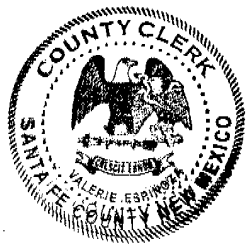

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 66

I Hereby Certify That This Instrument Was Filed for Record On The 4TH Day Of May, A.D., 2007 at 10:06 And Was Duly Recorded as Instrument # 1481623 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy _____ County Clerk, Santa Fe, NM

SANTA FE

BOARD OF COUNTY COMMISSIONERS

MEETING

March 27, 2007

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

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

March 27, 2007

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:25 a.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:
Commissioner Virginia Vigil, Chair
Commissioner Jack Sullivan, Vice Chairman
Commissioner Paul Campos
Commissioner Mike Anaya
Commissioner Harry Montoya

Members Absent:
[None]

V. INVOCATION

An invocation was given by Shirley Hooper-Garcia from the County Clerk's office.

VI. APPROVAL OF THE AGENDA

A. Amendments
B. Tabled or withdrawn items
C. Consent Calendar: Withdrawals

ROMAN ABEYTA (County Manager): Madam Chair, under IX. Matters from the Commission, we added D, which is discussion and possible approval for an expenditure of discretionary funds in the amount of $1000 to contract with Buckman Road Recycling and Transfer Station. We added an item E which is reconsideration of an ordinance declaring a moratorium for six months on new subdivisions, land divisions and master plans within the area served by Eldorado Area Water and Sanitation District. And we added an item F, which is

discussion and possible approval for expenditure of discretionary funds not to exceed the amount of $5,000 to purchase recognition items for local youth sports activity participants.

Under X. Consent Calendar B. 1, we added an amount of $87,120. Under XI. Staff and Elected Official Items, we added A. 2, which is request approval of a water commitment in the amount of two acre-feet to the County Water Utility to the Academy for Technology and the Classics. And that was actually an item that was always on the agenda but moved from Consent Calendar to Staff and Elected Official Items.

Then continuing under Staff and Elected Official Items, B. 1 was added under Community Services, which was previously item XI. C. 2, which is request approval to enter into an agreement for construction management services for the new First Judicial District Courthouse in the amount of $1,062,965. Item C. Matters from the County Manager, 2. 2007 Legislative Update/Wrap-up was added to the agenda, and under item D Matters from the County Attorney, 1. Executive Session, we added e, which is a six-month evaluation of the County Manager, and f. which is a six-month evaluation of the County Attorney, and items 2. and 3. which are discussion and possible action regarding the evaluation for the County Manager and County Attorney. There are no further changes.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I believe that before we get into the Matters of Public Concern, there is one matter that is most important to the involvees and that is Senator Bingaman's office asked to be on the agenda and our distinguished representative here from Senator Bingaman's office is here, Pablo Sedillo to address the Commission, and I would like to put that right after approval of the minutes of February 27, before any matters of public concern. And Mr. Abeyta, I would hope that next time Senator Bingaman's office asks to be on the agenda that we put him there before any matters of public concern and that we put it under matters from our Honorable Jeff Bingaman, our Senator, and any one of our congressional delegation people that want to address this Commission that we make sure we put them on the agenda. And I wanted to apologize to Senator Bingaman and Pablo Sedillo, but we on this Commission are always, always wanting you to give us an update on things that happen in this great state of ours and in our country. So that's my change to the agenda.

CHAIR VIGIL: I was advised of that and we will move forward with that. Okay, are there any items to be withdrawn on the Consent Calendar? Commissioner Campos.

COMMISSIONER CAMPOS: Madam Chair, XI. A. 1. I just don't understand it. I'd like to have a little more information.

CHAIR VIGIL: Okay. Any other?

MR. ABEYTA: Madam Chair, XI. A.1 is under Staff and Elected Official items. It was moved from the Consent.

COMMISSIONER CAMPOS: X. A. 1.

CHAIR VIGIL: Okay. So you're requesting that X. A. 1 be withdrawn for discussion. Any other items?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Not on withdrawals, but I was just concerned that if we're going to discuss again, which we are since it's on the agenda now, the Eldorado water moratorium –

CHAIR VIGIL: Would you like to move that to later on in the day?

COMMISSIONER SULLIVAN: Well, no. I think it's just a matter of notice. I don't think that anyone in Eldorado is aware that this is back on the agenda and I don't know if we plan to take action on it today but if it is then I think we don't have the people that are most concerned with this, they're probably not aware that this item is back on the agenda for reconsideration.

CHAIR VIGIL: What is your recommendation, Commissioner Sullivan? Would you like to table this?

COMMISSIONER SULLIVAN: Well, no. I think if Commissioner Montoya wants to bring it back for reconsideration I think that's his prerogative but I would like – and if the Commission agrees with that then I think that's the Commission's decision, but I don't think it's appropriate to hear it today. I think we need to give people enough notice that if they know it's reconsidered then they can be present to comment.

CHAIR VIGIL: Okay. Commissioner Montoya, let me just make a recommendation. If it's necessary that the Board reconsider this today, could we reconsider it and perhaps have discussion and not take action and then renotice it for the community?

COMMISSIONER MONTOYA: I'd like to hear Steve Ross before I answer that question.

STEVE ROSS (County Attorney): Madam Chair, under our rules, items for which reconsideration is a possibility have to come up on the next agenda and all that happens is that the item is voted on and then we staff put it on the appropriate subsequent agenda. In this case, if there were a motion that was passed on this item E we would have to notice the item on a subsequent agenda, essentially for a repeal of the ordinance that passed during the last meeting. So this is a procedural item that doesn't require any more notice than you see before you.

COMMISSIONER SULLIVAN: So I'm hearing that if the Commission, Madam Chair, decided to reconsider the item no action would take place today; it would be noticed for a future meeting, I think is what I'm hearing for Mr. Ross.

CHAIR VIGIL: Steve, would you summarize whether or not action can be taken on this today or can be delayed.

MR. ROSS: Well, Madam Chair, action could be taken on this today or could be delayed. But if it's delayed, it would have to be delayed by tabling so that it appears on a subsequent agenda because our rules are very specific. It must come up on the next – at the very next meeting.

COMMISSIONER SULLIVAN: But I think, Madam Chair, you're talking about, Mr. Ross, action on the reconsideration.

MR. ROSS: Right.

COMMISSIONER SULLIVAN: Not the reconsideration itself.
MR. ROSS: Correct. Correct.
COMMISSIONER SULLIVAN: Okay. The reconsideration itself, must, according to our rules take place at a future meeting that's noticed for this.
MR. ROSS: Correct. Correct. There are two separate and distinct things. First, if we reconsider it, that's what this agenda item is asking, whether we are going to reconsider it. If you answer that in the affirmative, staff will then take the necessary actions to publish and select the appropriate agenda in the future where it needs to be heard. In this instance, since it is an ordinance, it is going to require publication. We'll have to assess that and then figure out which meeting to bring it back at.
CHAIR VIGIL: Thank you. Commissioner Campos.
COMMISSIONER CAMPOS: Mr. Ross, we've never had an ordinance come up this way for reconsideration by one of the people that voted for it just a month ago. Is the rule the same for ordinances as for any other action? Is there extinction?
MR. ROSS: Madam Chair, Commissioner Campos, although I notice that you're Commissioner Montoya today, no it does not discriminate between any particular type of action. I think what we have to do is notice it for – if this motion passes today, if a motion passes and this item is approved today we'll have to consider notice about that as a repeal of the ordinance.
COMMISSIONER CAMPOS: Okay, as Commissioner Montoya for the day, I withdraw my motion to reconsider.
CHAIR VIGIL: Then the only item that will be withdrawn from the Consent is item X. A. 1. Is there any other?
COMMISSIONER MONTOYA: Move for approval.
CHAIR VIGIL: Motion. Is there a second?
COMMISSIONER SULLIVAN: Second.
CHAIR VIGIL: Any discussion?

The motion to approve the agenda with the changes outlined above passed by unanimous [5-0] voice vote.

VII. APPROVAL OF THE MINUTES:

A. February 21, 2007 – Special Meeting

CHAIR VIGIL: Any changes?
COMMISSIONER SULLIVAN: Move for approval.
CHAIR VIGIL: Motion for approval. Is there a second?
COMMISSIONER CAMPOS: Second.
CHAIR VIGIL: Motion and second.

The motion to approve the February 21st minutes as submitted passed by unanimous [5-0] voice vote.

C. February 27, 2007

COMMISSIONER SULLIVAN: Madam Chair.
CHAIR VIGIL: Commissioner Sullivan.
COMMISSIONER SULLIVAN: I have three typographical changes.
CHAIR VIGIL: There are some typographic corrections on that.
COMMISSIONER ANAYA: So moved as amended.
COMMISSIONER MONTOYA: Second.

The motion to approve the February 27, 2007 minutes as corrected passed by unanimous [5-0] voice vote.

VIII. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIR VIGIL: Mr. Sedillo, please come forth and we look forward to your report.

PABLO SEDILLO: Good morning, Madam Chair, distinguished members of the Board of County Commissioners. It's a pleasure for me to come and bring some what I think is good news that was released by Senator Bingaman last Monday, a week ago yesterday, along with Majority Leader, Harry Reid. And I think it's significant not only for the country but certainly for Santa Fe County. Really the way the PILT, which is the payment in lieu of taxes, which about 32 counties in New Mexico participate are going to be increased. This is a proposal that a matter of fact is being debated in the Senate today and I have some estimates for Santa Fe County of what you may be looking forward to getting this year, 2007, and then on for five years.

The proposal would provide $4.7 billion to counties around the country. These figures I'm going to give you are not exact figures because that is being debated in the Senate today. The House has introduced a similar bill and as you know they'll have to get to conference and then pass legislation then go to the president. The president is already asking as to how this is going to be paid for, because it's an increase of over $2.7 billion as to what had been paid before. I'm sure that the Democratic controlled Congress has a strategy as to how it's going to be paid. There's great optimism in Senator Bingaman's respect that he's feels that it's going to happen. The money that could be used for county schools and roads is going to be about 80 of the amount that you'll be getting. Twenty percent will be for the restoration of the forest, the thinning of forest and things of that sort.

Santa Fe County has about three million acres of federal land, but what Santa Fe County is proposed to get - what you presently get in the secure roads, schools payment is

$85,661. The proposed amount is $200,000. So that is certainly an increase of about $114,000. That can be used for county schools and can be used for road improvements as well. You're also eligible for PILT, and that's going to increase to about $433,472. Now, these are simply estimates. Certainly Senator Bingaman and Senator Domenici are going to do everything they can to ensure that you're going to be getting your fair share. The PILT, part of the provisions that Senator Bingaman has is that it will be fully funded. As you know, it's not been fully funded for many years, since the public law went into effect in October of 1976.

So that Santa Fe County hopefully will be able to alleviate a little bit of dollars to fix some of the schools, some of the roads. There's other provisions that the Senator is working on that hopefully will also include monies for roads and things of that sort. Your budgets are overextended. We recognize that, and the Senator is trying everything he can to ensure to try to alleviate the local burden. There are some national fundings that he's going after.

So I think that the Senator certainly wants us to convey this to you in a formal manner. I discussed this with a couple of your Commissioners. I've discussed it with the County Manager. He was the first one that I called before I called anyone else to let him know what Senator Bingaman's doing. And I wanted to make this offer to the County Commissioners. If there's anything that you would need from the Senator, please let me know and I'd be more than happy to either do it in private or do it in a public forum. The Senator – I have personally noticed – this is my own personal observation since they became a majority is the Senator has become much more aggressive, much more confident about his role in the Energy and Natural Resources Committee and Finance Committee.

Some of you Commissioners, I think, and staff met with the Senator last week and you may have noticed that as well. That means that he's giving us at the state level much more work to do so I want to pledge to you our continued support in a very formal way so I can convey to the Senator some of the needs that you may have, and it may not only be – we have the complex on the radar, the judicial complex and some other matters that are federal priorities in this county. So thank you very much for the opportunity to address this distinguished body.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Thank you, Mr. Sedillo. Commissioner Montoya.

COMMISSIONER MONTOYA: Pablo, thank you for the update on this. Certainly Santa Fe County benefits particularly from the PILT and I know also from the secure schools funding as well. It's something that not only has this County but the Association of Counties and the National Association of Counties have advocated for over the years and this is the first time that we hear that there's going to be some sort of positive action taken regarding these two particular programs and we really appreciate Senator Bingaman taking the lead on this and helping us out because I know that in the time we were there last week it was all about where's funding going to come from for all these different projects when everything is going to the war and the reality is we can get this particular piece done as far as he's going to help us in terms of the needs that we have here at the local level. And I was just curious, have you heard anything in terms of the CDBG, the Community Development Block Grant, and any progress? Because I know that that's another target.

MR. SEDILLO: That's another area. Barbara Deaux is present. She may have some information regarding that. I don't have any updated that you may already have, but I can find out for you.

COMMISSIONER MONTOYA: Okay. Thank you very much, Pablo.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Mr. Sedillo, thank you very much for coming over and talking to the Board and letting us know what's happening and we want to also thank the Senator for all the hard work that he's doing for us in DC.

MR. SEDILLO: I'll convey that to the Senator. Thank you.

CHAIR VIGIL: Any other questions, comments? Mr. Sedillo, thank you so much. I apologize for it not being placed on the agenda. That will be something that will definitely be corrected and certainly, at any point in time that Senator Bingaman and an update needs to come to us our deadline for amended agendas is the Monday before at noon and I'm happy to facilitate any identification of an agenda item. I have heard about this through our association. We're getting the updates and I do get some of Senator Bingaman's e-mail updates. What can this Commission do to assist Senator Bingaman in helping make this happen?

MR. SEDILLO: I would say just contact the office in Washington and just tell them how much you support this. I know the National Association of Counties has been doing a great job. In fact they were very instrumental in bringing this to the Senator and that's why it happened. I'm confident that a lot of things are going to happen in our domestic arena nationally with the new Congress. But I certainly would ask that the body may pass a resolution or something that would be sent to the Senator.

CHAIR VIGIL: Okay. And did you say they will be taking action in the next couple of days? Would it be too late for a resolution?

MR. SEDILLO: No, they're starting debate this afternoon.

CHAIR VIGIL: Okay. Perhaps we could draft a resolution in support of this and submit it through you to Senator Bingaman. And we might just have – I think the Association has possibly a draft resolution if we could connect with them and bring it forth on the next Commission agenda and we'll get that back to you and to Senator Bingaman. Are there any objections to that?

COMMISSIONER ANAYA: No. Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: The Association of Counties is well aware of the Secure Schools and PILT and we do have those resolutions and we periodically do fly-ins to DC to lobby on behalf of that.

MR. SEDILLO: That's correct. Thank you.

CHAIR VIGIL: Thank you, Mr. Sedillo. We really appreciate your being with us today and please thank our Senator for all the hard work he does for our County.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a question on the agenda, Mr. Abeyta.

Item C. 3, which was on the published agenda, approval to enter into an agreement for construction management services for the new First Judicial District Courthouse, where did that go?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, that was moved to B. 1, under Staff and Elected Official Items.

COMMISSIONER SULLIVAN: Oh, okay. Under Community Services. Thank you, Madam Chair. I just couldn't – when I mark up this agenda, and then when we change numbers I get totally befuddled.

COMMISSIONER CAMPOS: In fact I would ask that if at all possible numbers not be changed because that does cause some confusion.

CHAIR VIGIL: We are still under Matters of Public Concern and the next presentation that's been brought to my attention is Mr. Bill Zunkle. Would you please approach the podium?

BILL ZUNKLE: Thank you, Madam Chair.

CHAIR VIGIL: Thank you for being with us.

MR. ZUNKLE: I'm president of the Friends of Pecos National Historical Park. This is an organization that supports the National Park Service in developing resources at the park, and we have recently approved and begun a drive to build a walking trail through part of the Civil War area of the park which rests in Santa Fe County. As you know, the park is in both Santa Fe and San Miguel Counties. So very briefly, I'd like to just present this plaque to the County and it reads, Key to the Glorieta Battlefield Trail, unlocking our shared heritage. Presented to the citizens of Santa Fe County by the Friends of the Pecos National Historical Park, March 2007. May I present this to you?

CHAIR VIGIL: You may. We'll actually go down and meet with you on that.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a brief comment. We thank Mr. Zunkle for bringing this forward. There was a very good article in the *New Mexican* on Monday on their annual today celebration of the Battle of Glorieta and the work that they're doing out there to prepare to get this trail opened so that people can have a vision of what this was all about. It was a very interesting battle in the Civil War. Took place in 1862 and it's interesting reading and it's interesting history for those who feel that this is a part of our heritage, which I'm sure we all do. So thanks for recognizing them and we thank them for the work that they're doing out there to get this historical park up to speed with this interpretive trail.

