenditures are in the areas of supplies, \$2,000, contractual, \$1000 and other type of supplies for \$2,600. And these are typically used for educational materials. The contractual services are in the way of professional services to produce media and other public information materials.

COMMISSIONER SULLIVAN: Thank you.

MS. LUCERO: You're welcome.

CHAIRMAN DURAN: Any other questions on item E? Item F.  
Commissioner Sullivan. A resolution requesting a budget transfer from the Housing Capital Improvement fund to the Housing Enterprise fund for expenditure in fiscal year 2001. It's Community Health and Economic Development Department

COMMISSIONER SULLIVAN: My question on this item, Mr. Chairman, was that this is apparently a minor fund transfer from the 1996 CIAP program, which has a total contract award of \$1,017, 355. I'm not familiar with this program but the first question I had was when, where are we in this program? When does this \$1 million expire? It's been going since 1996. Does this program expire in this fiscal year or where do we stand?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, this program is called the Comprehensive Improvement Assessment program. It's federally funded through HUD. Its purposes are to modernize the public housing units. And in this case, the million was spent with the exception—and it was spent, I think they completed all the expenditures in fiscal year 98 or 99. We have already submitted our close-out documents to HUD, which is a requirement. And this was a small amount that was remaining with an outstanding purchase order to PNM for which they completed the work and this was the remaining balance that was no longer necessary for the PNM project, that was related to the modernization of the units. So we have completely spent that million.

COMMISSIONER SULLIVAN: So this program is completed and this is just the final adjustment where PNM didn't charge as much as you had budgeted for.

MS. LUCERO: Correct.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: Item G. A resolution requesting a budget decrease to the Community Development Block Grants fund (250)/Sombrillo Teen Center to realign the fiscal year 2001 budget with the remaining fiscal year 2000 cash balance

COMMISSIONER SULLIVAN: Mr. Chairman, I had two questions. One, I was a little confused at what this meant and secondly, I noticed there's a \$25,000 line item for contributions and donations and I was interested in what that line item included.

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, this grant is funded through three different sources, federal CDBG or HUD money, a \$25,000 contribution from Hands Across Cultures and a special legislative appropriation of \$122,500. The teen center itself that's being built will be operated by Hands Across

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Cultures and they are in fact contributing \$25,000 to the construction of the building. In this case, the purpose of the BAR was simply to realign the current year budget with these designated funding sources because it was over-appropriated by \$2,463.

COMMISSIONER SULLIVAN: And Hands Across Cultures was the participant that donated the \$25,000?

MS. LUCERO: They are budgeted to donate the \$25,000. We haven't received that yet but there is an agreement that they will donate this amount of money.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Why are we calling it Sombrillo Teen Center when this building is situated in Arroyo Seco and La Puebla? It has nothing to do with Sombrillo?

MS. LUCERO: I'm afraid I can't answer that. I don't know if anyone from the CHEDD program can.

ROBERT ANAYA (CHEDD Director): Mr. Chairman, Commissioner Trujillo, that's an excellent point. We will make that correction. Because there were several funding sources with this project, one of the things that the department has been doing in conjunction with Finance is going back and making sure that we have all of the funds in order, budgeted accordingly. We will make that adjustment, Mr. Chairman, Commissioner Trujillo.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: Any other questions on item G? Item H. Request authorization to enter into a construction agreement with JARCO Contractors Inc., IFB #21-45 for the construction of Phase II and III of an addition to the Rio en Medio Community Center. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, my question on this item was if you look at the second page. Well, it's labeled page 1, it starts out Phase II and III of the Rio en Medio Chupadero Community Center. I presume that that is the agreement that the contractor wants approved by the Commission, is that correct?

TONY FLORES (Procurement Officer): Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: That agreement differs from the agreement that was included in the invitation to bids, which is a page IB-10. If you look at IB-10, that's a page within the agreement. But within the bid documents, the IB, I assume means invitation to bid, and page 4 IB-10 has a provision for liquidated damages of \$300 per calendar day if the contractor doesn't complete, doesn't achieve substantial completion within 120 days. And I don't see that provision in the contract that you're proposing for approval here.

MR. FLORES: Mr. Chairman, Commissioner Sullivan, first of all the contract or contractual documents included in an invitation for bid package or request for proposals are sample documents. They are put in there because by statute we are required to have the contractual documents in place or at least a sample of them. The reason that it differs from the

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agreement that was in their invitation for bid packages is at that time we did not have bids in, we were just formulating a bid package. The current contract as submitted for approval, it says, under scope of work, which is on page 1 of the agreement, which would be the third page of your packet, it talks about all conditions as set forth in Exhibit A, which is actually the invitation for bid package. All those conditions that were in the bid package, which included liquidated damages, are made part of the construction agreement by reference.

COMMISSIONER SULLIVAN: I think it's standard practice to have that right in the agreement and since it was in your agreement previously, it's an important condition of the agreement. I think the problem that occurs when you do that, when you just make all the conditions by reference that were in an invitation to bid is that obviously you've made changes in the conditions now from what were in the invitation to bid and so what controls?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, I don't believe we've made changes in the conditions.

COMMISSIONER SULLIVAN: Well, for one thing, you've eliminated the liquidated damages in the contract.

CHAIRMAN DURAN: Excuse me, Tony, why don't you just put that in the contract?

MR. FLORES: I can do that, Mr. Chairman.

CHAIRMAN DURAN: Thank you.

COMMISSIONER SULLIVAN: I think it's important that we complete this thing on time and that we have a liquidated damages provision to do it.

CHAIRMAN DURAN: Okay. Any other questions?

COMMISSIONER SULLIVAN: The other question I had, one other question on that item is that you were unable to afford the two deductive alternates in there, which had to do with paving, some paving and I think drainage work. What was the budget here and is there any possibility of some other funds being available to complete those alternates?

MR. FLORES: The current budget that we had established, the maximum allowable construction cost, excuse me, was \$127,000. We were within \$3,000 of that to be able to get this awarded, inclusive of gross receipts tax. We have discussed the option of potentially acquiring additional funding for the next fiscal year to be able to do the additional alternates and at that time we will evaluate what procurement method will be required for those additional alternates. At this time today we do not have the budget to be able to perform alternate one or two and they cannot be included as part of the contract for budgetary reasons.

COMMISSIONER SULLIVAN: So there's nothing on the horizon that would allow us to do some type of budget adjustment that would—

MR. FLORES: Mr. Chairman, Commissioner Sullivan, at this point, no sir.

COMMISSIONER SULLIVAN: Because it seems, and the reason I bring it up, Mr. Chairman, is that it seems that we spend a lot of money on doing renovations and construction of these centers and then we leave the parking lots as mud holes. That detracts from the usefulness and the maintenance of the facility. It always seems to be the thing that gets left out. That's all the questions I have.

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CHAIRMAN DURAN: So the instructions on that is to put the liquidated damages in the contract. I think it is important that the contractor realizes that if he doesn't—all the other, the lien waivers, the warranty and all that, I know they're included as an exhibit, but they don't have as great a fiscal impact on the contractor as the \$300 per day if he doesn't complete it within the time allotted so I think that is a good idea. Okay. Any other questions on this issue or this item? Then we move to item I. 2, CDRC Case #V 00-5431, Catherine Ducaj. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I recall and correct me if I'm wrong that in the list of conditions on this summary, which is on page 3, I believe there was another condition that the newly created lot would have no more than one dwelling unit on it and I don't see that in this condition, in this list of conditions.

CHAIRMAN DURAN: Could you put that in, Roman?

ROMAN ABEYTA (Deputy Land Use Administrator): Mr. Chairman, Commissioner Sullivan, I think you're correct. We'll put that in.

CHAIRMAN DURAN: Okay. Great.

COMMISSIONER SULLIVAN: That's all the questions I had.

CHAIRMAN DURAN: On number 3, CDRC Case #A 01-5021, Baxter Brings. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, this is a fairly simple one. It's a numbering issue on the second page. We have a list of, as you see, it goes down 5, 6, 7, 8 and the very last sentence says, "Staff did not recommend #4 as that request would have created a dry lot." And I think those four conditions, 5, 6, 7 and 8, were previously numbered 1, 2, 3, and 4, and I think what staff was recommending against was what in this summary is now number 8, but correct me if I'm wrong.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's correct. We're referring to number 8, which wasn't adopted by the Board.

COMMISSIONER SULLIVAN: So we just, Mr. Chairman, change that number 4 on this document to read number 8. Would that be correct?

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Sullivan, number 8.

CHAIRMAN DURAN: Okay, are there any other questions?

COMMISSIONER SULLIVAN: No further questions.

CHAIRMAN DURAN: I'd entertain a motion to approve items V. D., E., F., G., H., I. 2 and 3 as amended and suggested by Commissioner Sullivan.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER CAMPOS: Second.

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

Thank you for that scrutiny, Commissioner Sullivan.

**VI. ADMINISTRATIVE ITEMS**

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**A. Committee expirations, resignations and vacancies**  
**1. Santa Fe County Fair Board**

MR. ANAYA: Mr. Chairman, Commissioners, the request before you is a resignation of a member by the name of Mr. Rik Thompson. I stand for questions.

CHAIRMAN DURAN: Any questions of Robert.

COMMISSIONER GONZALES: Move for approval of the acceptance of the resignation.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

**VI. A. 2. Santa Fe County Road Advisory Committee**

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, Dave Darby of the Road Advisory Committee, who is an alternate for Area 11 has submitted his letter or resignation from the committee.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

COMMISSIONER GONZALES: What area was that, Robert?

MR. MARTINEZ: Area 11, Eldorado.

COMMISSIONER TRUJILLO: Do we have Eduardo Vigil in the Road Advisory Committee?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, yes. He is in Area 1, which is the La Puebla/Chimayo Area..

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? The motion carries. [Commissioner Sullivan was not present for this action.]

**VI. A. 3. DWI Planning Council**

DAVID SIMS (DWI Coordinator): Mr. Chairman, Commissioners, we have two resignations. Patrick Ortiz and Frank Rute. We ask that you accept their resignations.

CHAIRMAN DURAN: I'm sorry. I forget your name.

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MR. SIMS: I'm David Sims.

CHAIRMAN DURAN: Okay, David. Thank you. Any questions of Mr. Sims?

COMMISSIONER CAMPOS: Move to accept.

COMMISSIONER GONZALES: Second.

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

COMMISSIONER GONZALES: Just a quick question, Mr. Chairman. On all these issues, how are we getting the word out and requesting people to consider applying for participation?

MR. SIMS: With DWI?

COMMISSIONER GONZALES: Yes. Like in the alcohol industry and in the Police Department, the PD.

MR. SIMS: A lot of it is word of mouth. For instance, even in Frank Rute's resignation letter, he recommended someone to essentially fill that position with the Santa Fe City Police and Michael Salazar, who is the DWI officer, sergeant, with City Police. As far as the other recommendation that we'll be making here at the next item, that came from one of the planning council members, actually brought with them to our last planning council, a person who has previously worked in conjunction with the DWI program who is with Giant Industries, an alcohol industry. And the planning council actually recommends to you today that that person be appointed to the planning council and it also comes with the recommendation of the staff.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I guess my only point to that issue is I know that, and I was just briefly speaking with Commissioner Trujillo about this that prior to Commissioner Anaya leaving office that he had expressed an interest in serving on this when a vacant position came open. Was there any outreach done?

COMMISSIONER GONZALES: I was not aware of that myself.

COMMISSIONER GONZALES: So is it basically on reliance of other people bringing in people from their respective areas, as opposed to us actively going out to recruit?

MR. ANAYA: Mr. Chairman, Commissioner Gonzales, the message that Commissioner Anaya had given to me personally was that he wanted to spend a little time taking care of his business issues. I will in fact make a call to him to see if he's interested in serving and then bring back that to you at that time. As far as what we've done above and beyond normal word of mouth, as per the direction of the Commission, we advertised in the paper for the DWI program and we will in fact be advertising in the paper and other literature means to be able to make sure that we have a broad range of applicants for the various programs.

COMMISSIONER GONZALES: Mr. Chairman, I'd like to ask Commissioner

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Anaya if he'd be interested. He's an individual who's followed this program very well and expressed an interest to me and at least for consideration to come before this Commission at the next meeting. It seems like it would be appropriate. If the Commission chooses not to support him, let's at least find out if he's interested in coming forward, because he talked to me on a number of occasions that this would be an area that he'd like to be serving in in some capacity and being involved with the County. So I don't know if it's appropriate at this point but whenever we get to the point of the recommendations of the council I would like to table it just to see if an individual like that might be interested. And also reaching out to others in the industry as well. There may be a network that they already have available that we can send word through that this is available and there may be others besides Commissioner Anaya that might be interested who would be willing to submit some type of request to the County for their consideration.

MR. SIMS: Thank you very much and we'll be delighted to do whatever the Commission instructs us to do on that. We'd be happy to comply with that. I know that Jimmy Bates, from Premier Distributing has also been a good friend of ours and continues to be even to this day, having served on the planning council.

**VI. B. Committee appointments**  
**1. DWI Planning Council**

CHAIRMAN DURAN: Any other questions of Mr. Sims?

MR. ANAYA: Mr. Chairman, might I suggest that for the member from the City Police Department that the Commission consider bringing that one forward. It's been very helpful for the DWI Council to have a representative from the City Police Department on the board, Mr. Rute and his recommended replacement will help continue that continuity between the City Police Department and the Sheriff's Department.

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

COMMISSIONER GONZALES: So moved.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Who was nominated?

MR. SIMS: Sgt. Michael Salazar.

CHAIRMAN DURAN: From the Santa Fe Police Department?

MR. SIMS: Yes sir. At the time that your packets were prepared he had not sent us his application form but I have it here with us today. His name is presented in the recommendation though.

CHAIRMAN DURAN: Okay. Why don't you bring it forward. Any comments on Mr. Salazar? Any questions of Mr. Sims? Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

So we'll wait for the second appointment. Will you give us an update next meeting?



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**VI. B. 2. Public Housing Board**

MR. ANAYA: Mr. Chairman, I'd like to ask Dodi Salazar, one of our Housing Supervisors to come forward and present this item.

DODI SALAZAR (Housing Specialist Supervisor): Chairman Duran, County Commission, Section 2(b) of the United States Housing Act of 1937 as amended by the Quality Housing and Work Responsibility Act of 1998 requires that the membership of the board of directors or similar governing body of a public housing agency contain no less than one member who is directly assisted by the Housing Authority.

On May 30, 2000, the Board of County Commissioners created a Public Housing Authority Board consisting of the Board of County Commissioners and one public housing resident. On March 1, 2, and 5, 2001, an election was conducted at the Housing Authority to elect a public housing resident to serve on this board. The public housing residents elected Mr. Raymond Martinez to serve on their behalf.

CHAIRMAN DURAN: Any questions of Ms. Salazar?

COMMISSIONER TRUJILLO: Just one question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Was this an election that took place by all the membership of the community, the housing community?

MS. SALAZAR: Yes. In our newsletter, and we also delivered memos to each resident to come in and to vote at our administrative office on Camino de Jacobo for this resident.

COMMISSIONER TRUJILLO: So there was more than one candidate that was on the ballot?

MS. SALAZAR: Yes. There were actually two.

COMMISSIONER TRUJILLO: Very good.

CHAIRMAN DURAN: Any further questions? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion. There's a second. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

MS. SALAZAR: Thank you.

**VI. B. 3. Santa Cruz/Abendon Lopez Community Center**

MR. ANAYA: Mr. Chairman, Commissioners, I bring before you a request to appoint Priscilla Martinez to serve on the Santa Cruz/Abendon Lopez Community Center Board. Ms. Martinez is a public housing resident on the Santa Cruz housing site where the facility is

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located and in order to be more standardized, Mr. Ojinaga and I have utilized the same application or questionnaire that he utilized when he brought forward his recommendations for appointment last month. I stand for questions, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Anaya, there's a nomination process? Who nominated and how was it done?

MR. ANAYA: Mr. Chairman, Commissioner Campos, with this particular board we have utilized people in the community and have actually tried to go out and solicit more volunteers. But we have utilized the recommendations of Commissioner Trujillo in the past to serve on the board and to be quite honest, Mr. Chairman, Commissioner Campos, it's difficult at times to find interested people that want to serve on this board. Ms. Martinez is an incumbent board member if you will. She represents the public housing site on the issues so staff feels comfortable with her. As far as other appointments, we take the recommendations of Commissioner Trujillo and then review those, but we will be now advertising when we have vacancies to get a larger pool of applicants, Mr. Chairman, Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Anaya.

CHAIRMAN DURAN: Any other questions of Robert?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

## **VII. STAFF REPORT**

### **A. Land Use Department**

ESTEVAN LOPEZ (Land Use Administrator): Mr. Chairman, Commissioners, good morning.

CHAIRMAN DURAN: Is this one of the continuing department presentations?

MR. LOPEZ: Yes, Mr. Chairman. This is the second in a continuing series of departmental presentations.

CHAIRMAN DURAN: Do you know about how long it will take?

MR. LOPEZ: It will probably take about ten minutes and then if there's additional discussion or questions that you have it might run a little bit beyond that, but it's fairly short.

CHAIRMAN DURAN: That's fine. Take whatever time you need.

MR. LOPEZ: My only role in this, Commissioners is by way of introduction. Roman Abeyta will actually be doing the presentation with the assistance of Katherine Yuhas.

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They've prepared a power point presentation. The only thing that I would like to do at this point is to ask that our staff stand so that you can see them. I think a lot of you are very familiar with some of our staffers that are in here presenting for you almost monthly, but there's a significant number of the staff within the Land Use and Utilities Department that you don't see nearly as often so at this point I would just ask that they stand. I'm not going to attempt to introduce everybody. Then I'll let Roman—this is not all of our staff. We've still got a skeleton crew that's back there and everything else but this is mostly, or a fair number of them. Roman?

MR. ABEYTA: Thank you, Estevan. Members of the Board, Commissioners, the Land Use Department was established in 1981. It consisted of six staff members, one division. The codes that were enforced were a general plan, a County Code. There was a joint powers agreement with the City and an interim EZ Code. The population of the county at that time, without the city was 24,407 residents. The Land Use Department reviewed building permits, subdivision review, commercial zoning applications on a case by case basis. There was a Metropolitan Water Board that consisted of PNM, the City and the County.

From an organizational perspective, there was a Land Use Administrator, a secretary, a draftsman, an inspector, a land use specialist and another land use specialist. Where we are today, our staff currently is 33. We have A Development Review Division, and Planning Division, a Permits and Enforcement Division and a Utilities Division. The population of the county without the city is around 59,500. The codes we currently enforce are the County Code, the EZ Subdivision Regulations, the Extraterritorial Zoning Ordinance, which includes the Mountain Special Review District Ordinance. We have a new Growth Management Plan. We have several communities plans and we also enforce the State Subdivision Act. We issue building permits. We do a subdivision review, commercial zoning application review. We review mining applications, grading and drainage plans and hydrology reports.

Our water utility started in 1996 and we began a wastewater utility division in 1999. Development Review is responsible for attending several public hearings, for master plan applications, development plan applications, subdivisions, land divisions, variances, mining applications, appeals, accessory structure, liquor license requests and MSRDC cases. We average in our Development Review Division about 200 of these cases per year. We also conduct administrative reviews that consist of land division applications, business license requests, development plans and sign permits. The average is about 550 of these applications per year.

The staff in the Development Review Division consists of a division director, a plans examiner, six development review specialists, a hydrologist and an administrative secretary. The Development Review Division currently staffs two BCC meetings a month, EZA, EZC, CDRC, Tesuque Development Review Committee, Agua Fria Development Review Committee, and now the La Cienega Development Review Committee. Our Planning Department is responsible for drafting community and district plans and ordinances. Recently we've adopted eight. We have nine in the process and we're working on six future plans. The Planning Department is also responsible for the General Plan and its implementation. We have

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an open land and trails program. The staff consists of a division director, four planners and a newly created GIS/planner position.

The Planning Division currently staffs the BCC meeting, CDRC meeting, EZA, EZC, Regional Planning Authority, COLTPAC, the Metropolitan Planning Organization, a Regional Planning Organization and the Planning Division staffs an average of eight community or project meetings per week which occur outside of office hours.

Our Permits and Enforcement Division issues residential zoning permits, business licenses, home occupations, filming permits and special events permits. In the year 2000, we issued 1391 total. The staff consists of a division director, an engineer/technician, an ombudsman, a plans examiner and three code enforcement officers. Our Code Enforcement Section inspects an average of 200 complaints per year. We average about 45 actual court cases per year in this division and the Code Enforcement staff also performs MSRD reviews, subdivision and terrain management inspections and mining permit reviews.

Our Utilities Division again was established in 1996. The staff consists of a Utilities director, an executive assistant, an accountant, a water/wastewater supervisor, a senior operator and an operator-assistant. The number of customers we currently serve are 280. We have a mapped water system service area and a mapped wastewater system service area. From an organizational standpoint we have an administrator, administrative assistant, deputy director, planning division, Permits and Enforcement Division, Development Review Division and our Utilities Division.

Mr. Chairman, we showed you where we began back in 1981, where we are and now we'd like to conclude with showing the Commission where we think we're going as a department. We envision many more regional projects with cities such as Santa Fe, Edgewood, Española, pueblos, the state, and private parties. We envision having to staff many more local, regional development review committees in the near future. We eventually think there's going to be an open space or parks and recreation division. Currently, we're working on developing a technical review division in our department. We envision a regional water system in both the metropolitan areas of the county and other areas. Same with a regional wastewater system. We would like to have a new County and EZ Zoning subdivision regulations that are both computerized and interactive and we envision possible EZ areas with both the cities of Española and Edgewood.

Mr. Chairman, that concludes our presentation. This is an organizational chart of what we think the department is eventually going to evolve into and if you'll notice, in addition to the existing divisions, we have, we put up there an Open Space/Parks Division and a Technical Review Division. Again, this concludes our presentation. I stand for any questions you may have at this time.

CHAIRMAN DURAN: Any questions of Roman?

COMMISSIONER TRUJILLO: I have a question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Looking at the whole spectrum of future directions and future responsibilities, what do you anticipate as far as the workforce.

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Understanding that we're doing community plans and we've had to put some on hold, the Pojoaque Valley's on hold and things like that. I would conjecture that the organization would have to grow pretty significantly to be able to address some of the future directions that we have on our plate for community planning and wastewater, potable water, whatever. What does that look like?

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, you're correct. When we first started in '81 we had six employees. Now we're up to 33 and we envision that with these new community plans and these different projects that are going to be coming forward, we're literally going to bring new requests or new positions to you every budget year including this current one. You'll see a request for an Open Space/Project Coordinator in this budget cycle. We're also going to request additional FTEs for our Development Review staff to start helping us in staffing these local development review committees. So we plan on growing and we're going to, like I said, every budget year you're going to be hit with new FTEs from our department to keep up with the growth in the county.

COMMISSIONER TRUJILLO: I'd just like to commend the fluidity and dynamism that the whole department has with the community. All the input that I get from the community is that we understand the pulse of the community, that we're there or staff is there to help regarding regulations, giving impetus. When we came into office, one of our main agenda items was to make the process more user-friendly and responsive rather than giving another rock and another rock and another rock, and I think that is working. I think that the community is reaping the benefits of the efforts of the Land Use Department.

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, as we continue to evolve into different sections and divisions, it always is going to be our priority, customer service is always going to be at the forefront. The goal is to continue to provide a better service for the residents of Santa Fe County.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: Any other questions of Roman?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes, just one comment. I appreciate the concise report, Roman, and also want to compliment, as I know the other Commissioners do as well, the efforts of the department. I think really, when you look at it, it's where the rubber meets the road on a lot of issues. It's interaction of the public the majority of the time other than perhaps with the Commission office or with the Assessor's Office and usually those are kind of controversial. It's where you meet the public across the counter for permits. In the evening, a lot of evenings for the Planning Department to attend meetings and to work their way through these community plans and these issues. In enforcement, where you get the hard job of going out and trying to unscramble difficult situations. None of those positions that you have are easy ones to fill. I for one just want to say I appreciate the professionalism of the organization. I left out the water department. I want to include that as well. And your ability to attract good quality people to that department because that really sets the tone for the County

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and I want those that work with you to realize that, that we rely 99.9 percent on that department to give us the information that we need and that's a daunting but very important responsibility and I appreciate the serious and the qualifications and the capability that they're putting toward that effort.

MR. ABEYTA: Thank you, Commissioner Sullivan. We appreciate those comments.

CHAIRMAN DURAN: Thank you, Roman. Thanks to you and Estevan for the leadership that you provide for the department and the hard work that your staff contributes to this effort.

MR. ABEYTA: Thank you.

#### **VIII. STAFF AND ELECTED OFFICIALS**

##### **A. County Clerk**

##### **1. Request approval of Records Information Management Week in New Mexico proclamation**

MR. MONTOYA: Mr. Chairman, the Santa Fe County Clerk has asked me to read this proclamation and to ask the Board of County Commissioners to adopt the resolution today. The body of the proclamation reads as follows:

Whereas, record keeping has long been considered important in New Mexico, dating back to when don Juan de Oñate in 1598 brought with him 41 reams of paper to record the exploits of his expedition; and

Whereas, the Santa Fe County Clerk, Rebecca Bustamante is the custodian of County records and has received national and state grants to preserve historical County records for many generations; and

Whereas, the Santa Fe County Clerk's staff, along with many other employees of Santa Fe County work hard to protect vital public records and to ensure that these public records are in compliance with the New Mexico Inspection of Public Records Act; and

Whereas our nation's freedom is dependent upon the public's ability to access government records; and

Whereas, the County of Santa Fe is committed to making sure that the general public has access to government records through the development of retention schedules and the preservation of historical documents.

