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SANTA FE

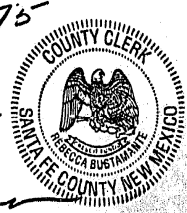
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

April 8, 2003

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

COUNTY OF SANTA FE 1270 475  
STATE OF NEW MEXICO JSS  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
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20 03 AT 1:43 O'CLOCK  
AND WAS DULY RECORDED IN BOOK 2549  
PAGE 420-421 OF THE RECORDS OF  
SANTA FE COUNTY  
WITNESS MY HAND AND SEAL OF OFFICE  
REBECCA BUSTAMANTE  
COUNTY CLERK, SANTA FE COUNTY, N.M.  
*Magge L. Duran*  
DEPUTY



SANTA FE BOARD OF COUNTY COMMISSIONERS  
COMMISSION CHAMBERS COUNTY ADMINISTRATION BUILDING

REGULAR MEETING  
(Public Hearing)  
April 8, 2003 - 2:00 pm

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*Amended Agenda*

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
  - A. Amendments
  - B. Tabled or Withdrawn Items
- VI. Approval of Minutes - *Approved w/ amendments*
- VII. Matters of Public Concern - NON-ACTION ITEMS
- VIII. Matters from the Commission
- IX. Presentations
  - A. Introduction and General Overview of Fiscal Year 2004 Budget Revenues and Anticipated Expenditures
- X. Administrative Items
  - A. Committee Appointments
    1. Extraterritorial Zoning Commission (EZC) - *Follinshead & Long*
    2. Agua Fria Development Review Committee (AFDRC) - *All Appointed*
    3. Community College Development Review Committee (CCDRC) *All Appointed*
- XI. Consent Calendar
  - A. Resolution No. 2003 <sup>50</sup> A Resolution Imposing An Annual Liquor License Tax Upon Persons Holding State Liquor Licenses (Clerk's Office)
  - B. Resolution No. 2003 - A Resolution Requesting a Decrease to the Housing Special Revenue Fund (230)/Public Housing Development Grant to Realign the Fiscal Year 2003 Budget with the Fiscal Year 2002 Cash Balance Available for Expenditure in Fiscal Year 2003 (Community & Health Development Department) *Tabled* TABLED
  - C. Resolution No. 2003 <sup>51</sup> A Resolution Requesting Authorization To Surplus Obsolete, Inoperable or Duplicate Fixed Assets for Sale, Donation or Disposal in Accordance With State Statutes (Finance Department)
  - D. Resolution No. 2003 <sup>52</sup> A Resolution Approving the Solid Waste Management Agency Fiscal Year 2004, July 1, 2003 thru June 30, 2004, Annual Budget as Approved by the Solid Waste Management Agency Board on March 19, 2003 (Public Works)



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

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**A. Community & Health Development Department**

1. Resolution No. 2003-22 A Resolution Approving Rules and Policies Contained in 2003 Santa Fe County Fair Booklet
2. Resolution No. 2003-24 A Resolution Supporting April 21 - 27, 2003 as TV Turn Off Week
3. Update on the Care Connection TABLED

*Tabled*

**B. Land Use Department**

1. Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article II, Section 2.4, Notice and Conduct of Public Hearing to Require an Applicant to Notify Homeowners Associations or Neighborhood Groups For All Applications Requiring Public Hearings (Roman Abeyta)
2. Status Report for the Wireless Communications Facility Ordinance Adopted by the BCC in June 2001 (Joe Catanach)
3. Update on Affordable Housing in the Community College District

**C. Utilities Department**

1. Resolution No. 2003-25 A Resolution in Support of the Jemez Y Sangre Regional Water Plan Whereby the Santa Fe Board of County Commissioners Endorses the Work Done to Develop the Regional Water Plan and Commits to Evaluation the Alternatives Proposed in the Plan in the County's Water Planning (Katherine Yuhas)

**D. Matters from the County Manager**

**E. Matters from the County Attorney**

1. Executive Session
  - a. Discussion of Pending or Threatened Litigation
  - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

**XIII. Public Hearings**

**A. Land Use Department**

1. **EZ CASE #V 02-4770** - Mark Rendleman Variance. Mark Rendleman, Applicant, Requests a Variance of Section 3.5.5.D (Road Requirements) of the Extraterritorial Zoning Ordinance, for the Purpose of a Family Transfer Land Division to Create 2 Tracts on 2.492 Acres. The Tracts Will Be Known As Tract B-1 (1.246 Acres), and Tract B-2 (1.246 Acres). The Property Is Located At Camino Tres Arroyos, Within Section 23, Township 17 North, Range 8 East (Commission District 2) Victoria Reyes
2. **CDRC CASE #V 02-5470** - Bruce Oakeley Variance. Bruce Oakeley is Requesting a Variance to Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division Of 7.52 Acres to Create One 2.5 Acre Tract and One 5.03 Acre Tract. The Property is Located Off of East Pine Within Section 6, Township 14 North, Range 9 East (Commission District 5) Vicki Lucero
3. **EZ CASE #M 02-4301** - Territorial Plaza. Albertsons, Inc. (Peter Lynch, President), Applicant is Requesting Transfer of Ownership and Location of a Dispenser Liquor License for a Neighborhood Center District on 7.9 Acres in Accordance With the Approved Master Plan. The Property is Located at 7461 Airport Road Off The Airport Road/San Felipe

*APPROVED*

*3-2*

*APPROVED*

**Intersection Within the Two Mile Extraterritorial District (Commission  
District 5) Joe Catanach**

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**XIV. Adjournment**

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

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

April 8, 2003

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

Commissioner Jack Sullivan, Chairman  
Commissioner Paul Campos  
Commissioner Paul Duran [late arrival]  
Commissioner Mike Anaya  
Commissioner Harry Montoya

**Members Absent:**

[None]

**IV. Invocation**

An invocation was given by Reverend Sheila Gustafson from the First Presbyterian Church.