CHAIR VIGIL: I would also mention for the record that Mr. Zunkle did distribute a brochure with some information on the project and maybe you could make one available for our record. *[Exhibit 1]* We're still under Matters of Public Concern. Is there anyone else out there who would like to address the Board of County Commission. This is an opportunity for you to address any item that is not on the agenda. Good morning.

BARBARA DEAUX: Madam Chair, members of the Commission, I'm Barbara Deaux. I'm the executive director of the North Central New Mexico Economic Development

District. The address for the district is Post Office Box 5115, Santa Fe, 87502. I'd like to thank the members of the Commission for the action they took in the meeting previous to this, awarding the Greater Chimayo Mutual Domestic Water Consumers Association $500,000 for the construction of their water system.

I'd like to explain the item on your Consent Agenda regarding an easement for a power supply to the Bennie Chavez Community Center was intended to include all of the easements that are required for that particular construction project. There are two booster pumps that require an easement for the provision of electrical power and the windstream easement for the dialer system for the – there's a computer system that requires a dial-up to it, and I was informed by Rudy when I came in this morning that the contractor had only submitted one easement, so I understand that there's an effort to put that on the next agenda. Unfortunately that will delay construction again, and I do apologize. Thank you very much.

CHAIR VIGIL: Thank you, Barbara. Are there any questions? Seeing, hearing none, I appreciate the update. Thank you for being with us today. Is there anyone else out there who would like to address the Commission?

IX. MATTERS FROM THE COMMISSION

A. Discussion and Possible Approval for an Expenditure of Discretionary Fund in the Amount of $10,000 to Contract with Local Energy for the Provision of Consulting for Santa Fe County's Energy Initiative (Commissioner Campos)

COMMISSIONER CAMPOS: This is a request to continue the contract we have with Mark Sardella at Local Energy to continue as our consultant on County energy issues and it's in the sum of $10,000. I'd answer any questions.

CHAIR VIGIL: Any questions?

COMMISSIONER MONTOYA: Madam Chair, what are we getting from him for these services?

COMMISSIONER CAMPOS: We're getting advice on different issues that we propose, whether it's how to make buildings more energy efficient – he has conducted an audit on a number of County buildings and has made a lot of suggestions about how we can save energy. That's one thing.

COMMISSIONER MONTOYA: Is he giving us those things in a report?

COMMISSIONER CAMPOS: I think he had been in contact – he's been working closely with Frank Jaramillo and they have been going building to building. That's one thing that they've been doing.

COMMISSIONER MONTOYA: And this is an amendment to a previous contract?

COMMISSIONER CAMPOS: That's the way I understand it. We have a current contract and this is supplemental to that.

COMMISSIONER MONTOYA: And what's our current contract amount?

COMMISSIONER CAMPOS: It was for about $10,000, I think. I'm not sure.

COMMISSIONER MONTOYA: So the original was $10,000? Is there anyone clear on that?

COMMISSIONER CAMPOS: Miss Roybal would probably know.

CHAIR VIGIL: Does Finance have any knowledge of this Teresa? Do we have a current contract with Mr. Sardella?

COMMISSIONER CAMPOS: We do have a contract with him. The question is the amount.

COMMISSIONER MONTOYA: My concern is that we don't do this and amend it and then it's going over our – of course $10,000 is under the procurement.

COMMISSIONER CAMPOS: It's another year.

COMMISSIONER MONTOYA: For another year.

TERESA MARTINEZ (Finance Director): I know we do have a contract with him. I don't know the exact amount. I can call downstairs and get it. I do believe it was under $10,000, so the total would be at $20,000 now.

CHAIR VIGIL: Lisa, are you able to respond to the amount of the contract we currently have? Thank you, Teresa.

LISA ROYBAL (Constituent Liaison): Madam Chair, Commissioners, the current contract is for $10,000 and actually this would not be an amendment. This would be a new contract with a different scope of work, similar to the energy efficiency program but this would be mostly focusing on community-wide efforts along with internal.

CHAIR VIGIL: Okay.

MR. ROSS: Madam Chair.

CHAIR VIGIL: Mr. Ross.

MR. ROSS: I called over to my office. The current contract is $10,000.

CHAIR VIGIL: Any further questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, Mr. Ross, on contracts in the procurement code that are under special services contract of this type, these are not architectural or engineering contracts, but isn't there a requirement that we make an effort to obtain competitive quotes at a certain level above $2500 or something of that sort and that at least be documented in the procurement file?

MR. ROSS: Madam Chair, Commissioner Sullivan, the new requirement, the amendments to the procurement code are that for small purchases like this, contracts for professional services under $30,000, the requirement is that you get the best obtainable price. So usually what occurs is either formal written quotes or a series of telephone calls to determine that the best prices is obtained.

COMMISSIONER SULLIVAN: And is that documented in the procurement file?

MR. ROSS: It is.

COMMISSIONER SULLIVAN: Okay. So we have documentation then that

this contract under $30,000 has been discussed with other providers and this appears to be the best obtainable price.

MR. ROSS: Yes.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIR VIGIL: Any other? Is there a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second. Further discussion?

The motion to approve the contract with Mark Sardella passed by unanimous [5-0] voice vote.

IX. B. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of $2,000 to Contract with Chimayo Museum for Their Provision of the Los Matachines de Chimayo Youth Program (Commissioner Montoya)

COMMISSIONER MONTOYA: Move for approval, Madam Chair.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and seconded. Any discussion? I just – it sounds interesting. What is it?

COMMISSIONER MONTOYA: The Matachines are a traditional Spanish group that goes back to actually the inquisition and the Moros. This dance was brought to New Mexico by the Spaniards and has been a traditional dance since the occupation of the Spanish Conquistadores here in New Mexico has been ongoing. So what this group is doing, some of the Matachines are older gentlemen, is keeping the tradition alive with some the younger children as part of the Chimayo Museum and their program.

CHAIR VIGIL: Okay. That's interesting. I'd like to be at some of the performances if possible.

COMMISSIONER MONTOYA: Okay.

CHAIR VIGIL: Any other discussion?

The motion to approve discretionary funds for the Matachines passed by [4-0] voice vote with Commissioner Campos abstaining.

IX. C. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of $500 to Contract with Espanola Schools for the Provision of Their "Key to the Future" Continuing Education Program Which Promotes Continuing Education for the Youth and Provides Opportunities for College Bound Students (Commissioner Montoya)

COMMISSIONER MONTOYA: Move for approval, Madam Chair.
CHAIR VIGIL: Motion for approval. Is there a second?
COMMISSIONER ANAYA: Second.
CHAIR VIGIL: Motion and second. Any discussion? Is this a scholarship?
COMMISSIONER MONTOYA: Yes it is.
CHAIR VIGIL: Any further discussion?

The motion to approve discretionary funding for continuing education passed by [4-0] voice vote with Commissioner Campos abstaining.

IX. D. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of $1,000 to Contract with Buckman Road Recycling and Transfer Station (BuRRT) for the Provision of the Recycling for Various Pueblo Environment Departments to Utilize for Community Collection and Disposal (Commissioner Montoya)

COMMISSIONER MONTOYA: Madam Chair, move for approval.
COMMISSIONER ANAYA: Second.
CHAIR VIGIL: Motion and second. Discussion? Commissioner Campos.
COMMISSIONER CAMPOS: Have you talked to the folks at BuRRT about this?
COMMISSIONER MONTOYA: Yes.
COMMISSIONER CAMPOS: And Kippenbrock is on board with this?
COMMISSIONER MONTOYA: As far as I know they all are.
COMMISSIONER CAMPOS: And is $1000 sufficient to conduct the study?
COMMISSIONER MONTOYA: Well, it's not a study, it's an actual clean-up. We'll actually be picking up trash in two different Pueblos. One, San Ildefonso and the other potentially Tesuque that I've talked to that need assistance in terms of cleaning up some of the property they have and they don't have the resources or the manpower to be able to do that or the ability to pay for the transfer station fees.
COMMISSIONER CAMPOS: We're talking about recycling. The recycling for various Pueblo Environment Departments. That's the way it's written up.
COMMISSIONER MONTOYA: Is Hutch in? Because this is an item I asked him to put on.

CHAIR VIGIL: Hutch, we are discussing item IX. D, the expenditure of discretionary funds to contract with the Buckman Direct Diversion for the provision of recycling for various Pueblo Environment Departments.

HUTCH MILLER (Constituent Liaison): Madam Chair, whose question was it?

CHAIR VIGIL: The question is first of all was SWMA, Solid Waste Management aware of this, and could you further explain -

COMMISSIONER MONTOYA: Was BuRRT aware of it?

MR. MILLER: Yes, I had been working with the BuRRT and what this $1000 is for in particular, because I notified them of the hazardous waste drop-off dates that they were going to have at the BuRRT. I notified the environment departments from the Pueblos and I notified them that they weren't collecting e-waste and appliances that day. What I tried to work out with them, they were letting me know that they had these items and they wanted to dispose of them so I brought this issue to Commissioner Montoya and he said that this would be a way of helping them out with those matters, the e-waste and the old appliances. So that's what this amount of money would go towards. It's for the Pueblos, all the Pueblos in northern Santa Fe County - Tesuque, Pojoaque, Nambe, San Ildefonso and Santa Clara.

COMMISSIONER CAMPOS: May I ask Hutch a question? Are the Pueblos paying any money for this effort? It's simply $1000 supplemental money?

MR. MILLER: Madam Chair, Commissioner Campos, what the Pueblos will be doing is collecting the items themselves and transporting them there to the recycling center at BuRRT and the amount would go to the disposal fees.

COMMISSIONER CAMPOS: So the $1000 is for tipping fees at the BuRTT?

MR. MILLER: Yes.

COMMISSIONER CAMPOS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Any further questions? There's a motion and second.

The motion to approve discretionary funding for Pueblo recycling passed by unanimous [5-0] voice vote.

IX. E. Reconsideration of An Ordinance Declaring a Moratorium for Six (6) Months on New Subdivisions, Land Divisions and Master Plans within the Area Served by the Eldorado Area Water and Sanitation District, to Establish Procedures for Review as Necessary of this Ordinance, Providing for Automatic Repeal (Commissioner Montoya)

COMMISSIONER MONTOYA: Madam Chair, I'd just like more discussion and information. I move for approval.

CHAIR VIGIL: There's a motion and a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Any further discussion?
COMMISSIONER SULLIVAN: Madam Chair.
CHAIR VIGIL: Commissioner Sullivan.
COMMISSIONER SULLIVAN: I think it would be useful to know what new information has come up that Commissioner Montoya feels we should be discussing on this ordinance.
COMMISSIONER MONTOYA: I would just like to hear more discussion and information on the item, Madam Chair, Commissioner Sullivan.
CHAIR VIGIL: Okay. Any further discussion? Commissioner Sullivan.
COMMISSIONER SULLIVAN: That sounds fairly vague, Madam Chair, but I'm sure we can discuss it.
COMMISSIONER MONTOYA: That's what I'd like to do.
CHAIR VIGIL: There's a motion and second for reconsideration for item E.

The motion to reconsider the Eldorado moratorium passed by 3-2 voice vote with Commissioners Sullivan and Campos voting against.

IX. F. Discussion and Possible Approval for an Expenditure of Discretionary Funds Not to Exceed the Amount of $5000 to Purchase Recognition Items for Local Youth Sports Activity Participants (Commissioner Anaya)

COMMISSIONER ANAYA: Move for approval.
COMMISSIONER MONTOYA: Second.
CHAIR VIGIL: There's a motion and second. Any further discussion?

The motion to approve discretionary funding for sports recognition passed by [4-0] voice vote with Commissioner Campos abstaining.

X. CONSENT CALENDAR

A. Budget Adjustments

1. Resolution No. 2007-__. A Resolution Requesting an Increase to the General Fund (101) to Budget a Joint Powers Agreement with Los Alamos County and Rio Arriba County for the Espanola Basin Regional Planning Issues Forum / $35,000 (County Manager Office) ISOLATED FOR DISCUSSION

2. Resolution No. 2007-49. A Resolution Requesting a Budget Increase to the Alcohol Programs Fund (241) / Local DWI Program to Realign the Fiscal Year 2007 Budget with the Total Distribution Amount Provided

by the NM Department of Finance and Administration / $188,857 (Community Services)

3. **Resolution No. 2007-50. A Resolution Requesting an Increase to the State Special Appropriations' Fund (318) / Camino Rael River Park for Capital Cooperative Agreement Awarded Through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2007 / $250,000 (Community Services)**
4. **Resolution 2007-51. A Resolution Requesting a Budget Decrease to the State Special Appropriations' Fund (318) / El Rancho Community Center to Realign the Fiscal Year 2007 Budget with the Available Grant Balance / -$14,317 (Community Services)**
5. **Resolution No. 2007-52. A Resolution Requesting an Increase to the General Fund (101) / Region III Organized Crime Drug Enforcement Task Forces for Funds Awarded Through the Drug Enforcement Administration for Overtime Expenditures in Fiscal Year 2007 / $10,000 (County Sheriff's Office)**
6. **Resolution No. 2007-53. A Resolution Requesting an Increase to the General Fund (101) / County Sheriff's Office to Budget a Grant Awarded Through the New Mexico Department of Transportation for Operation Buckle Down for Expenditure in Fiscal Year 2007 / $8,400. (County Sheriffs Office)**
7. **Resolution No. 2007-54. A Resolution Requesting an Increase to the General Fund (101) / County Sheriff's Office to Budget a Grant Awarded Through the New Mexico Department of Transportation for Operation DWI for Expenditure in Fiscal Year 2007 / $31,482. (County Sheriff's Office)**
8. **Resolution No. 2007-55. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Eldorado Fire District to Budget Movie Production Revenue Received for Personnel, Equipment and Supplies Reimbursement for the Santa Fe Southern Railroad / Legal Tender Movie Production / $870. (Community Services)**
9. **Resolution No. 2007-56. A Resolution Requesting an Increase to the Fire Impact Fee Fund (216) / Various Fire Districts to Budget Fire Impact Fee Revenue for Expenditure in Fiscal Year 2007 / $247,239. (Community Services)**
10. **Resolution No. 2007-57. A Resolution Requesting an Increase to the General Fund (101) / Hazmat Grant Program to Realign the Fiscal Year 2007 Budget with the Actual Allotment Awarded / $2,500. (Community Services)**
11. **Resolution No. 2007-58. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Glorieta Fire District for Grant Awarded By the**

New Mexico Energy, Mineral and Natural Resources Department for Capital Expenditures in Fiscal Year 2007 / $100,000. (Community Services)

B. Professional Service Agreements

1. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror, Riskin Associates Architecture, in Response to RFP #27-0812-FD/RH to Provide Architectural and Engineering Design Services for the Renovation and Additions of Four Fire Stations in the Amount of $87,120 (Community Services)

C. Miscellaneous

1. Request Approval of Amendment of Construction Agreement with RL Leeder Company to Adjust Compensation for Placement of Fill for the San Ysidro River Park and Santa Fe River Channel Restoration (Growth Management)

2. Electric Utility Right of Way Easement for Section 01, Township 20 North, Range 09 East, Santa Fe County, Chimayo, New Mexico (Community Services)

COMMISSIONER MONTOYA: Move for approval.
COMMISSIONER ANAYA: Second.
CHAIR VIGIL: Motion and second. Any discussion?

The motion to approve the Consent Calendar with the exception of item X. A. 1 passed by unanimous [5-0] voice vote.

X. 1. Resolution No. 2007-59. A Resolution Requesting an Increase to the General Fund (101) to Budget a Joint Powers Agreement with Los Alamos County and Rio Arriba County for the Espanola Basin Regional Planning Issues Forum / $35,000 (County Manager Office)

MR. ABEYTA: Madam Chair, this is a resolution regarding the EBRPIF Committee that we are members of with Los Alamos County and Rio Arriba County and currently the City of Española has indicated they are wanting to participate. The request is Los Alamos County is going to provide the County with $25,000 as funding for the contract. Rio Arriba will provide $10,000 as funding for the contract and the County will provide $15,000 for funding for the contract, and Santa Fe County will be the fiscal agent.

CHAIR VIGIL: So the $35,000 includes all those contributions, correct?
MR. ABEYTA: Yes.
CHAIR VIGIL: Any questions?

COMMISSIONER CAMPOS: I have a question. How long has the basin planning forum been in existence and what results have we obtained from that forum?