Now therefore be it resolved that Santa Fe County Board of Commissioners do hereby proclaim April 1 through April 7, 2001 as Records and Information Management Week in Santa Fe County.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

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

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COMMISSIONER SULLIVAN: Second.

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

**VIII. B. Community Health & Economic Development Department**

**1. Request authorization to submit a continuation application to the Center for Substance Abuse Treatment for the Santa Fe County CRAFT project for federal fiscal year 2002**

LINDA DUTCHER: Mr. Chairman, Commissioners, as you recall, the Santa Fe County CRAFT project was funded last year for the first time with a federal grant from the Center for Substance Abuse Treatment, even though our federal fiscal year funding doesn't end for this first year until the end of September, now is the time when we have to request our second year. The first year was highly competitive on a national basis. The second year is a non-competitive continuation, but we do have to ask for it. And we're asking for your approval of submitting this second year continuation request.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman, Linda, the goals that you list for the CRAFT program on page 10, are those one-year goals or are those three-year goals for the program?

MS. DUTCHER: Mr. Chairman, Commissioner Sullivan, they're a mixture of both. Goal 1 is across the three years. Goal 2 talks about we want to enroll 50 concerned family members each of the three years, and so forth. So they're a bit of a mixture.

COMMISSIONER SULLIVAN: The reason I ask is that in looking over, starting on the bottom of page 11, the activities and accomplishments, and particularly on page 12, it goes into detail about people that have been in, contractors that have been engaged and flyers that have been produced and so forth. And lead me through this if I'm missing something here. I don't see any of the goals, in that list of accomplishment, I don't get the link to the goals, these finite goals of meeting certain numbers of enrollees and enrolling certain numbers of concerned significant others and so forth in those goals. Are you not that far yet, recognizing that you've not been through the first year or where do we stand? I'm concerned that we meet these goals and we start meeting them as soon as possible.

MS. DUTCHER: Yes, Mr. Chairman, Commissioner Sullivan. Thank you for asking. We are indeed in the start-up phase. For various reasons, this project became most active starting in about January. And in order to enroll the various people into the CRAFT project we first have to establish the contracts for the treatment, train those people who will be providing the treatment in both the CRAFT method and the further treatment that family members and identified drinking people would receive. So there's a lot of upfront work.

The first advertising has just gone out, actually. The City of Santa Fe employees

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received the flyer which is on page 16 in their paychecks last week. The County employees should receive this this week and also during this coming week these will be distributed at various public areas throughout the town, such things as perhaps at the malls, grocery stores, banks, things like that. But we didn't dare recruit people until we had our staff—well the staff of the contractors, the treatment providers, ready to provide the services. Does that answer your question, sir?

COMMISSIONER SULLIVAN: Yes. So you just began in January 2001, is that correct? Would it be appropriate then than rather than waiting until the next—do you submit an application the next year also?

MS. DUTCHER: Yes, for the third funding and then we will also probably ask for some continuation at the end if there are any unexpended funds.

COMMISSIONER SULLIVAN: I'd like not to have to wait a whole year just to see what the progress is here because as you'd indicated, so far we don't have any clients yet. We're getting the structure in place. Is that a fair assessment?

MS. DUTCHER: Yes sir. We do submit quarterly reports to the federal government. The next one will go in in April.

COMMISSIONER SULLIVAN: I just suggest that at some point when you feel it's appropriate that you arrange to come back and give a progress report, a summarized report. We don't need, I'm sure all the federal reports but something that can give the Commission an idea of what our progress is and whether we're meeting these goals.

MS. DUTCHER: I would be delighted to. Thank you for the invitation.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: Any other questions or discussion for Linda? Thank you, Linda.

MS. DUTCHER: Thank you.

COMMISSIONER TRUJILLO: What is the desire of the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman, I would move that Santa Fe County submit a continuation application to the Center for Substance Abuse Treatment for the Santa Fe County CRAFT project for federal fiscal year 2002.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Got a motion, seconded. Those in favor? [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

**VIII. B. 2 Request authorization to enter into a lease agreement with Vista Grande Public Library located in Eldorado**

MR. ANAYA: Mr. Chairman, this is the result of a lot of hard work from the County Commission and staff to finally get to a point where we want to enter into a lease agreement to operate the Vista Grande Public Library in Eldorado, and I stand for any questions on the lease agreement.



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CHAIRMAN DURAN: Any questions of Robert? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Could I have a brief summary of how this library is going to work and the role of the County—maintenance, operation, the group that's operating it?

MR. ANAYA: Mr. Chairman, Commissioner Campos, the group that will be operating it will be responsible for all the regular routine maintenance of the facility. I think it's a good time also to point out that in the past with some of our older agreements, we have never carried over the liability of our facilities to those people leasing the buildings, and we've been really focusing on that with staff through Tony Flores, through our attorney's office, through Katherine Miller, to make sure that they're sharing in the liability and insurance cost that we in the past have normally carried. But they'll be responsible for the daily routine activities of the facility and upkeep as well.

COMMISSIONER CAMPOS: Who's going to pay for the operation costs?

MR. ANAYA: Mr. Chairman, Commissioner Campos, the Library Association will be paying for the operating costs.

COMMISSIONER CAMPOS: How are they raising money?

MR. ANAYA: Mr. Chairman, Commissioner Campos, I don't know all of the details relative to how they raise money, but I think primarily off of donations and fundraisers.

COMMISSIONER CAMPOS: Do you know how much money they have presently to operate this facility?

MR. ANAYA: Mr. Chairman, Commissioner Campos, I do not know the exact amount.

COMMISSIONER CAMPOS: Do you a projection as to what the cost would be for a year to operate the facility? I'm assuming they're going to have full time employees.

MR. ANAYA: Mr. Chairman, Commissioner Campos, they will have a librarian full time, which is currently on staff, and I believe at least one or two other staff positions. They do have an operating budget, but rather than speculate on the amount, I'd rather go back and give you that amount.

CHAIRMAN DURAN: Robert, I think there is someone behind you that is dying to tell us.

MR. ANAYA: Mr. Chairman, Commissioner Campos, I defer to Rose Marie.

ROSE MARIE BAGONI: Mr. Chairman, Commissioners, my name is Rose Marie Bagoni. I'm on the board of directors of the Vista Grande Public Library. I serve as the treasurer. We do have a budget and our budget currently is—we raised approximately \$43,000

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last year in contributions from individuals in the community. We raised approximately \$17,000 in contributions from organizations who specifically made grants to purchase books and we have some carry-over funds from last year. We will be operating 25 hours a week on a part time basis to start. We have a library director hired, 20 hours a week. We have a library director assistant hired for five hours a week. They will cover for one another. We anticipate opening on April 28<sup>th</sup>.

COMMISSIONER CAMPOS: As far as the books to be used at the library, how are they being purchased? Who's buying them?

MS. BAGONI: Approximately 4,500 books have been donated by members of the community and they have been reviewed by the librarian. They are current books, reference, non-fiction, adult, children's books, etc. and the funding that was donated specifically for books came from the Eldorado Fun Run, which is a qualifying run activity that's held on an annual basis and from the First National Bank of Santa Fe, the Eldorado branch.

COMMISSIONER CAMPOS: You're going to be part time initially?

MS. BAGONI: Initially part time and we aim to, with adequate funding open full time.

COMMISSIONER CAMPOS: When do you think that would happen?

MS. BAGONI: The full time?

COMMISSIONER CAMPOS: Yes ma'am.

MS. BAGONI: Next year.

COMMISSIONER CAMPOS: 2002?

MS. BAGONI: 2002.

COMMISSIONER CAMPOS: Thank you.

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

[The Commission recessed from 11:45 to 1:00.]

**VIII. B. 4. Discussion of the Senior Services program administered by the City of Santa Fe within Santa Fe County**

VINCENT OJINAGA (Resource Development Director): Mr. Chairman, members of the Commission, after discussion with the City of Santa Fe in regards to the Senior Services program and some discussion with Commissioner Sullivan, we've asked the City to come and do a brief presentation on the Senior Services program. I will turn it over to Rita Maes, deputy director of Senior Services. Thank you.

RITA MAES: Good afternoon, Mr. Chairman. Rita Maes, with the City of Santa Fe, Division of Senior Services, and I want to thank you, the Commission and also our County Manager, Sam Montoya, for allowing us to be here today to provide you with a brief presentation on the services that we provide countywide for the City of Santa Fe Division of

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Senior Services. I brought here, Mr. Chairman, my managers, and I'd like to introduce them to you. I'd also like to preface that you do have a packet in front of you regarding our presentation and I'd like to introduce our managers here. Our deputy director is Patricia Rodriguez, and she's also the manager of the in-home supportive services. Next to her is my nutrition manager, Ron Vialpando. Next to him is Louise Kipper, she's the administrative assistant to in-home supportive services, and next to her is Danny Allen. He manages our transportation program. Up here, our technician is Lupita Martinez. She's also the planning and strategy administrator for our eight senior centers.

I would like to say that we do have eight senior centers, four situated in the county, and four situated in the city and this is our organizational chart. We have about 87 employees that work for the Division of Senior Services. We are the designated service provider for the Older Americans Act so we provide countywide services through the Division of Senior Services for a total of 1,911 square miles. Our total operating budget this year, Mr. Chairman, is \$2.8 million and this is a combination of funding from all sources of government with the City of Santa Fe being our primary sponsor, the County of Santa Fe being a large contributor and then the rest of the money coming from state and federal government grants and I'll break that down in the next picture.

The City general fund combination of dollars is \$1.4 million. County funding, as you know, we operate with a joint power agreement and for the last three years it's been a flat budget of \$152,888. And then I just lumped together the rest of the money, which is House Bill 2 and federal grants for about \$1.2 million. And now I'd like Patricia to just go over briefly some of the services that she manages.

PATRICIA RODRIGUEZ: Good afternoon, gentlemen. What I'd like to do is I like to just give you a brief description of the service we provide and the number of units of service in the county in that particular service that we provide. Beginning with we have three volunteer programs. This is the Senior Companion program, and what this program does is it allows low income seniors an opportunity to earn money and to provide a service to the community. They provide service to other older adults living in the community. And in the county we provide 6,256 units of service in the senior companion program.

The Foster Grandparent program, this is probably our most popular volunteer program. We have foster grandparents placed throughout all the schools in the City of Santa Fe. We also have foster grandparents out in the County schools, also. Agua Fria, for instance is the school that has I think the largest number of foster grandparents placed there. This again is one of our volunteer programs where seniors, low income seniors, supplement those low incomes by receiving a stipend for the service they provide. They provide the service to children throughout the community. Let me tell you that in the county, the units of service provided in the Foster Grandparent program are 4,680.

This is the Retired and Senior Volunteer program, or the RSVP program. There is no stipend associated with the volunteerism in this program. Individuals need not be low income and they receive no money for the service they provide. What we do is provide an opportunity for individuals to share their talents with the community. So we place volunteers throughout

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the community to provide volunteer service. Specifically in the county, the units of service that were provided were 34,476 through volunteerism and the Retired Senior Volunteer program.

Respite care. This is one of our programs in what we call In-Home Support Service Section. This was money that was appropriated by the federal government and it was appropriated so that we could provide respite or relief to individuals who were carrying for loved ones afflicted with Alzheimers Disease. What we have are three full time employees on staff who go into the homes of individuals who are afflicted with Alzheimers Disease and they are trained and they care for these individuals in four-hour blocks of time. It allows the caregiver an opportunity to go out and do their shopping, pay their bills, go to a movie, just provide respite relief. In the county we have provided 553 units of service in respite care.

This is another service within the In-Home Support Service Section. This is called home management or housekeeping. What we do is we have again I think it is three full time employees and some contractual employees. I think an additional three contractual employees and we provide light housekeeping chores for individuals who are homebound and have no other assistance. The services include laundry, vacuuming, dressing, even escort services to medical appointments and shopping. In the county alone, we provided 282 units of service in the housekeeping or home management program.

CHAIRMAN DURAN: How old do I have to be to be able to take advantage of that?

MS. RODRIGUEZ: Sixty years of age or older. The federal government recognizes you as a legal senior citizen at 60 years of age or older. We do allow individuals at 50 to participate in Senior Olympics. And at 55 you can be in the Retired Senior Volunteer program. But for our entitlement programs, 60 years of age or older, so you have some time to go.

CHAIRMAN DURAN: Closer than you think.

MS. RODRIGUEZ: Another program within the In-Home Supportive Service Section is non-medical personal care. The things that you and I take for granted, dressing, bathing, low impact exercise. This is a program where we have individuals who go in and provide the assistance needed to keep homebound seniors again, in the home for as long as possible. In the county, in this service, we have provided 36 hours of service.

Title III-B services. I'd just like to end my presentation by telling you, a picture says 1000 words. But I would like to encourage and invite all of you to please come and see first hand, come and I will take you on a Meals on Wheels route. I will take you to some of our homes so that you can see first hand the services that we provide and the quality of service that we provide. And I know we can stand up here, and a picture says 1000 words but I would love for you to come first hand. And I need no notice. Give me a morning, give me an afternoon and I'll be glad to take you and you can see first hand these services that we do provide.

MR. MONTROYA: Mr. Chairman, before this young lady leaves the presentation, could you explain to us what a county unit means? Is that—like here on this particular chart you have 615. Does that mean 615 people served per day or per month?

MS. RODRIGUEZ: Thank you, Mr. Montoya. Units of service versus

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unduplicated people. That's not people that were served, it's units of service. And a unit can be measured by either an hour, and in some cases we said hours, if you'll notice, I think there was 364 hours. That would be an hour of service that was provided. But a unit means in some cases, in respite care, a four-hour block of time would be one unit. So it's just the service, the number of times of service. I'll give you an explanation. For instance, transportation, from point A to point B is one unit service. From A to point B. That doesn't mean—a return trip would be two units of service. From A to B and back from B to A. Does that make sense? So it's not people. We're not talking people, we're talking number of services or units, blocks.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Do you have it broken down by the number of people?

MS. RODRIGUEZ: Yes, we do.

COMMISSIONER GONZALES: Was that provided in here? The number of seniors in the county that are being serviced?

MS. RODRIGUEZ: That information has been provided—so forthcoming.

COMMISSIONER GONZALES: Just to, and something to think about when you get ready is what I'm interested also in knowing is with the new census and the way the demographics have changed, we know that the populations are growing and we're getting ready to get into the 60+ range, what the demand is going to be not only for this year but what we see happening over the next five years in terms of senior care in our community, which is going to be vital to our continued support of the senior services program.

LUPITA MARTINEZ: Thank you. Again, my name is Lupita Martinez. Mr. Chairman, it's a pleasure to be here. On this particular screen right now what we're looking at is our Title III-B program and part of that is our senior enrollment program. This is where we're talking about maintaining demographic information, how many people we have registered, who will participate in what particular programs. Now on this screen, what I have is actual people. I also maintain a program called the NMAPIS program and what that stands for is the New Mexico Aging Program Information Systems.

Now, in accordance with the Older Americans Act, every state was mandated to implement a unified database system where one provider within the entire state. There's several providers, hundreds of providers and we were all submitting information, possibly a bit different than another program would. So according to the mandate was to implement a unified system to keep track of all this information. We have an extensive database and right now we stand at over 4,000. I'd say close to 4,050 right now countywide. What we're looking at—

COMMISSIONER GONZALES: Excuse me. Sorry. Does that include the city?

MS. MARTINEZ: That includes the city. What we're looking at here is we have currently to day 615 people registered. However, I want to make one point to say that we do have several people that walk in on a daily basis who have not actually gone through our enrollment program. And what that consists of, we have several people that travel from center

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to center and they enroll seniors. That consists of filling out a one-page sheet. We give them their ID card which is what we're looking at right here, which is the actual membership card, and this entitles them to attend any center throughout the county.

We are currently in the process of developing an outreach program to reach those individuals who do come to the center on occasion. They're not the seniors who go on a daily basis to participate and partake in the services that we have available. So that outreach program is actually in the process right now. We're in phase one of that to reach out into the community and we've exhausted the seniors who already attend the centers. This is the primary people but again, there's several people out there who attend on occasion, who don't necessarily participate on a daily basis.

COMMISSIONER GONZALES: And this is over how many centers?

MS. MARTINEZ: We have eight centers.

COMMISSIONER GONZALES: In the county?

MS. MARTINEZ: In the county we have—excuse me, we have eight centers total. We have four in the county, for in the city. We have three in the northern area. One in Santa Cruz, one in El Rancho, another in Chimayo. We have, the farthest one is down in Edgewood. So four centers out in the county and one in the process which is Rio en Medio.

COMMISSIONER GONZALES: Is your division doing an analysis of where the growth patterns are occurring in the county and trying to project where future senior centers may be needed in the county?

MS. MARTINEZ: Most definitely. Part of the system we have in place, and we're noticing, and I hate to use the term a trend, but what we're noticing in the dynamics of an elderly population is that we have seniors who are retiring at an earlier age. They are educated. They are professionals or retired professionals. They are able to drive on their own. They're more independent. We're moving into a situation where we're seeing the seniors who used to attend, say, ten years ago, are slowly reaching an older age. They're moving into the in-home supportive area, and we're trying to reach to the seniors that are more professional and are independent. So we're doing outreach efforts.

And what we project on that is we're trying to come up with a plan that will entice seniors, the younger seniors. They don't want to be called seniors, but we want to develop a program for them that will entice them to want to participate in our programs. And with that we're changing more to an educational setting. We're moving more towards computer classes and doing other things such as trips, something that the younger senior, if you will, will be more interested in participating in.

COMMISSIONER GONZALES: I'll repeat my question to more specific areas to the county that are currently not serviced by a senior center that we think over the next ten years will have a need for a senior center. Or, with your current infrastructure can you handle, based on your analysis, can you handle transporting seniors to your existing centers without the need for building new senior centers?

MS. MARTINEZ: Not necessarily. We have a great demand in the La Cienega area, the Highway 14 area, for transportation services. We have also had many, many

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inquiries in the Eldorado area as well as Glorieta. They would like in Eldorado. They would like to be able to have better access to our services. However, at this point, we're able to provide transportation to the Glorieta Eldorado area one day a week, and to Highway 14 I believe we're headed up there almost daily. However, to La Cienega we have not been able to implement as is.

COMMISSIONER GONZALES: So are you developing or is your office—I'm sorry, this may be more appropriate for you—is your office developing a program to address the needs or to let the City and the County know what we're going to need to do to start filling those gaps to provide more continuous service areas to areas that are experiencing a need?

MS. MARTINEZ: Well, right now we're in the process of developing phase 2 of the Rio en Medio center. That is a greater need there also. What we're finding though is the outlying areas like La Cienega, people who are expanding further out into the county and although they're just on the outskirts of it, there's a high demand for that. We continually receive requests from people in those areas who would like to have additional services. We are not able to provide transportation in La Cienega as it is. We're looking into—what we need is additional staffing. We do have—we're expanding as much as we possibly can. Transportation is a key service in order to maintain people's independence and we do have a great demand for that. However, at this time, we're not able to in the La Cienega area.

COMMISSIONER GONZALES: But Lupita, my question is more so, has there been a strategic plan that's been developed? We know what the need is. We know what we can deliver. There's a gap that exists. What's in place to tell the City and the County or the federal government what we need to do to start closing that gap so that you'll have the resources to either get more vans out to provide more continuous service out in these areas, and then my other question is, will the census play a role into this? Will the fact that we have better numbers this time around than we did ten years ago mean more federal dollars that could potentially come in and help close that gap that exists?

MS. MAES: Mr. Chairman, Commissioner Gonzales, thank you for that question. I thought Lupita was doing an excellent job addressing that.

COMMISSIONER GONZALES: I have a tough time communicating.

MS. MAES: We operate under the auspices of the Older Americans Act as well and we are mandated to develop a four-year plan. We are in the second year of our four-year plan. So during the four years, yes, we look at needs throughout the county. And during the last four years, we addressed the need for the Glorieta Eldorado area and also the Rio en Medio. We feel we really need to go down south a little bit. We really need some type of a program service in La Cienega. We also have a proposal before the session which did not get any money attached to that but we're calling that the southside senior center and hopefully we're going to use that and hopefully when we do build that, that will be built on adjacent to the Genoveva Chavez Center.

And then we want to service out of that center the La Cienega, the Cerrillos, Las Lomas area and a little further south. I hope that answers your question.

COMMISSIONER GONZALES: So there is a four-year plan in place that

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currently is addressing how to close the gap?

MS. MAES: Yes sir.

COMMISSIONER GONZALES: Then the last part was with the census, are we anticipating with the increase in the count and in the larger elderly population that there'll be more money—knowing what you know about the federal programs—that there will be more money coming into the senior programs from the federal government.

MS. MAES: Mr. Chairman, Chairman Duran, Commissioner Gonzales, we had been operating with a flat budget with federal dollars for the last five years because the Older Americans Act had not been reauthorized under the last administration for the last four years. President Clinton did reauthorize that in November I believe of 2000 and that should bring some additional federal funding. And we are moving in to performance-based management. So based on the units of services that we provide, that's going to be the funding formula for the future. So it's really important that this database program that Lupita's office has initiated, that that's up and running, that we can show our numbers.

COMMISSIONER GONZALES: Great. Thank you. That's was very helpful.

CHAIRMAN DURAN: I'm going to ask you to please wrap it up in five minutes.

MS. MARTINEZ: Sure. The next service we have here is the Quality of Life service. We have several different areas which this covers. One is the Senior Olympic program, where we have 61 people in the county currently participating in that program and the picture you're looking at right now is of actual classes that we have provided at every center. In the county, we have 7,920 units of service for arts and crafts, and other classes such as that.

The other program is the Safe Kids-Safe Seniors program. We currently have provided services to 567. Now what this is a combination of two things. Again, just safe kids and safe seniors. We have compiled a lot of different outreach programs into the elementary schools. Last year, I believe we provided over 1000 bike helmets. We had a bike rodeo where it encouraged bike safety and about 500 of those helmets were given to children living in the county.

Also for safe seniors we provide stroke awareness presentations, first aid and CPR classes for seniors and just things, safety issues around the home, making sure that we have the fire alarms and smoke alarms and smoke detectors all attached. So that's part of that program.

Next, I'd like to turn it over to Ron Vialpando who is our nutrition manager.

RON VIALPANDO: Thank you, Mr. Chairman, Commissioners, County Manager. It's a pleasure to be here. C-1 funds, of course, that's dollars that are generated to provide congregate meals at our eight senior centers. Four of them located within the County of Santa Fe and four within the city of Santa Fe. As you can see, services provided within the county, we provided last fiscal year 32,161 meals in the city, 81,270 meals.

C-2 again is also nutrition funding that we provide. These dollars are actually provided to serve home-delivered meals to our senior citizens within the city and county of Santa Fe. Currently we've provided within the county of Santa Fe 17,973 units. These are meals actually, and within the city, 97,084 meals. That's a total of 230,000, a little over 230,000



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meals during the fiscal year. That's a lot of meals generated. The nutrition program consists of about 35 employees. That's anywhere between, these individuals are cooks, custodians, managers and meals-on-wheels drivers and so forth.

Nutrition donations basically are the donations we receive for meals provided. On an annual basis we have received approximately a little over \$104,000. Currently our suggested donation is one dollar per meal. As you can see based on the number of meals we've provided on a regular fiscal year, we're receiving less than half of that suggested donation. However, when donations are received, we apply those monies towards the purchase of raw foods costs and supplies for the program. It goes right into the program.

Cash and meals commodities is funding also received from the state. It's federal dollars. It's 54 cents reimbursement for every meal we provide. The state provides those monies based on a reimbursement basis and then again, that money is placed toward the purchase of raw food and supplies for our program.

The nutrition program also operates the USD Commodities Distribution program. This program takes place bi-monthly. Currently on an annual basis, we're providing approximately 360 families within the county with surplus food and this consists of approximately six to eight to ten items of commodity distribution of surplus food.

We also work with the Senior Title V employment program. Currently the City of Santa Fe has approximately 16 Title V employees. Right now, we are employing three part time senior employee individuals within the county. These people on an annual basis put in 3,120 hours. This is four hours per day at minimum wage. It gives these individuals an opportunity to learn a new trade, put back into the community, learn, like I mentioned, a new trade and keep them busy and of course earn extra income. So it helps them out in the long run. And it keeps the morale real high within our seniors and staff. Thank you very much folks. I appreciate it.

CHAIRMAN DURAN: Please make it brief. We have a big agenda. This is real important to all of us, so please don't think—

DANIEL ALLEN: Mr. Chairman, Commissioners, I'm Daniel Allen. I just provide the transportation on the county. We don't have enough drivers. We have sufficient vehicles. If we have any problems out in the county, give us a call and we'll try and take care of your needs. I know there's not enough funding money to go around but however we can help you we'd be more than happy to.

CHAIRMAN DURAN: Great.