**V. Approval of the Agenda**

- A. Amendments
- B. Tabled or withdrawn items

GERALD GONZALEZ (County Manager): Mr. Chairman, members of the Commission, we have two changes to the agenda. One is the tabling under Consent Calendar of item B, a resolution requesting a decrease to the housing special fund, and we also have under item XII, Staff and Elected Officials' Items, A. 3, the update on the CARE Connection has also been tabled. And those are the changes that we have to the agenda, Mr. Chairman.

CHAIRMAN SULLIVAN: Thank you. Any changes or corrections from the



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Commission? Hearing none, what's the pleasure of the Commission?  
COMMISSIONER CAMPOS: Move to approve the agenda as amended.  
COMMISSIONER ANAYA: Second.  
CHAIRMAN SULLIVAN: Motion and a second.

The motion to approve the agenda as amended passed by unanimous [4-0] voice vote.

**VI. Approval of the Minutes: March 11, 2003**

CHAIRMAN SULLIVAN: Are there any corrections or changes by the Commission?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER ANAYA: I want the record to show that at the last meeting under Consent Calendar, first item, that I abstained from that. It was concerning the Housing Authority.

CHAIRMAN SULLIVAN: Okay. First item, Consent Calendar we'll show that there was an abstention. That would make that vote four and one abstaining. I have just a couple of typographical corrections, which I can give to the recorder. Does anyone else have any changes to the minutes? If not then, I'd like to hear a motion for approval of the minutes as amended.

COMMISSIONER ANAYA: Mr. Chairman, I'll move as corrected.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Moved by Commissioner Anaya and seconded by Commissioner Montoya.

The motion to approve the minutes as corrected passed by unanimous [4-0] voice vote.

**VII. Matters of Public Concern - NON-ACTION ITEMS**

CHAIRMAN SULLIVAN: Is there anyone in the audience this afternoon that would like to address the Commission on a non-action item? Would you step forward please.

ANITA STOLTER: Good afternoon. I'd just like to put a face to the papers I handed out yesterday into your boxes regarding the fixed assets and the dispersal of those vehicles. My name is Anita Stolter. I'm the head of horticulture for the Historic Santa Fe Foundation and we go to great lengths to preserve our properties and I just wanted to introduce myself and put a face to the papers I put in your box yesterday.

CHAIRMAN SULLIVAN: Are there any questions?

COMMISSIONER ANAYA: Mr. Chairman, is this regarding the pump truck?

MS. STOLTER: Yes, sir. A fire tanker. The Historic Santa Fe Foundation owns seven properties in Santa Fe.

COMMISSIONER ANAYA: And you've already contacted the Fire Marshal?

MS. STOLTER: Yes sir. Jeff Sanders, who put me on to this track to you all for the possibility of such a purchase or a donation for the Historic Santa Fe Foundation. He knows of our interest and he has papers to show that.

CHAIRMAN SULLIVAN: Katherine, did you want to address to the speaker the procedures on the disposal of surplus equipment? That's on a Consent Calendar item so she's indicated an interest through the Historic Santa Fe Foundations in one of the pump trucks to water trees.

KATHERINE MILLER (Finance Director): Mr. Chairman, Commission, the disposal of surplus assets for us is mandated by statute and first we go through the process of surplus and then we have a couple options. One, we can donate to other public entities or we can sell the assets through an auction or through a pricing mechanism where it's made available to all non-public entities. I would guess that the entity is a non-profit. Unfortunately, the statutes don't allow for a distinction between non-profits and everyone else. They only make a distinction between public entities and non-public entities to include non-profits. But we can put the items up for bid through a bid process. At the moment we were looking to donate them to other public entities first.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER ANAYA: Katherine, so I guess before we - you're saying before this piece of equipment would be handed down to her or purchased by her we would make sure that there is any other volunteer fire departments that might need this before it would go to such a -

MS. MILLER: Mr. Chairman, Commissioner, what we typically do is first offer all of our surplus items to other public entities like volunteer fire departments associated with a county or a city, a public entity. Once it's gone through that process and there aren't other public entities that require the equipment then we either sell it through the public auction that the Highway Department has, or we can go through our own auction process if we have enough equipment. And so yes, in answer to your question be provide it first for other public entities.

COMMISSIONER ANAYA: So if it's still there after everybody's looked at it, then she has the possibility of purchasing it?

MS. MILLER: Yes.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Katherine, is that purchase or donate? That

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would be purchase?

MS. MILLER: Mr. Chairman, Commissioner Montoya, the issue is that we cannot donate to a private entity, non-profit or for profit entity. So it would have to be for its market value, whatever that is. Some of the items that we've - not that many people are interested in when they go to public auction or up for bid. Typically if there is an entity that wants them they can receive them through a competitive process. So they're usually not very high cost. But we cannot, by statute, donate them to a non-profit.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. Thank you, Katherine.

CHAIRMAN SULLIVAN: Okay. Does that help you on the process? If you have any other questions feel free to visit with Katherine and she can help you out. Are there any others that would like to address the Commission on matters of non-action items.

#### **VIII. Matters from the Commission**

CHAIRMAN SULLIVAN: I'll start from my left today. Commissioner Campos.