MR. ABEYTA: Madam Chair, Commissioner Campos, it's been in existence maybe three years. Possibly longer. Some of the – I wasn't as involved in this as the previous County Manager was, when I was a deputy, but perhaps Commissioner Montoya, who I know has regularly attended those meetings can talk about some of the accomplishments.

COMMISSIONER MONTOYA: Madam Chair, Commissioner Campos, this group has been in existence for at least three years, going on four now. A lot of what has been coming from regional projects has been done with this group. I think this group has even expanded beyond looking at water and wastewater. They're looking at like the Regional Transit District has become part of the discussion at some of these groups. It's really become a forum for intergovernmental relations between the Pueblos and actually the summits of which some of you have participated in in the past are kind of a by-product of this particular group and the need to look at strategic planning for the future, particularly amongst the different government entities. It's helped tremendously with the Pojoaque wastewater system that is being implemented now. It's helped tremendously with the Aamodt discussions between that group.

It continues to work towards a regional approach to planning that includes the Pueblos that otherwise doesn't occur. So we've been able to, after this particular funding source, get as part of – and the question was asked earlier this morning about the use for the gross receipts tax that Los Alamos is putting towards indigent healthcare, well, they're putting funding toward this particular project for the upcoming year, and we continue and will continue to seek legislative appropriations for the continuation of this office. So there's been a lot of work and work that is ongoing and commitments for funding for this project. What we're wanting to do is not lose the momentum by putting another load on staff, getting more for the County Manager to do, to make sure that this is a project that continues to move forward.

The contract that we're working with, Charlie Nylander, has been involved with the project since its inception and he would continue to move the agenda forward for this group. So that's what that funding is. And Los Alamos County has put what? $20,000?

MR. ABEYTA: $25,000.

COMMISSIONER MONTOYA: $25,000 towards this. Los Alamos County, Rio Arriba County and Santa Fe County would be the main contributors at this point to keep it going until the gross receipts tax from Los Alamos County comes into effect on July 1st.

COMMISSIONER CAMPOS: Thank you, Commissioner, Madam Chair.

CHAIR VIGIL: Any further questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Has there been any report issued by this group or is there any document?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER SULLIVAN: Because I haven't seen any. Could the Commission get copies of those?

COMMISSIONER MONTOYA: Sure. I will ask Hutch to get each member a copy.

COMMISSIONER SULLIVAN: Thank you.
COMMISSIONER MONTOYA: You bet.
CHAIR VIGIL: Did the legislature allocate any funding for this project?
COMMISSIONER MONTOYA: Madam Chair, they did not this year because of the obligation that we received, the commitment that we received from Los Alamos County. They felt at this point they would look at the interim to begin more of a long-term planning than kind of a band-aid approach to this, is kind of the way we've been functioning since Los Alamos National Labs pulled out as the primary contributor if you will, or primary partner to this project, who have kept it going. So it will be done in the interim in terms of the discussions as to how in the long term are we going to continue to support this. But it was withdrawn this legislative session because of Los Alamos County's obligation.
CHAIR VIGIL: Okay.
COMMISSIONER CAMPOS: Madam Chair.
CHAIR VIGIL: Commissioner Campos.
COMMISSIONER CAMPOS: I'd like to make a motion to approve it. I'd like to add just one small condition. Perhaps before the end of the year we get some feedback from this organization as to what you're doing and what program you're implementing.
COMMISSIONER MONTOYA: Okay. Could we put them on the agenda for the next meeting?
COMMISSIONER CAMPOS: That's my motion.
CHAIR VIGIL: There's a motion. Is there a second?
COMMISSIONER MONTOYA: Second.
COMMISSIONER SULLIVAN: Let's put them on the administrative meeting, not the land use meeting.
CHAIR VIGIL: Administrative meeting direction. Okay.

The motion to approve Resolution 2007-59 passed by unanimous [5-0] voice vote.

IX. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: Are there any matters from any of the Commissioners? Commissioner Montoya.
COMMISSIONER MONTOYA: Madam Chair, I'd just like to share – I don't see James but I see Robert here. I got a letter from one of the commissioners from the Fresquez and Cuarteles ditch and it just simply says: The commissioners of Fresquez and Cuarteles ditch would like to thank James Lujan, James Martinez and a very special thanks to backhoe operator Sammy Abeyta. This individual knows what he's doing and is a very friendly and accommodating person that goes out of his way to help people of the community. Our community thanks all of you and we greatly appreciate all of the work you did on our ditches. Sincerely, Manuel N. Quintana, Jr. I'd just like to have this as part of the record and part of the

personnel records for these individuals, Madam Chair.

CHAIR VIGIL: Very good. We'll let the record reflect that.

COMMISSIONER MONTOYA: That's all I've got.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I have nothing at this point.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. With the recent disasters that hit the southern part of the state of New Mexico, I'm just kind of curious on what maybe Santa Fe County is possibly going to contribute to helping out or if they called us and maybe Stan or Roman can answer the question. Is there anything – have they asked us for any assistance or have we asked them for any assistance? I know they probably have an emergency management plan and that's probably what we'll go through, but I just wanted to know if there was anything that Santa Fe County could do to help out the other counties.

STAN HOLDEN (Fire Chief): Madam Chair, Commissioner Anaya, we have been in contact with Tim Manning, the Homeland Security Secretary to offer our support and as of this time we have not been requested to respond. So we have made offers.

COMMISSIONER ANAYA: Thank you, Stan, for offering up Santa Fe County to help out. That's all I had.

CHAIR VIGIL: Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one item, Madam Chair. We went through some reorganization discussions last meeting with the Manager and I think we're underway with that now, but the one thing that I didn't see or hear discussed on that was staffing for our water monitoring program, our well monitoring program for subdivisions. That seems to be continually batted from one court back to the other court. Roman, could you tell me where that position fits in to that organization?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, that position is going to be within the Land Use Division of the Growth Management Department. I will check to see what the status is of that position. My understanding is that it was being advertised to fill it and it's going to serve a dual role. It's going to do both the well monitoring for us and also assist with review of hydrology reports. Like I said, that position has been – I know the job description has been created and I'm almost sure it's been advertised but I will get you a response today.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Anything further?

XI. STAFF AND ELECTED OFFICIALS' ITEMS

A. Growth Management

1. Annual Review of Affordable Housing Ordinance

DUNCAN SILL (Affordable Housing Coordinator): Madam Chair,

Commissioners, good morning. I am here marking the first anniversary of the Affordable Housing Ordinance adoption and presenting an annual review of some of the highlighted activities and to give an update on the measurement of the overall effectiveness of the ordinance as well as some of the noted deficiencies that we might like to consider.

I'd like to get directly to the numbers right away and thus far, the affordable housing program has produced 147 affordable units within the county, with an additional 290 units obligated throughout several projects and developments in the central portion of the county. That brings the total number to 473 affordable units that will be obligated and produced under this program so far. Keep in mind that the new ordinance adopted last year is still very young and we're looking at the beginnings of a lot of activities. With La Entrada in Rancho Viejo being the first project that was approved under the new ordinance, and under that particular project there will be 137 affordable units that will be produced over the next, I would estimate 24 months.

So that's a significant number of affordable units in this program, given the short period of time it's been in existence.

COMMISSIONER MONTOYA: Excuse me. Where is this in our packet?

MR. SILL: It's in the annual review. If you look at the second page.

CHAIR VIGIL: Actually, I think we're having difficulty finding the memo.

COMMISSIONER MONTOYA: Yes, I can't find it in my packet.

CHAIR VIGIL: Do you have additional copies?

MR. SILL: I do have one copy.

CHAIR VIGIL: Maybe we could give it to someone to made some additional copies.

COMMISSIONER SULLIVAN: It's under XII in the packet.

CHAIR VIGIL: Okay. We're looking under XI. A. 1.

COMMISSIONER SULLIVAN: It's under XII.

MR. SILL: There's a table in the beginning of the annual review that itemizes the production of affordable housing units in the county. We could refer back to the specifics. In the fiscal year of 07, so far we have produced 57 affordable units, have been completed and occupied by eligible families and individuals throughout the county. I hope that everyone is able to refer to that table.

New projects are coming in seeking approval and we, in addition to La Entrada in Rancho Viejo we also have a minor project, Mattson, that has been approved. There's only two affordable units that would be provided within that project. Other projects that are coming forward in the next short period include Suerte, so that one is proposing 80 additional affordable units within the county.

So this brief summary of the numbers basically leads to, for lack of a better term, the quantitative effectiveness of the ordinance. What I'd like to bring to your attention right now is other items that are more qualitative in the ordinance that will require more time and analysis to ascertain whether the effectiveness of these applications are being applied appropriately or if we need to address them on a different level.

The new ordinance, basically, one of its proposed ways to achieve effectiveness to address affordability within the county is to expand the requirement from 15 percent to 30 percent, as well as expanding the income ranges of families that we will offer assistance to. We have been able to do that with 120 percent AMI – area median income – coverage, which is a means to assist middle income families within this region, with the anticipation that the appreciation of housing prices outpacing family income in this particular area. So the effectiveness, the actual demonstrated achievement of this – it's too soon to tell. We don't have real data to support the application of this, so again, the intent is to broaden the coverage and assistance for the families of Santa Fe County.

In addition to that, some of the highlights in the ordinance includes energy efficiency, which addresses environmental issues. That will invite a lot of participation and applicability concerning environmental concerns and hopefully we could expand this applicability over time as well. La Entrada in Rancho Viejo has committed to provide energy efficiency measures on the entire project and this in turn allows them to take advantage of additional incentives for that particular development which is established to help offset costs for the development.

So again, the benefit of this, we need more time to determine. What I have included in here as a table, also a summary of the applicability of the requirements and the related incentives, so it's all here on one page for you guys to review and reference.

One of the most notable intents of the ordinance is to try to achieve long-term affordability, and what the ordinance has in terms of mechanism to address that right now includes a soft second mortgage, an equity share, which allows the County to share in appreciation of the property over a period of time, and also the first right of refusal on the purchase of an affordable unit. Over time, we'll probably keep some of these affordable units and turn them in to market rate units.

Again, the benefit and achievement of these particular mechanisms will take some time for us to realize its aims. To date, with the assets that we have collected in second mortgages, we have accumulated over $8.5 million already in a restricted fund. How we will be able to turn this asset into something that would benefit the affordable housing program and of course in return the community at large that will be something that the policy makers, the partners in that community and staff will collaborate in addressing the adoption of the affordable housing fund, which I will bring to your attention in 60 days, and as a matter of fact the review packet has an addendum item I've attached with some discussion items on the affordable housing fund for your reference, to serve as an introduction of some of the issues that we need to pay attention to, and of course it's not meant to be inclusive at this time. We'll probably discover other things that we need to take into consideration.

So there have been other revenues that we've been able to generate in this program through our processing fees, through [inaudible] so I'm hopeful we will have a better understanding of the applicability of these funds over time as well.

So with that said, that summarizes the effectiveness or the intended effectiveness of

the ordinance. Obviously, with a new program we have a lot of questions. We had a lot of uncertainties. One of the things that the ordinance asks as part of this annual review of the impact of the decisions is I prefer to look at these things as challenges right now. They again are more in terms of a quantitative versus as qualitative type of approach. Quantitative, we're looking at limitation of resources. How the County and the community will be able to sustain the level of demand in the community for affordable housing. The County had a housing needs study done late in – I think in November of 2004 that indicated on an annualized basis the production of affordable units will be close to 260 units for this particular area. From that particular period to the mid 2025 I believe.

If these estimates are still accurate we still have some work to do to ensure that we ensure long-term affordability. One of the challenges that we have with the affordable housing ordinance is that there has previously been discussions on the demand for rental units. We have not thoroughly addressed how we will be able to accommodate that through the efforts and resources that we have currently, and [inaudible] the housing needs study on an annualized basis. Again, there is an estimation of 250 units, production of rental units to meet demand.

One of the things that I want to point out here is that I haven't done a thorough analysis of the housing needs study recently so I just want to qualify here that some of these things here, these itemized considerations need to be updated so that we have actual information. The assumption was done several years ago and the market place has probably changed quantitatively and qualitatively speaking. So that's something that we need to take into consideration.

In terms of issues addressing challenges again, the biggest issue in my opinion, always comes back to long-term affordability. Long-term affordability is challenged by not just the up front acquisition cost of affordable units but also the ongoing maintenance and upkeep of these units. That is applicable on an individual family level as well as on the community level. When we're looking at issues concerning the community level, we're looking at things like infrastructure, and that's one of the major challenges that I see here. There have been a lot of discussions among staff and the policy makers and infrastructure financing. Affordable housing, it's a component of that in my opinion. How do we take that into consideration and utilize affordable housing activities as a partner as far as addressing infrastructure needs.

The ordinance also suggests and states that the County may offer incentives in the form of assistance on infrastructure, but to date, again, this is one of the challenges that we'll face, we have not thoroughly identified methods and measures to deliver that, let alone the [inaudible] that we need to identify to provide that type of assistance.

So in relation to all these things, again, in my opinion, affordable housing can be a very complex issue, looking at basically a lot of different components on the first year economic culture as well as environmental concerns. We need to do justice to this by taking incremental steps that we can manage through efforts and collaborations with growth management strategies, with other strategies that we have in place or will put in place, and

also, looking at external resources to partner with community organizations as well as other government entities to address some of the regional issues that are common challenges. A lot of time affordability is a common challenge in this region. The City has its own affordable housing program that they have done. Their analysis and their efforts towards addressing some of these same issues I think over time we need to have a collaboration to a certain extent to sharing resources and to address some of the common needs of this community.

So with that in mind, what I propose here is some small mixed steps that you should consider on the policy level and working with the staff to address some of these challenges and not in any particular order. I would like to request assistance and support to move ahead with an analysis and with the adoption of the affordable housing fund, and secondly, I'd like to ask the Commission's support of this affordable housing program, of this young program to ensure that adequate resources are allocated for the administration and implementation of these activities. One of the challenges that I'm facing right now is that I'm pulled in different directions administratively as well as in the areas of policy and resource development, and I'm spread pretty thin within these diverse challenges. So I'd like to ask the Commission to support me on that level.

Another item, one small step that I'd like to take is to continue to delineate addressing energy efficiency as the beginning stages to look at what we do through the affordable housing program to assist in environmental concerns, issues that may involve global warming, energy and conservation. I think we have taken firm, very positive steps amongst different groups here and I commend specifically Commissioner Campos in his efforts in the recent months to move some of these items forward. I'd like to delineate a comprehensive program, a section of this particular program in terms of offering incentives and identifying resources to really address energy efficiency fully in the near future. I think that that's very achievable.

There are of course other items that we could take into consideration and look at – challenges. One of the things that we're looking at on an ongoing basis is assessing and analyzing how we approach infrastructure financing and that type of arrangement. So affordable housing, it's a component of it. That's just a matter of collaborating through the growth management plan and other types of collaborative endeavors that we have.

COMMISSIONER MONTOYA: I had a question regarding the $8.5 million in assets. What is that going to be used for?

MR. SILL: Right now that is restricted for the purpose of the affordable housing program as part of our analysis in moving ahead with the affordable housing fund. On the policy level, with input from the community and staff, we would delineate the appropriate usage of these funds to maximize the benefit to our community. What we need to do –

COMMISSIONER MONTOYA: I guess more specifically, what can they be used for then? If they're restricted, what are the unrestricted uses of it?

MR. SILL: I think in terms of applicability we can look at such things as

offering direct assistance to individual homeowners in the form of down payment assistance. We could offer also on the other side of it, to particular projects, to developments, additional resources for incentives. For example, if we want to delineate a comprehensive program for energy efficiency and this in turn has additional increased costs to development that we think it's a form of assistance that we could provide. We could utilize, we could certainly designate a portion of that fund to do so.

COMMISSIONER MONTOYA: In what manner? Buying solar panels?

MR. SILL: We could certainly – to offset some of the costs. Let's say that a comprehensive energy efficient that may move individual residential units towards LEED standard. The amount of that effort, let's say for simplicity it will cost an additional $7500 for a particular unit to be constructed that had that type of features. We can designate funds to offset some of that cost if the Commission thinks that's appropriate. So we can delineate incentives applications throughout the restrictions of the affordable housing fund, but I urge that we do so in a manner that prioritizes the needs of this community, but also at the same time integrates the benefits to basically support long-term viability for community development. That's one of the potential applicabilities.

COMMISSIONER MONTOYA: So do we give this money to the developers?