MS. RODRIGUEZ: We want to thank you, Mr. Chairman, members of the Commission for allowing us the last 15 minutes to present our program. I do have a budget request and I'll discuss that with Mr. Montoya at a later date and maybe I'll be invited back to discuss our budget. Thank you so much for your time. We appreciate your assistance.

CHAIRMAN DURAN: Thank you. Are there any questions?

COMMISSIONER GONZALES: Not a question but a very quick comment. Thank you Rita, Patricia, Danny and everyone else for the work that you do. I've got to tell you, one of the pleasures I have when I get the opportunity to travel around the district is to

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visit with some of the elderly people in their homes and talk about the services that you provide. And this is an area that I'm really grateful to the City of Santa Fe because I know in many respects the services that you provide outweigh the contribution that this County makes. And the City has never really tried to make that an issue with us and I certainly really appreciate that. What I want to make sure that I sent to you and your staff, being that you aren't County staff it's really difficult to have an opportunity to praise your efforts but please convey to your staff my heartfelt thanks for the way you treat people in our community, for the commitment that you've shown to our elderly, and innovation.

It's amazing to see how many programs that the Senior Services offer elderly people. I get an opportunity to hear it every morning on our radio station. I'll make a plug for KSWV where every morning we get to sit down and actually when you're listening to the radio, listen to what's going on with it, whether it's Senior Olympics, whether it's a trip to Laughlin, whether it's some kind of art class. Whatever it is. I think the message that you're sending out, that we're all trying to send out is that if you're someone and you're in your golden years and you want to be active, you have a place to go to be active. And you can be treated with respect and with fairness and a place where you're loved and treated with kindness and I've got to tell you, very often in government bureaucracy, which is very cold, a cold type of bureaucracy, you can look to the Senior Services and being one where it's very warm and very inviting.

So I want to thank you for your efforts and just tell you you've done a great job and I'm looking forward to supporting you guys again this year and I appreciate, Mr. Chairman, allowing me to ask them those questions that I did earlier.

MS. RODRIGUEZ: Thank you, Mr. Chairman. Thank you, Commissioner Gonzales. And I just want to say also that my staff has a wonderful working relationship and rapport with your staff. Corky and Robert and all the guys, they work real hard with us. Sam. We really enjoy the relationship that we've had and your continual support is also appreciated. Thank you so much.

CHAIRMAN DURAN: Thank you. It's our pleasure.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me just add that one of the reasons, and what I had hoped we could get started here was a look at the additional programs that the senior unit has had to take over. And this started, I've made several trips down to the Edgewood center and the last one that we did, a representative from the City was there and passed along a word that they were \$13,000 in deficit on transportation costs. So I asked the County staff and Sam to take a look at this, which they did and I've also met with Rita to look at some of the more specific figures which you don't have in front of you here today.

Some of the numbers that you see up on the chart here indicating total units in the county, and they vary. Some of these programs are all City programs and are some are 50-50, City/County, but in general you can sort of take a look at those numbers that you saw and maybe 80-20 of the participants is kind of the breakdown between County and 80 percent city

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and 20 percent county in terms of the participants that are served. So I wanted the Commission to get a heads-up because although we've been paying about \$150,000 a year for these services, my understanding is that a request is going to come in for more than \$50,000 in the next budget cycle.

So my suggestion to Rita was to give the Commission a heads-up, what was the cause for this 33 percent increase in the budget funds. I didn't see it on the screen here, but on page 12 she does have a description of new county services over the last three years so when you have a chance you may want to look at that item and that's something of course that we'll be looking at in the future budget cycle. But I think you do need to be aware that we are going to be receiving a request for more than a 30 percent increase for the next budget cycle.

CHAIRMAN DURAN: Thank you very much.

COMMISSIONER GONZALES: Mr. Chairman, just real quick direction on that without a lot of comment. In that increase, and I'm sure that you're going to do this, what I'd like to know is how much of that increase is actually going into the actual delivery of services and what's the broken out into overhead. I think that's really helpful and I think that would be helpful to understand how that increase can be broken down.

CHAIRMAN DURAN: Great. Thank you very much.

**VIII. C. Finance Department**

- 1. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #21-39, for the construction management services for the Agua Fria Phase II road project**

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: On this item, one of the proponent firms, not the one that's being recommended by the staff for award, requested that our firm provide subcontract services on this proposal. Again, it's not the firm that's been recommended, but nonetheless, I will recuse myself on this item.

CHAIRMAN DURAN: Thank you. Tony.

MR. FLORES: Mr. Chairman, members of the Board, I provided in the memo a brief background of what was started back in the fall of 1997, which was deemed as Phase I of the project and brought us to today, which we anticipate getting the Phase II project started as soon as an archeological survey is completed of the area. With that anticipation in mind, the Public Works Department prepared, in conjunction with the Purchasing Division, prepared a solicitation for the construction management services of the Phase II project.

We prepared the solicitation in accordance with a qualification-based proposal. We had firms respond back to that proposal on January 26<sup>th</sup>. After review of the proposals they were sent out to an evaluation team comprised of County members from the Public Works

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Department and the Finance Department. Based upon those written evaluations, a ranking was prepared and we're here before you today to ask authorization and acceptance of a professional services agreement to the firm of Wilson and Company in the amount of \$73,430.21, inclusive of gross receipts tax, for the construction management services of the Phase II Agua Fria project.

CHAIRMAN DURAN: Tony, is this the project that Mr. Lujan and myself and several other people have met with the Agua Fria?

MR. FLORES: Yes, sir. That's correct.

CHAIRMAN DURAN: And are all of their concerns and ideas, have they been incorporated into the design? Just for the record here, James.

JAMES LUJAN (Public Works Director): Mr. Chairman, members of the Commission, a final set of plans will be delivered on Monday. This is that project. They were doing the construction management. We will still come to the BCC for final when we put it out to bid and award the contract to build the project.

CHAIRMAN DURAN: So we still, once those plans come back we still have the ability—all I want to do is make sure that the community's ideas and concerns have been addressed as we promised them in those meetings that we had with them.

MR. LUJAN: Commissioner, Duran, we will make sure that that has all been addressed.

CHAIRMAN DURAN: Okay. Any questions of staff?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

**VIII. C. 2. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #21-43, for the digital OrthoImagery services for Santa Fe County**

MR. FLORES: Mr. Chairman, members of the Board, again the memo provides a little bit of background of a project that was implemented and started back in 1992 as a joint cooperative effort between Santa Fe County and the City of Santa Fe. At that time, some control networks were established. An aerial survey was completed. There were some orthoproductions for an area approximately 450 miles at a cost of \$750,000. Since the completion of that project in the past ten years, areas outside the city have grown tremendously. There's been a lot of changes in development, in terrain, etc.

With that in mind, the GIS Division of the Resource Development Department started developing a scope of services for a new digital map, new digital OrthoImagery services. In accordance with the statutes, that type of service falls under the guise of a professional service

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of surveying. With that in mind, a qualification-based proposal was required by statute that lists certain criteria that the proposals will be evaluated upon. What cannot be part of that evaluation is price, which by statute has to be negotiated with the highest rated offeror.

We prepared in January, probably around January 16, we prepared a solicitation package in conjunction with the GIS Division that encompasses a very, very broad scope of services, broad in the sense that I think our scope of services ran a total of about ten page.

And we put an item in there that since we were going out for a new project or a new proposal, we wanted interested firms to be able to propose alternate methods of acquiring and producing data based upon the eventual flights.

With that in mind, we solicited the proposals or the request for proposals on January 26. We conducted our pre-proposal conference with eleven of the 22 firms that we had contacted were in attendance for a pre-proposal conference. So the response to the initial advertisement was very good. After that, the County accepted proposals on February 26. The same eleven potential offerors who were in attendance for the pre-proposal conference submitted a proposal. Those proposals were received in the Purchasing Division, reviewed to make sure that they complied with the minimum requirements for submittal and then after that they were turned over to an evaluation team that consisted of County staff, both from the Finance Department, the Resource Development Department, the Assessor's Office, Land Use and the City of Santa Fe, and the Regional Planning Authority.

After the evaluations came back to the office, a tabulation was prepared that compiled a ranking system of the firms. Based upon those rankings, the highest rated firm was Bohannon Huston Incorporated. As soon as that was determined, and because of the time frame of the time of year that we're coming into right now, it's important to get this project off the ground. Negotiations were immediately undertaken with the highest rated offeror. The negotiations, as part of the result of the scope of service that was initially solicited and the alternative methods that were recommended to be submitted back from the proposes, we developed—we, being the County developed a phased approach to the project. This would allow us certain flexibility to be able to get a deliverable product.

With that in mind, we put together a professional services agreement that has within it a fixed pricing structure by a deliverable product. And this would allow the County, if we had other potential entities that would want some type of product off of this professional services agreement, we would know what the cost of that product would be. So we developed a professional services agreement that encompassed the scope of services and then also a fixed pricing structure that would have something in place as monies and budget becomes available, we can issue task orders or notice to proceed off of those two items.

I believe that is probably the best way that we could handle that to allow us some flexibility so that a year from now, we are not going through the same process of soliciting the services all over. We have up to four years on this type of professional services agreement. The original term of this agreement runs through June of 2002 and again, it's

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all driven by budget. As budget becomes available, we issue a notice or task order based upon Exhibit B, which is the compensation method. So we're here before you today to ask for authorization and acceptance of a professional services agreement with Bohannon Huston. And I stand for any questions.

CHAIRMAN DURAN: I have a few questions. The entire county is not going to be mapped. Is that correct?

MR. FLORES: Mr. Chairman, the initial Phase I will be the entire county will be flown. We will have the entire county flown and control points established, with the exception of Forest Service lands. That would be Phase I of the project. Because of mobilization costs that is the most economical way for us to proceed with that. So the entire county would be flown.

CHAIRMAN DURAN: So we will have aerial photographs of the entire county available to us.

MR. FLORES: At some point, we will have a deliverable as budget becomes available to acquire that data. Initially it's the aerial flights that will set the groundwork to be able to produce those documents.

CHAIRMAN DURAN: So we're paying for them to fly the county but yet we won't have aerial photographs.

MR. FLORES: If we did the entire contract we would have a deliverable product of everything. That's why we phased it in sections so that as budget becomes available we can get a phase or a task of a method produced. So eventually, yes. We will have orthoreproduction of the entire county.

CHAIRMAN DURAN: Okay. So the Special Mountain Review District then would be flown, and it would be at what contours? At one-foot contours?

ERLE WRIGHT (GIS Coordinator): Chairman Duran, basically all the county will be flown at least at a 1:12,000 photoscale. That will allow us to produce one-foot pixel resolution digital orthophotography. Now, there are two options in the contract. Actually, three, if you look at the pricing agreement on how the topographic data is developed. There's purely, from that level of data, I believe we'd be able to get 10-foot topo. We already have existing four-foot data in the Mountain Special Review District. If we exercise the option to use the LIDAR system, this is light detection and ranging system, we would be able to generate two-foot contours throughout about just under 1500 square miles of the county. So we would be able to develop two-foot data beyond what we have.

CHAIRMAN DURAN: Okay. So once the project is complete, we have complete control over—we're buying the product and we can provide that to any—we're not restricted to giving it to the public.

MR. WRIGHT: Mr. Chairman, the data will be, all data materials produced by this contract will be totally owned by Santa Fe County.

CHAIRMAN DURAN: So no rights will be—the person who's flying it or the contractor won't reserve any proprietary rights. They won't restrict us from selling—were you with us when we went to Boulder and checked out their GIS system?

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MR. WRIGHT: No, I wasn't.

CHAIRMAN DURAN: When we were there they actually had maps available to the public and they charged them a nominal fee based on their cost. I recall in the past that we had problems issuing the aerial photographs that we have right now because the contract had claimed some right to it.

MR. WRIGHT: We have different types of imagery. There is satellite imagery that the state 911 grant required every county in the state to purchase. That actually is satellite imagery that carries a licensing restriction with it. We are able to sell hard copy of that, but we aren't able to distribute the electronic data. The digital orthophotos from '92 is also totally Santa Fe County property and we're able to distribute that either in hard copy format or electronically and recoup reasonable cost for it.

CHAIRMAN DURAN: Okay. Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: In—this of course was originally started out as a \$750,000 project and is now up to \$1,144,000. So with a project this size, I'd like to know a little bit more about the negotiations with the top-ranked proposer. What is the profit percentage that has been included in this contract for the contractor?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, I'd have to defer to Mr. Silas Suazo from Bohannon Huston.

SILAS SUAZO: The profit that we negotiated, Commissioner, was ten percent based on the man-hours and the products that we developed.

COMMISSIONER SULLIVAN: Okay, and in the negotiation of the man-hours, what was your process in looking at salary and payroll costs and overhead? How did you go through that process?

MR. SUAZO: Basically, what we do is we sat down and went through our typical estimating process to develop the products using the overhead factors that have been audited by different agencies, one being the State Highway Department, one also being the federal government. Those are the basis of the overhead factors that we use to generate the cost estimate that we generated and then on top of that, we added ten percent profit on our work.

COMMISSIONER SULLIVAN: These are overhead factors, general factors used by the Highway Department?

MR. SUAZO: Yes. We've been audited by the State Highway Department and also federal Corps of Engineers.

COMMISSIONER SULLIVAN: And we is who?

MR. SUAZO: Bohannon Huston.

COMMISSIONER SULLIVAN: My question is to the County. What was the County's review? I understand how Bohannon Huston would do it?

MR. FLORES: The County's review of the negotiations is done on a unit of cost, for instance on this thing, what does a section cost? What would a section cost us

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to apply our data for one section, five sections, 100 sections? When we entered into negotiations, because price is not a factor in the evaluation criteria, Bohannon Huston was asked to present a preliminary cost estimate of the entire project. From there, we look over issues such as number of hours that it takes to complete it. What are the overheads, the labor costs associated with the product?

COMMISSIONER SULLIVAN: Let me stop there. So the first component, salary. What was submitted? What did you look at in terms of salaries of the contractor?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, the contractor provided us an estimate sheet, a spreadsheet, by man-hours, by individual, of total number of hours that it was the multiplier for the overhead and a bottom line. So that was provided by the contractor.

COMMISSIONER SULLIVAN: Okay, so I'm trying to get at the multiplier and maybe I should be a little clearer here for the purpose of the Commission. They may already be cognizant of this but particularly in large projects, particularly in state or federally funded projects, consultants and not just engineering consultants but architectural and others, are typically audited and there's usually four components that go into that and those numbers are readily available.

First is the salary, and that's the raw cost that an individual makes at that firm. Let's say they make \$15 an hour. Then there's the payroll cost. That's the cost that goes on top of the salary that pays for the benefits that that individual receives. Then there's overhead. That's the cost of running the office and heat, light and rent, and so forth. And then there's profit, which is the amount of profit that the firm wants to make. So those four components, before a large contract is entered into, are typically, I don't want to necessarily say audited, but reviewed by the County, by someone who is familiar with that.

Now my only concern here is that Santa Fe County doesn't let out too many \$1.1 million contracts each year and I want to feel some comfort level that we exercise, we have the expertise and we exercise that vigilance in doing that type of review of these numbers.

MR. FLORES: Mr. Chairman, Commissioner Sullivan, every contract that I negotiate is with that diligence. If I may, since price is not a factor in this evaluation criteria—

COMMISSIONER SULLIVAN: That's in the evaluation criteria. Now, once we've passed that, you've selected a firm, now you are free to negotiate any price you want. You can ask them to do it for a dollar and they can say, No, we don't want to do it for a dollar. Price becomes a factor once you have identified the first ranked firm. So I don't think we want to back up to that. Price is an open issue once you've identified the firm. Or do you disagree with that?

MR. FLORES: If I may, Mr. Chairman, Commissioner Sullivan. Since price is not a factor in the evaluation criteria, it is our policy to request sealed cost proposals from each and every firm. Sealed. That cannot be opened until the ranking has been determined and we enter into negotiations. Once the negotiations are complete, I am



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able to open the sealed proposals from the top two firms to determine what the costs would have been if we'd have gone to vendor two or vendor three.

I can stand before you today and tell you this original contract with Bohannan Huston was \$1.4 million. The second highest rated firm was \$1.6 million. So I can stand before you today and tell you that my professional opinion is that this contract has been negotiated at a fair and reasonable price as compared to other proposals, and as compared to the '92 project when we had a third of the county flown or had actual product for three-quarters of a million.

COMMISSIONER SULLIVAN: My understanding under the Procurement Code is that price is not a part of the request and in fact there's an AG opinion that says that submitting, even the fact of submitting a price is in violation of the Procurement Code, but certainly, I'm surprised to hear, that you, after selecting firm A that you actually opened the proposals of the other firms, the cost proposals. I think, Steve, that that procedure needs to be looked at very carefully. But aside from that, so what you relied upon then is the data in the proposal, the cost proposal which accompanied the qualifications proposal.

MR. FLORES: The separate, sealed cost estimate.

COMMISSIONER SULLIVAN: Right. Now how did you verify, that for example let's say they had a payroll multiplier in there of 35 percent, just to pick a number. How did you or your staff verify that that was the appropriate number for this firm?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, I wouldn't classify it by firm. I would classify it by industry. It's similar to what we do with architectural agreements or our construction management agreements or anything else like that. We have similar contracts, professional service contracts for professional services as defined in the statutes that we can go back and review to see what their multipliers were, what their overhead profit was, what was the administrative cost, etc. So we have other contracts, although not of the same exact nature, but this particular firm has expertise in other areas besides aerial mapping. They do construction management, they do design, etc. We have entered into contracts with them over the past three years that I've been here where those things had been identified and compared to previous awards.

COMMISSIONER SULLIVAN: Did you just—I'm sure this is information and probably audited information, that the firm has because they do other federal contracts. Did you ask them to provide you with their information on their payroll multipliers?

MR. FLORES: As part of their submittal, yes, but not requesting an audit, the prior year audit or anything like that. No, sir.

COMMISSIONER SULLIVAN: I think this contract is a very different one. I don't think we can—it has a number of factors. It has technicians, it has aerial photography. It has a number of different elements. I think we need to be contract-specific in negotiating. I don't think we can—particularly a contract of this size. I don't think we can rely on general rules of thumb in accepting overhead costs. I mean a one

percent change in overhead cost in this contract is thousands of dollars. And I'm certain that that information is available from the proponent. I'm just asking if you personally or your staff reviewed that information and checked it out.

CHAIRMAN DURAN: Tony, it's yes or no.

MR. FLORES: No sir.

CHAIRMAN DURAN: Okay. I would like to make a motion that we table this until you and Commissioner Sullivan have had the opportunity to discuss what he believes to be some inadequacies in the process. And we'll work with it at a later date. Anybody second that?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Okay, there's a motion to table with a second. Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

Thank you, Mr. Flores. Why don't you get with Commissioner Sullivan at your earliest opportunity and try and work through the issues that he has.

MR. FLORES: Yes sir.

[This issue was taken off the table for reconsideration later in the meeting. See pages 65 -73 and page 93.]

**VIII. C. 3. Request authorization to enter into a professional services agreement with Southwest Planning and Marketing, No. 21-0152-FD, for the review and update of the Santa Fe County Fire Impact Fee Ordinance**

MR. FLORES: Mr. Chairman, members of the Board, I've provided a history of an ordinance that was passed and adopted back in 1995, I believe, that dealt with impact fees. As a result of that, there's actually a section of the ordinance that requires a periodic update and review. The state Procurement Code allows us to acquire or procure professional services under the small purchases section that do not exceed a value of \$20,000. Our internal policy is in order to provide fair and equal competition and not use a formal solicitation method, we prepare what is called a request for quotes.

A scope of services is developed. Instructions to the potential offerors is developed. Deadlines are imposed, when they can get the information back to us and a method of award. The Santa Fe County Fire Department, latter part of 2000 prepared such a scope of services for firms that could potentially provide this type of review and update of the Impact Ordinance. Based upon those responses back from potential offerors, the Purchasing Division contacted each of them to request a best and final offer of their price, a clarification on their time schedule, if they could meet the time schedule that we need to get this done which is approximately six months, and requested that to come back to Santa Fe County in the form of a written response.

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One firm, Southwest Planning and Marketing actually responded in writing that they were able to provide the services. The information that was provided from the Fire Department for the solicitation back in December, September, October, December, somewhere around there, I contacted the other potential offerors and at the time that we went back and asked for a best and final offer, they could not provide the services. All the original documents received by the potential offerors had the same hourly rates. Actually, one was a little bit higher. But the only one that could provide the services at the time of this approval, or requesting this approval was Southwest Planning and Marketing, who incidentally was involved in the initial assistance of the drafting of that ordinance.

So under the small purchases section of the Procurement Code, we are here before you today requesting an authorization and approval of a professional service for those review and update.

CHAIRMAN DURAN: Any questions of Tony?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve. I'll second it. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

#### VIII. D. Land Use Department

1. **Resolution No. 2001-45. A resolution requesting a budget increase to the water enterprise fund (505) to budget fiscal year 2000 cash balance and additional current fiscal year revenues for expenditure in fiscal year 2001**

DOUG SAYRE (Utilities Director): Thank you, Mr. Chairman, Commissioners and staff. I come before you because we need to look at a situation which we need to modify our budget in a way of I guess, increases to certain line items. The main background on this is that in the budget projection for 2000, the County Utilities did not, I'd say, accurately predict how the increased revenue from housing starts or housing connections that occurred mainly in the south sector, which would be Rancho Viejo, and also the amount of construction water needed in last year's budget would impact us.

I think we looked at it from a conservative point of view that we wanted to be very relatively low predictability. We didn't overpredict about what was going to happen last year. And what happened, a couple of things, was the drought of course affected us tremendously, the amount of water needed for construction got to be considerably more than we anticipated, plus then the housing starts went from being—our prediction was around five to six per month to about ten to twelve per month in that area. So that's why we didn't accurately predict how much water was going to be necessary last year.

Because of this we're going to need to modify our budget in the following ways. We're requesting a budget line item transfer of a total of \$158,000 to purchase for resale, which is the

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amount, where we get our water from the City of Santa Fe. Of that, \$100,000 will come from fiscal year 2000 cash balance and \$58,000 from the commercial revenue receipts in order to cover the additional costs. This is to get us up through the end of the year, which would be June 30<sup>th</sup>. We've made a projection to get us through that time.

Presently now we don't anticipate the amount of construction water that was demanded last year because we've instituted programs to use recycled water or treated water for construction purposes, especially in the south sector area, so we don't anticipate having the same problem out there. I think we're still somewhat conservative in how we predict how many housing starts, houses might be built but that's to our advantage. We'd rather come to you and say we underpredicted rather than overpredicted and have to modify our budget in the other direction. Can I receive questions at this point regarding this possibly?

CHAIRMAN DURAN: No you can't. Sorry. Any questions of Doug?  
Actually, I have one. So the increase is not coming out of the general fund? It was savings that you had from last year?

MR. SAYRE: Cash reserves.

CHAIRMAN DURAN: And then this commercial revenue, the commercial fund is monies that we receive from selling the water?

MR. SAYRE: Yes sir.

CHAIRMAN DURAN: Okay. I understand. Any questions of Doug?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Do I understand that we had an increase in costs, bulk costs from the City to the tune of about \$158,000 more than you had thought, and we're only, only \$58,000 of that is being recouped by revenues. Does that mean we're not charging enough money for our bulk water to the contractors?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, no. What we had here is we're charging enough money, it's just that when we set the budget up, we didn't predict that this amount of construction water would be necessary. We have recouped the money by charging, because we pass the charges onto the contractors and that came in, but the budget, we have the budget for it and it's been put in the cash fund.

COMMISSIONER SULLIVAN: Okay. So the—I was just looking at the \$58,000 from commercial revenue receipts down at the bottom of your memo, first page. And I interpreted that to mean that we only recouped \$58,000 of it from commercial users. But you're saying the \$100,000 also was recouped from them?

MR. SAYRE: Well, it's my thinking overall last year, we recouped it all in the way of revenue. It's just that how we're having to transfer it out of some surplus that we had last year and then also that other budget item for the enterprise fund. Is that basically correct?

COMMISSIONER SULLIVAN: But this year, when we had the increase in construction water requirements, which I think were basically as a result of the City being in phase 3 water restrictions, the contractors went out to the County and bought water from us, we recouped all of our costs of that, of those water sales?

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MR. SAYRE: Mr. Chairman, Commissioner Sullivan, yes we did.

COMMISSIONER SULLIVAN: Including the City's increase that's made reference to in here, the surcharge that the City added to those costs?

MR. SAYRE: Yes. Yes sire we did. Just to know, we had to institute, I think it was in August last year that passed on all those fees so that we could charge those to the contractors because we knew we did not have them in our rate base so we had to do that last year so that we could recoup that. But that has been passed on. As a matter of fact it's still continuing until they relieve the state 2, for commercial users.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Sayre, a question. What is your mark-up on the sale of water? If you buy water for a dollar, what do you sell it for?

MR. SAYRE: Well it somewhat depends, Chairman Duran and Commissioner Campos, it depends on whether it's residential or commercial. Right now, for residential we're approximately probably about 50 cents to the residential and I think approximately \$2.19 to commercial. Now that doesn't include—there's a revenue base in there that we charge and that's also in there in our base rate. But approximately that.