COMMISSIONER CAMPOS: I have nothing to add, Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I guess just real briefly, just an update on the trip that we had to Washington. It was I believe very fruitful. It was the Utility Director, Gary Roybal, Commissioner Anaya and myself that went from the County and then from the City he had two staff and Mayor Delgado and we were fortunate to have met with the staff that we needed to meet with regarding the requests that we have for the upcoming water and wastewater systems that we have. So just want to let staff know also that hopefully, it kind of was a fifty-fifty type deal where they said we're making good progress because we also gave them an update on what we've done to this point but then the other part of it is the unfortunate reality of what's going on in the war that seems like a lot of the attention, a lot of the focus and certainly a lot of the resources are headed that way, so it's going to be interesting to find out whether or not we're able to get hopefully what we've requested. But just to give a little update on that. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Excellent. Thank you, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, as you all know that the town of Cerrillos recently ran out of water in their gallery which was supplying their storage tanks. We are pursuing trying to get them a well drilled over there. So we are asking the State Highway Department, the State Highway and Transportation Department if we could test one of their wells in the Cerrillos area. So I guess what I'm asking for is the support of this Board to allow the test to go through so that we can see if there's enough water there so that they could drill their own well. And Virginia, if there's anything that I'm leaving out, feel free to interrupt me,



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but I'd kind of like to get support on this so that we can continue looking to see if there's enough water there so that we can get the town of Cerrillos a back-up well just in case their gallery does ever go dry again.

Do you want to add anything to that?

VIRGINIA VIGIL (Policy Analyst): Mr. Chairman, members of the Commission, this was an expedited sort of project that we got engaged in during the legislature. They are at a place now through their consultant, Shomaker and Associates where they have identified a well. It is located on State Highway property and I think for informational purposes they wanted the Commission and Commissioner Anaya's bringing it for you, to let you know that they have gone through an expedited process also through the State Highway Department and have requested a special permit for this drilling, but no action is necessary on your part.

CHAIRMAN SULLIVAN: Questions of Virginia or Commissioner Anaya? Is this an existing well or one that's going to be drilled?

MS. VIGIL: It is an existing well.

CHAIRMAN SULLIVAN: And that's what you want to test.

MS. VIGIL: Correct.

CHAIRMAN SULLIVAN: And then if the testing proves out then they want to drill one. Is that the idea?

MS. VIGIL: I believe they are going to test the well at its current depth and do a preliminary analysis and then if necessary drill deeper.

CHAIRMAN SULLIVAN: Is this something that they're looking to the County for financial assistance with or just for help expediting it through the State Engineer?

MS. VIGIL: Preliminarily, they actually have funding through the New Mexico Finance Authority, approximately \$265,000 has been allocated to assist this community and that is the process that they have undertaken.

CHAIRMAN SULLIVAN: Other items, Commissioners?

COMMISSIONER CAMPOS: Mr. Chairman, just a quick question.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: What about water rights? For that well. Are they going to buy water rights? Have they done a geo-hydro? Anything like that?

MS. VIGIL: I'm going to have to defer to our water utilities director on that, Gary, he's been working with the community with regard to the knowledge on water rights.

GARY ROYBAL (Utilities Director): Mr. Chairman, Commissioner Campos, would you please repeat that question again?

COMMISSIONER CAMPOS: There's a proposal to use a well or to drill a well on State Highway property for the use of Cerrillos. The question is do they have water rights or do they plan to obtain water rights? Could you give me a little background on that?

MR. ROYBAL: Mr. Chairman, Commissioner Campos, the mutual domestic has 55 acre-feet of declared water rights before the State Engineer. They need to file a permit to use those water rights and that would trigger the State Engineer essentially determining just the level and amount of water rights that they have and those water rights could be used at that well

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location.  
location?

COMMISSIONER CAMPOS: They own water rights right now, at a different

location?  
MR. ROYBAL: Mr. Chairman, Commissioner Campos, the water rights that they have, the point of diversion is the infiltration gallery that they have.

COMMISSIONER CAMPOS: So they're going to transfer, they're proposing to transfer the water rights to the well then?

MR. ROYBAL: Mr. Chairman, Commissioner Campos, I'm not sure if they're looking at transferring them right now because they're just going to test this well. They can test the well without having water rights available, but if they are going to use that as a point of diversion and consume water from that point they will have to transfer water rights to that well location.

COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Virginia, what kind of - they wanted an approval of the Board or what did they want exactly from us? Just to let us know about it or do we need to take action on this?

MS. VIGIL: Mr. Chairman, Commissioner Anaya, preliminarily, the special permit that they submitted to us does have a line item that seeks City Council or Commission approval, but we don't believe that's relevant because this is actually their application before the State Highway Commission, so it's really the Highway Commission that needs to give the approval. However, we are before you to inform you so no action is necessary.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Thank you, Virginia. Just a couple of quick administrative items from my standpoint. One was I saw a letter from the Department of Finance and Administration this past week commending our Finance Department for winning and award of merit for the preparation of - was it last year's budget or this year's budget? The budget year that we're in. Mr. Gonzalez or Katherine did you want to comment on that and say thanks to the staff?

MR. GONZALEZ: Mr. Chairman, actually, we have a certificate of achievement which I'm going to hand to you so that you can present it to Katherine but it's a state level award and it's a distinction that Santa Fe seems to be earning over and over again under Katherine's and Paul's efforts. So I'm going to pass this along so that you can present it to her in recognition of the efforts that they have -

CHAIRMAN SULLIVAN: Did I jump the gun on that, or is this appropriate?

MR. GONZALEZ: It's fine to jump the gun. When it comes to awards, I love jumping the gun.

MS. MILLER: Well, thank you very much for the recognition and I really would like to give credit where credit is due and that is to Paul Griffin and Sharon Vigil on the budget staff, as well as the rest of Finance staff who helped put this together. We basically have

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a two-person budget shop and that's great for maintaining the budget throughout the year but this time of year it's a lot of work to put it all together and present it to the state and then we go back for, we give them an interim budget and then a final budget and we go back then with that budget that we handed out.

As a matter of fact, it's this document that won the award. This is the one that we also make available to the public. It's not all the little tiny print for operating budgets for the new department but one that we give out to the public as well as to anybody in the Commission and the staff that want to see how the entire budget actually works. So if you haven't had an opportunity to look at this, please do. It's a fascinating document that Paul put together with the rest of the Finance staff and I really appreciate all the work that they did. So thank you.