MR. SILL: That's up to the Commission's discretion. We could do it in many methods. That would actually be a restricted use because that would be an identified applicable usage of those funds. So I think it would be a lot clearer as we move forward with the affordable housing fund discussions. As I mentioned before there's an attachment in the back of the annual review that has some discussion items and it outlines what's in the affordable housing fund. And the appropriate usage for the fund – it's of course going to be a major topic of discussion and I think that's going to take a little bit more analysis based on the needs of the community and what policy makers determine over time how we address the immediate and future needs of these types of activities.

COMMISSIONER MONTOYA: So that's to be determined?

MR. SILL: Yes.

COMMISSIONER MONTOYA: And then, I guess the only other question I have, Madam Chair, is overall, what response – I hear different stories from different developers in terms of what's going on with our ordinance. But overall, kind of a gut reaction, is this thing working or is it moving in the right direction I guess may be the more appropriate question. Are we headed in the right direction with this?

MR. SILL: Madam Chair, Commissioner Montoya, I think we believe that we are moving in the right direction. There are some things that need to be done and I think that there's a lot of opportunities given the flexibility that we have. Then of course this is all contingent on resources available for the activities that we'd like to see movement on. Again, this is an opportunity as well as a challenge is that the effectiveness, the gut feeling that I have right now is that the ordinance as an anchor provides the foundation for a lot of opportunities to happen and there are some folks out there who have some

legitimate criticism which I think that given the opportunity to overcome we will address those as well. I think overall, the majority of the opinions I've heard amongst constituents and community partners has been very positive. I think that through the hard work and energy and time that have been expended so far we are definitely moving in the right direction.

COMMISSIONER MONTOYA: Okay. Madam Chair, that's my sense also in terms of this is a new ordinance. There are some kinks that need to be worked out but I think one of the things when we looked at this was that we'd help people out as opposed to just looking at profits and who's going to benefit from this. I think that's what this ordinance does, it puts people before profits and the reality is there's plenty to go around and I think what we're trying to do is equally distribute the opportunity for affordable housing for people in Santa Fe County. So I think we're headed in the right direction as well. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Montoya. Can I, before we go to further discussion, I'm sort of overhearing a request that you might, without actually stating it, be recommending a study session for this. As I look at some of the items that need to be discussed, these items can't be resolved today.

MR. SILL: Madam Chair, Commissioners, that really would be a positive direction for this discussion today. I think a lot of these issues will require further research. I'd like the opportunity to bring more data, to have some time to review some of the existing analyses and studies that have been done over the last few years and then put that into context of some of the proposed movements that we have on the table right now. So I highly encourage that we consider a study session at this point.

CHAIR VIGIL: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I agree with Commissioner Montoya's thoughts of providing for our community and I believe if we've provided 437 units this year that is great.

COMMISSIONER CAMPOS: Keep up the good work.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Just a comment about energy efficiency. It's always been my position and I know Duncan, Mr. Sill knows that, is that you can't have affordable housing unless it's energy efficient because people cannot afford a home unless they can afford the energy bill. The experts are talking about skyrocketing electrical and natural gas bills. So if we don't reserve a certain portion of our budget every year for energy efficiency we're not really going to achieve our goals. They go hand in hand. They're integral. You can't separate them. So I could ask the Commission to keep that in mind.

CHAIR VIGIL: I totally agree and I'm not too sure just how we would do that, whether it would be through an incentive program or working with a developer or using these funds, but I totally agree with Commissioner Campos in integrating it into our plans. Commissioner Sullivan.

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COMMISSIONER SULLIVAN: Madam Chair, I appreciate the work that Duncan is doing and staff is doing. I think we are making good progress on the affordable housing areas. We have some things to work out. It appears that some have found some loopholes in it which they've exploited and we need to close those loopholes, but just on the affordable housing fund itself as we get into thinking about that and establishing that, I recall in the meetings with contractors and local folks involved in the affordable housing task force, there were two things that came up that developers and builders and homeowners ultimately said they needed help with. One was water. So in the ordinance we said when you build affordable housing the County will waive the requirement that you bring water rights to the project.

Now, when you look at how many water rights that eventually will amount to, that's a major commitment. So one of the things we need to consider in the affordable housing fund is purchasing water rights for affordable housing. And that's a long-term process as we know. It takes years to get water rights purchased but we need to get a portfolio of water rights identified and purchased that we can use for affordable housing. So that's one way I think we can help.

The other way that I recall builders and developers bringing up was short-term financing. They said we just get murdered by high interest rates for short-term financing and then if we get delays on our project, that drives up the cost even further and so on and so on. So that kind of resonated with me because that was an opportunity – as opposed to infrastructure where we've sunk all of our money into water or sewer lines and we've committed to just one project, where we can roll that money over. We can assist in short-term financing as it relates to the affordable housing and then as soon as that project is up and under sale we can then roll that over and issue more short-term financing at below market rates to help out.

So I liked that concept that was brought up at the task force meetings because it's something that we can continually reuse the money and it's an area where developers and contractors have a high cost of operations during the construction period. So those are two areas I think just to remind us when we start talking about the affordable housing funding that money could be I think really beneficially used. Thank you.

CHAIR VIGIL: Thank you. Let me just throw this out. How does the Commission feel about moving forward with a study session to discuss further discussion to perhaps give staff a better direction and I think there's some decisions you're requesting, additional staffing support here. I think there's some questions on some of the definitions of affordable housing. Does the Commission feel that we could do a study session?

COMMISSIONER CAMPOS: I would suggest that Mr. Sill speak with Mr. Abeyta to determine whether it's necessary and when would be the right time to do it.

CHAIR VIGIL: Okay. Why don't we include that as a sense of direction and if necessary, could we go one step further with regard to their availability.

MR. SILL: Madam Chair, Commissioners, I will take care of that.

CHAIR VIGIL: Thank you. Commissioner Sullivan.

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COMMISSIONER SULLIVAN: And a suggestion I would also have is it's probably after a year a good time to go back to our partners who helped us put this ordinance together. We had some key participants in the affordable housing task force, some contractors, some folks like Homewise who are familiar with getting affordable housing out on the street, and it's probably a good time to start with an informal session with them and say what concerns and what recommendations and what have you been experiencing with the ordinance. I think that would be a good point to get some feedback. Then come back to a Commission session or a work session and say here is some of the feedback we're getting and here's some of our recommendations. That would give us a good starting point.

MR. SILL: Madam Chair, Commissioner Sullivan, that's actually a very good approach and as a matter of fact, I have started some discussions with our community partners about that same topic. So I hope that I could continue the dialogue and bring back some useful information.

COMMISSIONER SULLIVAN: Good that will help a lot.

CHAIR VIGIL: Thank you. It seems like we have sufficient direction. No action is required here. It is 12:00. We will go ahead and break for lunch and we will start when we get back with item XI. A. 2 and that will be at 1:30.

[The Commission recessed from 12:00 to 1:48.]

CHAIR VIGIL: The meeting will come to order. This is the afternoon segment of the March 27, 2007 regularly scheduled meeting of the Board of County Commissioners.

XI. A. 2. Request Approval of Water Commitment in the Amount of Two Acre-Feet Through the County Water Utility to the Academy for Technology and the Classics (ATC)

STEPHEN WUST (Water Resources Director): Thank you, Madam Chair. This is actually a simply sounding request but it's come a long a fairly convoluted path, so I'll just first off give a review of how we got to where we are. The request is for approval of an allocation of two acre-feet of water from the County utility for ATC, and a second decision to be made by the Commission about whether to impose water rights requirement or fee-in-lieu-of, or take it out of the County accounting.

Normally, all of this is worked out through the development permit process. As it turns out, as a public school, ATC was not required to go through the County development permit review process; they went through a school board permit process. Staff, at least my department didn't know about that until recently and so they've been going along getting their permitting and approvals without us realizing that all of the rest of this stuff is not being worked out. So

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we're coming before you to get it all resolved. Originally, ATC had gone to the City because they weren't definitively sure of their location at that time and requested water from the City. At that time the City Council approved through their policy of granting water to schools, two acre-feet of water.

That brought up the first convolution and exactly what did the City approve at that time. The school went along, assuming that the City had actually allocated two acre-feet of City water, no matter who they would be as a customer. I read the minutes recently of that City Council meeting. I've also been in contact with some of the City folks and the City Council assumption at that time is that they would be hooked to a City water line. Well, when ATC came before this Board for approval of the industrial revenue bonds, it was pointed out to them by the Commission that they're actually along a County water line, not a City water line. They were then asked at that time if they would request water from the County utility instead of the City utility. That they did. They got a standard letter from me saying we're ready, willing and able to serve. My standard letter says the amount and the scheduling is part of your permit approval process and whatever you get will be gotten through the Commission approving your permit. Again, that was at the time we thought they were going through a normal development permit process.

So they went a long and they're partway into construction now, assuming that the City had allocated them water, but they would be a County customer. That's pretty much not going to happen unless there's a special agreement or something between the City and the County and it doesn't look like that's a very favorable option right at the moment from my discussions with the City. And they are on a County water line. Fairly soon after them is the master meter back to technically City lines at IAIA, however, they would have to extend their lines under or over or past the County water line in order to get to the City water line if they wanted to do it strictly with the City line.

So there's a County water line than runs right by their property. There's another development, a church is going to be coming forward adjacent to that property that's going to be requesting County service. There's also going to be some fire hydrants that technically is not County property, actually, because of the bonding. And so logically it looks like being a County customer would be the best route to go. So the question comes up now where would the water rights or a fee or whatever come from if they're imposed?

There are several options here. One is that according to the normal allocation process, and I'll back up. There's a six-month allocation scheduling thing. That is part of the normal permitting process. When somebody has a permit they come and try to predict what kind of water they're going to use for the next six months. But if you don't have that normal permit and approval what you get in allocation, that step isn't part of this process. So they're kind of in this gap here.

The options for water rights or fee are several. The Commission can impose, just like any regular development, that they have to bring forth two acre-feet of water rights to transfer to the County, or a fee-in-lieu-of, which in this case would amount to $60,000. There's also, out of the original 500 acre-foot allocation between the City and the County where we buy

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wholesale water from the City, there have been 25 acre-feet set aside for County economic development projects. None of that has been allocated yet. There's been 19 acre-feet set aside for affordable housing. A little bit of that is about to get allocated as you heard from Duncan earlier today. So there's an amount of water in that original 500 acre-feet allotment that's County projects, so it wouldn't need water rights or a fee and some of that could be allocated. That in fact is part of what the City's policy is when it comes to schools. They allocate water without requiring water rights.

The applicant is here today and has some other alternatives if the Commission wishes to discuss them about ways this could be worked out. But essentially that's what's been done to this stage. I'll also mention that when the Commission voted for the new water allocation, because we don't do water service agreements anymore, the Commission requested that they not be cut out of the loop, that is that staff not just allocate water through administrative procedures without the Commission having a say. So we're before you today to include you in that loop. But again, it usually gets worked out as part of the permitting process. This wasn't, so the Commission needs to again make two decisions – do we allocate water and have them be a County customer. Staff recommends that that indeed is the most practical and logical option, and then the second decision is how to in essence pay for this water, through either County donation, in essence, through our project water, fee-in-lieu-of, water rights, or another alternative. As I said, the applicant is here to discuss those.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I would like to hear the alternative proposals by the applicant.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I wonder if Steve could just tell me again what the County donation thing was? Could you go over that just real quick?

DR. WUST: Yes, sir. Madam Chair, Commissioner Anaya, the original allocation, where we basically divided up the original 500 acre-feet with the City-County agreement where the County buy wholesale from the City 500 acre-feet of water, or we can buy up to 500 acre-feet of water, and that through the more recent water resources agreement with the City is in perpetuity. That was divided up in essence, and most of it was for the various developments that had water service agreements. That's the way we used to do agreements on water. But there was an extra amount that was set aside for County projects.

COMMISSIONER ANAYA: How many?

DR. WUST: It totaled about 45 acre-feet, and some of it was – actually, it was more than that because some was set aside for the jail, and that's being used. Some was set aside for the Public Safety Complex – that's being used. And some was set aside for County economic development, possibly to the economic development park, maybe other economic development projects in the County. None of that has been allocated or used yet.

COMMISSIONER ANAYA: How much is left out of the 45?

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DR. WUST: Twenty-five for the economic development and 19 that was set aside for affordable housing. And we have to subtract from that 19 whatever's recently been approved for developments in affordable housing. I haven't calculated that because all that's been pretty recent. But at least the 25 for economic development and then some portion of that 19. Probably most of it. But that was set aside for affordable housing. So really it comes down to 25 acre-feet set aside for County economic development projects.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Dr. Wust. Mr. Pino.

IKE PINO: Thank you, Madam Chair. Earlier this morning – or maybe it was last evening I became aware there were some concerns about how the water for this school might be conveyed were they to become customers of the County water system. A proposal I'd like to put in front of the Commission to help the school over that hump perhaps and keep the County on a level number with their water rights without having to allocate anything further from their own pool of water rights would be this: In 2003, Rancho Viejo entered into a water service agreement amendment with the County wherein we were allowed to change our water budget from .25 acre-foot per unit to .20. In doing that part of the commitment was allocated to the existing homes. So in order to cover any overages that we might experience in the subsequent five years, we left 35 acre-feet aside in what we call the bank

So right now there are 34 acre-feet of water rights that are not entitled, have no houses attached to them, that are just set aside. We have been providing to the County then over the last four years – we're going to be doing it for the fourth time now in March and April, data to demonstrate what our users, what our residents have been using so that we can support that .20 or less. Up to this point the data has shown that we are using less than .20 acre-foot per unit out there. So we're confident that the 50 will probably play out the same, particularly because we're now reusing treated effluent for irrigation and that's no longer coming out of the total that's being read either.

So my proposal then would be that we take two acre-feet out of the bank and allow ATC to go ahead and use those two acre-feet, and then I can settle with ATC later as to how much if anything that we would want to charge for those acre-feet of water rights. In that fashion then the bank would be reduced to 32 acre-feet so a year from now when we come in at the end of the fifth year of data review, hopefully we'd ask for release of the bank and that's all that would be left would be 32 instead of 34 acre-feet, because they'd have two out of this transfer.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: So then if you were to do that, then the only issue that lies on the Commission is whether they tie into the County water system or not. Correct?

MR. ABEYTA: Madam Chair, Commissioner Anaya, yes, that's right.

COMMISSIONER ANAYA: Sounds like a no-brainer to me. Move for approval.

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CHAIR VIGIL: Does the applicant wish to address the Commission?

LEE PITTARD: Madam Chair and Commissioners, we sure appreciate this, and this solution just came at today's meeting. We certainly support it and we think it will be a real good solution for everybody to keep it all going.

CHAIR VIGIL: Dr. Wust, were you familiar with this recommendation and does this change anything? How would this be set up? The two acre-feet would be allocated through the Rancho Viejo allocation? Would they still become customers of the County? Would we be billing them? Explain the scenario for us.

DR. WUST: Madam Chair, they would still be a County customer. They would hook into our line that runs along the road there, just like any other customer, with all our requirements and the infrastructure and the rest of it. The water rights, Rancho Viejo has already brought over to the County, because it was part of the original development. So the arrangement we have with Rancho Viejo, which we've done with subsequent developments is if they can demonstrate that their water use is less than what we estimated then they could apply those additional water rights in the bank as Mr. Pino calls it, to a future development. And all they would do is instead of applying that to a future development they would apply two acre-feet of that to the school. And that way the County still – it's water rights we already, but it wouldn't go away to somewhere else.

So the water rights part is kind of an accounting system. The water allocation is we have to make sure that we have enough capacity and we do. We have plenty of capacity right now, even beyond our committed water to be able to allocate another two acre-feet to the school. So it's two issues for us, whether we have uncommitted water capacity out of our total 875 right now, pre-Buckman, and whether we have enough water rights to offset those things. And both of those would apply in this instance. And they would be a customer of ours.

CHAIR VIGIL: Does that offset the hookup fees or any kind of –

DR. WUST: The water rights part – that fee is a fee-in-lieu-of water rights. The hookup fee, we have a standard meter charge and a hookup fee and things like that and I wasn't looking to waive those because those are standard for every single customer.

CHAIR VIGIL: Okay. Any further questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to thank Ike for coming up with a solution on that. We appreciate that. Makes everything easier, I think. Thank you, Ike.

COMMISSIONER MONTOYA: Madam Chair, I would move for approval of the proposed ATC request for water, as presented by Mr. Pino.

CHAIR VIGIL: There's a motion.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Question for legal. What do we have to do? What steps do we have to do to effect this deal that Rancho Viejo is proposing? There's the

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banking issue.

MR. ROSS: Madam Chair, Commissioner Campos, I think we just need to do a simple amendment to the existing.

COMMISSIONER CAMPOS: That's implicit in our motion and second that we would do a simple amendment? Okay.