COMMISSIONER CAMPOS: \$1.50 for residential and \$2.19 for commercial?

MR. SAYRE: I thought I said about 50 cents for residential per thousand. If you look at the rates currently, what we're into, we're basically looking at we do need to increase rates because the City has instituted somewhat of a stage increase and we're now meeting with them to see what kind of increase is going to be necessary for the County Utility Department to pass onto their users also.

COMMISSIONER CAMPOS: You do mark up though.

MR. SAYRE: Yes we do.

COMMISSIONER CAMPOS: Okay. Thank you.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

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

COMMISSIONER GONZALES: Mr. Chairman, not at this point, and I apologize to the Commission for having to step off. I had to make a very important phone call, so I apologize, but as to the issue of the item that was tabled earlier, the OrthoImagery services of Santa Fe County, I was just wondering if it were at all possible, I know that we're trying to finish up with this meeting but I was prepared to go forward and act on this. I'm not sure why it was tabled. I know that it's something the staff has been working on and counting on for some time and I'm wondering if when we finish with the matters at hand if we can go back and reconsider pulling that off the table so I can participate in that discussion.

CHAIRMAN DURAN: How about if we do it under item H. Matters from the Commission?

COMMISSIONER GONZALES: That would be fine if that would be appropriate before the Commission. It's a big project. I think it's important. Staff's been working on it for some time. I know it's been the chair's priority and I appreciate Commissioner Sullivan's diligence in trying to work through these issues but there's no sense in tabling it. We ought to work through it and get it down and move on.

CHAIRMAN DURAN: Well maybe when you participate in the discussion you might further understand what the concerns are.

COMMISSIONER GONZALES: I appreciate it. Thank you.

**VIII. D. 2. Resolution No. 2001-46. A resolution appointing a substitute member to the Open Land and Trails Planning Advisory Committee**

ALINA BOKDE (Planner): Good evening, Mr. Chairman and Commissioners. In response to direction received from the Board on January 9, 2001, staff drafted the attached resolution to appoint a substitute member to COLTPAC. The resolution will establish the substitute as a committee member when one or more COLTPAC members are absent, and this member will have all the same privileges, rights and duties of current COLTPAC members. I guess I'll take any questions on the resolution. It's pretty direct.

CHAIRMAN DURAN: Well, I have a couple questions. How many times has COLTPAC met where they've had a full quorum, or a full membership?

MS. BOKDE: Mr. Chairman, COLTPAC has never had full membership attendance at the meetings.

CHAIRMAN DURAN: So basically the substitute is, if he chose to go to every meeting would be a full member, essentially.

MS. BOKDE: Mr. Chairman, that is correct. This appointment, this person, whoever that would be would be able to attend any meetings when there is one or more committee member that is not at the meeting and most likely they would be able to serve as a full time COLTPAC member.

CHAIRMAN DURAN: So when you've had these meetings, how many have been missing? Has it been only one, two, or how many members are on COLTPAC?

MS. BOKDE: Mr. Chairman, there are 11 members on COLTPAC and we have anywhere between six to nine members that attend the meetings. So I guess the average is between six and nine. So that's usually the number that fluctuates.

CHAIRMAN DURAN: So we could actually have two alternates if we wanted to.

MS. BOKDE: Mr. Chairman, the Board can decide to move ahead with this resolution whatever way they choose so you could choose to appoint two substitutes if you'd like.

CHAIRMAN DURAN: Okay. Any other questions of Alina?

COMMISSIONER CAMPOS: I have a question. Ms. Bokde, are there any vacancies currently on the 11-member committee?

MS. BOKDE: Mr. Chairman, Commissioner Campos, at this point there are no vacancies, formal vacancies on COLTPAC. There are 11 members that are part of the committee. There is one committee member who has missed more than three meetings so we're in discussions right now as to whether we need to bring, whether he will formally resign from the committee and we'll bring that name before the Board to see if the Board will accept his resignation or not, but at this time, we're also in a review phase for an acquisition phase right now for COLTPAC so we're having an extraordinary number of meetings right now with the committee. We're meeting almost weekly.

COMMISSIONER CAMPOS: But your turn-out is pretty good generally. You have a lot of meetings, most of the people are participating. There's one person who has a problem participating.

MS. BOKDE: Mr. Chairman, Commissioner Campos, that is correct. In general, most of the committee members are attending the meetings and there are a couple that they have not been able to attend but we have a high frequency right now of meetings. Normally, COLTPAC would only meet once a month and I think that will be more manageable for most people. But there is one committee member that has had trouble attending meetings.

COMMISSIONER CAMPOS: How much longer will the process continue for? You intend to have recommendations.

MS. BOKDE: Mr. Chairman, Commissioner Campos, staff hopes to come forward with COLTPAC's recommendations on the June 12 BCC meeting, the first meeting in June and we will have—at this point we've scheduled a public meeting in May where COLTPAC will come forward with their preliminary recommendations and receive feedback from both the applicant and the public, and then they will prepare final recommendations to the Board and staff will come forward to the Board in June with those.

COMMISSIONER CAMPOS: So after the June meeting, how much longer will COLTPAC be active?

MS. BOKDE: Mr. Chairman, Commissioner Campos, COLTPAC is a permanent open space committee and so they will continue to meet. This committee will begin to look at more closely I think a lot of the management issues that this program is faced with as well as bring forward some policy recommendations regarding open space and trails to the Board. So there are a number of issues beyond acquisition that the committee is very interested and wants to get more involved in. So we will, after the acquisition, this review phase is done then the committee will begin to meet more on management issues and we will only meet once a month at that point.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I would just add to Commissioner Campos

that as we move down and proceed with our own growth management plan we're allocating more open space on to the public rolls where hopefully we'll have a successful TDR program. There will be multiple provisions within the County jurisdiction that are going to bring more lands onto open space so I think that that's going to also require this committee taking a continuous look at a the open space process.

But the question I was going to ask you, following up on Commissioner Campos's question as to the participation, are the committee members required, or are they governed also by the rules governing the committees in terms of absence and participation? I believe that under the rules of the Commission on any committee appointments, if you have two unexcused absences, that results in an automatic resignation and then the Commission can determine whether they want to reappoint you or not. Is COLTPAC held to those same set of rules?

MS. BOKDE: Mr. Chairman, Commissioner Gonzales, yes, the committee does follow the same rules for the resolutions that established the rules and procedures for committees. The resolution when it was adopted, one of the initial resolutions adopted for COLTPAC back in 1998 basically states that if the committee member misses three meetings or more, at that point the committee member can decide to resign and that information is brought before the Board so I had a discussion with this committee member about that yesterday.

COMMISSIONER GONZALES: That's fine. I just wanted to know if they're living under the same rules as the other committees. Thank you.

CHAIRMAN DURAN: I thought that if they missed three meetings they couldn't come to you and say whether or not they wanted to resign, or tell you whether or not they wanted to resign. I thought that they were terminated. So why would you want to come back to us and say this person's missed three meetings. Do we want to replace him? I think the fact of the matter is three unexcused meetings is a statement in itself that they are not available to participate in the process and they have no business being on the committee. I thought that's why we had the three-meeting rule.

MS. BOKDE: Mr. Chairman, in the Resolution 1998-105, that was one of the original resolutions establishing COLTPAC, it states in there that in the event a member misses three meetings, the member may be removed from the committee by the BCC. The BCC shall have the discretion to allow a member with three or more absences to retain his or her position if such absences are unavoidable. If a member is removed by the BCC, the BCC at its discretion may replace or remove the member.

CHAIRMAN DURAN: That's different from what you said. You said they had the opportunity to come and request--to say whether they want to be on it or not. So I think what you need to do is come before us at the next meeting telling us who this person is and let us make a decision whether we want this individual to continue to serve. Is that the understanding of the Commission?

COMMISSIONER GONZALES: That was my understanding, Mr. Chairman.

CHAIRMAN DURAN: Okay. So let's do that.

MS. BOKDE: I will, Mr. Chairman. I will bring the person's name at the next meeting.



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CHAIRMAN DURAN: Why can't you tell us now?

MS. BOKDE: Sure, Mr. Chairman. It's Mr. Dale Lewis from Stanley who has not been able to attend a number of the meetings and I spoke with him yesterday about this and he said he was going to try to attend the next meeting. If not, he would formally resign and I was planning on bringing that resignation letter to the Board at that time.

CHAIRMAN DURAN: It's your district. Do you have anyone you might like to recommend or do you want to talk to him?

COMMISSIONER SULLIVAN: No, I wasn't informed by the staff that this was a problem.

CHAIRMAN DURAN: Do you know Mr. Lewis?

COMMISSIONER SULLIVAN: I don't know him, no, Mr. Chairman.

MS. BOKDE: So, Mr. Chairman, I will bring that name in front of the Board at the next meeting and we could, if the Board directs staff we could go ahead and do advertising down in the *East Mountain Telegraph* area and solicit names and letters of interest from people who might want to serve on COLTPAC and I could bring that information.

CHAIRMAN DURAN: Did you not keep the names of all the people that applied before?

MS. BOKDE: Mr. Chairman, I did. There were only two submittals from the southern part of the county, and the two submittals were appointed to COLTPAC, so in this situation we would have to readvertise.

CHAIRMAN DURAN: Okay. Let us know what you want us to do. I honestly think that if he's missed three, he should be replaced. That's what we agreed to do.

MS. BOKDE: Mr. Chairman, I contacted him yesterday and informed him that he had missed more than three meetings and so we needed to arrive at a decision and the decision was that if he was not able to attend the next meeting then he would submit a resignation letter. But I will go ahead and bring that forward.

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

COMMISSIONER TRUJILLO: Mr. Chairman, move for approval of Resolution No. 2001-46.

COMMISSIONER GONZALES: Second.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Friendly amendment to add: two substitute members instead of just one.

COMMISSIONER TRUJILLO: Is there a need for two substitute members?

COMMISSIONER CAMPOS: Six to nine are showing up so there could be two people there just to have more.

COMMISSIONER TRUJILLO: That's fine.

CHAIRMAN DURAN: Great.

COMMISSIONER GONZALES: I agree.

CHAIRMAN DURAN: Any further discussion? Those in favor of the motion,

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signify by saying "aye." [Unanimous] Opposed? Motion carries.

**VIII. D. 3. Appointment to the County Open Land and Trails Advisory Committee (COLTPAC)**

MS. BOKDE: Mr. Chairman, Commissioners, attached in your packets is a letter of interest submitted by David Gold to serve on COLTPAC. David Gold was a member of the COLTPAC committee that assisted staff in drafting the Open Lands and Trails Plan and recommending priority projects to the BCC for acquisition. David Gold has extensive knowledge and involvement in trails planning and he will assist the committee by contributing this knowledge and experience to the committee. Staff would like to recommend that one of the appointments be David Gold.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second for discussion. I know a different David Gold than I guess you know. I would just like to say that I believe that anyone that serves the County in any of these committees needs to understand that the committee is organized so that there is a sharing of ideas and philosophies and that consensus is built by a lot of giving and taking, so as long as Mr. Gold understands that from me, because I know him differently, then I would go with his appointment. So that's all.

MS. BOKDE: Mr. Chairman, I will reflect those comments to the entire committee at the next meeting.

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

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to make a motion to nominate a second individual.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to nominate Robert Findling. Robert I've known for about 17 years. He's a landscape architect. He worked for State Parks for about 25 years. He's working with the New Mexico Conservation Trust presently. I think he'd be an outstanding member and a great contributor. I think Ms. Bokde has worked with Bob Findling. I know Commissioner Sullivan knows him and I think he'd be a great candidate.

CHAIRMAN DURAN: Second.

COMMISSIONER TRUJILLO: Is Mr. Findling receptive to serving on the committee?

COMMISSIONER CAMPOS: He had applied the first go-round. I think he'd be very interested.

COMMISSIONER SULLIVAN: I'd echo those comments, Mr. Chairman. He's quite a knowledgeable individual in terms of open space and open space planning.

CHAIRMAN DURAN: Any further discussion? Those in favor of the motion,

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signify by saying "aye." [Unanimous] Opposed? Motion carries.

**VIII. D. 4. Resolution No. 2001-47. A resolution amending and replacing Resolution 2000-114 establishing Board of County Commission policies for inclusion of agenda material in Commissioner's packets and for tabling or postponing agenda items for Board meetings**

MR. ABEYTA: Thank you, Mr. Chairman, Commissioners. The proposed amendment consists of requiring that all agenda items to be postponed or tabled by the applicant or staff shall so be designated no later than noon on the Thursday prior to the Tuesday Commission. The purpose is to include these requests in the BCC packets. Furthermore, any land use project which has been tabled three consecutive times by an applicant will be removed by the agenda automatically by staff. The requested action: staff requests that the proposed resolution amending and replacing Resolution 2000-114 be adopted.

Mr. Chairman, just as another—just to raise a point of clarification, right now in the current resolution and the proposed resolution, it states that if there are any agenda items that an applicant or staff wishes to postpone or table after such deadline, the applicant or staff shall be required to attend the meeting and demonstrate that good cause exists for such postponement or tabling. Staff's question is is that only required if they're postponing after the deadline? In other words, if they get us a letter before the deadline, do they need to have a reason for their tabling? Because right now, the way the resolution is written it states that they only need to give an explanation if they postpone after the deadline.

CHAIRMAN DURAN: I guess the question is is there any reason that we wouldn't accept for a postponement? If they just didn't want to do it?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I think the issue is public participation. Often we have people come to the meetings and they're told at the last minute, Hey, it's been tabled. They go away. They're unhappy. We do this three times and then they're very unhappy. I think that's the impetus behind the change.

CHAIRMAN DURAN: So it would be if they just missed the deadline, they'd have to come back and tell us, other than that—

MR. ABEYTA: And give us a reason, but if they meet the deadline, can they just give us a letter stating they request tabling and not give us a reason? I guess that's what staff wants to know.

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, how can we effectively give notice to the public, let's say on Thursday that a matter is going to be tabled?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, by doing it, by

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requiring a letter by Thursday that will get in everybody's packet and then that's distributed. It will be in the Commissioners' packets, staff's packets and I assume noted on the agenda. I don't know. I'd have to check with Debra.

COMMISSIONER CAMPOS: What about public notice? People who might be interested in coming and testifying for or against. How do we get notice to them so that they don't waste their time coming here?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, I know from experience in land use, if we know there's interest, we'll contact interested parties and we'll let them know that it's been tabled. But as far as—right now we don't really have a procedure for letting the public know that things have been tabled.

COMMISSIONER CAMPOS: I'd like for you to give it some thought. I certainly think that we should put it on the web because that has the agenda posted and it's supposed to be as current as possible. Maybe, I don't know what other kinds of—

DEBRA SALAZAR (Administrator): Mr. Chairman, Commissioners, currently I am posting what items are tabled on the webpage as soon as I know. It's a different color that will show tabled on the webpage. Also when citizens do call, we're letting them know the item is tabled if there's an interest in that. What I intend to do also is on the agendas, put them as tabled and then post it on the bulletin board downstairs so it gives adequate notice.

CHAIRMAN DURAN: Could you do one other thing? I know that the *New Mexican* on Sundays, in Sunday's paper, has a list of public meetings, City and County, and it lists, not everything, but it lists some of the things on the agenda. If you could make sure that those items that have been tabled on Thursday by 5:00, that that information gets sent to the newspaper so when it gets published the public is made aware of it.

MS. SALAZAR: Mr. Chairman, Commissioners, we will try to get that in. I know that the deadline is Wednesdays for submitting all the agendas. I'll give them a call at the *New Mexican* to see if they can work with us as to our deadline of Thursday.

CHAIRMAN DURAN: Maybe Elena can help us out, in trying to service the public, I think it would be plenty of time.

MS. SALAZAR: Okay.

COMMISSIONER CAMPOS: Mr. Chairman, just if there's the possibility in a large case that's attracting a lot of public attention, maybe put something in the paper, maybe send a release to Elena and the *North* and let folks know that it will be tabled and won't be heard so they don't come here.

MS. SALAZAR: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would propose two amendments to this. One, I would propose that three be reduced to two times. I think two routine postponements for essentially no reason in most cases is enough. That would be reflected on the second page in paragraph number three. And also as a clarification in paragraph number two, down where it says if there are any agenda items that an applicant or staff wishes to postpone or table after

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such deadline, the applicant or staff, whomever is proposing the tabling, would be my addition, shall be required to attend. That is to say there are some cases where Land Use staff has said we've asked for more information. There's insufficient information. The applicant will get it but in essence, the staff is the proponent of the tabling and in that case, there's no reason that we should insist that the applicant be there. The staff can handle that just fine. If it's an applicant generated postponement, then I think the applicant should be here to discuss that with the Commission.

CHAIRMAN DURAN: I have no problem with your second amendment to it, but I would like for it to stay three. I don't see what the harm in one more is and sometimes there are circumstances that are beyond the applicant's control. The problem is that if you take it down to two and there really is a reason for the third one and we have it at two, then they have to go through the whole process of notifying everyone and it's quite costly. I think the public notice is given as a tabled item, independent of having to go out there and notify everyone within 100 feet. Who else had a comment? Steve?

MR. KOPELMAN: Mr. Chairman, members of the Commission, just a point of clarification on number three, the first proposal by Commissioner Sullivan. One concern is that these are automatic. In other words, by the third time if a matter is tabled, it automatically is off so if you table it after two times, again, there have been instances I know where there's really good cause to table it twice and so I'd ask the Commission to be careful whether you want to go to that extent because that would put applicants through a great expense and time when there may be very good cause for tabling a matter a second time.

COMMISSIONER SULLIVAN: Okay. Mr. Chairman, I'll make a motion that we approve Resolution 2001-47 with an addition to paragraph two, after the word staff which says whomever is proposing the tabling.

CHAIRMAN DURAN: Okay. Is there a second? I'll second that for discussion. We're approving the resolution with one change, which is in paragraph two, all agenda items that are to be postponed or tabled by the applicant or staff—

COMMISSIONER SULLIVAN: Just in the second sentence in paragraph two which now reads if there are any agenda items that an applicant or staff wishes to postpone or table after such deadline, the applicant or staff—and I would insert here—whomever is proposing the tabling, shall be required to attend the meeting. And I just do that because I don't feel that the applicant should be given the burden of having to come to the meeting if the staff is proposing the tabling.

COMMISSIONER GONZALES: Okay.

COMMISSIONER TRUJILLO: And for three consecutive times—

CHAIRMAN DURAN: It will remain.

COMMISSIONER SULLIVAN: I didn't put that in the proposal.

CHAIRMAN DURAN: There's a motion. There's a second. Are there any other Commissioners that want—

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner.

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COMMISSIONER CAMPOS: For legal counsel. Mr. Kopelman, paragraph number three, if we added the language after applicant on the second line, without cause, would it be okay to reduce it to two at that point? If they have good cause, then it doesn't count. Or does it just confuse the matter?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I think it's really up to the Commission. I think that it may confuse things a little, but it would be your call on that. I don't think there's really a legal issue. My concern with two times is I think it, and not giving somebody an opportunity to present good cause by the second time I think maybe very, very harsh. One question also that I had just on Commissioner Sullivan's amendment. The question though is that if staff is asking to postpone a matter and the applicant's not there and the Commission decides that staff's position is not an appropriate one, the applicant kind of needs to be there anyway to present the case, I think. As a practical matter, if there's a proposed tabling and it comes after Thursday at noon, probably the applicant would be well advised to be there regardless of whether it's the applicant or staff requesting the tabling.

CHAIRMAN DURAN: Because staff will always be here.

MR. KOPELMAN: Staff will always be here and if the Commission says staff's reason for tabling is inappropriate and the applicant's not there, the matter can't go forward anyway. Or if it goes forward it works a hardship for the applicant, obviously, not to present his or her case.

CHAIRMAN DURAN: So are you saying that additional language may not be necessary, or more cumbersome?

MR. KOPELMAN: Mr. Chairman, I just bring up the issue that if we're telling an applicant that he or she doesn't need to be there, and then the Commission really doesn't have the discretion to decide whether to hear it or not because the applicant is not here and there's clearly a due process issue. If the Commission decides to hear the case and the applicant's not here and the Commission rules say you don't have to be here.

CHAIRMAN DURAN: Do you want to amend your motion?

COMMISSIONER SULLIVAN: Well, the only question I'd have on that, Mr. Chairman, the way it's written now I think it's unclear because of what it says now. It says the applicant or staff shall be required to attend the meeting. So who's to determine now whether it's the applicant or the staff that attends? And if in fact the staff attends does that satisfy the intent of the resolution? I think it's unclear the way it's written and I was just trying—

CHAIRMAN DURAN: How about and staff—the applicant and staff shall be required to attend. Because staff will always be here.

COMMISSIONER SULLIVAN: Well that's true. That's okay too. I was just trying to lighten the load a little there.

CHAIRMAN DURAN: So do you agree to say and?

COMMISSIONER SULLIVAN: I'll agree.

CHAIRMAN DURAN: Did I second it? I'll agree to that too.

COMMISSIONER SULLIVAN: Change or to and.

CHAIRMAN DURAN: You got that?

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COMMISSIONER GONZALES: I got it.

CHAIRMAN DURAN: Those in favor of the motion, signify by saying "aye."

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

**VIII. D. 5. Update on transfer of development rights program by Rick Pruetz, AICP**

JACK KOLKMEYER (Planning Director): Good afternoon, Mr. Chairman, Commissioners. We wanted to give you an update on what's been going on with the TDR program. Our initial idea was to use it for the highway corridor and for the traditional community of La Cienega. Our work over the last six months with Mr. Pruetz has included an orientation/education procedure for ourselves and staff and various other members of the community. A selection of sending and receiving areas, which you the Commissioners participated in with us, various workshops and presentations, property assessments, and the development of options and alternatives.

We also met with you a number of times. We have done a presentation for City Council. We have also done a presentation for the Regional Planning Authority. Mr. Pruetz has met with us last week extensively and since Monday of this week, Tuesday, Monday and Tuesday of this week, to prepare for us proposed components for a Transfer Of Development Rights Ordinance for Santa Fe County. And what we would like to present to you today and ask of you today is, rather than come forward with a draft ordinance in light of some of the controversy and problems we had with the recent fire code, we want to make sure that you understand everything that will go into the ordinance in a manner that's a little bit different than an ordinance. Everything that we'll propose to you today will be in ordinance form.

This was given to you, I'm sorry I didn't get it in the packet for you but I handed this out to you. You should have gotten this yesterday. It's what Mr. Pruetz will be going over. If you haven't, I'll give you another copy of it. We would turn this into an ordinance and what we would like for you to do today after Mr. Pruetz' presentation would be to authorize us to go forward with a request to publish title and general summary in April. And then we would begin the public hearing process. We would do two public hearings.

Between the time of the publication of title and general summary and the first public hearing, we would do an additional workshop with the public to make sure that everybody understands what we're proposing, how we'd operate and how it would work so then we'd go into the first public hearing. We'll have hopefully, the best educated public that we can and also staff will be really well prepared to deal with this with you. It's an incredible subject. It appears simple, gets complex, but Mr. Pruetz is able to bring it back into a simplistic mode for us and we think we have a really good ordinance.

We'd also like to remind you that we will have to go to the EZA with this ordinance as well because a large part of the highway corridor is in the EZA. We'll do a presentation of this

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nature for the EZA also this evening so that we're pretty well on a parallel track now with BCC and EZA. So that's our agenda, and again, just to remind you that while this is a presentation, we would like for you to give us direction when we're finished here this afternoon to proceed with publication of title and general summary. And with that, I'd like to turn it over to Mr. Pruetz and I'll make sure that you have copies of what he's going to go over with you.

CHAIRMAN DURAN: Jack, I have a couple questions. One of them is to Steve. Can we give you direction to publish title and general summary when it hasn't been published as that?

MR. KOLKMEYER: That's that it would be for: to publish title and general summary.

CHAIRMAN DURAN: But you would come forward requesting to publish—

MR. KOLKMEYER: Yes. Yes. And I assume we could do that at the first BCC meeting in April. Yes. You're correct, Mr. Chairman.

CHAIRMAN DURAN: And then Rick, will you be here for those public hearings when we discuss the ordinance? Oh good.

RICK PRUETZ: Thank you, Mr. Chairman, members of the Board. I won't be going over everything again that you already heard, but I do need just to spend a couple of minutes on some of the basics just to refresh everyone's memory, but then spend the bulk of the twenty or so minutes that I hope this is going to take on the actual components of the TDR program.

CHAIRMAN DURAN: Rick, please take your time. I thought I understood this program and I really am having a difficult time. Basically, when you start talking about the value and how that translates into, how does somebody take advantage of that or decide that they want to participate in the program, and how that value that you've given to it actually translates into market value.

MR. PRUETZ: Yes. You'll see that some of the presentation here has what I can frequently asked questions. You're not the only person who's been confused by a lot of that, so hopefully, by the end of the presentation that will be clearer. If not, I'm certainly here to answer questions.

But just as a refresher, we're looking at implementing two plans here. One of them being of course the highway corridor plan and the goals here being the permanent preservation that's on either side of 599 and the I-25 corridor, the dark and the light green lines there. Also the elimination of strip commercial along these entire corridors. And then of course the objective being to preserve some of the scenic qualities of these corridors. And the other plan being the La Cienega Plan which is still in draft, but which is nearing completion, and there you have of course the terrific water resources within the traditional community and also the area just to the north and west of the traditional community, the Santa Fe Canyon area which is environmentally sensitive and an area of environmental concern.