MR. GONZALEZ: And Mr. Chairman, they're preparing to fascinate us some more here shortly.

CHAIRMAN SULLIVAN: Yes, only a Finance Director could call that a fascinating document. But I'm sure it is. A little reading of that by the fireplace will put you right to sleep. Just two other quick items. One, I just wanted to let the Commission know that I've prepared a letter to the Mayor, Larry Delgado that went out last week suggesting that we establish a monthly communication vehicle with the City. That we meet, the County Manager and myself and whoever the chair is, the City Manager and the Mayor on a monthly basis. We have a lot of policy and coordination items that I think this would help to facilitate. So we'll see if we can get that arranged.

And then on a similar note, I also wrote a letter and made a proposal to the Santa Fe School District and would propose to do that with other school districts if it proved to be successful, that we have a work session with them to explore areas where we might improve our coordination and assist them further in some of the educational areas that we already assist them in or in new areas. And to follow that up with perhaps quarterly review sessions with them to keep that line of communication open and deal with planning issues as well as growth issues and anything that we can do to help the school districts plan effectively for their futures. So we'll see if we can also get that going and as I say, if it works out we'll also move it to Pojoaque and do the same thing, hopefully, for Española and Edgewood and wherever we can further those communications.

Those are the two things I had. Then let's move forward.

#### IX. Presentations

##### A. Introduction and general overview of fiscal year 2004 budget revenues and anticipated expenditures

CHAIRMAN SULLIVAN: This will be a work session type presentation from the Finance Department, a general overview of fiscal year 2004 budget revenues and anticipated expenditures. Ms. Miller. My understanding is that this is to kind of warm us up for the actual budget hearings.



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MS. MILLER: Mr. Chairman, yes it is. The past two weeks, actually for the past two months, departments have prepared their budget requests for FY2004 and submitted them to the finance department. We are in the process currently of compiling all that information to go into budget hearings at the end of this week for - the next two weeks - with the manager and the departments. The presentation today was designed to give you an overview of our financial condition going into these budget hearings, not to discuss the specific requests of each department or elected officials' office, but to look at the County finances as a whole, and to highlight those areas that we have decisions to be made. And that as policy makers, where you direct our energies to go, the finances hopefully will follow that in accordance with your wishes, as well as the needs that we don't have a lot of control over, those external issues.

One of the things that I want to explain that in this presentation what I tried to do was to gear it towards the fact that we have two new Commissioners that haven't been through this process, and to give you an opportunity to understand how the County finances are actually structured. If at any time I refer to funds or areas of the budget that don't make sense, please stop me and ask for some clarification.

I just want to show that the County finances are basically set up by funds. And the funds are the closest thing you could call, I think, back when they were initially established, they were like checking accounts, individual checking accounts, which you could write checks out of for specific purposes.

So when we put this pie chart up, these are all of the sources of revenues or funds by fund type. We have a general fund, which is our general tax dollars. We have Debt Service Funds, and the Debt Service Funds are where we pay the actual debt, like mortgage payments or we pay down our bonds. Capital Improvement Funds, those are potentially the proceeds from bonds or funds like the new gross receipts Tax Fund would be in either a Capital Improvement Fund or in a Special Revenue Fund.

The green area, those are Special Revenue Funds. Those are funds where the revenues are designated to a very specific type of expenditure. Those are like our Road Projects Fund - no, I'm sorry, that's a Capital Improvement Fund. Our Indigent Fund, our Fire Protection Fund, all the funds that start with a 200 number. The new gross receipts Fund would also be a special revenue fund because it can only be used for specific purposes. Road Maintenance Fund, EMS Healthcare Fund. The yellow funds are our Enterprise Funds, which are the Housing Fund, the Utility Fund and the jail fund.

And this particular graph, what I did is actually add up the pie of all the different funds. We pulled out four areas to focus this presentation on, and that's our general fund, our Road Maintenance Fund, our EMS Healthcare Fund and Indigent included with that, because they're tied together, and the Jail Enterprise Fund. The reason these funds are specified in this presentation is these are the ones that we have the most recurring expenditures. A lot of salaries, or a recurring expense like a salary that are the least flexible, or have the greatest impact when a decision is made to make a cut. In these particular program areas, our revenues are very much dedicated to recurring expenditures

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like employee salaries and benefits, except for the jail fund, which is an enterprise fund that's substantially supported by the general fund. So the reason these funds are separated out is they have the most flexibility or the least flexibility, yet are supported by the general fund.

To talk about the general fund first, the general fund, these are our areas of revenue that come into the general fund. And the idea behind the general fund is that these are general tax dollars or fees that can be spent in areas that are directed by the Commission, County Manager and general administrative areas. They are not for a specific purpose. They can be transferred into other funds in order to sustain operations in another fund. It's also the fund that supports any losses in our Enterprise Funds.

Typically, the biggest area of revenues for our County are property taxes. Luckily, the County's property taxes are the most stable source of revenues. We actually send out a tax bill, and at the annual tax bill, we collect in a given year anywhere from 93 to 95 percent of that tax bill. And that's based upon the evaluations by the Assessors, and it's a fairly consistent revenue that we can count on, unlike gross receipts that's driven by the outside economy and forces beyond the County's control.

The property taxes, as you can see, have been our biggest growth area over the past 3 or 4 years. Between fiscal year 2000 and 2001, you see that \$3 million jump, that was because we had an imposition of a operating mil. We are, every County is allowed up to 11.85 operation mils. We have imposed all 11.85 operating mils, and that is what funds our general operations. And you can see, aside from that jump, our evaluation, the red line at the bottom, has gone up steadily, and it's in billions, that's the evaluations in billions. We're approaching \$4 billion in evaluation, and that third is the taxable value. But what that results in for County operational funds is about a 5.5 percent annual increase in property tax revenues since fiscal year 2001. That is our main area of revenue growth.