CHAIR VIGIL: Any further questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Steve, is two acre-feet the water budget for the facility?

DR. WUST: Madam Chair, Commissioner Sullivan, that's the amount they requested. Again, this hasn't gone through the normal permit process so we haven't done a regular analysis of their budget but that's what they process that they be using.

COMMISSIONER SULLIVAN: Okay. So the only question I'm getting at is they're going to of course be metered, so we will know what their water usage is and if they go over that water usage, where do we go? Do we go to Ike or do we go to ATC?

DR. WUST: Madam Chair, Commissioner Sullivan, there's a couple things we can do. We will request and look at their water budget before we make any agreement with them and they become a customer of ours. Also, it does bring up the broader question, what do we do with anybody who goes over whatever their approved permit water budget is. That's always been that kind of iffy thing, we could enforce – how do we enforce that? Once something's built denying a permit doesn't do much good. So it does bring up sort of that broader question.

But the way to address it I think is we will take a close look at their water budget and ensure that indeed that's something that they can meet.

COMMISSIONER SULLIVAN: Of course the way we've been doing it in residential developments is that if we approve a water budget of .20, we don't approve the second phase until they've proved in the first phase that they're meeting that budget. So we have historical records to feel more comfortable about that. I think in this case they're building a school. Once it's built, it's built. It's up and running. So maybe that's some detail we can address in the agreement, but we probably should have some understanding between us as to what happens if they do in fact go beyond that since again we don't have development review. We haven't looked at landscaping plans. We haven't looked at usage. We haven't looked at low-flow toilets, we haven't looked at hot water recirculation devices. We haven't looked at any of the features that we normally require in a subdivision or in a commercial shopping center or anything of that sort.

So I'm confident we can work those details out but I just want to be sure we understand that that issue is there.

SHELLEY COBAU (Review Division Director): Madam Chair, Commissioner Sullivan, I just wanted to clarify the development review process on the Academy for Technology and the Classics, because it was in fact reviewed. It came to my review again about October based on a Code enforcement officer going out and seeing it under construction. It's not the school's fault. They thought they were supposed to go through the permit process

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through the state. So they have done everything we asked. We gave them a two-page comment letter to address all the criteria regarding landscaping, parking criteria for the Community College District. They have addressed those comments. They were given zoning approval in 1998 as part of the Rancho Viejo master plan. So they didn't have to be brought forward for master plan zoning.

Their development plan was presented to the Community College District Development Review Committee at their December meeting as an information item, because the property is owned by the County and it's a public facility. Staff took it forward as an information item. There was no opposition at that hearing. The County Hydrologist was present at that hearing and we do have a water budget on the school, which I believe was reviewed by the County Hydrologist. It indicates that worst-case scenario, if they were open 365 days a year, their water budget would be 1.734 acre-feet. So that should be

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Question. Is the project doing rooftop collection? Yes? And wastewater, how is it being dealt with? Through the Rancho Viejo system?

MS. COBAU: Wastewater through Rancho Viejo. They have to do rainwater harvesting per our current criteria. They do have hot water recirculation devices. They have a stormwater pollution prevention plan, which we have the entire plan in our submittal from them. So I think they've been very cooperative and certainly if there's anything they're deficient on I think they're more than willing to address it.

COMMISSIONER CAMPOS: So landscaping is cool too.

MS. COBAU: Landscaping – in fact we required some additional landscaping, Commissioner Campos, because the site – normally when you have a site in the Community College District the parking is placed behind the building. In this case they put the parking in front of the building because the foundation was already poured; it was too late to make them relocate the parking behind the building. So what we did is we required a whole additional row of landscaping to hide the parking area from Ave Nu Po. There will be, when the Community College District is fully developed, a building there to hide the parking area when the adjacent property is developed . Currently they will be hiding it with xeric landscaping.

COMMISSIONER CAMPOS: Great. Thank you.

CHAIR VIGIL: Any further questions or comments? I believe I heard a motion. Was there a second?

COMMISSIONER SULLIVAN: Second.

The motion to approve the ATC's water service as described above passed by unanimous [5-0] voice vote.

COMMISSIONER CAMPOS: Thanks, Mr. Pino.

COMMISSIONER MONTOYA: Thanks, Ike.

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CHAIR VIGIL: And thank Rancho Viejo for their neighborliness.
COMMISSIONER SULLIVAN: I need some water too, Mr. Pino.

XI. B. 1. Request Approval to Enter into Agreement for Construction Management Services for the New First Judicial District Court House in the Amount of $1,062,965 (Community Services)

JOSEPH GUTIERREZ (Community Services Director): Madam Chair, members of the Commission, in front of you today for Community Services we have a request for the Commission to approve a construction management agreement with Gerald Martin. A little background on the process to select this construction management services agreement. Back in January, PFMD went out for RFP to solicit a construction manager for the courthouse project, which we estimate to take about 40 months. We received six proposals. The committee evaluated the six proposals and narrowed it down to the two top-rated offerors. We brought the two top-rated offerors in for oral presentations and after the oral presentations we selected Gerald Martin as the top candidate for the construction management services.

After that we negotiated with Gerald Martin based on their cost proposal. After the negotiations we came to terms on the amount of money in front of you which is approximately about a million for the construction management services. Again, the contract period for this will be about 40 months – will be 40 months, and there's about $50,000-some for reimbursable expenses over those 40 months. With me I have Mr. James Mee who is the vice president and general manager for construction management services to answer any questions that you may have.

I just want to add a couple of things. The reason that the committee felt Gerald Martin had the expertise to manage this project is their extensive construction background we felt was a strong asset for the construction of the courthouse project and would help in the construction bidding on that. In addition, Gerald Martin has the real time and information in terms of what's happening in the construction industry as well as cost-estimating in this market here in Santa Fe and in Albuquerque and in New Mexico. I stand for any questions, Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Gutierrez, is this a lump-sum contract or is this based on hourly charges?

MR. GUTIERREZ: Madam Chair, Commissioner Sullivan, the proposal that came in to us is a break down of the hours. The contract is formatted as a stipulated sum and it's broken down into two areas. The two areas are pre-construction services, and then construction services. So there's two major areas.

COMMISSIONER SULLIVAN: So those two areas are each a lump sum?

MR. GUTIERREZ: Those have a lump sum for management, yes.

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COMMISSIONER SULLIVAN: So, we don't have that contract in front of us, so the firm then would be providing so many hours of service in each of the two categories.

MR. GUTIERREZ: They actually provide services in several categories but we categorize them into those two major areas, which is pre-construction and then the construction area.

COMMISSIONER SULLIVAN: Okay. And then how do we monitor that and fiscally how do we deal with that. I assume that they will send you a bill each month and it will be for so many dollars. Will that bill say that for this month we've expended 600 hours and then when they reach that cap, do they get paid additional money or what happens?

MR. GUTIERREZ: The bills, I assume would be structured under the schedule that they provided us and the schedule they provided us was based on the schedule that the architect provided in terms of what they perceive for the period of time frame for this project to take place. In that area, Joe Mont broke out their costs for basically the programming phase, the design phase, the design review, constructability review, so they're monitoring those hours based on those different phases.

The schedule that we have that's an attachment to the contract pretty much outlines the hours and the fees and they're tied exactly to the stipulated amount at this point. The only area that we would possibly exceed this contract at this point would be this period if the contract were to exceed 40 months.

COMMISSIONER SULLIVAN: That was going to be my next question, knowing how things go sometimes, such as water diversions and other projects, what happens if we exceed the 40 months? Then we have to renegotiate the additional services?

MR. GUTIERREZ: If the contract were to exceed 40 months - there are different variables. One example would be maybe construction didn't start when we had planned it. So at that point theoretically there wouldn't be an additional fee for an additional time extension. If we exceeded the hours then we would not negotiate, we would go with the hourly fees that were presented in the proposal and you would look at talking to Mr. Ross, and if you talked to Mr. Mee, you would be looking at a Consumer Price Index increase at that point, at that period. So we'd be looking at something like a three or six percent increase at that period of time.

I probably didn't explain that right. Maybe Steve Ross can jump in here and explain.

COMMISSIONER SULLIVAN: I think I understand what you're saying, is that there would be some adjustment. I guess I'm just wondering out loud, I think 40 months is an overly optimistic schedule for this project to be on. I appreciate the architect wanting to look at it that way from their standpoint, because they're under a stipulated sum agreement as well. But we have land acquisition to undertake and a number of other areas. So it seems like before long, that issue is going to come up before this County Commission. I won't be here, but there will be others who will have to deal with it.

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The other question I had is what was their proposal? How do they plan to deal with public participation in the process? Or is that a part of their contract?

MR. GUTIERREZ: Madam Chair, Commissioner Sullivan, we have talked to them about the public participation. They have had experience in that. It wasn't this specific item in the RFP. I have among the offers received a proposal from our public information officers in terms of the public input process or a public relations campaign for the courthouse and how we would interact with the public in the different groups, and we would basically bring the construction manager into that project, bring their expertise and solicit their advice. Theirs is not necessarily the recommendation of how we would do it. Right now, that would be coming from our public information officer. And he does have a draft that I believe he gave me last week in terms of the ideas and it's pretty detailed in terms of all the areas and ideas and how we release information and how we would solicit input from different groups in the area.

COMMISSIONER SULLIVAN: In terms of the architects or the construction contracts, will this firm be signing off on those pay requests before they come to the County for action?

MR. GUTIERREZ: Madam Chair, Commissioner Sullivan, it is our intention for the pay requests – I guess the way that it's working on the Public Works contract, the pay requests go to the construction manager – go to the architect, to the construction manager, to the owner at that point. I believe that's the way the paperwork flows right now in the process for the courthouse.

COMMISSIONER SULLIVAN: It goes to the architect first and then to the construction manager?

MR. GUTIERREZ: Architect, construction manager, and then the owner.

COMMISSIONER SULLIVAN: Okay. And that's the way it will work on this project?

MR. GUTIERREZ: I foresee that's the way it will work on this project.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Any further questions?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Motion and seconded. I have a question, Mr. Gutierrez. Does the construction manager actually look out for the County in terms of cost savings with the subcontractors? Do we need a separate person for those kinds of things? Do you and your staff look out for that?

MR. GUTIERREZ: Madam Chair, I really see – and I think the term is misused. In this case this is really a project manager. They're bringing in their expertise to manage the project from this point forward and since the dollars are going to be such – the dollars are scarce and it's an overriding fact of this project. I would foresee that the project manager would have great influence in terms of how we expend our dollars, and we'll have oversight in terms of the fact that they're looking at pay review. And when the

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construction bid comes in, whoever is awarded that contract gives a schedule of values. So you can feel from what costs we're looking at for certain aspects of the construction project. And because of their expertise they can review those and see if they're in the ballpark or they're not in the ballpark. So finances are going to be pretty much the major consideration as they move forward in managing this project.

CHAIR VIGIL: Okay.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Joseph, how often do you think, in terms of presence, what presence will we have while this is going on, from to date to the time we occupy the facility from this group?

MR. GUTIERREZ: Madam Chair, Commissioner Montoya, they're going to be have a great involvement in this project. We're about 60 days into the project with the architect and we've had meetings with the judges and other groups and the architect at this point formulating the program, which is to identify the square footage and those types of things. The project manager at this point will enter the picture and will probably be – will be at all the meetings that we have with the architect and the judges. They will be reviewing the architect's submittals to the owners, which is us, in terms of square footage need, cost per square foot, those types of things. And then when we enter the construction project, their proposal basically has daily monitoring of the construction project once we get going on that.

COMMISSIONER MONTOYA: Thank you, Madam Chair. Thank you, Joseph.

CHAIR VIGIL: Further discussion? Motion and second.

The motion to approve the construction management agreement passed by unanimous [5-0] voice vote.

CHAIR VIGIL: Is there a way we could get updated regularly on this project?

MR. GUTIERREZ: Madam Chair, we can update you as often as you would like.

CHAIR VIGIL: Because this is such a high project, perhaps we could assign a public relations officer just to stay in touch with the construction manager or the project manager and give us an update.

MR. GUTIERREZ: Madam Chair, I would think probably at this point appropriate minimum at least quarterly a year and it may be bi-monthly if not monthly.

CHAIR VIGIL: Thank you. Congratulations.

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XI. C. Matters from the County Manager
1. Update on Various Issues

CHAIR VIGIL: Thank you, Madam Chair. I have one item that I would like to update the Commission on. I am going to go ahead, Madam Chair, after discussions with Annabelle Romero, our Corrections Director, I need to authorize a temporary increase to the salaries of our officers at the adult jail. We have a current vacancy rate of about 40 percent from cadets to corporals. Right now we have 16 existing cadet positions. We have 10 vacancies. So we only have six cadets. Officer I, we have 79 positions. We only have 30 officers. Corporals, we have 19 positions; we only have five corporals. Sergeants, we have 8 sergeant positions, we only have one sergeant. Lieutenants, we have 7 lieutenant positions; we only have one lieutenant. So we've got a problem at the facility that I feel needs to be addressed immediately. I plan on bringing a permanent solution to the Commission over the next 30 to 60 days after we conclude our negotiations with the union and I sit down and go over our class and compensation study with my Human Resources director and with the Finance Director.

But at the facility we have officers that are resigning, two or three a week at this rate and it's because we are paying much less than what the state across the street pays, and also what the detention center down in Bernalillo County pays. So I really – I need to put a stop – do the best that we can to put a stop to people leaving our facility. Like I said, I wanted to let the Board know that those are my intentions to implement something immediately. We do have existing funding to carry us through the rest of the fiscal year to cover these costs, and like I said, I will be back with the Commission in the next 30 or 60 days with a permanent solution that identifies funding sources and also a comparison to other salaries so that we are more competitive in the area. But with a 40 percent vacancy rate it's not safe for the inmates or the staff. So again, I wanted to inform the Commission that those are my intentions.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, did you tell us about the dollars and about the positions that are going to be from correction officer to lieutenant or sergeant or –

MR. ABEYTA: It's going to be – right now the career ladder is cadet, officer I, corporal, sergeant, lieutenant and captain. It's mainly going to impact the cadets, the officer I's and the corporals, because those are where are big numbers are. Those are where we have positions – they range from 16 – there's 80 and then 20 positions. And that's where we have most of the vacancies. So the primary adjustment will be made to those three areas, but the sergeants and lieutenants will be affected also because I don't want to create compaction problems by doing this. So there will be some adjustments at the higher levels but not as high.

COMMISSIONER CAMPOS: Have you decided on the increases that would be necessary?

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MR. ABEYTA: We're looking at a range from anywhere from $2 an hour to $3 an hour, roughly. And that will get us to where we're competitive with the state.

COMMISSIONER CAMPOS: And you want to implement this. This is an emergency. And what time frame are you looking at? Next week or this week?

MR. ABEYTA: I would like to implement this this week so that it takes effect this coming pay period, and then I would, as I said, I would bring forward a permanent solution over the next 30 to 60 days. Preferably 30 days. We need to wrap up the union negotiations though, and we also have a class and compensation study. The initial results of that study is identifying this area as an area that needs to be adjusted anyways in the County.

COMMISSIONER CAMPOS: I'm in support. I'm in full support of what you propose.

COMMISSIONER MONTOYA: I am too.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I certainly support being comparable with other correctional institutions. I think because of Santa Fe's uniqueness – unique: read expensive – in many areas, food, housing and so forth, even gasoline, that I'd like to see us put together an incentive-type package. It's okay to say $2 or $3 an hour and so be it, and that money's there forever. But I think we could include an accommodation package. Some with salary increase but also some with a periodic fixed bonus, after three months, six months, whatever, we need things that give the employees incentives to stay. And another thing would be a housing subsidy or a housing – I don't know what to call it, but a housing increment, based on the cost of living in Santa Fe, that would also perhaps increase as they moved up the ladder, so they would look forward, if they're making – if they're getting an x-housing allotment – I think they call it in the military, now if he makes it to corporal he'll get a 2x allotment. If he makes it to sergeant he'll get a 3x allotment.

I think some of those types of things that they can look forward to on a relatively short period of time will give them some buy-in to the system. I'm not saying use that entirely in lieu of pay raises, but I'm saying maybe combining that with the raises so that helps to not upset the applecart of the whole pay structure. And hopefully it would help you with the union issues as well, if we can identify, as you have, where our shortages are. Our shortages are in these categories. So if we increase one individual salary position by $3 an hour then everybody wants $3 an hour or something similar.

So I think if we can come up with an innovative solution and perhaps this firm that you're using now to do this study could do some suggestions on that. I think you're exactly right. We really do need to look at the total compensation and make it competitive. Commissioner Campos brought up at today's housing meeting looking into housing options for housing these employees. But that's down the road. They can't pay the bills with that today. That's going to be years in the making. So we are looking at some long-term solutions but short-term this might help.