So very briefly, what is TDR? Well, it's a market-based implementation tool that channels development from places that a community wants to save to places that a community wants to grow. And this very simplistic diagram makes it sound simple but as you know by



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now, it's not simple. Basically, you have the sending site and the receiving site. The sending site that you want to save, in this case that being the required and the desired setbacks within the highway corridor and the water features and environmentally sensitive lands within La Cienega. Receiving areas would be areas that are potentially appropriate for growth.

CHAIRMAN DURAN: Rick, could you go back to that just one second?

MR. PRUETZ: Certainly.

CHAIRMAN DURAN: And I guess I'd like for the Commission to go ahead and ask questions any time along the presentation if you don't mind because what happens is you finish it and it's hard for us to keep track of that train of thought. So if I owned a piece of property that the County or the community wanted to preserve, that would be a sending site. Right?

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

CHAIRMAN DURAN: And if I own that property, why would I want to—what incentives will the TDR program provide me, the property owner, to participate?

MR. PRUETZ: The incentive to the sending site owner is that that owner can sell TDRs which, if my estimates are right as to the amount that developers are willing to pay for a TDR, meaning \$4,000, would be equal to the market value of that property. And they would still own the property if they so desired. In other words, they would continue to have all rights in the property except for the development rights. So they're basically deed-restricting their property and getting compensation at the rate of the market value of their property.

CHAIRMAN DURAN: Okay, so let's say that my property is in an area and based on its current zoning, it's worth \$100,000 an acre. Let's say it's worth \$100,000 an acre, and I have five acres. So I have \$500,000 of value. If you take it down, if you think about it in terms of an acre or so, that's not preserving any open space. We're not—the TDR program really isn't providing much of anything. But if you talk about five acres and those five acres are worth \$500,000 because it's \$100,000 an acre, and it's in the view corridor that we're trying to preserve, why would I—what's going to give me any reason for wanting to participate? So if it's worth \$500,000, are you saying that I can get that \$500,000 by transferring those rights to the receiving site?

MR. PRUETZ: Mr. Chairman, members of the Board, no. In the case of a property that's worth \$100,000 an acre, or that an owner believes is worth \$100,000 an acre, this program would not be of interest to them because this program assumes that property that's along the corridor is generally, and I realize these are very gross numbers but for the sake of simplifying the program, I have assumed that generally in the north and the east corridors the value there is approximately \$20,000 an acre. And it's about \$16,000 in the south and the west corridors.

So you aren't—it's possible that you aren't going to interest everyone in the program and that is one of the outcomes of a program that is trying to be simple enough that it's of interest to the majority of the property owners. It may not be of interest to everyone.

CHAIRMAN DURAN: So if you're talking about the highway corridor, and you're talking about La Cienega, La Cienega, the zoning up there in the traditional community

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is  $\frac{3}{4}$  acre per dwelling unit, and the value of that is, let's say, \$125,000. So if we're trying to preserve one acre of land, and you're saying that it's worth \$20,000, you're off by over \$100,000 in La Cienega. Am I wrong in that assumption?

MR. PRUETZ: Mr. Chairman, members of the Board, in the La Cienega area, our land value advisor has set forth the fact that yes, the values of land there vary greatly depending on the size of the lot. And again, for simplicity of the program, I have picked an average sized lot, and the average sized lots there are going to be going for, according to our land value advisor, somewhere between \$24,000 and \$30,000 an acre. Again, if someone owns a very small lot there and it has that high development value, this program will not offer, as it's currently proposed, will not offer enough TDRs to be of interest to that smaller lot owner.

CHAIRMAN DURAN: Your advisor has indicated, has told you that property along the highway corridor is worth \$24,000 an acre?

MR. PRUETZ: For your average sized lot, yes. And bear in mind that this is obviously a broad brush kind of trying to estimate land values. It's not anywhere near the specificity of an appraisal, but in general yes. The properties that are on 599 north of Airport Road and on I-25 east of Cerrillos Road in that average lot size, are worth \$20,000 an acre.

CHAIRMAN DURAN: Then I think that's where the problem is. I can't—I don't know how we're going to get people to participate in the program if there's such an inequity of value that exists. Is there anyway of developing the program where there is—it's site-specific? For instance, along the corridor, not within a commercial node—because we still have commercial nodes in our Code, don't we, Jack? We haven't replaced the commercial node concept with anything at this point. We have adopted the Highway Corridor Plan but there are still a lot of—like the Airport Road node exists. That's an area that we might want to have participate in the TDR program. And I guess I'm just saying that I think that putting the value at \$24,000 across the board for this TDR program isn't really addressing the real value of the land if you did it site-specific.

COMMISSIONER GONZALES: Mr. Chairman, Rick, can I just—before you respond, real quick, just I want to see if I understand it properly as well. I was under the impression that the Commission had given the direction and set the priorities that the highway corridor would be an area that we would target first because of the nature of the community out there wanting to see development restricted along the corridor and the La Cienega Valley. And I know that whoever this land advisor was, I'm under the understanding it was a local land advisor that went out and did the appraisals of property along the corridor and then I'm assuming in the La Cienega area.

If we go as the chairman is talking about, that would be something we could do where we would basically add that to a potential sending area like the Airport-599 corridor, but we would go in and we would do the appraisals of properties along that area and get a dollar amount of what the per-acre may be. And then the other thing is, there's a reason why there's a factor of a certain amount of TDRs per acre, right? Wouldn't that represent, what I understand like if you have four TDRs per acre or five, whatever the amount is, that that would represent

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the value of the property in that area so it's not just \$20,000? I guess that's where I—

MR. PRUETZ: Yes.

COMMISSIONER GONZALES: But I thought we had focused on the highway corridor primary and La Cienega so not everyone is going to take advantage of this up front but as the Commission rolls out sending and receiving areas then we can go do the site-specific appraisals and value the properties independently. Is that correct?

MR. PRUETZ: Mr. Chairman, Board members, let me see if I can remember all of them. To get back just to the numbers question. My estimate, based on the work of the land value advisor is that developers will be interested in buying TDRs for \$4,000 each. So the math of how I got to say, recommending an allocation of five TDRs per acre in say, the north corridor is simply that gets those property owners up to market value for those average properties, which I believe are worth \$20,000 an acre.

CHAIRMAN DURAN: Specifically along the highway corridor, correct?

MR. PRUETZ: Yes, exactly. These are properties that are within the highway corridor and as you'll see in a future slide, it's not just the four and the five TDRs allocated per acre, but there's also a recognition that I propose that many of these areas were previously designated as potentially appropriate for commercial nodes. And there, I have taken the work of the land value advisor and taken a mid-point between the residential and the commercial zone and said that in those areas there will be a higher TDR allocation to recognize the fact that prior to the Highway Corridor Plan adoption, these areas were considered potentially appropriate for commercial zoning.

CHAIRMAN DURAN: Okay. I agree with you that along the highway corridor, in the majority of the highway corridor, \$20,000 is an appropriate value.

MR. PRUETZ: Is appropriate?

CHAIRMAN DURAN: Right. So assuming that that's the case—again, I'm just trying to get it straight in my mind, if I own land along the highway corridor and it's zoned residential, which is what it is, I probably would want to participate in the TDR program. So now that I want to do that, tell me a little bit about the receiving site. What kind of value—are we enhancing the value of that receiving site? Are we giving them more density to absorb the transfer of development rights from the sending site?

MR. PRUETZ: Mr. Chairman, members of the Board, on the receiving areas, what I'm proposing is that the ordinance set a threshold and the threshold is basically current zoning. In other words, typically it's going to be one dwelling unit for 2.5 acres. If you want to exceed that density, you have to buy one TDR for every additional dwelling unit that's allowed there. The land value advisor says that in general, that's going to be an increase in land value of about \$5,000 for each additional dwelling unit. I'm allowing \$1,000 in there as return on investment so I'm assuming or estimating that developers are going to be interested in buying these if they come in in the ballpark of around \$4,000 an acre. And that's less than what the land value advisor is telling me is going to be the increase in value because of those additional units being allowed there.

CHAIRMAN DURAN: So give me a for-instance on a sending site. Give me

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a location of a sending site that you have thought of.

MR. PRUETZ: Well, in a sending site you might have a lot, let's call it ten acres in size that is completely within the required and the desired setback, and it's in the north corridor. That's allocated five TDRs per acre. So 50 TDRs times four is \$200,000 for that property.

CHAIRMAN DURAN: Wait. Start over. It's a ten-acre tract of land, and the minimum size is 2.5 acres.

MR. PRUETZ: Right.

CHAIRMAN DURAN: So there's four dwelling sites on that.

MR. PRUETZ: Right, but—

CHAIRMAN DURAN: Four dwelling sites. Bear with me. There's four dwelling sites. So the guy that owns the property on the highway corridor wants to transfer his—let's say he has ten acres, so he has \$40,000, right?

MR. PRUETZ: Well, he'll be able to transfer 50 TDRs at \$5,000 each, which is \$200,000 in value, if they come in at \$4,000 per TDR for that ten-acre portion.

CHAIRMAN DURAN: Okay. So he transfers it over to this ten-acre piece where the minimum size is 2.5 acres.

MR. PRUETZ: The minimum size for transfers is on the sending side. Those are the sending sites. The transfers go to the receiving areas, and on the receiving areas, each additional dwelling unit over the threshold which I'm recommending be one unit per 2.5 acres, the developer needs to buy one TDR for each additional dwelling unit. Those 50 TDRs are hypothetical ten-acre parcels don't have to all go to the same receiving site.

CHAIRMAN DURAN: But if I have ten acres, I have four building sites.

MR. PRUETZ: Yes.

CHAIRMAN DURAN: So I have four 2.5-acre lots. I really don't have any—there's no benefit for me to participate as a receiving site, right? Because I'm at the maximum number of dwelling units for that ten acres.

MR. PRUETZ: Mr. Chairman, members of the Board, the four building sites—I believe that you're talking about, are on the sending site.

CHAIRMAN DURAN: No, I'm talking about, I own ten acres at the receiving site and it's zoned for 2.5 acres per lot and I have four lots.

COMMISSIONER GONZALES: That could potentially be in an area where those ten acres have access to water and sewer so that you could get—

CHAIRMAN DURAN: Let's say that they don't. So if I had ten acres and the minimum size lot is 2.5, there's no real reason for me to participate in the TDR program. When would it be advantageous for someone who owns ten acres?

MR. PRUETZ: Mr. Chairman, members of the Board, in the receiving area, if a developer has or can get sewer and water and is interested in building higher than the threshold, building more than one unit per 2.5 acres, the only way they can get there is by buying TDRs.

CHAIRMAN DURAN: Okay. That's what I was trying to get to. You were

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saying it in a way that I didn't understand it. And how would you do that?

MR. PRUETZ: That developer would have to buy TDRs from willing sellers or if the Board, as I've proposed, creates a TDR bank, there would be an intermediary who could also be authorized to buy and sell TDRs. And those TDRs then would be used and a term called extinguished on the receiving site project, thereby allowing a rezoning to occur to the higher density.

CHAIRMAN DURAN: So, Jack, what areas would this work? If we're out where the minimum sized lot is 2.5 acres and I want to take advantage of a higher density, don't I have to be in the area where Commissioner Gonzales mentioned?

MR. KOLKMEYER: Yes, you've already designated those receiving sites. Growth area #1, the area south of Villa Linda Mall, growth area #2, the area south of Tierra Contenta, and the Airport Development District. And I think it's important to point out they'd be rezoned so that you could go to a higher density, because that's where we've said in our general plan and in the City's general plan, that's where we want the densities to be higher. So in your discussion here, the advantage is you wouldn't be, the receiving site with TDRs won't remain at one per 2.5. It could go up to five, maybe ten. Maybe 12, depending on the utilities available and the City in its general plan, don't forget, its future land use plan, has already, for growth areas #1 and #2 has already shown on their future land use map that there should be six to eight DUs per acre, although they have not been annexed yet and they remain in the county. So this is why we have an opportunity now to look at those areas. Then there would be—

CHAIRMAN DURAN: Before the zoning has taken place?

MR. KOLKMEYER: Yes, that's correct. Then there's also a fourth option that we want to look at is outside of the desired setback and the required setback within the highway corridor, but still in the highway corridor is this area called the corridor fringe and the highway corridor plan says that should be residential. The plan, however, did not say that it should be just one dwelling unit for 2.5 acres. We're starting to see that in some areas particularly around the gateway areas and where there's already higher density housing, like the County's housing project that has higher density housing and sewer and water in that area, that inside the highway corridor in the corridor fringe, there may be some appropriate areas where higher density provides some affordable housing opportunities in the county to go up like again, maybe five dwelling units per acre.

So we want to put that in. But that would probably be developer-driven that we'd have to wait for certain projects to be able to do that. But the advantage again is, I think the important point is that these receiving sites would be rezoned for the TDR program.

CHAIRMAN DURAN: Okay. Thank you.

COMMISSIONER TRUJILLO: So the ten acres, Jack, that the chair is talking about would have to be in a designated receiving area so that they would qualify for the program. Otherwise, this is not across the board. Outside of the receiving area you don't qualify for this program.

MR. KOLKMEYER: That's correct. For right now. But once we get this going then there may be—it's been suggested as you may remember that maybe the Mountain

Special Review District needs to come into play, you've brought up the point that maybe some other traditional communities need to be brought in, but we have to make it work somewhere to show this relationship of how you send and what receives and how the value gets translated and so that there are advantages for the developer but also for the community because again, the purpose of this is open space.

CHAIRMAN DURAN: Right. Well, thank you. I think I finally understand.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have one question. In the example you gave about getting the TDRs for the 2.5-acre lots, again I'm still confused because under current Code, the developer can apply and receive a density bonus that gets him down to one unit per acre, simply by providing 50 percent open space, which is an easy thing to do, because you don't build on more than 50 percent of the lot anyway. So immediately, so how do you address the density bonus issue?

MR. PRUETZ: Mr. Chairman, members of the Board, yes. I'm using shorthand here when I say the threshold is one per 2.5 acres. In fact, it's whatever the baseline zoning is there now, if in fact they have, they're able to take advantage of the technique you just mentioned or if they have sewer and water, that baseline could be as high as half-acre lots. But I still predict that there will be lots of developers who will want to build to a higher density to that, and then above that threshold they'll have to buy a TDR for each additional unit.

COMMISSIONER SULLIVAN: And that brings me to the second question then. In the public presentation, and I assume zone two includes the Community College District.

MR. PRUETZ: No, you'll see when I get to this part of the presentation. There used to be six proposed receiving areas. There are now five. I recommend the Community College District be removed.

COMMISSIONER SULLIVAN: Okay, because in the public presentation that you made here in the County Commission Chambers about a month ago, I recall the question was will this increase current zoning densities and your answer was no, that the thresholds you were establishing were like 4.5 or something like that and it would actually be less than the zoning densities and they would have to buy TDRs to get up to the zoned density. Now, that's what I understood at that. And when I read your frequently asked questions, in paragraph three, you say the TDR ordinance would also establish the amount of additional residential density or non-residential development that could be achieved through the purchase of each TDR. So I assume that means the addition, above the zoned density. Is that correct?

MR. PRUETZ: That is correct. And Commissioner, the Community College District was quite a bit different from the other five receiving areas that are still in the program because it already had been rezoned for these higher densities and in that case, all the program would have been doing is putting a threshold in, but rather than go into that, that area has been dropped.

COMMISSIONER SULLIVAN: Oh. Thank you.

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CHAIRMAN DURAN: Okay, great. Thanks.

MR. PRUETZ: Would you like to see the rest of the presentation?

COMMISSIONER SULLIVAN: I would certainly like to see the rest of the show, Mr. Chairman, and I would hope you would get quickly to the item about setting up another agency here, which I think is a bad idea, of having a County employee who's in charge of TDR management. I think that my understanding of this program from the outset was that this was to be a market-driven program between buyer and seller and that—I sure have concerns about making it into a County bureaucracy.

MR. PRUETZ: Mr. Chairman, members of the Board, we can elaborate on that when I get to that point, but even though it is market-driven, there's still a lot of paperwork that needs to be done and there are various ways of addressing that, but I'll address that at that point.

So how does this work? You look at the individual components of this, meaning in this particular slide, the sending site. Essentially, what would be allowed is a choice to a property owner. As we are already discussing. That property owner does not have to sell their TDRs. They can develop at whatever the zoning code currently allows them to develop. However, if they choose to use the TDR option, they can sell their development rights at the rate that's set forth in the ordinance.

And it's the sale of those TDRs that compensates that property owner for permanently preserving that property, which is the goal of the Highway Corridor Plan and will be the goal of the La Cienega Plan.

Over on the receiving site, the motivation for the developer is to get the additional density. And we've already talked about, on the left hand side there you see a representation of density that's under or at the TDR threshold. However, if that developer chooses to and wants to build at a higher, more profitable density, it has to be by purchasing TDRs. So that's what drives the program is the purchases of those TDRs.

So this leads us to the components that are actually within the TDR ordinance, the sending areas and the receiving areas and so on and so forth. And throughout this presentation I have some of the frequently asked questions. The landowners in the sending areas are not required to sell their TDRs if they choose not to participate, that's their option.

Recall that—in fact I've already gone into some of this, but there are a couple of different land values here. This area north of Airport Road, the area east of Cerrillos, have slightly higher land values than the west and south corridors. So I make a differentiation there between those two areas. And what I'm proposing is that those TDRs be allocated in the following fashion. So within those higher priced categories you allocate slightly more, five TDRs per acre, as opposed to the other corridors where you allocate four TDRs per acre. I'm recommending that former potential commercial nodes get 12 TDRs per acre, and I'll return to that in just a minute.

I already, I think, addressed this question. How much is a TDR worth? Of course the private transactions are going to vary. Some developers may be willing to pay more. Some sending site owners may be willing to sell them for less, but I believe that on average they'll

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sell for \$4,000.

What is a former potential node? These are areas that were designated by County Code as appropriate for rezoning to commercial prior to the adoption of the Highway Corridor Plan. My proposal that they be allocated 12 TDRs per acre is based on the fact that it's not nearly as high as what those, what the market value of that land would be if it was actually zoned commercial. However, I'm proposing that there be some recognition given to the fact that at some point, these areas were considered potentially rezonable, if you will, to commercial.

Now what makes this even more complicated as you know, is that in some portions of the highway corridor you have all of these lots that cut across. Some are entirely within the required setback. Some are not. Remember that the dark green line here is the required setback, the light green line is the desired setback. The pale yellow portion here is what I call the corridor fringe. So the proposed ordinance component will also try to set for certain criteria for when you can and when you can't sell TDRs. What I'm proposing is that you can sell TDRs from an entire lot if you are entirely, if that lot is entirely within the required or the desired setback, or if the portion that's not in those setbacks is less than 2.5 acres.

I'm also proposing that you be able to sell TDRs from certain lot portions, and those would be portions that are within the desired setback, or the desired and the required setback and lots in which remainder, or the lot that's not covered by any setback is greater than 2.5 acres. Sorry about all the detail there, but just be aware of the fact that there would be regulations that pertain to when you can and you can't sell TDRs.

Everything we talked about for the last five minutes was in the Highway Corridor Plan.

Now switching over the La Cienega area. This is an area that has tremendous resources in terms of open space. These are all the irrigated lands in the traditional community and this is the area that I'm proposing to be, at least on a tentative basis, the sending area, or one of the sending areas in the La Cienega planning area. One of the questions that probably will be raised shortly is will the La Cienega areas be designated by the TDR ordinance that comes forward in a month or so? Yes, but, I am recommending that in that ordinance, that those sending areas not be usable until there's been a community planning process that either affirms everything having to do within the La Cienega area, or recommends an amendment to the TDR ordinance. That's in deference to the fact that the planning process is still going on there and the people who are involved in that process haven't had a chance yet to really focus on this.

That being said, here's what I propose as tentative components in the plan. Riparian, six TDRs per acre. Dry, five TDRs per acre. Our land value advisor has noted there's a slight difference between those properties. Also, that people get the opportunity or the option of being able to sell TDRs for permanently attaching their water rights to land, and that the TDRs sales be based on roughly half the value of their water rights.

Now I mentioned before that there's another potential sending area within La Cienega. This is an area that I call the Santa Fe Canyon. This is an area that BLM has been working in for years because they consider it an area of critical environmental concern. It's primarily publicly owned but there are privately owned lands within it. And BLM has been attempting to buy those lands from willing sellers who want to sell and convey title outright. And what I'm



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a possibility that if the TDR cost was substantially high that it would no longer be profitable for developers to come in and build at that higher density. However, I believe that this program is designed so that, as I've mentioned on numerous occasions, the TDRs will be purchasable for about \$4,000 each, which still allows for a reasonable return on investment. So the potential is there to discourage the higher density, but I believe that these TDRs will be affordable.

Moving on to the third potential receiving area. This is the redevelopment district designated in the highway corridor district, west of—actually it's both east and west of 599. This is an area where some land use planning has been done through the highway corridor plan, however, more needs to be done before this area can actually be pre-zoned. Here, this is an area by the way where the plan calls for an entirely commercial district, and due to the fact that a rezoning to commercial creates substantial increase in property value, I'm recommending that developers need to buy nine TDRs for each acre rezoned to commercial.

Are commercial TDRs different from residential TDRs? No. The way I propose this program is that any TDR from any sending area can be used on any receiving site as long as it's according to the ordinance that's established for that receiving site. So in other words, there are no labeled commercial or residential TDRs. They are interchangeable.

Another question that often comes up is would this proposal allow residential in the redevelopment district? Yes, developers could choose to build below the threshold and they could build residential. Right now they're at a density of one unit to 2.5 acres. I will be bringing forward general plan amendments for all of these receiving areas and this is one of the areas I intend to put in that general plan clarification.

CHAIRMAN DURAN: Excuse me, Rick.

MR. PRUETZ: Yes.

CHAIRMAN DURAN: You know we have adopted an affordable housing ordinance that you might want to look at and see how you could incorporate it into this, because in the areas where 2.5 acres are the minimum, they area allowed to go below that if they have a water system and meet the other criteria. I forget what the densities are but they're much higher than one per 2.5 acres.

MR. PRUETZ: I will work with Jack on that, Mr. Chairman. The fourth potential TDR receiving area, the Airport Development District, huge area west of the redevelopment planning district, both north and south of Airport Road, although the majority of effort in the next year will be to refine some of the plans north or Airport Road. Here again, this is an area where commercial development is considered potentially appropriate and residential. So there would be nine TDRs per acre to rezone it to commercial and whenever you wanted to exceed the baseline for residential projects, you'd need to buy a TDR.

And finally we have the corridor fringe. You remember that this is the area that's within the corridor district, the highway corridor district but is not in either a required or a desired setback. Again, the pale yellow area here. This is an area where, in my opinion, there are various potential receiving areas for single family residential up to a density of five to the acre. And what I propose to do is come back with the general plan amendment for the corridor fringe saying that rezonings in certain specified areas could be appropriate if they meet certain

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criteria and those criteria would be availability of water and sewer, accessibility of the site according to our road standards, the proximity of commercial and the fact that these areas could not conflict with any community planning that's been done for the area. So in other words, even though the corridor fringe exists or includes a portion of the Community College District, to the extent that it is at odds with the Community College District plan you could not use it as a receiving area.

The same formula holds there. The baseline or threshold, one unit per 2.5 acre, one additional TDR for each unit of residential in excess of that. Here is the receiving area summary. Again, you have very basically the same thresholds that are used for all of these areas and actually the same requirements for residential or commercial. So the only difference within these areas is in fact whether the receiving site allows residential, commercial, or a combination of both.

Could new receiving areas be designated after the TDR ordinance is adopted? Jack already mentioned that. Yes. The County can and should be looking for other potential receiving areas to add to the five, if in fact you adopt the five.

Would sending area landowners have to retain title to deed restricted land? The way I propose it at this point is that those property owners who deed-restrict their sending site land be allowed to ask the County or whoever becomes the TDR manager for this program to actually convey title to that property. However, that would not, in my proposal be an automatic thing, that the County would have to adopt guidelines to decide when and when not to accept actual title to this property.

CHAIRMAN DURAN: Why wouldn't we accept title?

MR. PRUETZ: Well the major, Mr. Chairman, members of the Board, the major reason would be if there's any reason to believe that there's some kind of environmental problem with the site that the County would not want to inherit by accepting title to the property. Now there are other logistical reasons or problems that still need to be hammered out here because there are maintenance issues, there are liability issues. That is why as you'll see in a minute there are some programs that actually work very closely with land trusts or non-profit organizations so that those land trusts run these programs and relieve the County of the jurisdiction of those kinds of headaches.

The sending area procedures, I don't need, I don't think, to go into this except that you should probably be aware of the fact that the ordinance will come back with a bunch of procedures, one of them you might want to take note of is the fact that all of these transfers of development rights would be by recorded documents and all of the TDRs would have serial numbers so that whoever is the TDR manager could track them.