The next area of the pie is the gross receipts tax. That one actually is our next area of most consistent revenues for the general fund, and some of those gross receipts tax rates go across the county. We have three one-eighths that go across the county. The first one-eighth is for general purposes into the general fund. The second one-eighth goes to Indigent and the third one-eighth goes to the EMS Healthcare fund. In this particular pie, the 4.5 million, it consists of the first one-eighth that goes across incorporated and unincorporated areas, as well as an infrastructure tax out in the County, which is an eighth in the County.

You can see the gross receipts tax had been growing at a rate of about 2 percent per year, and we'll get to a slide that kind explains that. As a matter of fact, if you want to go ahead and go to that next slide. It was growing, and it continues to grow at a rate of 2 percent per year, but we had some major changes. Here's the actual trend of gross receipts between the Indigent Fund, the EMS Healthcare Fund and the general fund.

What happened in 2000 - in 1999 we had an election as to whether to take - that third one-eighth that had been split between the Indigent Fund and the general fund, where we have the two equal pieces of pie, the amount of gross receipts tax that was going into

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Indigent Funds across the county, and the amount going into general fund was 50/50. Then we had an election in 1999 that said, "Let's dedicate a third of that to EMS and healthcare issues, and would revert back to Indigent if Indigent needed it." Well, at that particular time, we only took half of it and put it into the EMS Healthcare Fund and continued to do the EMS operations out of the general fund. When we talked to DFA, they said, "You know, we'd prefer to see that entire one-eighth put over into its individual fund." So we moved the revenue as well as the associated expenditures to the general fund.

So whenever we talk about gross receipts tax, it gets a little confusing because over the last few years we've had these different allocations. So when you see a trend in the general fund, and it shows \$4.5 million dollars for this year's tax revenue, it's because we've moved these pieces of pie out of the general fund and out of the Indigent Fund to have its own separate fund. But we also moved the associated expenditures with that, that are related to health and emergency services.

What we're predicting in the gross receipts revenue, unfortunately, is that it will stay relatively flat. There's a trend of 2 percent per year growth, but between fiscal year 2003 and fiscal year 2004, we're estimating it to be relatively flat because we've overestimated slightly this year's gross receipts tax revenue, and we're going to need to make up for that by not having any growth in the following year. We're coming in slightly under this year of gross receipts projected revenues, and we're watching that very closely to see what the economy and what's going on in the world, how that's going to affect our actual collections this year, and whether we need to even adjust this down next year.

The next chart actually shows what happens to the gross receipts tax outside the incorporated area. As I said, we have three one-eighths that go across all incorporated and unincorporated areas of the county for general purposes and Indigent and Healthcare. We have out in the county an eighth for infrastructure, we have an eighth for environmental, we have a fourth for fire protection. Those, we're actually seeing a decrease. And that's because the unincorporated area of the county is influenced more by the normal economy rather than a tourist-driven economy. And within Santa Fe, we've actually seen still some growth. We've been lucky, compared to other governmental agencies across the country and in the state of New Mexico, but out in the county, those three funds, the infrastructure and the environmental gross receipts and the fire protection, we're going to actually see a loss in revenue from this year into next year.

Another one of the areas of general fund revenues is interest income. The interest income that we receive is off of all those funds that we keep over at the state investment pool, or that we have invested in the treasury notes, treasure bills. And this just gives you an idea of what's happening to the interest rates in the economy. What we used to receive in the way of interest income in 2000 was \$1.3 million dollars. This is one of the major impacts to Santa Fe County as well as entities all over the country. We used to receive on our invested cash about \$1.3 million, close to \$1.4 million. This is when interest rates were really - they kind of peaked up here at 9, 9 1/2 percent back in 2000, 2001.

We often can't take advantage of some of the highest interest rates because we don't



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invest long-term. We need to have our money invested, usually, no longer than two to three years. But we did purchase some investments that have helped carry us through this drastic drop in the prime rate. But unfortunately, about all you can invest in right now for many entities is two to three percent. And we're seeing our investment income and looking into next year, estimating about 700,000 versus the 1.5 million that we had in fiscal year 2001. So that's another area where we don't have the revenue that - the revenue had been growing, and now it's shrinking.

This slide is designed to - it's not a dollar slide. This is an index slide to tell you where our money is going, how the County is growing in the expenditure area and in revenue area. This green line right here is our revenue growth. Take all of our general fund revenues, lump them together, and every year it's had a fairly steady growth rate. And these are the other - you know, government and administrative has grown actually at a rate - these are expenses. Government and administrative expenses have actually not grown at the same rate as our revenue has grown. And roads and public works and transfers, as a matter of fact, supported by the general fund, if you take out the transfer to the Road Maintenance Fund, actually Public Works has been decreasing their expenditures against the general fund.

The red line is law enforcement and fire protection. It's actually growing at a rate a little bit beyond the revenue growth. But you can see the one line that's eating up all of our revenue growth is the jail. This is essentially - this difference between the revenue growth and where the money is growing, any revenue growth we have or any cash we have in the bank is going to fund the operations of the jail due to the number of individuals we have incarcerated there, as well as the loss of revenue there.

This one just further demonstrates, back in 1998 is when we brought the jail online for the County. So that's when we started to incur debt service costs. I think we made our first debt service payment right in here. And that's a steady cost. This gap right here is our debt service, it's \$2 million a year.

This blue part of the chart is the revenue we receive from other entities that help offset our cost. And this is other revenue, like grants and money from the Corrections Fund and some other revenues that we've received over time that we've been looking for reimbursements through the Department of Justice and whatnot.