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MR. ABEYTA: Thank you.

CHAIR VIGIL: Any further discussion? Any further updates, Mr. Abeyta?

MR. ABEYTA: No, Madam Chair. We can move to the legislative session update.

XI. B. 2. 2007 Legislative Session Update/Wrap-up

CHAIR VIGIL: Who will take the lead here?

MR. ABEYTA: I'll take the lead.

COMMISSIONER SULLIVAN: Do we know that the session is wrapped up?

COMMISSIONER CAMPOS: I think so. It's been decided that it's not going to –

COMMISSIONER SULLIVAN: Let me call the Governor and make sure he's okay with that.

CHAIR VIGIL: Actually, I think the Senate is going back into session Thursday at noon. I'm not sure.

RUDY GARCIA (Community Services Department): Madam Chair, Commissioners, with me I have ex-Senator Roman Maes and James Rivera, who actually, all three of us worked together this year on the lobbying effort. We are pretty serious in different fields. We worked together at the roundhouse. We saw each other many times. Went in circles in that place and we didn't get into any hassles, which is great.

What we did actually on this breakdown here is the 2007 legislative session. The regular session as you all know is actually over. The special session is still in progress. As Commissioner Vigil mentioned, they will be back there Thursday at 12:00 to decide whether or not to continue their special session or not.

On page 2, actually is our top five priorities. On the left there is once again our top five priorities which is the First Judicial Complex, the Santa Fe County well program, Pojoaque Valley water/wastewater, Santa Fe County Fairgrounds, Cañoncito/Eldorado water project. In the middle column there it has what we actually requested from the legislature and on the right it has what was funded. The total amount that we requested this year for those five projects which were our top five projects in no particular order were $12 million and we got funded about $2.4 million for these projects.

On our next page we actually have our 2007 legislative initiatives that the County Commissioners before the session voted on. The first was the legislation that revokes PRC rule charging undergrounding in a specific area requires it to be included in the utility company's overall rate base. We actually kind of held off on that because the County was working with PNM as well as the Public Regulation Commission and the County did come up with their underground ordinance.

The second one was legislation for funding of teen court.

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COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Rudy, I don't quite understand that. I think that that legislation, the way I'm reading it here, sounds like a good idea. I think undergrounding is a good idea for safety and a number of reasons and putting it in the overall rate base is a good idea. I'm not understanding how what the County did by allowing the higher voltage lines to remain above ground impacted to not pass that. In other words, I think that would be a good idea anyway. What was the dynamic there?

MR. GARCIA: Madam Chair, Commissioner Sullivan, it was our understanding that because we actually had some litigation that was up in the Public Regulation Commission and the County Commission requested that the Public Regulation extend its time in order for us to redo our undergrounding ordinance, that was the reason why we actually held off on submitting legislation or getting a sponsor for that legislation.

COMMISSIONER SULLIVAN: Oh, I see. So that we were sponsoring or promoting this legislation and we agreed not to promote it.

MR. GARCIA: Yes, that's correct, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Under threat from PRC. Okay. I think I understand now. Thank you.

MR. GARCIA: The second one was legislation requesting funding for teen court. Funding was appropriated for that in the amount of $50,000.

CHAIR VIGIL: Rudy, I still have $25,000 in the junior bill. Is there an additional $25,000 somewhere else?

MR. GARCIA: Madam Chair, that was brought to our attention actually yesterday and we were looking for that through the junior bill. So if you did see the $25,000, then there's a total of $75,000. That's for teen court.

MR. ABEYTA: Sorry, Rudy. My understanding that $50,000 was obtained for permanent funding, and another $25,000 of capital was put on top of that. So it was for a total of $75,000. What we were after was recurring funding and we were successful in obtaining that $50,000. But I was hearing that there was an additional $25,000, but it was part of the capital package and not recurring funding. But there is $50,000 recurring and then an additional $25,000.

CHAIR VIGIL: That $50,000 is a huge success, because it's recurring funding. Our teen court will be receiving this amount and can do some block building based on that. So that's a wonderful success. Please continue.

MR. GARCIA: Madam Chair, Commissioners, the other issue was the legislation eliminating the County Surveyor position in Santa Fe County. We did get a sponsor for that. I don't know if you're aware of it but there was actually a record-breaking bill submission this year to the legislature and because each of the many bills that were actually submitted this actually died due to the time limit of the session, so that didn't go anywhere.

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The legislation eliminating the Santa Fe EZ Zone, eliminating municipal annexation without County approval, we actually tried very hard to talk to our Santa Fe delegation and we weren't successful in getting a sponsor for that bill. They thought maybe we should work something out with the City and the County before we actually go there and they felt they didn't want to be in the middle of our "turf wars".

The other one is there will be a request for additional monies for projects that actually have shortfalls from the previous years, whether it was two years ago, three years ago. I feel that we actually did get monies for those projects, anywhere from the Esperanza, which needed more money, Eldorado Senior Center – we got some additional monies for there, La Puebla, Agua Fria, there were a lot of projects that we actually did receive monies for that. We can hopefully get those projects off of our books and get them completed.

There was actually some – it was PFMD working on reauthorization for previously funded projects. There were actually some issues that we had due to the construction costs rising and us not being budgeted or us not being able to purchase, particularly a modular unit, so we did get a lot of legislation changed to actually include in that language items such as purchase, either property and/or a modular unit so all of our reauthorizations did get reauthorized or there were several authorizations that we had that were ready to expire. One of them was the State Road 14 Business Park which we have about $25,000 to $40,000 there, and that again was reauthorized for a time extension on that for another five years. All of reauthorizations did get in and did get approved.

Document imaging for the County Clerk's office, we tried very hard actually to get the County Clerk some programming dollars out of the House Bill 2. That was very difficult. We did, however, get a capital outlay for that for $50,000. Senator Roman Maes has talked with Valeria, our County Clerk and she seems to be very satisfied with that.

The DWI legislation, actually I'll turn that over to James Rivera. He actually – that's one of the issues that he can explain and go through that.

CHAIR VIGIL: Welcome, Mr. Rivera.

JAMES RIVERA: Thank you, Madam Chair and County Commissioners. This year was a huge success for DWI for the fact that for several years ongoing Santa Fe County primarily had been pushing for an increase in the liquor excise tax and this year it was finally approved. The excise tax went from 34.57 percent to 41.5 percent, which equals to about $5 million a year for counties statewide. Commissioner Montoya was hot and heavy on that to make sure we got that and it was one of the bills that passed in the last day and it was sent up to the Governor and we're just waiting for approval on that.

The statewide DWI Czar, Rachel O'Connor is lobbying the Governor to sign this bill into legislation. So we got some good support from her. Also in DWI which will reflect the Sheriff's office, it's Senate Bill 440 which is date case fix which allows for a three-hour window for blood and breath testing language to allow for evidence over a three-hour period. I don't have the exact specifics but this is mainly the gist of the bill.

Some other legislation that we pursued was trying to get a portion of the state

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gaming revenue to the counties to be paid proportionally based on submittal of the counties expenses. The legislation was introduced in both the Senate and the House, but they both failed in the committee process. In speaking with the vice chairman of the Senate Finance, Senator Sisneros, I asked him, there were eight bills this year for this type of legislation which includes racetracks and other tribal entities and urban municipalities. I asked him what would be the best approach for this because this is money coming out of the general fund and the general fund is - the legislature doesn't like to take any money out of that basically for any projects because it takes into basically their money, basically, to how they want to spend it.

So his response to me was take the same approach but start at a lower percentage amount and try and craft the language where it eventually increases incrementally through the years to where we can get some of it back but he ultimately thought that trying to get reimbursed for all the costs was probably not worth - probably wouldn't happen. So that's something that I think we can work on in the interim to maybe hopefully get it as a committee bill to where it will be an interim bill and try to go with his advice on how we can ultimately get back some of that money for the expenditures.

One other issue that we didn't put on there but I just make a note of it. Because Santa Fe County is a member of the North Central Regional Transit District, the NCRTD got $70,000 for bus shelters and things of that nature, etc., and that money will be used for the federal funding that they got last year as matching money. Thank you.

CHAIR VIGIL: Thank you, Mr. Rivera. Rudy.

MR. GARCIA: Madam Chair, Commissioners, moving on through the next page, the capital outlay funding. This is actually monies that were for capital projects that have been signed by the Governor. I apologize for some of the typos in here. In Commission District 1 Cundiyo isn't spelled properly. In Commission District 3, Pine Road should actually be in District 5. On the next page Commission 5 Galisteo is spelled improperly and that should be in District 3.

We did speak with the County Manager and we actually all decided that we'd break it down into the different Commission districts and the name of the project and what the money was appropriated for and the amount. So I don't know if you want me to go down through these line item by line item or if you just want to take a look at them. Of if you all have any questions on them.

COMMISSIONER SULLIVAN: Madam Chair, I just wanted to point out here, you remember during the emergency session that we had during the snow, we had some vocal residents, a lady come in and explain to us the problems getting into their homes out in the Madrid area, County Road 55-A. After the meeting she contacted me and said how do we get money to fix the road and I said, well, right now the legislature is in session so that's probably your best bet. So she called me up one weekend while I was at work, trying to catch up and she said how do I do this, and I said well, go on the website and there's a capital outlay form on the website. So she went on the website and sure enough she found a capital outlay form. So she filled out the capital outlay form. She

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called me back she said, what kind of money should I put in there. I said, well, I don't know. Just put some numbers in there because typically, around $50,000 is usually what we need to do about a mile of these roads to upgrade it. So she said, now what do I do? I said now you take it down to your legislator. She said, do I call them? I said, no, no. You don't call them. You'll never get them on the phone. So she went down and gave the form to her legislator.

To make a long story short, if you look at the top of the second page of the projects, County Road 55-A got $50,000 for that project. So she called me up and thanked all the Commission, not just me, but everybody that helped out for getting them out of the mud and the snow and for helping them along and getting them to a point where we can improve the first part of that road, that rough stretch that gets them into their private section of road. Kind of little success story there to attach faces and names and attach to some of these projects. I was pleased to see that. Even though it wasn't in District 5, but nonetheless it was a strong need.

MR. GARCIA: Madam Chair, Ms. Epstein actually did call us, myself and Roman several times on the Saturday. She actually did a good job. She was very persistent and she did get money for 55-A.

COMMISSIONER SULLIVAN: Yes. She handled it very well. I'm sorry Commissioner Montoya's district didn't get any more money. They just got about double what everybody else got. You'll have to live with the $2.6 million you got.

COMMISSIONER MONTOYA: And the big projects are water and wastewater.

CHAIR VIGIL: Rudy, could you point out where actually is our fairgrounds?

MR. GARCIA: Madam Chair, the fairgrounds is actually on the first page, I believe. Actually, I'm sorry, it's on the last page, at the bottom, where it says countywide projects.

COMMISSIONER SULLIVAN: No, it's not there. If you wanted to put it in Commission Districts it would be in Commission District 5.

MR. GARCIA: Madam Chair, that project is in there. I did actually – we might have moved it around because we were moving it around right before the meeting, but we did receive $550,000 for the county fairgrounds and that is for improvements to the county fairgrounds and $250,000 of that is actually for an uncovered shelter barn-type facility. So there is $550,000 there for the Santa Fe Fairgrounds. Sorry, $525,000.

And also just letting the Commissioners know that this money here, this $12 million roughly, was not included in the GRIP money, the GRIP money is the Highway Department bill that the Senate hopefully will approve on Thursday or take some sort of action hopefully to get it to the Governor's desk and that's roughly for about $225 million for statewide projects. And the County on that has roughly anywhere from $3 to $5 million on that GRIP project. So this does not include anything from that GRIP project.

CHAIR VIGIL: Aren't they going to fund and complete, or at least fund

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GRIP I before the fund GRIP II? Do you know what the procedure is there, Mr. Maes or Mr. Rivera? Or is that sort of a political decision?

MR. GARCIA: Madam Chair, Senator Roman Maes here will actually close up our packet here and he has the expertise on what will happen on those political issues. So with that, I'll turn it over to Roman Maes.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Rudy, another issue, and how are we going to deal with this one. We had a long session on allocating County – what little we have left of our County capital improvements last month. And one of the projects we talked about was the Cañoncito/Apache Canyon project, and we said that we would allocate $1.2 million and we were going to be sure that we got several million from the state. And I see here, to complicate things, that we have $140,000 allocated to the mutual domestic, and we have $50,000 allocated to Eldorado/Cañoncito water project. Now, was that allocated to the County?

MR. GARCIA: The Cañoncito/Eldorado project, I would say yes, that it is allocated to Santa Fe County. It's not to the mutual domestic, it's just to Santa Fe County.

COMMISSIONER SULLIVAN: So I guess what we need to strategize about is that neither $140,000 nor $50,000 is going to build that project if we're talking about a water line, water service, which is something on the order of $4 million. So what are we going to do with the $50,000 and what is Cañoncito going to do with the $140,0000?

MR. GARCIA: Madam Chair, Commissioner Sullivan and all the Commissioners, one of the issues that we got hit with this year in the legislation is the DFA staff felt that the County had these big, huge pots of money, whether it was $20 million sitting there for road projects or $70 to $80 million sitting there for water projects, and they thought that we had this money sitting there and they kind of questioned why is the County coming forth if they have these big pots of money there. We brought that to the attention of the Manager's office. He did come forward and you guys did all vote and that this money is all allocated, whether it's to the Buckman Diversion or whether it's to the new Public Works facility, and then a little for several other roads. That was relayed back to DFA staff and they seemed to be okay with all of that.

The other issue is the Cañoncito and Apache Canyon water, it was brought to the attention of Senator Roman Maes here that they have a balance of $184,000 still and they haven't utilized that money according to DFA. And that was one of the issues we struggled with, these people already do have money and they haven't spent it since 2003, which they received about $10,000. We tried our best to let them know our top five priorities and that's where we got with Cañoncito. In answer to your question, what are we going to do with the $40,000, $50,000? I guess we need to sit down with them and then it seems like their first priority is to get their treatment facility package out there which is going to cost roughly anywhere from $350,000 to $400,000, and then the second item was actually getting the County water line out there.

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COMMISSIONER SULLIVAN: I guess we need – and I won't pursue this in depth, Madam Chair, but I think we still need to decide, are we going to be working on a County project here. And if not, then we're just a pass-through for $50,000. We agree to what they're going to do, whether it's going to be a water treatment plant or whether they're going to do engineering studies or whatever they're going to do, and that's the end of it. If we're going to have a County project then we need to pursue it as a County project, and the reason I bring that up is because we've allocated $1.2 million toward this. And if it's not going to be a County project then we should put that $1.2 million somewhere else. There's many other places where it could be used and I know Commissioner Montoya has a couple suggestions as well. I'm sure other Commissioners do too.

So I think we need to have a real head to head with the group out there now. They came back and wrote us a letter saying we would like to go with the County. We're supportive of their proposal. We think that's the way to go and eventually it would become a County system and so forth and so on. If that's what we're going to do the first thing we need to do is design the project. We need to design water lines. We need to know where it's going to go and who it's going to treat and how much it's going to cost and what kind of right-of-way needs to be acquired, and what's the time table and so forth. So if that's what we decide to do then it seems like we should take this money and that will use up every bit of it, I'm sure, to design the project.

What project are we talking about here? Are we talking about a treatment project or are we talking about a water line distribution project. We need to decide that because it would be a shame to waste a half million dollars on a water treatment project and then a couple years later we bring a new water line in to give them Santa Fe County water. So I think we've got some work to do here on how this money is used and if they're going to partner with Santa Fe County, if we're going to do a design for that line, that it would run through Eldorado to serve them or wherever it would go. This is a tricky call here, how to deal with this very limited amount of funding. I just want to point that out, Roman. That's your job. You get to do that. And I'm speaking about all of Commissioner Campos' district here but it's very important because it's right adjacent to Eldorado and it's important because they have serious water problems as does Eldorado. They're neighbors and we need to figure out a solution that will work for them. Unfortunately, we're not going to be able to throw money at it. We're going to have to actually sit down and figure out our long-range strategy here.

CHAIR VIGIL: Commissioner Campos.

CHAIR VIGIL: How much CIP money does the County have that we talked about at that last meeting?

MR. ABEYTA: Madam Chair, Commissioner Campos, for water projects, I think it was $9 million that we were talking about for water projects.