Sending area procedure question: Who would be able to buy TDRs? I propose a program in which anyone would be able to buy TDRs. It could be a developer, a broker, an investor. However, any time a TDR is transferred, that has to be done by a recorded deed of transfer. Sending area procedures: What are the tax implications? The sending site owner who sells TDRs is subject to capital gains tax. However, the compensation for that is that the property tax burden should be reduced due to the fact that the development value of this land is

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being eliminated by the easement that's being placed on the sending site. And if in fact the County or whoever the TDR manager is accepts full title, needless to say that would eliminate the property tax burden entirely.

Receiving area procedures: How would TDR buyers and sellers find one another? That would be primarily the job of the TDR manager. However, I should point out that in many programs, real estate professionals find this to be another product that they can market. Can developers use as many TDRs as they want on a receiving site? No. The ultimate density is still going to be under the control of the County. In other words, just because the developer buys 100 TDRs doesn't mean that that developer can use them all if they exceed the maximum density allowed on that site by the County.

Are developers required to own TDRs in order to obtain preliminary approval? The way I propose this program is no. They do need to own it before they get that final rezoning or they get their final subdivision map for a single family subdivision.

TDR manager—I won't dwell on this other than to let you know that there are, there's a lot of paperwork that's involved here and the TDR manager, it has to be someone who is given this responsibility, in my opinion and it doesn't necessarily have to be his or her only job but has to be focused on this because it's very detailed. That could be a County employee. It could be a contracted firm. It could be a land trust. And we've been looking into that third option already.

The TDR manager is responsible for implementing the program, for providing information, for trying to link up buyers and sellers and managing a TDR bank, if in fact the County wants to adopt a TDR bank. A TDR bank could be funded by any of these sources. It could be by general fund, open space program, donations, and the beauty of a TDR bank is that it doesn't need, necessarily, constant funding. What it needs is seed money to get going. Once it's underway it can sell TDRs to developers and it's the proceeds from those sales that go back into buying additional properties. And what I'm suggesting here is that when these TDRs are resold to developers that there be a 15 percent, or it could be higher or a lower surcharge, but that there be a surcharge that's placed on these TDRs so that there's a little money left in there for maintenance and enforcement.

What if sending site owners don't want to be the first to sell their TDRs? Again, the TDR bank can provide a useful incentive here by jump starting the program. The TDR bank can use its seed money to buy a property within one of the sending areas and then can resell the TDRs from that sending area to a developer and get the ball rolling.

Interjurisdictional cooperation: Can this program really work without the participation of the City of Santa Fe? Well, the ordinance itself as I've drafted it has various options available to address that particular question. Certainly it would be preferable if the City of Santa Fe adopted a companion ordinance. Then it wouldn't make any difference if a receiving area remained in the county or was annexed into the city, the same requirements would apply. However, if the City declines to do that, this could be a task for the Regional Planning Authority.

Thirdly, the City could agree not to annex land until the development has been

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approved in the county and the TDRs have been basically required as a part of that development. However, even if none of these three options come to pass, I believe the County program can still work in those areas where the City either doesn't want to annex or is not ready to annex land.

Next steps. If you are still on board with this program we'll be coming back to you, hopefully, I believe it's April 10, to—I forgot the next term, but it's introduce the ordinance with a hearing later in April and that would be preceded by a public workshop. Remember though that what is coming forward in the next couple months, I consider to only be a first phase of this program, because during that first phase, developers would still have to propose rezonings within these adopted receiving areas. Phase 2 would be a refinement of the planning for all of those receiving areas and if you want to go this way, it's my recommendation that you actually pre-zone, once all of that is done, pre-zone those receiving areas so that developers don't have to even ask for the rezoning to these TDR zones. So with that I open it up for further questions, Mr. Chairman.

CHAIRMAN DURAN: Any questions of Rick?

COMMISSIONER GONZALES: Mr. Chairman, I just want to thank Rick for his time commitment here at Santa Fe County. Obviously, he came very highly recommended. I can see why through all the work that you've done. I know it's a very complicated process but what I appreciate is that you and Jack have taken the time out to really make sure that the community has had ample time to participate in the discussion, learn about it, ask questions. I know that a lot of people have called me up saying you guys have been very responsive to the questions that they've had and I think that that's a good sign in terms of people at least willing to take a look at the ordinance and consider it and again, being an advocate for it, I hope that this Commission adopts it and we're up and running because it's proven to be successful in many parts.

It's an uneasy feeling right now because we've never seen in our community. We don't really understand how it's going to work and it's easy to have lots of apprehension but you can look in communities in Maryland and I know in King County, Washington, a lot of these other areas where the TDR programs have been extremely successful in protecting sensitive areas and have been very effective in being an effective growth management tool and combating sprawl and many things that have occurred and plagued communities across the country. So I'm just pleased that you made it your commitment to see this happen and I'm glad that we're seeing a little bit of light at the end of this tunnel and as you say, there's still a long process that we still have to undergo, but nevertheless, this ordinance is the first step.

I'd like to go ahead and direct staff to go ahead and bring this back for consideration and allowing the community to review it and participate in the development of the ordinance. I don't think we can do it in the form of a motion, I just think we can just do it if there's concurrence by the Commission.

CHAIRMAN DURAN: Well, I'm in agreement. Commissioner Sullivan.

COMMISSIONER SULLIVAN: These meetings you've had in the sending areas, particularly La Cienega, have you had any meetings in the receiving areas?

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MR. PRUETZ: Mr. Chairman, Board members, the workshops have been held here, although I did make one presentation in La Cienega at a sending area at the committee meeting there. Haven't actually gone, if your question is locationally specific to the receiving areas, the physical location of the meetings has been here.

COMMISSIONER SULLIVAN: I think that's the part of this process that we're still week on. I think that certainly people in the corridor view it as a benefit to them, as an option. Certainly people in La Cienega see that they can keep their water. They can sell their rights. They can maintain their rural life style and make a dollar to boot. I still have a large concern about the impact on the people in the receiving areas and I'm still not comfortable that that's been addressed.

MR. PRUETZ: Mr. Chairman, Board members, that will be the whole topic here of each individual rezoning request that comes forward will require its own notice and hearing and then at the end of the refinement project, the Phase 2 effort that I talked about just briefly at the end here, the rezoning that would come at the end of that would also be subject to public notice and public hearing so there would be ample notice and ample opportunity at that time for full public input.

COMMISSIONER SULLIVAN: I think that as a part of the publication for this that a map should be generated that is actually published in the paper that says these are the proposed receiving areas. If you look for example at the City of Albuquerque's legal publications when they do rezoning, they put maps in that show people where they're talking about rather than just legal descriptions. And I know we've done that before too and so does the City, general location maps or little dot maps or what have you. But I would encourage the staff when advertising this project to include those maps of the sending and receiving areas so people can identify whether, which end of the stick they're on in this process.

MR. PRUETZ: Mr. Chairman, members of the Board, Jack just indicated that we could do that.

CHAIRMAN DURAN: Great. Well I guess you have your direction. Thank you very much.

I think in all fairness to the County Assessor and our staff, because they're waiting for us to get to the issue of the orthophotography, that we bring that up now. [See pages 31 to 37.]

COMMISSIONER GONZALES: Mr. Chairman, I'd like to move that that be taken off the table for rediscussion.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Chairman, point of order.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think in order to do that, someone who voted in favor of the tabling has to make the motion.

CHAIRMAN DURAN: I would, as maker of the motion agree to bring it back up for reconsideration.

COMMISSIONER TRUJILLO: Second.

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

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discussion? Those in favor of the motion, signify by saying "aye." [Commissioners Duran, Trujillo, Gonzales and Campos voted with the motion.] Opposed? [Commissioner Sullivan voted against.] Motion carries.

I think that the reason that we want to bring this up for reconsideration was that there was some reason for bringing it forward to move on it today, because the trees are starting to bud and if we wait another 30 days, we've lost the opportunity. We've waited as long as I can remember to get this project in place and I would have to wait another year for it. So with that in mind, Benito, do you want to come up? Tony. For me I think the issue is, what I hear from Commissioner Sullivan is that there is some concern that the process that staff took to—not evaluating the—and correct me if I'm wrong, Commissioner, but not in evaluating the recipient of the RFP, but rather the process of determining what a reasonable price is for that work.

And I realize this isn't something new to the Procurement Department. My concern, I have the same kind of concern that Commissioner Sullivan does in that the process of determining what's a fair value was followed and that we got the best deal we possibly can for the constituents, because it is a pretty big contract. So if you can kind of focus on that, because I think those are the main concerns that Commissioner Sullivan had. I think all of us agree, or most of us agree that this thing needs to be done immediately and now that I've been made aware that it's an issue with trees, I'm in favor of moving forward with it, provided that we can reasonably resolve the concerns that Commissioner Sullivan has.

COMMISSIONER SULLIVAN: Mr. Chairman, let me, before we get started here with Benito. Bearing in mind that most of the trees in Santa Fe County are not deciduous, they're evergreen, so I don't see—so we're not going to have much difference in the aerial topography or the aerial flights except maybe when the cottonwoods start to come out. I think the issue is just as you've stated that I don't think we could determine what the percentages were that were deciduous trees in Santa Fe County, but it's a pretty small amount after you exclude the Forest Service lands, which are not a part of this mapping program. So I don't—I think the issues here are just as you've stated. They're ones of getting, determining that we have an appropriate fee negotiated and properly documented, not one with trees.

CHAIRMAN DURAN: With that, I'd just like to say one more thing. We've waited four years for it and the reason I agreed to table it is that I thought that it was reasonable enough that if one of the Commissioners up here had some concerns relative to the process, and since it is such a large contract, that we should take the time to make sure that—if Commissioner Sullivan has a better idea, then I think we owe him that time for consideration. So, Benito.

MR. MARTINEZ: Mr. Chairman, members of the Commission, thank you, first of all for re-entertaining this discussion. I would like to clarify that this was not the primary reason why we needed to bring this back off the table. You had Commissioner Sullivan, several questions related to the proposal, contract, and we didn't get a chance to answer those questions. It was tabled and we were out. So it's very important that we get to that point now. Upon the initial discussion you had a question about, and/or comment that how did it go from \$750,000 to one million, and we never knew what the contract price was going

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to be. It was a sealed bid process.

We only obtained the authority to go to the Finance Authority for a loan of \$750,000 in addition to the \$75,000 that was committed out of last year's budget by this County Commission, the \$50,000 that was committed by the City of Santa Fe towards the project also.

So as a point of clarification, the \$1.1 million didn't grow from \$750,000, we didn't know what this project was going to encompass until we opened the successful bidder. Point number one.

I want to take this opportunity also to thank Commissioner Sullivan, because I think we are extremely fortunate to have such a professional person in the capacity of County Commissioner with his subject being down this nature. So I wanted to say that also, Commissioner Sullivan.

Second, the question that you had relating to the Mountain Special Review District, the data that we have currently, 1992 data, can be utilized for the generation of slope, topographic digital terrain modules, elevation modules, so we have that already in place. We can run all of that analysis currently.

The specific refinement multipliers, I'm not an expert on but I'm going to go ahead and pass this over to those that do know. What I would like to say, that they are parallel to products produced by the contractor for other political subdivisions, including the State Highway Department. The contractor will, and is going to provide a copy of the audit from the Army Corps of Engineers in order to show these multipliers are consistent. And I think that's what we got hung up on this.

And then the other thing I wanted to say is we need orthophotography in order to generate maps. Those maps that you asked to be put in the newspaper in the last person that just testified—that was supposed to be funny. We need orthophotography to generate those maps. But with that, with respect to specific refinement multipliers, we're going to comment on that and we are open to answer all those questions. Thank you.

MR. WRIGHT: If I may, Chairman Duran, just a couple of other things. One, we have been working on this project, I personally as GIS Coordinator for Santa Fe County have been working on this project for about three years. Over the course of those three years, I've come before the Commission and senior staff many times and have presented a cost estimate somewhere between \$1 million and \$2 million dollars to have the entire county done. And what we're proposing here is one-foot pixel resolution for the entire county, outside of national Forest Service lands and most of the BLM lands.

We, in the past two years we've tried to seek state funding, we've fallen short on that, largely because we didn't have a funding commitment that we could definitely tell the legislature that we had on our end. We did have that this year. We got extremely strong support from former County Commissioner Nancy Rodriguez, who's now a State Senator. She was very instrumental in making sure and has still guaranteed us that she will do everything in her power to help us with our application to the New Mexico Finance Authority, which is critical to funding this project. That's also one of the time constraints that we're facing here. That board meets on April 19<sup>th</sup>.

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One of the things that the application that was approved at your last meeting, and I believe that was Resolution 2001-34, we do need to amend that to show them that, yes, we do have a contract ready to go. It's critical to having a successful application there I think is to having a commitment from the Board that we're willing to follow through on this project. One of the things I think you should also be aware of in 1992, when we flew about 450 square miles, the total cost of that project, about \$750,000, worked out, we paid about just under \$1,800 a square mile for that project.

In running the numbers on this project, and you should also be aware that we only got about ten-foot topo data out of that, ten-foot terrain data. There was some four-foot data purchased by the City and some other cooperators. This project, under this contract that's before you now, works out with one-foot pixels for 1500 square miles and two-foot topo for that same 1500 square miles, works out to about just under \$900 a square mile. That's about half the price that we paid eight years ago.

Part of that pay-off is changes in technology, but what I wanted to tell you is from my professional opinion, I think, and I'm certainly not the procurement specialist here, but I think we have a very fair and reasonable price in this contract. The contract is structured so that we cannot proceed with any phase of this project without approved budget from yourselves. One of the reasons why we structured the contract this way is to ensure—we've talked all along about finding cooperators. What we have now is a fixed unit price on topo production and orthoproduct. So now we can go to agencies that have expressed interest like the State Engineer, State Land Office, and actually give them a per-unit cost for flying and producing the sections that they're interested in.

So we have the ability to bring that cooperator money in at a known quantity. One of the other timely issues is dealing with the City's budget, both our budget and City's budget are tied together in this and again, this is a City/County project as GIS development has been throughout its history here at Santa Fe County and at the City. There is a time-critical nature. We do have a need to fly this as soon as possible. Many of our communities, a lot of the traditional communities are in riparian areas where we have dense cottonwoods which are going to highly obscure what we're able to do.

We can certainly still fly this in mid-July. However, the value that we get out of the product is highly marginalized and I think perhaps even Mr. Siebert could back us up on that on the need to acquire this information in a leaf-off condition if at all possible. That's about all I had. I can stand for any other questions directly related to the GIS side of it.

CHAIRMAN DURAN: So Erle, I know you've been working on this think since I've been here, so the question I have is in your expert opinion, is the cost for the work that we're going to be—the cost for the product that we're going to receive reasonable based on your involvement in this process throughout the last three years or so. Because I know that you've always—you've worked with Benito to find out what the actual cost of this project is going to—what the actual cost is going to be and over the last three years I'm sure you've done more than a lot of work in that regard. So I guess my question is in your expert opinion, do you think this is a fair value that's being charged?



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MR. WRIGHT: In a word, Mr. Chairman, yes. Over the last three years in looking at this, we were only able—we didn't have a scope of work. There was really the effort to get the RFP out there and actually to get real costs. Over the last three years, and that's what our request into the legislature through the Infrastructure Capital Improvement program we've scoped it out at \$250,00 to \$300,000 a year over a three-year period. That was our original request when we started this three years ago, and again, that was based a lot on what happened in '92 but also looking at expanding the area and just kind of price quotes that we've gotten from vendors. But as you realize, until we actually put a scope of work out there that vendors can respond to it was hard to put a number on it. But yes, I'm absolutely confident that we have a fair and reasonable price here.

CHAIRMAN DURAN: Were you part of the selection committee?

MR. WRIGHT: Yes.

CHAIRMAN DURAN: Any questions of Erle? Thank you, Erle.

MR. WRIGHT: Thank you.

MR. FLORES: If I may, Mr. Chairman, members of the Board, just to reiterate a couple of points. The question that the chairman raised regarding a fair and reasonable price, the statutes require us to make a decision based upon the scope of services to be rendered and the complexity and professional nature of the services. Based upon the services were rendered in '92, which in the back of mind has always been there as far as a dollar amount and the amount of product that we received from that, one, I feel that my professional opinion is that this is a fair and reasonable price.

The second point, I'd like to thank Commissioner Sullivan for asking a very good question and that would be helpful on a lot of contracts that we deal with, and I did contact the contractor's accounting office and they actually have an approved rate. The labor multiplier and the approved administration rate that was established in 1999 through the Corps of Engineers, and the rates that were indicated that the Assessor has passed out to you reflect the initial or the first estimate that was received by Santa Fe County for these services. From the initial packet that was presented to you now, the initial cost of that was about \$1.5 million to where we are today.

My third point would be we are looking at the contract in the entirety of \$1.1 million. We were very careful in the way we structured that contract, knowing that we were not going to obligate any monies that we could not obligate, meaning that they weren't budgeted or encumbered there. So we structured it in a way that as the money becomes available, we will issue notice to proceed if this contract is approved. Once the budget's there, we have the contractor proceed to the next task, phase or method of that component.

That was in an effort, and I indicated this earlier, so we would not have to be in the same situation a year from now where we would get part of a product right now, we would have to go back out for solicitation and be back before you next year at whatever the cost may be at that point. So I was trying to indicate earlier that we did two things. We rolled a professional services agreement with a fixed pricing structure in there so that we would have the ability, knowing what the costs were up front, to be able to look at the budget, determine

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the budget there and then move forward with that component.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: My concern, if I can reiterate it using the materials that you passed out was when we look at a contract this size, number one, we have as a County a good negotiating tool to deal, first of all with the profit issue, but secondly, you have numbers of 182 percent G & A, which I assume is general and administrative, so that's a mark-up on the salary costs of 182 percent. You have a labor multiplier of 282 percent, and again, that's a mark-up which I assume is for—I'm not sure whether that includes payroll or office factors. But you have those two, and those two add on to each other for a total of 464 percent. Actually, you subtract off 100 percent, so it's only 364 percent. So my question to you specifically, to the staff, was since those represent the bulk of the fee, we're not going in, first of all, we're not going in and questioning the selection that the committee said, as the chairman said. That, we're taking the committee's recommendation on. Nor am I suggesting that we go in and ask if the surveyor-manager does actually make \$33.65 an hour. We're taking the word of the contractor on that.

However, when you add the multipliers to that, everything multiplies by 300 percent. So it's incumbent upon us to be certain that those multipliers reflect the actual overhead costs of the contractor, and (b), that we feel those are reasonable. Now I understand you feel those are reasonable, but that's big money. That's the majority of the contract right there, are those two multipliers.

Now, my question was, has anyone researched those multipliers and the answer was no. Now, has that changed?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, as I previously indicated, we did call the audit company for Bohannon Huston to verify that those are approved numbers and have been established by the Corps of Engineers, one. Two, if we look at the context of just the overhead and profit of an organization, that doesn't give us the true picture. We have to be able to convert that into a, for the sake of a better word, a unit-cost of a product. Knowing that to produce this product, a contractor would have to have somebody produce it, have the administrative costs, have the production costs, everything rolled into a unit-cost or a unit of service cost.

Now when I take that information and I roll it into what actually results in a dollar amount for a unit of service or a product or a deliverable, and compare that to what we have paid previously, then yes, it is a fair and reasonable price. We are paying 50 percent less, \$900 compared to \$1800, for a product that may result in a finer resolution. Technology of course has advanced but we would get a better product out of it for half the cost we paid in 1992. So I look at it in the context of what is the labor and the overhead and the administration costs rolled into one to actually produce a product.

What does this product cost the County as a total, not by how much is profit, how much is administration, how much does it cost the secretary to run a copy. It's what was the total cost of this product, to be able to determine whether we are getting a good deal or not.

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COMMISSIONER SULLIVAN: I understand, and I don't know the circumstances of your prior contract, whether similar cost reviews were done on that and if not, perhaps they should have been. But when you look at a \$1.1 million contract, and your overhead factors represent \$600,000 to \$700,000 of that \$1.1 million, I think it's prudent to ask if we've done some independent verification of those overhead factors. Let's leave the profit aside even. Let's just assume that the profit is reasonable. And that was my question.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: One question, Tony. How long would it take you to get the information that Commissioner Sullivan is requesting?

MR. FLORES: I'm actually waiting on a fax right now from the firm but we would have to go and solicit other companies to see what their overhead and profit margin is, and their expenses. And I don't feel that—

COMMISSIONER SULLIVAN: No, that's—excuse me. Let me interrupt. That's not what I'm suggesting if you're interpreting what I'm asking for. I'm not suggesting that you go to any other company. I'm suggesting that that data that is traditionally and typically provided and should be available and that you all should review, comes only from the company you have selected. It's not a matter of comparing is there percentage better or worse than Firm B or Firm C. That information should only come from that firm. It should be audited and there's different criteria that the Corps of Engineers uses than other agencies and the Highway Department uses for example, some agencies don't allow promotional costs to be included in those factors and so forth.

So you have to decide which one of those agencies' criteria, and usually the federal ones are good guidelines to follow. So I'm not asking for a comparison with other firms. I'm simply asking for you to have researched and for staff to be comfortable that that amount that's loaded into this contract for overhead, whatever you want to call it, payroll overhead, that 300 percent, is in fact the costs that this firm incurs that you selected.

MR. FLORES: Mr. Chairman, Commissioner Sullivan, if we are dealing specifically with the firm, then the negotiated and approved rate by the Corps of Engineers is the rate that's established through this agreement. We have an established rate approved by a federal agency for similar services.

COMMISSIONER SULLIVAN: You have that in your hands.

MR. FLORES: That's what I'm getting faxed, sir.

COMMISSIONER SULLIVAN: Oh, that's what you're getting. So you have not reviewed that until today at 4:15, or you haven't reviewed it yet. Okay. I'm not trying to be belligerent. I'm just simply saying this is a large contract. We owe it to the taxpayers and to our own budget to ensure that these numbers are the proper numbers and accurate numbers for use in the overhead calculations in this contract.

MR. FLORES: I agree.

CHAIRMAN DURAN: When are they going to fax that to you?

MR. FLORES: They were supposed to fax it, excuse me, Mr. Chairman, they

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were supposed to fax it by 5:00.

CHAIRMAN DURAN: Well, I'm sure we'll be here until then. Why don't we bring it up for—go ahead. You had something to say?

MS. LUCERO: Commissioner, Mr. Chairman, if I could just quickly address so that we're all on the same page. If you review the break-out that the proponent has given where Commissioner Sullivan indicated the direct labor at 100 percent, G & A expense at 182, and then it says labor multiplier at 282 percent, which carries over for example to the \$6,345. It somewhat gives the representation that the entire contract has a loaded labor rate of 282 percent. But perhaps if we just didn't look at that 282, just for discussion purposes at this point and reviewed that \$2,250 as direct labor, then you have a G & A on top of that of an addition 182, and that bring us down to the \$6,000. So we're looking at basically at that \$6,000 cost in this case to be \$2,000 direct labor, another \$4,000 G & A expense, for a total of six before we see the profit. Is this how you interpret the breakdown?

COMMISSIONER SULLIVAN: The way I'm interpreting it is if you divide—I'm taking the first page as an example. There's about a 300 percent overhead and profit in this. If you take the \$6,979.97 on that first page. You divide it by your direct labor costs of \$2,250, you come up with about three. That's a 300 percent factor. Now, my question is is that the audited and appropriate factor for this contract and this contractor.

MS. LUCERO: So you are interpreting that, just the overhead portion of the total contract is 282 percent.

COMMISSIONER SULLIVAN: That's correct. And then you're adding the ten percent on top of the 282.

MS. LUCERO: Okay. But the way we're interpreting it as we are behind here discussing this is that the direct labor, of that 282 percent that they have represented here, direct labor is \$2,250 of that, or at the 100 percent. So I just want to make sure that we're all thinking along the same lines as to how much is direct and how much is indirect. Because the way I interpret it is the direct labor is at the \$2,250 or 100 percent, and then indirect is an additional 182 percent to carry it over to the \$4,000.

COMMISSIONER SULLIVAN: Right. It basically boils down to for ten dollars salary, the County is billed \$30, plus the cost of milage, plus the costs of reimbursable expenses, plus tax. It's a 300 percent overhead factor. I'm not making a determination that that is or is not the right factor for this company. I'm just asking if anybody checked it.

MS. LUCERO: Yes. And that's, Commissioner, what we are trying to do that and we will do that and I think it's a very legitimate question. I just want to make sure that we're all on the same page on how we're interpreting this because the way they've presented it here may be a little misleading, and what looks as a 282 indirect cost, 100 percent of that 282 is actually direct labor. That's what I'm trying—

COMMISSIONER SULLIVAN: It's more like a 200 percent indirect cost overall. It's—

MS. LUCERO: Yes. That's the way I see it.

COMMISSIONER GONZALES: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Just to say, maybe in the interest of expediting this, would it be possible to approve this subject to the factor that Commissioner Sullivan is referring to comes into compliance or within the threshold that we're expecting to see come from the company? Is that where we're waiting to get this information from or from who? The audited factor is what we're waiting for. Is that right?

MR. FLORES: Mr. Chairman, Commissioner Gonzales, that's correct. If I'm understanding correct, if I receive something faxed over from the audit of Bohannon Huston and it has the approved rates in there, my understanding is that that would be acceptable to Commissioner Sullivan.

COMMISSIONER SULLIVAN: Then I would feel a lot more comfortable.