This green line is our transfer from the general fund. The red line is our actual expenses, total expenses at the jail through our contract, through our debt service, everything. And you can see that we actually had a time there where we were making progress of generating some revenue at the facility, and this difference in here was what was funding - the general fund transfer was what was funding the cost of our inmates. And we actually had some surplus in there from what we were transferring. And we built up a cash balance. And then, as we entered into this area, we started to lose money, but we were living off of this surplus. That gap right there was the surplus that was built up in the general fund, and we've used all that. Now we're right here, where total expenses have created this transfer to from the general fund to the jail fund, and that trend is becoming

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rather consistent. Obviously, the idea is that if we can get these revenues up, we can reduce the transfer, or if we can get the total expense line down, we can reduce the general fund transfer.

This is just to further illustrate that issue. Here's the trend of the actual general fund transfers, and the transfer we actually made, and then the trend. What this line up here demonstrates, and this is an issue that was brought up, what is we run the facility ourselves, or what if we don't have any paying inmates? Eventually, the operations at the jail would be covered by the fact that you have a fixed point at which it costs \$8 to 9 million to operate the facility, whether you have one inmate or 100 inmates or 650 inmates.

So this is kind of what I call a break-even point. It's break-even in that beyond this, when you have paying customers and whatnot, that you can start to see some efficiencies by having a full facility and reducing your per-inmate cost. But this is just to give you an idea. If we have 365 inmates now, this is a trend, we hopefully don't hit this trend, of 400 or 365 inmates with less revenues to offset this transfer because we will be looking at a \$7 1/2 to \$8 1/2 million general fund transfer.

The other fund that I wanted to give you an overview on, and that's our EMS/Indigent Fund, EMS Healthcare Fund and the Indigent Fund. As I said, we tie these two funds together. They are very related, especially since we have an MOA with St. Vincent's that we try to target as many health initiatives through this MOA as well as our one-eighth of GRT, our ambulance charges, all the revenues that are health and emergency services related, we try to kind of group these together and take a good look at what we can provide in the way of emergency and health related services to the constituents of the County.

This year, we have a \$7 million budget in budgeted revenues in the EMS Healthcare Fund, and a \$4.3 million budgeted revenue in the Indigent Fund. Next year, we're looking at, because of that lack of growth in gross receipts, we don't see much growth in total revenues. Most of these increases are due to the MOA with St. Vincent's. And correspondingly, we also don't have much growth here next year, except due to the MOA with St. Vincent's. We're seeing that our gross receipts is going to be flat.

Conversely, on the expense side, we're estimating, and in order to actually balance the budget this year in the health fund, we did use cash. We used savings. We had \$7.2 million in budget expenditures, of which \$248,000 was funded by cash or savings. And that was with the idea that the RECC, the \$825,000 would be a start-up cost of the RECC. Unfortunately, what we're seeing at this point, and this has not been finalized, is a requested budget of around a million for the RECC. So this is an area that we really have to take a good hard look at in the budget process, if we can't get that back down, as well as with a couple other expenditures that have come in that have been requested, obviously we can't fund that kind of operation, \$970,000 worth of operations over and above revenues in the healthcare fund. So this going to be a real critical issue for the Manager and Finance Department to work with, all of the departments who are affected by these

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funds, to try to get this number down so that we have an operational expenditure level more in line with our revenue level.

**COMMISSIONER DURAN:** What's RECC?

**MS. MILLER:** That's the Regional Dispatch that's out at the Public Safety complex. This is just to give you an idea of the trend of where we need to look at, what we're doing, how we're operating in particular areas, in either ways that we can create some efficiencies, because this chart is - we have a mandate, and I'll go back and explain. We have a mandated reserve requirement. In other words, we have to keep one fourth, 25 percent of our general fund budget, we have to keep in cash reserves. In other words, we cannot budget this. Like a savings account, it's there for the rainy day. And we have to keep that 25 percent in the bank, in case we don't hit our revenue numbers or in case we have an expenditure that was unanticipated.

We also try to retain a similar reserve to that EMS and Healthcare Fund, because there's a lot of operations funded out of that. It's not mandated by the State, but it's good general policy, keeping a reserve for the healthcare fund is also an essential policy for the County to maintain. And then we did, about two years ago, we set up our own, two to three years ago, our own self-imposed County reserve. And that was by resolution with the Commission. All of this is really good policy for the County. It strengthens our position when we go to borrow money, it gives us a strong position when we borrow money, it shows that we have the ability to sustain revenue losses and unanticipated expenses.

This area, this green area, is what we've called our working capital to fund capital projects, equipment and whatnot. And we've been beyond that level to the point where we've even had surpluses in here above and beyond our reserves. We've had often \$1 million, \$2 million above it, and we've used that money to fund capital requirements and initiatives in subsequent years from when we build that surplus up. But what's happened in the last two years is we've actually started to use more cash rather than save it. And that's what it's there for, and we don't to overtax the taxpayers and have this area become huge, so it is there for that purpose, but I just want to point a trend, that if we continue to have to bail out the jail operations or to fund cash without putting it back in, we will come into this area in 2004. We'll eat up our self-imposed reserve. And then, into 2005, we jeopardize our mandatory reserve as set by the State.

Effectively, what that means is that we have to look at way to put that money back. Things like cutting back on optional expenditures. Just kind of tighten our belts, so to speak, and replenish our cash supply so that we can respond to another event in the following years. It might be a downturn in the economy. We may not have the same issue with the jail. You can't predict it. But we may have something where we need to have a reserve above and beyond this one in order to respond to it.

Ultimately, what we're looking at for the fiscal year 2004 projections - some of these increases, these have already been negotiated. The CWA Union agreement has already been negotiated for fiscal year 2004. That's going to be an increase in the Sheriff's budget of about \$143,000 in salaries and benefits. We also have about a 10 percent



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increase in healthcare insurance costs. We pay 63 percent of healthcare insurance for County employees. So that 10 percent increase Countywide is \$145,000 for the general fund.