COMMISSIONER CAMPOS: As far as the Cañoncito water project, I think it's a regional project, clearly. It's as fine a line as I've heard it described from our water

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system all the way to Cañoncito by Eldorado, and it could also serve the Galisteo area. It could serve that entire area, those communities out there that are going to have problems with their wells. This could be a drop-down line either south. It could be a supplemental to Eldorado, and it could really help the people out at Cañoncito. So I think it's [inaudible] and we should give it very serious consideration, because it serves so many people.

MR. GARCIA: Madam Chair, before I turn it over to ex-Senator Roman Maes, I'd just like to thank the Commissioners for giving us support out there, the County Manager's office where we'd call for a last minute need of an answer and all the staff that actually helped us out tremendously. Thank you.

COMMISSIONER ANAYA: Thanks, Rudy.

CHAIR VIGIL: Thank you, Rudy. I have a real quick question, Rudy, on countywide projects, Santa Fe County Homeless Shelter. Do you mean that to be the Clubhouse? Or is this homeless shelter a whole different thing? Because I'm not familiar with a homeless shelter within the county but I do know that the Clubhouse, that mental health day care program received some funding and this is approximately the amount of funding they received, so I'm wondering if that's what was intended for that item.

MR. GARCIA: Madam Chair, I can't answer that question but we actually did receive the sponsorship from the bill. Yesterday we were going to look into it and get with the sponsor of that and see actually where that money is intended to go.

CHAIR VIGIL: Okay. And I believe most of the sponsorship was Grubesic on this, and if it is the Santa Fe Clubhouse it's a whole different project than a homeless shelter. And also, Eldorado received some funding for fields. I don't know if it was for soccer fields, baseball fields, of anything, but does that funding come to the County or does it go to the schools, maybe?

MR. GARCIA: Madam Chair, I don't know. Paul Olafson can actually help us out here, but the first time that money came to the County, that money actually came straight to the County. And the reason why it didn't go to the public school district is because they didn't want to interfere with their capital outlay request as a whole, so the first time the County did receive monies to that and I think Paul Olafson as well as the school district in Eldorado did come up with a memorandum of understanding to actually give it back to the school district and let them spend that money.

The second time the money came around it did go – the second portion of that money came straight to the school system. So the first round did come to the County. We created a memorandum of understanding that goes back to the schools and has the school spend it for the school property.

CHAIR VIGIL: Well, this time, this year, so will it come directly to the County? At this time?

MR. GARCIA: Madam Chair, yes, I believe so. It will come directly to the County and hopefully we can amend our memorandum of understanding with the Eldorado Public School District and get that money funneled to the school district.

CHAIR VIGIL: Okay. And that's I guess if the fields are owned by the

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public schools. Are there fields that aren't owned by the public schools out there?

MR. GARCIA: Madam Chair, no, there's not.

CHAIR VIGIL: Okay.

COMMISSIONER SULLIVAN: There are?

CHAIR VIGIL: There are? Okay. Well, that project I guess we'll need some further clarification. Thank you. Thank you, Paul.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Just a quick question. As far as that field, is it going to be grass or is it going to be artificial turf? Are we going to be using a lot of water on it?

MR. GARCIA: Madam Chair, Commissioner Campos, that legislation is intended for artificial turf.

CHAIR VIGIL: Okay. Senator Maes.

ROMAN MAES: Thank you and good afternoon, Madam Chair and members of the Commission. If I may, let me just go back to Commissioner Sullivan's question regarding water and issues associated with Cañoncito. One of the biggest problems that we have, Madam Chair, is the fact that we thought this year was going to be the year of water. I think that was a major emphasis. As you recall, there was a lot of publicity on it. We got this snowfall, all of a sudden the discussion deteriorated for some reason.

Roman Abeyta and you staff and also your group of lobbyists attended several meetings regarding water. We talked to Bill Hume. We made an extensive presentation to him. We talked to Eric Witt. We talked to James Jimenez, the so-called powers that be. It was mentioned directly to the Governor on our priorities with regard to the Santa Fe County well program. Also the Pojoaque Valley wastewater and also Cañoncito. So it wasn't as if it wasn't emphasized. It was truly emphasized. As a matter of fact we gave them detailed statements. We gave them presentations. We gave them a lot of things that they could basically read and discuss.

We also did that with our delegation. All our delegation was very familiar about the water issues that we were trying to move forward. So please don't get the impression that we didn't. We went a thousand percent after the water program. The dollar amount is really the issue. Any program – not program but capital outlay project – exceeding a half million dollars requires a combination of legislative and executive support. Otherwise you just won't get it. The Senate was allocated something like $2.5 million. The House was allocated I think $1.7 million. Those dollars went almost immediately.

If you saw the e-mails I was sending you, the volume of requests from Santa Fe County was overwhelming. Over 500-some projects were requested. So they were inundated with a lot of projects. For example, Jill Epstein, Commissioner Sullivan mentioned her. That was one of her projects, that $50,000. Well, there was a whole bunch of those out there. And if you can see a list of those that were in fact funded it gives you a

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general idea of what the real picture was.

Let me mention a couple of other things. There was a total of 542 bills passed by both House and Senate. The Governor has basically signed 48, dealt with them. I think he's vetoed one, and that was the bill that Senator Jennings had that would have allowed the cities and counties to invest their own money. They still have to go through the State Investment Council.

Corrections did well. At least we moved forward with at least $5 million, and according to my figure and what I shared with the Corrections people, we're going to get about $349,797 for the Corrections just for Santa Fe.

Let me mention a couple of other issues that I think are rather important. The Corrections issues has got to be dealt with on a constant basis. I think we put a band-aid on something that was very serious for the County and not only for the County but for the state. As I delved into it I think Roman's staff told me that about 23 percent of your budget goes to Corrections, so that's a major hit for you. We're going to have to emphasize that, not only at our local level, at the County level, but we're going to have to have the Association support us 1000 percent, and then also we've got to get the Governor involved.

I think the legislature has been inundated with requests but I think the real push has got to come from the Governor himself and start pushing that.

Another thing that I think is very relevant is the sole community provider. I know that's a sore point with Commissioners. You've heard it 2000 times. The dilemma was, I made a very quick presentation to the Governor and he was cold to the issue. It was surprising that he wasn't aware of the sole community provider program overall and the fact that you provide monies and the fact that there's a big population of people that need health services throughout the state. We warmed him up to that issue and I think that's another part of the agenda that the Association of Counties is going to have to deal with very quickly. It's a huge problem statewide, more so in Santa Fe.

The thing that we've got to push about St. Vincent Hospital is that it's a regional hospital; it's no longer just Santa Fe County. A person drives up to the Taos Hospital, whether it be by ambulance or by car and they'll see the person. They'll analyze it right there: We can't take care of it. It requires a surgeon. They take him to Santa Fe or to Albuquerque. A good percentage of the time, if it's not seriously life-threatening at that moment they land in Santa Fe. So as a result Santa Fe gets hit the hardest financially. I think Alex Valdez and I think also his board is coming to the realization that they're going to have to really – not be hard-nosed, but press the issue a little harder with the other counties that are basically utilizing their services. I know Los Alamos is supposed to come up with a major dollar amount this year, at least that was being negotiated by the Speaker and Los Alamos and the County. So if you don't mind, if you could place that as a major priority issue on the agenda for the Association of Counties. It's got to be discussed.

Also in the interim we can be working with the Governor's office very closely on this issue and bring it to the forefront. I know Pamela Hyde has admitted several times that

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we've got to start dealing with this issue. We're literally breaking hospitals throughout the state. They're in serious financial difficulties, and what's hurting is the fact that they're not being able to keep with technology based on the fact that they're spending so much money on indigent care that they might sacrifice this new equipment that could be life-saving for basically providing basic services.

A couple of things that we've learned and Roman wanted us to share a couple of issues of what we learned this last legislative session. I think we learned a lot. The big ticket items – we're going to have to come to some format as to being able, not only to pool our monies though our delegation, but also making our point with the Governor's office. I thought we did that well but apparently we didn't do it as well as maybe we could have. We brought it home, but it was rather odd during the session, we got this huge snowfall and then all of a sudden it wasn't a big issue anymore. Water was forgotten somehow and everything else became the issue. Prior to that water was the number one issue. We have to deal with the water issues of New Mexico. I guess snow resolved a lot of that problem.

I think the Association of Counties worked very well this. I think we had a good relationship. I like the communication aspect and if you recall my e-mails I would shift the information to you and you understood very clearly what was happening with the statewide issues. I think the staff worked exceptionally well. I think we were well represented at all our presentations. It went very, very well. If it was a road issue, we were there. If it was a health issue, staff was there. So that was really good, the communication.

I know all of you spent time during the session, which is very helpful. It was wonderful to have an elected official from Santa Fe County sometimes make presentations or speak up and get up and say that they were supporting the issue. Overall, I think we did well during this session. The coordination was excellent. Obviously, I think there's a lot more work that needs to be done during the interim and I think those issues that I brought up are those that should be considered. Thanks very much, Madam Chair.

CHAIR VIGIL: Thank you. Any questions? None. I have question for Mr. Ross. Mr. Ross, based on the Supreme Court denying appeal of the Court of Appeals San Miguel case on Corrections, are you familiar with that at all and what does that mean, just with regard to counties, if you are?

MR. ROSS: Well, Madam Chair, the Supreme Court failed to agree to review the case, so the Court of Appeals' decision stands. That decision was that the Department of Corrections was required to pay for probation and parolees put in county jails.

CHAIR VIGIL: Okay. And at what point in time should we expect reimbursement for this? Are there specific procedures we need to follow to hold the state accountable for this?

MR. ROSS: Madam Chair, that's not been determined yet, I think from the legislature's point of view. However, the $5 million was intended to address that. Of course it's woefully inadequate. But I think that's what the feeling was, that that money

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was going to be put to that purpose.

CHAIR VIGIL: And was that case specific to San Miguel County or was it statewide? Do you recall?

MR. ROSS: It was specific to a particular case in San Miguel.

CHAIR VIGIL: In San Miguel. Okay. Thank you.

COMMISSIONER CAMPOS: Madam Chair, a follow-up question.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Don't you think we should – isn't it possible to pursue this more aggressively against the state and actually bill them from the effective date of that Court of Appeals decision, for all the services rendered and not paid? I don't think the legislature explicitly said this is it, guys. This satisfies our Supreme Court. It didn't pass legislation overruling the Supreme Court. It seems that the small amount that they're willing to give Santa Fe County is so small, it doesn't begin to cover. It might be a series of down payments of some sort.

MR. ROSS: Madam Chair, Commissioner Campos, I suppose in an ideal world that's correct. But the problem is there isn't adequate funding in Corrections' budget to make the payments. So it would probably take follow-on proceedings in the San Miguel County case.

COMMISSIONER CAMPOS: For example?

MR. ROSS: For example, the Association might want to enforce that judgment on behalf of its members in different counties. Subsequent proceedings would be required to do it anyway. So as far as this County doing it, I think we'd have to open up a separate action, relying on the whole thing.

COMMISSIONER CAMPOS: On the precedent.

MR. ROSS: Yes.

COMMISSIONER CAMPOS: I think it's worth some thought and discussion.

MR. ROSS: Well, let me visit with Mr. Marshall and Mr. Kopelman and see what their thoughts are and I'll get back to you.

CHAIR VIGIL: Okay. Rudy, did you want –

MR. GARCIA: Madam Chair, Commissioners, this is something I learned from the session, or I don't know if I'm adding to this or it's just kind of food for thought is, in speaking with the staff from Secretary William's office, their opinion of a state inmate doesn't become a state inmate doesn't become a state inmate until they actually enter their state facility. So my question was whenever a judge actually sentences a person to prison, at what point does he become a state inmate according to Corrections? They say when he enters our facility he is now then a state inmate. But a state inmate, because they have no room in the state penitentiary, they can sit in our facility for a year, two years, three years, and they're still, according to the Corrections Department still not a state inmate until they enter that facility. I don't know – that's maybe a question that needs to be answered is when does he become a state prisoner? At the time that the judge sentences

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him? Or the time he enters into the facility? That seems like it's a question that's not really answered.

CHAIR VIGIL: We'll answer it for you. Go ahead, Mr. Ross.

MR. ROSS: Well, Madam Chair, that's really a separate issue. The issue that the Association litigated on behalf was the issue of folks who are picked up on either a probation violation or a parole violation. It's a small subset of the bigger picture, which is who is a state inmate and when are they a state inmate and whose responsibility are they? In most cases right now the assumption is unless they come under the City's agreement, those inmates are paid for by counties. And I know there was a move afoot through the Association to try and define that a bit over the years. It's been discussed that perhaps an inmate becomes a state inmate after he's been arraigned, for example.

CHAIR VIGIL: And wasn't there a joint resolution or a joint memorial that identifies a state inmate at this session, or a previous session?

MR. ROSS: Yes, there was activity this session but nothing has come out the other end that's binding on us. So that remains the bigger issue. You can put it into terms of who is a state inmate but you can also phrase the question of when is the state responsible for reimbursing counties for persons charged with state crimes who are in county facilities. And those questions have yet to be resolved. The probation and parole question seems to have been resolved, but there are inadequate appropriations at this point to really address it.

COMMISSIONER MONTOYA: I thought it was part of the appropriations. Is it in that bill?

MR. ROSS: The definitional fix? I don't think it's in that.

CHAIR VIGIL: I think the Association and I know a lot of my agenda will be with them and a really strong focus for Corrections. This is an unfunded mandate for most counties. Most counties are similarly situated as Santa Fe County is for our general fund being swallowed up by our detention facilities and there just seems to be an increase in needs for those facilities. We're not keeping up with the pace much less trying to pay the debt. So I don't know. I think through the Association we should probably get creative but I wonder if we shouldn't keep this as a priority also for Santa Fe County in discussing the issue with our legislative delegation because I think while we're looking for new capital funding there are some ways we can address our current debts and needs at our Corrections facility and perhaps working closely with our legislative delegation I think they'd be willing to help us out.

Anything further?

SENATOR MAES: Madam Chair, and let me not waste any more time, but Representative King sponsored a bill, House Bill 316, and it pretty well increased the County detention facility reimbursement fund. This is earmarked primarily for the $5 million that's in House Bill 2. The bill also pretty well clarifies – it defines what a felony and sentence to confinement in a facility designated by the Corrections Department and it elaborates on a definition for that. But overall, the bill is a compromise, if that makes

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sense. Instead of hitting the state for $26 million we hit them for $5 million. But I think the Association felt that this was at least a step forward to some form of negotiation in the future. And I'll send you a copy. I'll e-mail it.

COMMISSIONER MONTOYA: I think that was part of it. It's in that bill, some clarification.

CHAIR VIGIL: Mr. Rivera.

MR. RIVERA: Madam Chair, Commissioners, I just wanted to convey to you my appreciation for being on board again this year to help Santa Fe County with all their legislative issues, and I wanted to just echo what both Roman and Rudy said about the staff and the Commissioners being available for testimony in front of committees. It really makes a big difference. Thank you.

CHAIR VIGIL: Thank you, Mr. Rivera. Any further comments?

COMMISSIONER MONTOYA: Madam Chair, I just want to thank the legislative lobbying team also. I think we did well and actually did well also in supporting some of the Association's initiatives. Thank you for your working on doing those as well and we really appreciate what we were able to get for Santa Fe County. Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I do want to echo what Commissioner Montoya said. I noticed you guys lost a lot of weight while you were around there, going round and round. You all look good. Keep trying to keep the weight off. Good job.

CHAIR VIGIL: It was a tough session. One of the toughest I've ever experienced, and I was there just about every day and our lobbying team was there also. Thank you very much for all your hard work. Really appreciate it. Many ups and downs. Thank you and thanks for your update.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Just curious. Unless I was daydreaming, did we talk about the Aamodt settlement?

CHAIR VIGIL: You were not daydreaming. That was part of the agenda. Was there anything that needed to be reported or updated on on the Aamodt settlement?

SENATOR MAES: Very quickly, I talked to the legislative staff, the LFC about half an hour ago, and they came up with a figure of $10 million that was allocated for settlement and it dealt primarily with the Navajo, Taos and the Aamodt lawsuits. Now that's Senate Bill 827. That dollar amount will be shared with the federal government. In other words, the federal government is kind of coming forward with their dollar amount and then both of them will move forward.

Apparently there were negotiations with our national delegation, so that's where it's at. But $10 million was allocated.

COMMISSIONER MONTOYA: For Indian settlements or just for the Aamodt?

SENATOR MAES: For all three. It was the Navajo, Taos and the Aamodt.

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COMMISSIONER MONTOYA: Okay.

SENATOR MAES: And then a separate federal dollar amount is coming in also, and that will [inaudible] expenditure for both.