COMMISSIONER GONZALES: So I'd like to move, Mr. Chairman, that we approve this subject to the audited factors that are coming forward are similar to that that's been presented here at this point. Does that make sense?

CHAIRMAN DURAN: Is there a second?

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: For discussion, Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, at this point, since we're going to get the information by 5:00 maybe we should just wait a little bit.

CHAIRMAN DURAN: Okay. There's a motion. Any further discussion? Those in favor of the motion, signify by saying "aye." [Commissioners Gonzales, Trujillo and Duran voted aye.] Opposed? [Commissioners Campos and Sullivan voted nay.] Okay. So if you get it before 5:00, would you mind coming up here and letting us know?

MR. FLORES: Yes, Mr. Chairman. [See page 93.]

[The Commission recessed for five minutes.]

#### VIII. E. Public Works Department

1. **Request authorization to publish the title and general summary of an ordinance to amend Ordinance 1999-6, "Comprehensive Solid Waste Management Ordinance"**

CHAIRMAN DURAN: And before we move, let me just remind the Commission that we now have an hour and a half to go through these three items, four items. And we have executive session, which we've been putting off for two meetings and we really need to give staff direction on some of the issues that are part of executive session, so with that, James.

MR. LUJAN: Thank you, Commissioners, members of the Commission. In light of all that and all the important stuff you've been talking about, we just want to talk about garbage, as one of my colleagues said. I'll turn that over to Jill. She wants to do a presentation.

JILL HOLBERT (Solid Waste Director): Commissioners, I'll make this very

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brief. It's basically time one again to print information and print the permits for the next fiscal year of solid waste annual permits. What that means is any program changes that you would like to see should be done as soon as possible so those changes can be put into all of the printed material that we will be putting out. That seems to be less confusing to the public if they just get the message once, rather than having to turn around and change the message once we've sent that out.

The current annual permits will expire for the solid waste facilities, will expire July 1 and basically I need some lead time in order to implement new changes as well as permit those renewals for the annual permits. As a real brief background or situation what we have right now is each residential unit in the county is eligible for one allotted permit, which allows the resident to go to the County transfer station two times per month with their trash. If they'd like additional trips, they pay extra for that. The allotted permit costs three dollars, which is just an administrative fee for the permit.

If you'd like to entertain any changes to the permit program, I would suggest you direct me to publish title and general summary and we'll revisit it next time for the ordinance which all of this information is in.

COMMISSIONER TRUJILLO: I think we talked last year about giving 24 punches without limiting them to two times per month, and that's a change that I would like to see included. Just give 24 punches to each household and they can use them all in one month or one a month or two a month, or whatever. That's caused some major problems.

MS. HOLBERT: Commissioner, Mr. Chairman, yes, that would be a change to the ordinance because right now the ordinance does dictate that it would be two punches per month, designated by the month and the year.

COMMISSIONER TRUJILLO: It's use or lose.

MS. HOLBERT: Yes it is sir. However, the reasoning behind that, and we can certainly go into this more at the hearing is that the County only has so many resources in the Solid Waste Division and right now we purposely meter the waste. In other words, you get two trips a month. If there are 7,000 permits out there as there are right now, there is 14,000 trips that can be made in any given month. Once we take away that metering, people could make all their trips in June or all their trips from March to June and it would completely overwhelm our resources.

COMMISSIONER TRUJILLO: But at least we'd be in a situation where you could contain the solid waste rather than if they're not accepted at the transfer station, they go to an arroyo and throw it in an arroyo, and that is the purpose of our infrastructure is to be able to accept and contain the solid waste.

MS. HOLBERT: Commissioner, Mr. Chairman, yes, certainly that is, and we would just have to have some serious personnel increases and equipment increases in order to accomplish that. It's not something that we could lightly accomplish. In addition to that, the illegal dumping rates have not significantly increased or decreased based on the free permit program. The illegal dumping rate, the most significant event in the rates of illegal dumping was when we closed Agua Fria landfill and transfer station, then illegal dumping rates went

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quite high. They have not changed significantly since we implemented the free permit program.

We believe the same people are coming to the transfer station who've always come to the transfer stations and the people who are illegally dumping continue to illegally dump unless we catch them of course. We do have a compliance program to identify them and punish those people through the court system.

COMMISSIONER TRUJILLO: I guess we can discuss that during the public process.

CHAIRMAN DURAN: Great. Any other questions? Jack.

COMMISSIONER SULLIVAN: The other thing I'd like to discuss when we get to it in the public process is isn't the County entitled to some redistribution of the profit or rebate from the Caja del Rio income?

MS. HOLBERT: Commissioner, Mr. Chairman, there's no such entitlement. The City is researching whether that will be allowed. At this point it is not allowed with the bonding authorities but it could be amended if they agree. But there is no such entitlement. The City and the County are seeking those funds.

COMMISSIONER SULLIVAN: I've only been to one of the Solid Waste Authority meetings because they cancelled this last month's but we can look into that because it's obviously, we're charging less than we're paying Caja del Rio for dumping.

MS. HOLBERT: Yes, sir. We currently are paying Caja del Rio \$26.25 a ton. We basically receive from the specific customers zero per ton.

COMMISSIONER SULLIVAN: So we need to supplement that income and this is certainly one way so we'd like to see you get some information on where that is later on.

COMMISSIONER GONZALES: Mr. Chairman, move for approval.

COMMISSIONER TRUJILLO: Second.

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

**VIII. F. Matters from the County Manager**

- 1. Resolution No. 2001-48. A resolution providing for publication of notice of bond sale of Santa Fe County, New Mexico general obligation bonds, Series 2001**

MR. MONTROYA: Mr. Chairman, members of the Board, I'd like to introduce Mr. Tommy Hughes who is here to help us as legal counsel, bond counsel for the sale that we are proposing before you, Mr. Chairman. I'd like to indicate to you and refresh the memory of the members that back in November 2000, we had several bond questions on the ballot and actually we had a total of four, three of those bond questions passed with support from the electorate.

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Mr. Chairman, what we're asking today is to authorize and direct publication of notice of sale of County general obligation bonds, Series 2001 in the amount of \$8,500,000. The first bond that we're asking for, Mr. Chairman, is the bond that would go towards construction of the public safety complex. The amount for that is \$4 million, Mr. Chairman. The electorate passed this bond by a 59 percent approval rating over 40 against.

The second section of the bond would cover the fire phase 2, Mr. Chairman, which is public construction of facilities for fire apparatus and acquisition of fire apparatus, for a total of \$4.5 million. The electorate passed this bond by a percentage of 63 percent, 36 against. Mr. Chairman, the resolution before you has been drafted by Mr. Hughes and his law firm and I would defer to him for any additional comments.

Mr. Chairman, the third bond that passed was the open space bond for \$8 million. We will not bring that to the Board until next fiscal year because we still are processing the funds that we have in the current budget for acquisition of properties as we speak. So Mr. Chairman, I defer to Mr. Hughes for any additional comments.

CHAIRMAN DURAN: I have a question for you, Sam. We had talked about having our own counsel look at these bonds for I guess content. You haven't seen this, Steve? You haven't reviewed it?

MR. KOPELMAN: Mr. Chairman, I have seen it, yes.

CHAIRMAN DURAN: You don't have to sign off on it?

MR. KOPELMAN: No, but I did review it and I certainly don't see any problems at all legally and I defer generally to bond counsel on these issues.

CHAIRMAN DURAN: How about Becky, the County Clerk? Has she reviewed this?

MR. MONTOYA: Yes, Mr. Chairman. She took a thorough look at it and made some suggestions which we sent back to Mr. Hughes.

CHAIRMAN DURAN: Okay. Thank you. Any more questions of staff? Mr. Hughes.

TOMMY HUGHES (Bond Counsel): Thank you, Mr. Chairman. Basically what this resolution does is provide a form of notice for the bond sale and to sell the bonds that the County Manager was referring to. Right now, we are planning to do that on the 24<sup>th</sup> of April, to have the actual sale and bring it to you at that point to approve the sale at that meeting. And then the bonds would be closed and made available on May 23<sup>rd</sup>.

CHAIRMAN DURAN: And then Sam, after the bonds are sold, the RFPs are out for the construction of the buildings and the purchase of the equipment and all that?

MR. MONTOYA: Mr. Chairman, what will follow after the sale of the bonds is that the County will organize a team, a project development team for the fire side and a similar group for development of the Public Works facility. What happens here is we will go through the planning process through the CDRC, get the appropriate approvals, come to the BCC for the appropriate approvals. We then talk to the user department and bid out services for an architect and then put the plans together, Mr. Chairman, bid it out and then bring it to the Board for approval after they've been bid. Hopefully, they'll come in under budget and we



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bring both those projects to the BCC for final approval.

Mr. Chairman, we're hopeful that within the next 18 months, we will have some positive developments in these areas and hopefully have all of these facilities constructed, and then move to our third bond, which is the open space bond for \$8 million.

CHAIRMAN DURAN: Great. Thank you. Any questions of Mr. Hughes.

MR. MONTOYA: Mr. Chairman, I want to add one additional thing. We have some visitors in town this very afternoon. They are out on a field visit. They are from Moody's Investor Services. We have asked them to come to Santa Fe to see the types of construction that the County currently has underway. We are taking them out to look at the facility that will be constructed for the public safety complex next to the County jail. We're showing them also the business park and we're taking them around to look at the La Familia Clinic. We are going to ask them to visit with some of the people at Rancho Viejo so they can understand about the development potentials in the southern sector of the county.

Later on this evening we will have them talk with some of the representatives from Las Campanas relative to our initiative to seek, to construct the water diversion at the Buckman, so that they can understand, Mr. Chairman, the growth issues relative to our community and also see the progressive nature of the construction phases that the County has before it. So Mr. Chairman, the final intent of this visit by Moody's will that at a later time, once the bonds get ready to be sold, we will seek to have a better bond rating consideration from Moody's and the field trip is the preliminary preface to that, Mr. Chairman. I stand for any questions.

CHAIRMAN DURAN: Thank you, Sam. Where's Mr. Strumor? On spring break?

MR. HUGHES: He's busy down in Albuquerque, Mr. Chairman.

CHAIRMAN DURAN: Any more questions of Mr. Hughes?

COMMISSIONER GONZALES: Just for the record, a better bond rating means a lower interest rate that the tax payers are paying on the bond. Is that right?

MR. HUGHES: Mr. Chairman, Commissioner Gonzales, that's correct.

COMMISSIONER GONZALES: For the record, what is the current bond rating of Santa Fe County?

MR. HUGHES: Mr. Chairman, Commissioner Gonzales, it's AA-2, which is a very good rating. Very few counties in the United States have that and I think the intent, the goal of a financial advisor and a manager is to get that up to a AA-1.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

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**VIII. F. 2. Request authorization to enter into a grant agreement with the Regional Development Corporation for the business park infrastructure**

MR. MONTOYA: Mr. Chairman, very succinctly, the Regional Development Corporation granted the County of Santa Fe \$366,000 over the course of a few years to construct the business park facility on State Road 14. Mr. Chairman, we currently have a 25-year lease with the State Land Office for this particular piece of real estate that we hope to create industry and the creation of jobs to our community. We have since then made an effort to pursue a 99-year lease with the State Land Office so that when we attract these business interests, that we will be able to give them long-term leases, Mr. Chairman, which is very important to the business community.

However, there is one pitfall. In pursuing the 99-year lease, Mr. Chairman, the regulations at the State Land Office also allow private bidders to bid on the actual acquisition of the business park. The RDC has been very concerned about this initiative because if the County were to be in a position where we would be outbid or the State Land Office would sell the facility to a private firm or private interest group, then, Mr. Chairman the RDC is very concerned about recouping its investment that was in the form of a grant to Santa Fe County.

So the agreement before us, Mr. Chairman, would simply reimburse the RDC to the tune of \$366,000 should the County be in a position where we would have to sell the particular investments that we have made to date and there is also a silver lining, Mr. Chairman. The RDC has agreed that if we would have to pay back the \$366,000, that they would hold it in abeyance for one year until the County could reapply for another project that would benefit Santa Fe County. So Mr. Chairman, we would not lose it totally, but they do want to have some assurance that if we lose the lease that we pay them back, but they would also hold it in abeyance for the County for one year until we're able to come to them with a new project with reinvestment back into the community. That is the general gist of the agreement, Mr. Chairman and I'll stand for any questions.

CHAIRMAN DURAN: Sam, was this over and above the \$600,000+ that we've spent on the existing infrastructure out there?

MR. MONTOYA: Mr. Chairman, I understand that it's part of that investment.

CHAIRMAN DURAN: Beron, could you come up here for one quick second? So to date, we have spent over \$600,000 for, on developing infrastructure out there.

BERON BRISCOE (Policy Analyst): That's correct, Mr. Chairman.

CHAIRMAN DURAN: And if we lose the lease, the money that we receive after—from the successful bidder, we'd have to pay back that \$600,000 plus, the \$600,000 back to the federal government.

MR. BRISCOE: Our obligation to the federal government is the \$366,000. So any amount that the County received over that would basically be by profit for us.

CHAIRMAN DURAN: So we could use that on another project.

MR. BRISCOE: Yes.

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CHAIRMAN DURAN: So their only concern is this additional \$300,000.

MR. BRISCOE: That's correct.

CHAIRMAN DURAN: Which the CDRC has obtained for us.

MR. BRISCOE: Correct.

CHAIRMAN DURAN: Okay. Any questions of Beron or Sam?

COMMISSIONER TRUJILLO: Mr. Chairman, is this something that is expected of Rio Arriba County and other entities that are funded by the RDC?

MR. BRISCOE: Chairman Duran, Commissioner Trujillo, we're in a unique situation in that I don't think any other projects that the RDC funded have the risk that they might fall into the hands of the private sector. We would be the only one that that happened and that's the concern is that they want to be good stewards of the federal dollars and not have the private sector benefit from that.

CHAIRMAN DURAN: And the problem with the 25-year lease is that we currently have 22 years left and as time goes on we lose the ability to get financing for businesses that are interested in locating there.

MR. BRISCOE: That's correct, Commissioner.

CHAIRMAN DURAN: Any more questions of Sam or Beron?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just want to confirm that actually, the way I read this, it only requires us to pay back the Regional Development Corporation the \$366,000 if in fact we receive the fair market value of the improvements upon a sale. So if something were to happen and I don't know what that might be, that we would not receive the fair market value, I'm not sure what would happen, whether it would be prorated or something of our \$600,000 investment.

MR. BRISCOE: That's right. The way it reads it's like all or nothing now. There will be a minimum threshold bid that will be great enough—if it sells it will be fair market value because a fair market value will be determined by appraisal. There will be a minimum bid, so either they hit that mark or they don't.

COMMISSIONER SULLIVAN: So there doesn't appear to be, although certainly it would be very unfortunate if we were to use the benefit and the potential of that industrial park, but from a pure financial standpoint, the Regional Development Corporation is only asking us to pay back the money if we get the money back. Is that—

MR. BRISCOE: Chairman Duran and Commissioner Sullivan, that's exactly right.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: I'm confused. So we currently have spent x at the business park, right? That x has nothing to do with this \$366,000.

MR. BRISCOE: We currently have spent, off the top of my head it's approximately \$700,000.

CHAIRMAN DURAN: Right.

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MR. BRISCOE: Of that \$700,000, \$366,000 was received from the RDC. All they want is to recoup that cost.

CHAIRMAN DURAN: Oh, okay. So if we sell, if someone beats us out—if there's a successful bidder, someone other than us, we get that money, we give them back up to \$366,000. They'll hold it for a year in case we find another project.

MR. BRISCOE: Correct. And just for the benefit of the Commission, not scientifically at all, but kind of kicking it around, we would think that the fair market value is going to come out between \$1 million and \$1.5 million, and that will be part of this public auction process, the minimum bid, so we have, we could potentially have a windfall of funds. We'd have a million dollars less the \$366,000 that would give the County those extra funds.

MR. MONTOYA: Mr. Chairman, one additional thing. In achieving the 99-year lease we have no commitment to pay the \$366,000 back.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

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

#### VIII. G. Matters of Public Concern - NON-ACTION ITEMS

CHAIRMAN DURAN: Is there anyone out there that would like to address the Commission? Please step forward.

JOELLEN SCHILMOELLER: Chairman Duran, Commissioners, my name is Joellen Schilmoeller. I am here as the co-chair of the Highway 285 South Coalition and I have to mention I am also a participant in the 285 Highway Corridor Planning Committee. I am here today to speak with you about the Eldorado transfer station and the process for public involvement in expansion and development of County facilities. Rosemarie has handed a packet out to you. I don't intend to go through all the details of all these pages. I simply want you to see some of the documents that we have looked at in our initial research into this facility.

And I would like to also state at the beginning that it has always been the policy of the 285 Coalition to work positively and respectfully with the County, the County Commissioners and the County staff and it is absolutely our intention to proceed that way. We have a great deal of respect for County Public Works and the amount of effort that they have put into this facility.

We have worked over the past year with Jill Holbert, who spoke with you a bit earlier on the design of the new enclosed transfer station. They have just begun the construction on that facility and I think Jill can tell you that it was a very positive experience for both County Public Works and the community to have that open communication and dialogue, allowing input from the community on that facility.

There are two areas of concern on the Eldorado transfer station. The first is that it

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seems to have an expanding use. It began as a sanitary landfill, and I would like to point out that on the warranty deed, which is the third document that was in the packet, it is stated there that the grant is a determinable fee and shall be for only as long as the property is used as a sanitary landfill. Should the use of the property be for a purpose other than a sanitary landfill, the property herein described shall automatically revert to the grantor. So based on this, we have some concern and question about the existing use and proposed use for this facility.

To demonstrate the expanding use of this facility, it has gone from being residential to being a small commercial facility. It has become a regional storage facility for the Public Works Department when the Agua Fria landfill closed. The enclosed transfer station is certainly an expansion of that facility and there has been some talk of using this facility or considering this facility for a proposed road maintenance facility for the Public Works Department.

The second area of concern is in the area of compliance. We have come concern that in the long term, there has not been consistent compliance with the warranty deed, the state registration and the state EPA codes regarding transfer stations. You'll note in this packet that I have included a copy of the current registration form for this facility and I have also included the most recent letter from the state EPA Department listing violations of codes as well as Ms. Holbert's response to that letter. I have this letter there as an example because after reviewing these files with the state EPA, we were able to determine that there have been three to four letters written per year since 1991 listing violations. So the long term repetition of that is of concern to the community.

I would like to point out that this facility is no longer in a remote location. This facility is exactly in the middle of a growing community that is at least 20 subdivisions and the village of Lamy. The second part of this has to do with the planning process and the involvement of the community in the development and expansion of community facilities. I have several questions that I have written down here that I would like to go over, and that is, we need some clarification on what the process is for the development and expansion of County facilities.

Does this process include the community as an equal partner and neighbor? We certainly consider the transfer station to be one of our neighbors in our community. Has the process been fully engaged in by the Public Works Department for each of these existing or proposed expansions of the Eldorado transfer station. As someone very actively involved in the community, I've heard very little about public input. In fact, in the area of the enclosed transfer station, it was upon rumors heard in the community that we went to Public Works to initiate what was a very productive process.

And the last item there, is that how can we ensure that the two primary community groups in the area, Highway 285 South Coalition and the County's Corridor Planning Committee, are included in plans and discussions for all County facilities considered in this area. I have two levels of concern. The first is that we address the immediate need of the transfer station and the concerns of the community. The second is that I'd like to encourage us to take this opportunity to review the processes for involving community groups in the planning of County facilities. That also includes the community-based planning committees, such as the

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corridor planning, contemporary community and traditional villages that may be impacted by County facilities. This facility is within the boundary of the highway corridor planning that is happening in that area now.

And I would like to request that a meeting is called and I have listed at the bottom of that first page, six participants that we would like to see at that meeting. I would like to also add that the County Manager, Mr. Montoya, be included in that group. Do any of you have any questions. It is all I have to present today.

CHAIRMAN DURAN: No. Thank you very much. Next speaker please.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Again, I know that we're short on time but before the next speaker comes up, is there anything that the Public Works Department would want to contribute or add to that discussion that might provide these residents of Eldorado—they've been waiting for a long time to be heard today.

MS. HOLBERT: Commissioner Sullivan, Mr. Chairman, I will be very brief here. Just taking a few notes. The basic premise of that facility, our operations there, our tonnage, what we transport the waste in, none of that will change. Actually our customer base is not expected to change. So I think that the impression that was given by the previous speaker was that we area changing what we're doing out there and we aren't. We're enclosing the facility physically but the actual operation, we don't anticipate to change. Obviously over time it will, but at this juncture we have no plans to change it.

We did follow all the County development committees, CDRC. We had to get a variance on the height of the building. All of that was done as far as open meetings and in compliance with the Land Use Codes of the County. We weren't afforded any special privileges in that arena.

The second point I'd like to make briefly is according to the warranty deed, we're still a solid waste facility even though we're not a landfill. If someone has a problem with that, certainly they should bring that up but basically we're performing the same function as a sanitary landfill. We just don't bury anything on site which I think most people would think is an improvement over our previous function out there.

We do meet all the state codes. We do meet all the state regulations with a few minor violations that have been called to our attention. The three to four letters per year that she cited are in my mind countywide. We do have seven facilities. We used to have eight. To my mind, I haven't received three to four letters per year on Eldorado alone. I think it's inspected annually. And again, going back to the no longer remote location, we fully realize how close we are to the neighbors and really how integral we are. As the area grows, there's more need for solid waste services, not less and so in an effort to be a good neighbor to the people who are in fact getting closer every year to our site, we have developed this plan and are now under construction for enclosing as much of the operation in a building as possible. So we are less offensive as far as noise, as far as blown litter and those types of things. Do you have any specific questions?

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COMMISSIONER SULLIVAN: Two. Are we using this site also for a storage facility outside things that are needed for the transfer station, number one? And number two, do we plan to build a Public Works yard on this site?

MS. HOLBERT: Commissioner Sullivan, Mr. Chairman, yes we do have various items out there that we're storing, however, they're all Solid Waste Division pieces of equipment. Extra boxes, extra trailers, things like that. They're all related to the solid waste activity that takes place out there. We're not bringing in other Public Works pieces of equipment or anything to that effect. All of our sites, to the extent that they have room available are storing extra boxes here or there. We have equipment that we move around periodically so, yes, basically, we are storing some items out there that are related to solid waste or directly related to the solid waste operation.

And secondly, on additional Public Works functions out there, I know that there was some interest in looking into it but at this point there has been no firm plan made or even—it's an idea. Put it that way. And you'd have to discuss that further with the Public Works Director.

CHAIRMAN DURAN: Thank you.

MS. HOLBERT: Thank you.

CHAIRMAN DURAN: Next speaker please.

JIM SIEBERT: Mr. Chairman, Commissioners, my name is Jim Siebert. I'm a planning consultant representing Megan Hill on the Sunrise Springs project and what I'd like to discuss with you today is the issuance of a building permit for Sunrise Springs. I'm going to give you some of the—this project by the way is under appeal and also under litigation. The reason that we're here before you today is that there's some serious financial consequences to delaying this project much further. It has been through all the review processes. We'll go over that very briefly here in a minute.

But in order to meet the next year's tourist schedule of the summer, we have to begin construction within the next few weeks. If we don't and we don't get the restaurant up and running, which has actually been a historic aspect of Sunrise Springs, if that doesn't happen, the financial losses are on the order of perhaps up to a million dollars.

The other issue I think that's important is the contractor, if the contractor can't get underway, he's going to have to lay off his subcontractors and the subcontractors are going to have to lay off some of the workers, some of which are actually residents of La Cienega. With that, I'd just like to give you a real brief history.

This process began before at least three of you, back in 1998 with the phase one which consisted of the arts building. And at that time, Megan agreed, because there was a proposal to implement a moratorium, Megan Hill agreed to reduce the size of the project only to the arts building rather than the entire scope of the project. The initial request for the larger project, went before the Board of County Commissioners and was denied. As a result of that, there were several community meetings held, several meetings with the La Cienega Valley Association and after various considerations, the La Cienega Valley Association actually recommended in favor of the project.

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We feel that this appeal really does not have—is not valid, although under the terms of the County Land Development Code, it actually doesn't have to be valid. The only thing you need to submit is a written appeal. It doesn't say it needs to be valid. With that, what I'd like to do is—in the sense that the validity, the last thing that's happened is we have submitted an application for final plan and building permit. That application has been appealed. We feel that the only valid basis for that appeal would be whether we had not complied with the conditions of approval. That is not the case. We have complied with all the conditions of approval. We feel that this is a frivolous action on the part of really one individual, which has substantial financial consequences not only to Megan Hill as the applicant, but to the community as a whole.

So with that I'd like to have Rosanna Vazquez give a brief history of the status of the present lawsuit.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Would it be appropriate if there is, Steve, if this is an issue of pending litigation, would it be appropriate that this be discussed in executive session?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, we certainly can do that, in fact we were planning on bringing it up in executive session.

COMMISSIONER GONZALES: And I know, Ms. Vazquez, you had an opportunity to discuss things with Mr. Kopelman. Is there anything that you're going to tell us that he won't be telling us in executive session if he's bringing it up?