The fuel costs - if you've been to fill up your vehicle at the gas station, right now it's a 36 percent increase per gallon. And countywide, that's going to cost about \$139,000. The incarceration costs, we've talked about it before, we have 365 inmates versus 330 that we budgeted for. And that number has not gone down, so we have anticipated that same rate and slightly higher into next year.

And then other service agreements that have gone up are continuing service agreements that we have. So, as I said on one of the first slides, we are looking at a revenue increase based upon the property tax increases of about \$1.3 million. And we've already allocated that to increases that we don't really have a lot of control over unless we cut a service. But we also, just based upon discussions that we've had with the Commission and issues that have come up, expenses along this line, if we don't put the jail to capacity, that's about \$1 million that we might have to fund from the general fund by a loss of revenue there.

Also, we've had talk of FTE increase for things like dealing with the business park and a lot of the issues that are already on our plates, and then other operational requests. And these are just rounded numbers, obviously. Every one of the requests that come forward from departments and the elected officials as we go into the budget hearings are going to be scrutinized as to whether they're really necessary, whether we can find an innovative way to attack those. But we're looking at about \$2.5 million there of issues that we've already had on our plate and kind of talked about.

This one, as I said, we're just looking at what has been turned in so far from the departments. We had an original budget this year in general fund of \$33 million, and we've made some budget adjustments, and that's been up to \$34.8 million dollars. Most of that we use cash to fund. And next year we're looking at a base-line budget where we were - just taking this fund right here, all of the revenues for a \$36 million estimated budget based upon our increases in revenues, in other income, in our property tax primarily, and then also maintaining an increase using this much cash. Unfortunately, I don't think this is something we want to do unless we build up our cash balance between now and the end of the year. So we're looking at this area being the one that we can really tackle, getting down some of those uses.

This is the estimated expenditures. As I said, we typically look at something - this year we had capital package, this is things like vehicles, computers, one time expenditures, although we may have them year and after year. We're estimating \$1.4 million, although we have millions of dollars in requests there, a lot of them right here in what we call building blocks, requests above and beyond the base-line operating budget. As I said, just to come to a balanced budget between revenues and anticipated expenditures on the base-line is \$36 million, and we'd need \$3.2 million in cash, assuming we have a capital package of \$1.4 million.

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Ultimately, what that means for this year, in summary, as to how we're going to have to approach the budget process, is to look for ways to create more efficiencies. If there's an inefficiency, can we alleviate that inefficiency and free up some funds for other areas? And to look at a very conservative approach to recurring expenditures and cut out the extras over the next year.

Also, we'll have limited program changes or new program initiatives. It's just the nature of the economy at the moment. We are in a downturn cycle in the economy, and although Santa Fe County does have a solid budget policy and we have a solid cash balance at the moment, we really need to look at innovative ways to maintain that. Also, to seek measures to replenish that working capital, the area where I said we've been using cash, we need to always make sure we put that back, make sure we put money back in our savings account.

And then to monitor our actual revenues and projections. If the economy looks like it's going to turn around, now that's not something we would just say "Okay, sure, we've got another million dollars, but we're not going to budget it." We would look at where do we really need it, and respond to that as well as putting it back in our cash reserves or working capital. And then also to really aggressively pursue solutions to revenue losses and incarceration costs.

I just wanted to bring this to the Commission to give you an idea of where we're headed, and if you have any concerns or issues that you'd like to bring up as we head into the budget hearings over the next few weeks, Gerald and I really want the input from the Commission. We'd like to have you attend as many budget hearings as you're interested in, attending at that detail level. But obviously we're going to come back after those budget hearings and come to the Commission with a comprehensive, hopefully balanced budget to present to you after the budget hearings. This is just going to be the underpinnings of a lot of those budget hearings, and we're open to any suggestions or input that you have for facilitating the process.

**CHAIRMAN SULLIVAN:** Thank you, Katherine. Are there questions for Katherine? Katherine, I just had one. Under the capital packages, does that include the quarter percent gross receipts tax, or is that a separate?

**MS. MILLER:** Mr. Chairman, I actually did not bring that up because we want to address the gross receipts tax separately. It's a fairly large issue. We're looking at \$7 to 8 million annually in revenue there, and dealing with the RPA on regional issues and determining that. I've been working with the RPA with Diane and with Tony and with the Project and Facilities Department, as well as all the other departments on coming up with a strategy. And we're also at the same time going to be doing the ICIP process, and it will incorporate that fund, as well as some potential financing options for the County.

**CHAIRMAN SULLIVAN:** And of course those monies can only be used for capital improvements. They can't be used for operating costs.

**MS. MILLER:** Mr. Chairman, that's correct. That is one of the - it's kind of a bright light in the County's finances at the moment, or the economic condition, because we can

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at least tackle the capital issues. But unfortunately, they don't alleviate any of the general fund issues.

CHAIRMAN SULLIVAN: Any other questions for Katherine or the staff?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Katherine, on the all other, what funds go into that particular category?

MS. MILLER: Okay, all other are things like the Clerk's recording fees that aren't to the Special Revenue Fund, there's a Special Revenue Fund for that. But a lot of the recording that's done in the Clerk's office, that probably makes up about \$600,000 of it. And I'd like to fully compliment Becky and her staff, because that revenue has been growing steadily due to the fact that we've had so many deeds recorded in a time of low interest rates. There is a corresponding revenue increase elsewhere. It's also all the other fees and charges that we have, for instance the solid waste permits, that's \$25 administrative fees, that goes in there. Anybody who does dump at the transfer stations that is not eligible for one of the permits, they pay. That goes into the general fund. Animal licensing, business licenses, there's numerous little fees. None of them are really large revenue producers except for the revenue produced from the Clerk's office. But those are kind of the all other fees.

COMMISSIONER MONTOYA: Okay, thank you.

CHAIRMAN SULLIVAN: Okay, well thank you very much for the update and the advanced look into what's going to be a difficult budget process this year. Not quite as flexible as years past, I think.