COMMISSIONER MONTOYA: Madam Chair, I think a quote of the legislative session was made during one of the first days of the session when Shannon Robinson says if we do this here for the year of the water what we did last year for the year of the child we're in for a 100-year drought. Because I'll tell you, I was kind of disappointed for the year of the water that not a whole lot got done.

CHAIR VIGIL: Thank you.

MR. RIVERA: One last thing, Madam Chair, on the Aamodt. I guess the negotiating team from New Mexico is heading up to Washington in mid-April for the next meeting. But Commissioner, on your note, one of the other legislators went to fill up his bathtub with water when he heard it was the year of the water. He wasn't sure that he'd have enough.

CHAIR VIGIL: Very well. Thank you, thank you thank you, gentlemen.

XI. D. Matters from the County Attorney

1. Executive session

a. Discussion of pending or threatened litigation
b. Limited personnel issues
c. Discussion of possible purchase, acquisition or disposal of real property or water rights
e. Six-month evaluation of County Manager Roman Abeyta
f. Six-month evaluation of County Attorney Stephen Ross

MR. ROSS: Madam Chair, we need to go into closed executive session to discuss items a, b, c, e and f.

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

[The Commission met in executive session from 3:20 to 5:55.]

Commissioner Campos moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Anaya seconded. The motion passed by unanimous [3-0] voice vote. [Commissioner Montoya and Commissioner Sullivan were not present for this action.]

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XI. D. 2. Discussion and Possible Action Regarding Six-Month Evaluation of County Manager Roman Abeyta
3. Discussion and Possible Action Regarding Six-Month Evaluation of County Attorney Stephen Ross

CHAIR VIGIL: The Commission did have an opportunity to go through an evaluation form. That evaluation form was discussed with both the County Manager and the County Attorney and the general consensus and statements of support were overwhelming in terms of job performance and I think we have a good start and a benchmark to move forward for the next six months. Is there any comment from the Commission?

COMMISSIONER CAMPOS: Good job and thank you very much.
COMMISSIONER ANAYA: Good job.
MR. ROSS: Thank you.

XII. ADJOURNMENT

Chair Vigil declared this meeting adjourned at approximately 6:00 p.m.

Approved by:

Board of County Commissioners
Virginia Vigil, Chair

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

ATTEST TO:
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

COUNTY CLERK SANTA FE COUNTY NEW MEXICO VALERIE ESPINOZA

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2007 Legislative Session

January 16th-March 17th

(Special Session in Progress)

Submitted By:

Roman Maes III
James Rivera
Rudy Garcia

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TOP 5 PRIORITIES

PRIORITIES	REQUESTED	FUNDED
First Judicial Complex	$3.5 million	$1 million
Santa Fe County Well Program	$3 million	$ 250,000
Pojoaque Valley W/Waste Water	$2 million	$ 500,000
Santa Fe County Fairgrounds	$1 million	$ 525,000
Canoncito/Eldorado Water Project	$2.2 million	$ 140,000
Total Amount Requested/Funded	$ 12 million	$2,415,000

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2007 LEGISLATIVE INITIATIVES

- **Legislation that revokes the PRC rule charging under grounding to specific area and requires that it be included in the utility company's overall rate base.**

Legislation was not pursued, due to County upgrading their utility ordinance

- **Legislation requesting funding for Teen Court**

Funding was appropriated in the amount o $50,000

- **Legislative eliminating the County Surveyor Position in Santa Fe County**

Legislation was submitted, passed the Senate and failed in House Judiciary due to time limit of legislature

- **Legislation eliminating the Santa Fe Extraterritorial Zone and limiting municipal annexations without County approval**

Legislation was not pursued, due to a lack of sponsor

- **There will be requests for additional monies for projects that have been previously funded but have shortfalls tied to increase in construction costs; Example: Madrid Ball Park**

Projects such as Esperanza, La Puebla, Agua Fria, El Dorado Senior Center obtained additional in order for completion of projects.

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- **PFMD working on a list of re-authorizations for previously funded projects. We'll discuss this tomorrow night at the Legislative Reception. List of Projects will be provided**

Legislation for all reauthorizations was induced and approved

- **Document imaging program for County Clerks Office**

Funding from capital outlay was approve in the amount of $50,000

- **DWI Legislation**

  SB 440, Day Case Fix-Allows for three hour window for blood and breath testing and language to allow for evidence for over three hours

  HB 266, Liquor Excise Tax-Legislation increases the distribution of the liquor excise tax to counties for expenditure on reducing DWI, for 34.57% to 41.5%, which equals about $5 million state wide for counties.

Legislation was approved by the Senate and the House awaiting signature from Governor.

- **Legislation supporting earmarking a portion of State Tribal Gaming Revenues for Local Expenditure**

Legislation introduce in both Senate and House was tabled in committee process, (financial impact to the state general fund)

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CAPITAL OUTLAY FUNDING

COMMISSION DIST. 1

Cuatro Villas Improvements	$45,000
Cundiyo Community Center	$28,697
Cundiyo MDWCA System Improvements	$50,000
El Rancho Senior Center Code Compliance	$125,000
Jacona Community & Senior Center	$300,000
La Puebla Community Center	$205,000
La Puebla Picnic Equipment	$43,800
Nambe Head Start Improvements	$50,000
Pojoaque Regional Water/Waste Water	$500,000
Pojoaque Valley Senior Center	$310,100
Abedon Lopez Senior Center	$55,000
Sombrillo Sewer System	$850,000
Pojoaque Valley Tennis Courts	$110,000
	$2,672,597

COMMISSION DISTRICT 2

Agua Fria Park/Community Center	$200,000
Agua Fria Roads/Water/Sewer Lines Extend	$50,000
Agua Fria Sewer line-Ben Land Extend	$50,000
Agua Fria Water Rights and Sewer System	$500,000
Agua Fria/Rumbo al Sur Sewer Line Extend	$25,000
Henry Lynch/Agua Fria Road Roundabout	$25,000
Agua Fria Children's Zone/Multipurpose Ctr	$125,000
Agua Fria Village Water/Sewer System Plan	$250,000
SF River Area Improvements & Acquire	$750,000
	$1,975,000

COMMISSION DISTICT 3

La Cienega Community Center Land Purchase	$40,000
La Cienega Community Facility Construct	$50,000
Oscar Huber Ball Park Improvement	$50,000
Madrid Out Door Restroom Facility	$60,000
Mayfield Road Project Improvements	$100,000
Nancy's Trail to Sunset Construction	$100,000
Pine Road Improvements	$30,000

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County Road 55A	$50,000
La Bajada Wells Construction	$35,000
Stanley Fire Dept. Water System and Equipt.	$150,000
Stanley Youth Ag. Facility	$150,000
Sunrise Road Improvements	$39,285
Edgewood Senior Center Improvements	$336,600
Edgewood Animal Shelter	$150,000
	$1,340,885

COUNTY COMMISSION DISTRICT 4

Canoncito @ Apache Canyon MDWUA	$140,000
El Dorado/Canoncito Water Project	$50,000
Ravens Ridge Road CR 67G	$75,000
	$265,000

COUNTY COMMISSION DISTRICT 5

El Dorado Roads Improvements	$475,000
El Dorado Roads Improvements in Units I,II,III	$200,100
El Dorado Senior Construct	$300,000
El Dorado Vista Grande Library	$75,000
El Dorado Vista Grande Roof Improvement	$25,000
Galisteo Community Park Renovate & Equipt	$70,000
	$1,150,100

COUNTY WIDE PROJECTS

Esperanza Shelter Admin Complex	$270,000
Santa Fe County Women's Health Services	$900,000
Santa Fe County Clerk Digital System	$50,000
Youth Shelters & Family Services Facility	$450,000
Santa Fe County Homeless Shelter	$104,285
	$1,774,000

Total Capital Outlay Funding for Santa Fe County
$12,067,864

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ADDITIONAL LEGISLATION

Aamodt Settlement

Corrections

Sole Community Provider

CONCLUSION

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During the late afternoon of March 28th, 1862 Col. John "Dirty Shirt" Scurry of Sibley's Texas Brigade must have looked with elation as for the third time the Union line near Pigeon's Ranch on the Santa Fe Trail collapsed. The move around Sharpshooter's Ridge had been wildly successful forcing the Colorado and New Mexican Union forces commanded by Col. John Slough to head for their camp at Kozlowski's Trading Post. Knowing that this victory would open the road to the gold fields of Denver and California, possibly even a California port for the Confederacy, he envisioned his young nation sustaining and winning this bitter war. As his dream was coming to fruition a courier arrived from the CS supply wagons, far to the rear, that a Yankee flanking action had destroyed their precious food and ammunition at Johnson's Ranch near Glorieta Pass. In New Mexico, in the winter, without supplies you can not live off the land. His troops were firing their last rounds. In a moment the western hopes for the Confederacy collapsed. The defeated army would make the long journey back to Texas. The attack on the Confederate rear led by Maj. John Chivington (yes, that Chivington) of the Colorado Volunteers and supported by Lt. Col. Manuel Chaves and his New Mexican scouts had forever preserved the Far West for the Union.

During the intervening years since the battle the National Park Service has acquired most of the battlefield and it is now part of Pecos National Historical Park. But until today very little was done to interpret the battlefield or make it available to the general public. Also, the Civil War Preservation Trust has put the Glorieta site on the list of top 10 endangered sites in the country. Why is this? The overwhelming problem is the presence of NM Highway 50 running directly through the site, a busy unimproved two lane road serving the Pecos and Glorieta communities. This is a major safety hazard to those wishing to see the field.

Though studies are ongoing regarding the highway, its importance to the rural communities of Glorieta and Pecos will make any change difficult. Necessity is indeed the mother of invention as the partnership of Ranger staff, Glorieta Battlefield Coalition, and Friends of the Pecos NHP have discovered. Overlooking the battlefield and containing some significant sites, including where Maj. Shropshire was killed, is a ridge and a pair of hills on which a trail will be built to interpret this critical phase of the battle. Tree clearing will provide open vistas of the former Santa Fe Trail, Pigeon's Ranch, the three battle lines, and Union field hospital. The trail will walk the ground of the Confederate attack, the Union artillery position, and other major sites opening the battlefield to the public for the first time in a safe and interpreted experience. Work is underway with the support of local and national groups with the opening targeted for 2007.

PARTNERING ORGANIZATIONS & FRIENDS

Friends of Pecos National Historical Park
P.O. Box 23
Pecos, NM 87552

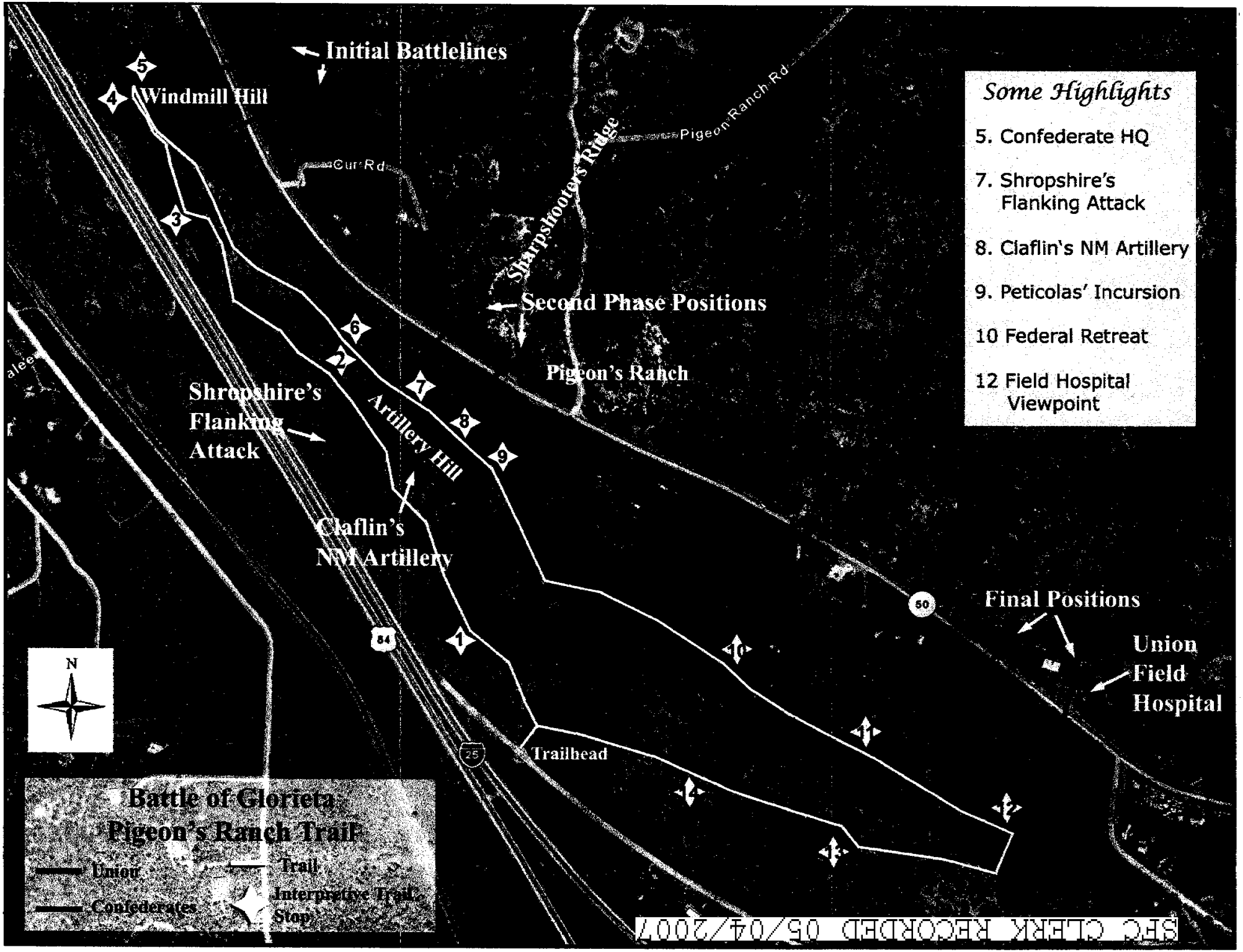
National Park Service
Pecos National Historical Park
P.O. Box 418
Pecos, NM 87552-0418
505-757-6414
www.nps.gov/peco/

Glorieta Battlefield Coalition
Attn: James P. Houghton
c/o Modrall Sperling Roehl Harris & Sisk PA
PO Box 2168
Albuquerque, NM 87103
www.glorietapass.org

Civil War Preservation Trust
1131 H Street N.S. Suite 1001
Washington, D.C. 20005
202-367-1861
www.civilwar.org

Student Conservation Association
P.O. Box 550
Charleston, NH 03603-0550
www.thesca.org

Western National Parks Association
1280 North Vistoso Village Dr.,
Tucson, AZ 85755



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WHO ARE WE?

The Friends of Pecos NHP are individuals who are passionate for the Park and wish to help meet the Park's needs where funding or staff are not available. 'Friends' is managed by a Board which operates within it's own by-laws and a formal agreement with the Park. In our brief history, Friends has helped with the construction of the Pecos Room, plantings at the Ranch House, and a covered picnic ramada at the Visitors Center.

We invite all who share our goals for Pecos NHP to join us as "Friends". Membership for individuals starts at $30 ($25 for Seniors). Please see the application for membership categories and fees.

What do we do?

- The Friends co-sponsor Pecos Pathways; a program that brings students from the Jemez Pueblo, the village of Pecos and Phillips Academy together each summer to share cultures and promote an appreciation and understanding of one another
- The Annual Feast Day of the church at the Ruins
- Civil War Weekend
- The Annual Christmas Open House
- The Pecos Conference when it is held at Pecos National Historical Park

VOLUNTEERS

Some members of the Friends are also volunteers at Pecos. The National Park Service Volunteers-In-Parks (VIP) Program was authorized by Public Law enacted in 1970. The primary purpose is to provide the National Park Service with voluntary help and service from the public.

Pecos National Historical Park has 16 VIPs, who assist at the Visitors Center, give tours of the Park's resources, help with special projects and assist the Archeologists with inventory, cataloging and preservation of artifacts.

If you have an interest in becoming a VIP at Pecos, please contact Christine Beekman, Chief of Interpretation.

POTSHERDS

Broken pieces of pottery are frequently found within the boundaries of Pecos National Historical Park. These potsherds are used by the Park's archeologists to determine the age of past human use and occupation. Moving or piling them diminishes the experts' abilities to obtain this information and lessens the quality of these sites. Removing any artifacts from the Park is disrespectful and a violation of Federal law.

UPCOMMING EVENTS

Please watch for announcements of Civil War weekend (March 25-28) and the Night Sky Program (July, August and September).