ROSANNA VAZQUEZ: Probably not. He can go ahead and take that in and Steve, if you'd like my handy-dandy little chart you can take it with you too.

COMMISSIONER GONZALES: In the interests of time, I'll defer to the rest of the Commission, but—

CHAIRMAN DURAN: I agree.

MS. VAZQUEZ: Just for purposes of clarification, I did want to say that John Ritter, the contractor for Sunrise Springs has had to lay off people and the average people that are employed by John Ritter and his subcontractors on a regular basis are about 40 to 60 people a day out there, some of which are La Cienega residents and because of the delays on the appeals and the policy that we can't go forward with complying with any of the conditions and getting building permits, there has been a substantial loss of employment as well as close to about a million dollars in costs on delays which we have actually put together the costs to make a determination as to how to proceed. But there have been substantial economic delays and if you look through the chronology you'll see, but I believe Ms. Hill has done her best to work with the County when the La Cienega was coming in. Worked with the County with respect to all of the concerns that the County has had with respect to this development. And we would request that you consider allowing the building permits to go forward at the same time that the appeal is heard. Thank you. And if you have any other questions, Steve can contact me.

CHAIRMAN DURAN: Great. Thank you. Is there anyone else out there that



would like to address the Commission? Tony, I'm going to let come up after we're through with Matters from the Commission, before we go into executive session.

**VIII. H. Matters from the Commission**

CHAIRMAN DURAN: I have several and I'll make them quick. I've talked to Corky about getting an individual that can do some space analysis for us on all of our buildings and hopefully in the next month or so, he'll be bringing forward a report for us to consider, for us to review so that when the budget comes up we can make some decisions as to whether or not we need to get more space.

I was wondering if Sam, you could get the Land Use vehicle back from Cornell so they could start using it for their CDRC meetings. They haven't been able to go on tour because the inmates are using them and the last time they asked to use it, they were told that they could use it but they had to drop off a few inmates some place on the way back up here.

MR. MONTOYA: We'll work on that, Mr. Chairman.

CHAIRMAN DURAN: Okay. They declined, by the way. Then I want to thank you Sam for the summit, the first tribal summit that we had. I really think that we kind of fell short though, based on what we originally, the reason why we put that summit together and if you recall it was to address the road issues in San Ildefonso. And I was wondering if—I met with the representative from Senator Domenici's office and he said that, he advised me that if we could put together a memorandum of understanding that would be signed by both the County and the tribes, or San Ildefonso, that he could then go to Senator Domenici and see if he could find some federal funding to alleviate the road issue up there. Similar to what happened up in Taos.

So if the Commission is in agreement with that, we could put together a memorandum of understanding.

MR. MONTOYA: Mr. Chairman, I just wanted to advise the Commission that Mr. Pecos and I spoke yesterday and we're going to be meeting in next few days and I told him about the concern that we had with San I and that's going to be one of the primary issues so it falls perfectly in place, Mr. Chairman.

CHAIRMAN DURAN: I think it's critical because I really believe that the Ranney collector is going to be—I don't want it to be used as a negotiating chip, and I heard them say that they are in agreement with that effort, that they believe that it's something we need to do regionally, work together on regionally. I just want to make sure that the roads don't create a roadblock for us.

And then I was also wondering if you could get with the City, or let's send a letter to the Mayor and the City Councilors requesting that the entire City Council and the County Commission get together as soon as possible to have a water summit so that we can figure out how we are going to work as a regional entity to deal with our water concerns. And again, I think that the reason we need to do that is that if we're going to have our lobbyists in

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Washington work on this, Commissioner Gonzales tells me that Domenici will only work on this if it is a community based effort and so the City has to agree with us. So we have to come to some agreement on that. That's it. Commissioner.

COMMISSIONER GONZALES: Yes. As to the—I appreciate what the MIS Department has done in terms of posting the County's meetings on the website. Can we take that the next step and post the EZA, CDRC, EZC and the rest of the development review committees' agendas on the website? Because I think that really is where a lot of the action begins to take place and I know that there's a lot more people in the community that are starting to look to the website in terms of receiving information. So that shouldn't be too difficult to do unless there's any barriers. Debra, do you have any problem with that? I'm not sure if that would go through Debra's officer or the Land Use Office would actually begin to post those. So I'd like to see that begun as soon as possible.

The other issue was related to what Commissioner Duran talked about for members of the Commission. I had an opportunity to speak to a few of you. We're trying to coordinate with Juan Rios a joint City/County visit to Washington, D.C. We're going to ask that the chairman and another member of the Commission accompany the chairman along with the Mayor and a couple members of the Council to talk about the issues with Senator Domenici, Bingaman, Udall, and possibly Skeen and Wilson, so we can begin the efforts of trying to lay the groundwork for some federal appropriations. I would just ask the Commission to keep in mind how competitive this year is going to be in a time where the president has called for a flat budget.

Senator Domenici has said a number of times it's going to be very difficult and we're also competing with our friends from the south, Bernalillo County, is putting in a request for \$110 million to exactly what we're trying to do up here, a water and wastewater facility. So it's going to take a collective effort by both the City and the County, members of our community to try and get federal resolution to this. So we'll be working on that, Mr. Chairman, just for your calendar and for others' consideration.

The idea hopefully, would be to send up a delegation from the County. We have problems with quorums so there can't be more than two of us at time that are going up there and then after that meeting send a subsequent delegation up to meet with them. And I know that our federal lobbyists are coming in on the 10<sup>th</sup> if I understand correctly to visit with members of the Commission and to see areas that are in need of federal support.

The other area, Mr. Chairman, I support your call for the joint City/County water summit and also your call for the staff to perform some type of space analysis and I don't know how that's going to come forward but I think we do need to make at least some long term decisions in the near future on lots of issues, so I'd like to see the staff bring that forward.

Also to Sam, thank you for the summit. I think it was successful. Thank you, Commissioner Trujillo, for your leadership in that area. I think it was a successful summit just by the fact that we all attended with the members of the pueblos and I think that now we have a segue into addressing some of the concerns that Commissioner Duran has brought up specific to individual pueblos when it comes to issues like roads, water or environmental issues.

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And last but not least, for those who may be watching at home and members of the staff, on Sunday is the first ever Cesar Chavez parade. It takes place on Airport Road. Members of the Commission, you're invited to go in and participate and attend. It begins at 1:00, I believe. So that's the Cesar Chavez parade. It's a joint City/County effort along with the communities of neighborhoods along Airport Road. I'd like to thank Gina Torrecelli and many of her friends and neighbors who are putting forward the Cesar Chavez parade this Sunday at 1:00.

CHAIRMAN DURAN: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a couple of quick items. Number one, Sam, following up on Ms. Schilmoeller's request. Would you be able to set up a meeting here at the County Administrative offices to include James Lujan and Jack Kolkmeier and some of the others that the community would like to talk to and I'll certainly be available to attend that meeting as well, and yourself and go through some of these issues that they brought up if you don't mind.

The second item is I noticed in the notice of public hearing for CDRC case for the public safety complex that's now coming for final development plan approval, moving that forward. I'd like, and I didn't know who to discuss that particular case with so I discussed it with Frank White, whose name was on the legal advertisement. I think that that public safety complex, which of course sits right next to the prison and is fairly unpopulated at this point in time and is located pretty much on the top of the hill, would be a great place for the County to evaluate a wind generation facility to produce electricity for that complex. And a lot of times we have to deal with public input. I don't think the prisoners will mind, and of course across the street is the prison and next to it is the County jail, but even more than that, I think it would be a good prototype facility to look at the feasibility of that for County buildings and small enough facility that the costs wouldn't be prohibitive to move into a turbine generator if we could do that.

I don't know quite where we are in the process. I think we're probably close to complete on architectural design for it, but if the architect could look at that. Do you think that might be a possibility?

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, I think that is possible. Counsel reminded me that we might have an issue with Rancho Viejo and some of the conditions placed on the acquisition of the property but we'll look into that to see if there's any restrictions but we'll certainly—I think that's a commendable recommendation.

COMMISSIONER SULLIVAN: Well, as you know, Rancho Viejo has a wind generator on their property.

MR. MONTOYA: Right.

COMMISSIONER SULLIVAN: In fact they call one of their subdivisions Windmill Estates because there's an old windmill on there and it's still there. So hopefully, they could work with us on that. But I just think it would be a good place to start on that.

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And the last issue is at the last Commission meeting I brought up some concerns about the Community College District zoning map and its applicability and its "flexibility." We did have a meeting with staff on that and I'd just like Steve to give you a brief summary of that meeting so you know where we are on it.

MR. KOPELMAN: Mr. Chairman, members of the Commission, in reviewing the issue at hand, we've made a determination that the ordinance does not allow a property owner to actually do the rezoning and remapping of the property without going to the Commission. So Commissioner Sullivan's concerns I think are well founded and we'll be working with the applicant and possibly coming forward with a proposed rezoning for a portion of the Community College District down the road.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, didn't we, when we passed the Community College District Ordinance require that the ordinance come back for review and revision within six months of the passage of the ordinance and at that time, will it be appropriate to address the issues that Commissioner Sullivan is basically identifying and calling for revision to?

MR. KOPELMAN: Mr. Chairman, Commissioner, we will bring that forward shortly to the Commission.

COMMISSIONER GONZALES: Right. But did the ordinance call for a total review of the ordinance within a six-month period, is what I recall the direction given.

CHAIRMAN DURAN: I remember there was something about that.

COMMISSIONER GONZALES: We put a time period to have the whole ordinance brought back for review so we get to address some of the modifications that we were going to be identifying as the ordinance went forward.

CHAIRMAN DURAN: Are you sure it wasn't 20 years?

COMMISSIONER SULLIVAN: I think Mr. Chairman and Commissioner Gonzales that the issue here was that the Land Use staff had applicants already at hand who felt that the lands could be rezoned administratively from what was shown on the zoning map and the Land Use staff was at a point of needing some direction on that and some legal opinion and I think basically what was determined was that the zoning map is a zoning map. That the ordinance does allow some minor modifications of it, some adjustments because the map, of course, has zoned areas as lines and not as metes and bounds so we don't know exactly where those lines are so there could be minor adjustments to those. But there couldn't be gross rezoning without the Commission's review and approval of that. So I think we've gotten, for the time being at least, the Land Use staff the direction that they need and we've clarified that and if there are of course other amendments I'll be glad to bring up when we do that the Richards Avenue situation again and whatever other amendments the Commission feels are appropriate to it. But this was something that needed some clarification immediately.

CHAIRMAN DURAN: Okay. Any other Commissioner have anything to say? We're going to bring item IX. Public Hearings, Resolution No. 2001-49. A resolution granting—we're going to bring that up forward so we can get into executive session and then we'll adjourn.

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Oh yes. I stand corrected. Let me hear what Tony has to say and then we'll do this one. By the look on your face you have good news.

MR. FLORES: Mr. Chairman, members of the Board, we have received a fax confirmation and actually a resume of negotiations for indefinite delivery of services dealing with civil works contract that has been signed off by US Army Corps of Engineers and Bohannon Huston that has accepted the overhead rate and I made copies for all the Board members and highlighted the last section basically where it gives the approval.

CHAIRMAN DURAN: So does this pretty much satisfy Commissioner Sullivan's concern? Or should I be asking him that?

MR. FLORES: Mr. Chairman, with regards to Commissioner Sullivan's request that we verify that the firm's rate is an acceptable rate, that is the acceptable rate through the US Army Corps of Engineers that was accepted as an acceptable overhead rate.

CHAIRMAN DURAN: Okay, if there's no further discussion on this issue we need to move on. Commissioner Sullivan, does that satisfy you at this point?

COMMISSIONER SULLIVAN: I think, Mr. Chairman, we're in the ballpark. I believe the motion's already been made to approve the contract. I notice that this rate excludes or in essence includes equipment charges, so that when the Corps, which does do aerial photography, engages this firm, the 182 percent rate includes equipment. In this contract, as I see it, we are paying for equipment charges. So we're going beyond this, but if the staff feels that that's acceptable and since the Commission's already approved it that's the wish of the Commission.

CHAIRMAN DURAN: Maybe if you have some ideas for the next time we do something like this, you can get with staff and try to—

COMMISSIONER SULLIVAN: Be glad to.

CHAIRMAN DURAN: I understand your concern and I'm in agreement with you. And again, it's nice to have someone on board that has that experience. So we'll let you be our guide.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you, Tony.

## **IX. PUBLIC HEARINGS**

- A. Resolution No. 2001-49. A resolution granting approval of the annual plan for the Public Housing Authority (PHA) fiscal year beginning July 1, 2001, and PHA Certifications of Compliance with PHA plans and related regulations**

DODI SALAZAR (Housing Specialist Supervisor): Mr. Chairman, County Commission, the Housing Authority is here to present its annual plan for public comment and to request approval in accordance with the Department of Housing and Urban Development. Section 511 of the Quality Housing Work and Responsibility Act, which we call the QHWRA

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created the Public Housing Agency plans. The annual plan provides details about the Housing Authority's immediate operations, program participants, programs and services, and a strategy for handling operational concerns, residents' concerns and needs and programs and services for the upcoming fiscal year.

The Quality Housing Work and Responsibility Act also requires that a public hearing be held to invite public comment regarding the plans. The act also requires that the Housing Authority establish a resident advisory board whose membership adequately represents the Housing Authority's residents and program participants. The resident advisory board shall assist the Housing Authority by making recommendations regarding the development of the housing plan. The Housing Authority distributed the plan to the residents advisory board, consisting of five representatives, and has received comments which will be reviewed and addressed. The Housing Authority is asking the Board of County Commissioners to hold the public hearing, to approve the annual plan and the attached resolution. I stand for any questions.

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

MR. KOPELMAN: Mr. Chairman, I'm sorry. I think it's supposed to be a public hearing so we need to call for public comment if any.

CHAIRMAN DURAN: Okay. Great. Is there anyone out there that would like to address this issue? Anybody for it? Anybody against it? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion to approve Resolution 2001-49, seconded by Commissioner Gonzales. Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one thing. Like with other things, basically what we're doing here is budgeting programs and reporting on these programs. I think I would like to see at some point, I'm sure the Commission would, some assessment results of those programs that are budgeted in this plan and again, at your convenience or at the chairman's convenience and I think what we're doing here is budgeting funds for the upcoming years in these various programs, which I looked over, all of which seemed to be worthwhile programs. But it's always good to see the other side of the coin, the assessment.

MS. SALAZAR: Yes sir.

CHAIRMAN DURAN: Okay, so there's a motion, there's a second. Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

COMMISSIONER GONZALES: Mr. Chairman, Robert, can I just ask you for your consideration. The National Association of Counties is putting on a housing conference in Louisville in two weeks. Can you take a look at that and see if that's a worthy conference. I know they're going to be looking at a lot of innovative programs that are going on around the

country and how counties across the country are putting more people into housing and looking into federal programs. Can you look at that, if it's worthy, take a look and see if your budget warrants it and see if we should have a representative there from our County getting some ideas. I'll be there getting some ideas but it always helps the more we have there the better.

MR. ANAYA: Yes sir.

CHAIRMAN DURAN: Great. Thank you.

**VIII. I. Matters from the County Attorney**

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

MR. KOPELMAN: Thank you, Mr. Chairman, members of the Commission. This matter was on the agenda last month and I believe there was a problem getting the proposed draft ordinance into the packet. We have it in plenty of time and again, we're just asking for authorization to publish.

COMMISSIONER GONZALES: So moved.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

COMMISSIONER SULLIVAN: Mr. Chairman, two quick questions.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Does—I don't see any reference to properties in the EZ in this ordinance. Is this only for properties in the CDRC?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, the Board of County Commission only has jurisdiction outside of the two miles, so this is only for the matters that come before the Board of County Commission and the CDRC, that's correct.

COMMISSIONER SULLIVAN: And the CDRC. Okay. And then secondly, is this a land use item? Does this require two hearings?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I don't believe that this would require—it's not a land use application. It's an ordinance. The Commission certainly has the right to hold two public hearings if you deem it necessary. Legally, I don't believe you need to.

COMMISSIONER SULLIVAN: Thank you.

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

I'll entertain a motion to go into executive session.

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- VIII. I. 2. **Executive session**
- a. **Discussion of pending or threatened litigation**
  - b. **Discussion of possible, purchase, acquisition or disposal of real property or water rights**

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

[The Commission met in executive session from 5:45 to 6:25.]

**Commissioner Gonzales moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Duran seconded. The motion passed by unanimous voice vote.**

**CHAIRMAN DURAN:** We approved the sale of the Skeegans and Hymands property up on Hyde Park. We, at the urging of Commissioner Sullivan, decided to appeal the Milagro wireless tower issue in district court, and we agreed to issue the building permits for Sunrise Springs.

**X. ADJOURNMENT**

Chairman Duran declared this meeting adjourned at approximately 6:27 p.m.

Approved by:



Board of County Commissioners  
Paul Duran, Chairman



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Respectfully submitted:

*Karen Farrell*  
Karen Farrell, Commission Reporter

ATTEST TO:

*Rebecca Bustamante*  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK



1155 393  
COUNTY OF SANTA FE } SS  
STATE OF NEW MEXICO  
I hereby certify that this instrument was filed  
for record on the 9 day of May A.D.  
20 01 at 9:23 o'clock a.m.  
and was duly recorded in book 1901  
page 344 - 437 of the records of

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

10:14  
11-1-2  
1-3-2  
3-5-2  
6-1

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

SFC CLERK RECORDING 08/13/2004

REGULAR MEETING  
(Administrative Items)  
March 27, 2001 - 10:00 a.m.

Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
  - A. Amendments
  - B. Tabled or Withdrawn Items
- V. Consent Calendar:

*minutes 2/28 → approved*

- A. Resolution No. 2001-38 A Resolution Requesting a Transfer from the Contingency Fund to the General Fund (101) to Establish a Budget for the County Surveyor for Expenditure in Fiscal Year 2001 (Finance Department) *OK*
- B. Resolution No. 2001-39 A Resolution Requesting a Budget Decrease to the General Fund (101)/Regional Planning Authority to Realign the Fiscal Year 2001 Budget with the Joint Powers Agreement with the City of Santa Fe for Expenditure in Fiscal Year 2001 (Finance Department) *OK*
- C. Resolution No. 2001-40 A Resolution Requesting an Increase to the General Fund (101)/Region III Program Income to Budget Proceeds Received from the Sale of Equipment Surplus for Expenditure in Fiscal Year 2001 (County Sheriff's Office) *OK*
- D. Resolution No. 2001-41 A Resolution Requesting a Budget Decrease to the General Fund (101)/Land Use Department for a Special Appropriation Project (SAP) Grant that was Revoked by the New Mexico Environment Department (Land Use Department) *OK*
- E. Resolution No. 2001-42 A Resolution Requesting an Increase to the General Fund (101)/Community DWI Grant Program to Budget Additional Revenues for Expenditure in Fiscal Year 2001 (Community, Health and Economic Development Department) *OK*
- F. Resolution No. 2001-43 A Resolution Requesting a Budget Transfer from the Housing Capital Improvement Fund (301) to the Housing Enterprise Fund (517) for Expenditure in Fiscal Year 2001 (Community, Health and Economic Development Department) *OK*
- G. Resolution No. 2001-44 A Resolution Requesting a Budget Decrease to the Community Development Block Grants Fund (250)/Sombrillo Teen Center to Realign the Fiscal Year 2001 Budget with the Remaining Fiscal Year 2000 Cash Balance (Community, Health and Economic Development Department) *OK*
- H. Request Authorization to Enter into a Construction Agreement with JARCO Contractor's Inc., IFB #21-45, for the Construction of Phase II and III of an Addition to the Rio En Medio Community Center (Community, Health and Economic Development Department)

*Comm. Sullivan*  
*need Attorney's signatures*

*Amendment to this contract as req. by Sullivan*

*amendments corrected*

I. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:

- 1. EZ Case #S 00-4890, Estancia Real at Las Campanas (Approved)
- 2. CDRC Case #V 00-5431, Catherine Ducaj (Approved)
- 3. CDRC Case #A 01-5021, Baxter Brings (Approved)
- 4. CDRC Case #Z 00-5900, International Pond Supply (Approved) →
- 5. CDRC Case #Z 00-5960, Michelle Sanchez (Approved)

CDMU. Sullivan *amend*  
COM.M. Sullivan *FAA/ENV*

VI. Administrative Items:

A. Committee Expirations/Resignations/Vacancies:

- 1. Santa Fe County Fair Board
- 2. Santa Fe County Road Advisory Committee
- 3. DWI Planning Council

*Don't need*

B. Committee Appointments:

- 1. DWI Planning Council
- 2. Public Housing Board
- 3. Santa Cruz/Abedon Lopez Community Center

VII. Staff Report

A. Report by the Land Use Department

VIII. Staff and Elected Officials' Items:

A. County Clerk

- 1. Request Approval of "Records and Information Management Week in New Mexico Proclamation" *"April 1-7th" week*

B. Community, Health and Economic Development Department

- 1. Request Authorization to Submit a Continuation Application to the Center for Substance Abuse Treatment for the Santa Fe County Craft Project for Federal Fiscal Year 2002
- 2. Request Authorization to Enter into a Lease Agreement with Vista Grande Public Library Located in Eldorado
- 3. Request Authorization to Enter into a Memorandum of Agreement with the City of Santa Fe to Submit an Application for Funding from the Traffic Safety Bureau for Community DWI Funds for Fiscal Year 2002
- 4. Discussion of the Senior Services Program Administered by the City of Santa Fe within Santa Fe County

*lunch 11:45 to 1:00*

C. Finance Department

- 1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #21-39, for the Construction Management Services for the Agua Fria Phase II Road Project (Public Works Department)
- 2. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent, RFP #21-43, for the Digital OrthoImagery Services for Santa Fe County (Resource Development Department)
- 3. Request Authorization to Enter into a Professional Services Agreement with Southwest Planning and Marketing, No. 21-0152-FD, for the Review and Update of the Santa Fe County Fire Impact Fee Ordinance (Fire Department)

*Need*

*Tabled*

*Don't need*

*Legal signature*

**D. Land Use Department**

*OK* 1. Resolution No. 2001-<sup>15</sup>A Resolution Requesting a Budget Increase to the Water Enterprise Fund (505) to Budget Fiscal Year 2000 Cash Balance and Additional Current Fiscal Year Revenues for Expenditure in Fiscal Year 2001 (Land Use Department)

*OK* 2. Resolution No. 2001-<sup>16</sup>A Resolution Appointing a Substitute Member to the Open Land and Trails Planning and Advisory Committee (COLTPAC)

*Don't need* 3. Appointment to the County Open Land and Trails Planning Advisory Committee

~~Resolution No. 2001-17A Resolution Amending and Replacing Resolution No. 2001-14, Establishing Board of County Commission Policies for Inclusion of Agenda Material in Commissioners Packets and for Tabling or Postponing Agenda Items for Board Meetings~~

*OK* 4. Resolution No. 2001-<sup>17</sup>A Resolution Amending and Replacing Resolution No. 2001-14, Establishing Board of County Commission Policies for Inclusion of Agenda Material in Commissioners Packets and for Tabling or Postponing Agenda Items for Board Meetings

*Don't need* 5. Update on Transfer of Development Rights Program, by Rick Pruetz, AICP

**E. Public Works Department**

*Don't need* 1. Request Authorization to Publish the Title and a General Summary of an Ordinance to Amend Ordinance No. 1999-6, "Comprehensive Solid Waste Management Ordinance"

**F. Matters from the County Manager, Samuel O. Montoya**

*OK* 1. Resolution No. 2001-<sup>18</sup>A Resolution Providing for Publication of Notice of Bond Sale of Santa Fe County, New Mexico General Obligation Bonds, Series 2001

*Need* 2. Request Authorization to Enter into Amendment Number One to the Grant Agreement with Regional Development Corporation for the Business Park Infrastructure

**G. Matters of Public Concern - NON-ACTION ITEMS**

**H. Matters from the Commission**

**I. Matters from the County Attorney, Steven Kopelman**

*Don't need* 1. Request Authorization to Publish the Title and a General Summary of an Ordinance to Amend Ordinance Number 1996-10, the Santa Fe County Land Development Code, Article I, General, to Add a New Section 13, to Define the Process by which the Code May be Amended

**2. Executive Session**

a. Discussion of Pending or Threatened Litigation

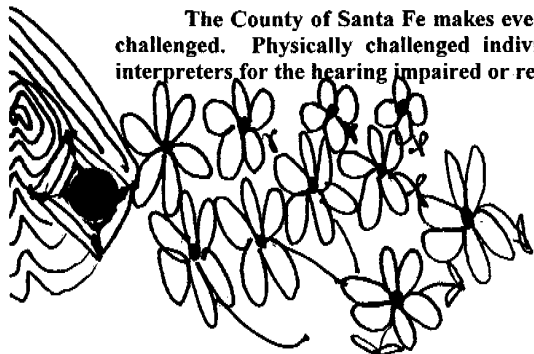
b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

**IX. Public Hearings**

*OK* A. Resolution No. 2001-<sup>19</sup>A Resolution Granting Approval of the Annual Plan for the Public Housing Authority (PHA) Fiscal Year Beginning July 1, 2001, and PHA Certifications of Compliance with the PHA Plans and Related Regulations

**X. 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).



*Desar Change 4/1/01 @ 1:00*