MS. MILLER: Could I just add one thing? I would like to say that the departments and the elected officials' offices have been very cooperative knowing that this is going to be a tough year, and I appreciate the team effort of the County and the cooperativeness of everyone. So, thanks.

CHAIRMAN SULLIVAN: All right, thank you Katherine.

**X. Administrative Items**

**A. Committee Appointments**

**1. Extraterritorial Zoning Commission (EZC)**

ROMAN ABEYTA (Land Use Administrator): Thank you, Mr. Chairman. There are currently two vacancies on the Extraterritorial Commission. The vacancies were created with the expiration of Nancy Long and John Alejandro's terms. The following individuals have submitted resumes for the BCC to consider for the EZC vacancies. Nancy Long, Michael Steidle, Mary Helen Follingstad, Stephanie LeMaster, Kim Shanahan, Orlando Romero, Mary Ellen Degan, Martin Lujan and John Alejandro.

Requested action: The BCC may appoint two members from the names listed above to serve on the EZC until December 31, 2004. Thank you, Mr. Chairman.



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**CHAIRMAN SULLIVAN:** Thank you, Roman. Commissioner Campos.

**COMMISSIONER CAMPOS:** Question for Mr. Abeyta. [inaudible]

**MR. ABEYTA:** Mr. Chairman, Commissioner Campos, I don't know how long they've served. I know Nancy Long has been on the EZC for at least six years. Maybe longer. And John Alejandro was appointed afterwards. He hasn't been on as long but they've been on there quite some time but I can't tell you exactly how long. I know it's been several years.

**COMMISSIONER CAMPOS:** Okay. Mr. Chairman, I'd like to make a motion.

**CHAIRMAN SULLIVAN:** Commissioner Campos.

**COMMISSIONER CAMPOS:** I'd like to make a motion to nominate Nancy Long and Mary Helen Follingstad to serve as members of the EZC.

**CHAIRMAN SULLIVAN:** Okay, let's see. Before we did one at a time when we were doing these appointments. It would probably be useful to continue that same procedure. Would you like to start with one?

**COMMISSIONER CAMPOS:** I would go with Mary Helen Follingstad.

**CHAIRMAN SULLIVAN:** Okay. So we have a motion for the appointment of Mary Helen Follingstad to the EZC. Is there a second? I would second that. Is there discussion? No discussion there.

**The motion to appoint Mary Helen Follingstad to the EZC tied [2-2] by voice vote, with Commissioner Montoya and Commissioner Anaya voting against. [Commissioner Duran was not present for this action.]**

**CHAIRMAN SULLIVAN:** That's a 2-2 tie on that one.

**COMMISSIONER ANAYA:** Mr. Chairman.

**CHAIRMAN SULLIVAN:** Commissioner Anaya.

**COMMISSIONER ANAYA:** I move that we appoint Nancy Long.

**COMMISSIONER CAMPOS:** Second.

**CHAIRMAN SULLIVAN:** Okay, motion and a second for Nancy Long to be appointed. Is there discussion?

**The motion to appoint Nancy Long to the EZC passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]**

**CHAIRMAN SULLIVAN:** Is there another motion?

**COMMISSIONER ANAYA:** Mr. Chairman.

**CHAIRMAN SULLIVAN:** Commissioner Anaya.

**COMMISSIONER ANAYA:** I move we appoint John Alejandro

**CHAIRMAN SULLIVAN:** There's a motion. Is there a second? Hearing none, the motion dies. Is there another motion?

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COMMISSIONER MONTOYA: Mr. Chairman, I move we appoint Martin Lujan.

CHAIRMAN SULLIVAN: There's a motion for Martin Lujan. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Is there discussion?

The motion to appoint Martin Lujan tied [2-2] by voice vote with Commissioners Sullivan and Campos voting against. [Commissioner Duran was not present for this action.]

CHAIRMAN SULLIVAN: Is there another motion?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: I move we appoint Mary Helen Follingstad.

COMMISSIONER CAMPOS: Second.

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

The motion to appoint Mary Helen Follingstad to the EZC passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

X. A. 2. Agua Fria Development Review Committee (AFDRC)

MR. ABEYTA: Thank you, Mr. Chairman. All terms for the Agua Fria Development Review Committee expired. The following individuals have submitted resumes for the BCC to consider for the AFDRC vacancies. Robert Rotunno, Mark Gonzales, Hazel Romero, Jewel Cabeza, and John Nobby Tercero and William Mee. Mr. Chairman, for the Board's information, Mark Gonzales and William Mee are current members of the AFDRC.

Requested action: The BCC may appoint new members from the names listed above to serve until 12/31/2004 and those members from the names listed above to serve until 12/31/05. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Thank you, Mr. Abeyta.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Abeyta, when does the term for Gonzales and Mee expire?

MR. ABEYTA: Mr. Chairman, Commissioner Montoya, those terms actually expired this past year.

COMMISSIONER MONTOYA: They just did.

MR. ABEYTA: They just did, yes.

COMMISSIONER CAMPOS: Mr. Chairman, a question.

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**CHAIRMAN SULLIVAN:** Commissioner Campos.

**COMMISSIONER CAMPOS:** Mr. Abeyta, there's six or seven positions out there?

**MR. ABEYTA:** Mr. Chairman, Commissioner Campos, there's seven positions. And we've only received these six resumes.

**COMMISSIONER CAMPOS:** So there's still going to be one vacancy.

**MR. ABEYTA:** There will still be one vacancy.

**COMMISSIONER CAMPOS:** Is seven positions too many in light of the problems we've had in filling these positions? Should we consider, let's say five?

**MR. ABEYTA:** Mr. Chairman, Commissioner Campos, I would say with AFDR, I would say it's not a problem.

**COMMISSIONER CAMPOS:** It is not?

**MR. ABEYTA:** It is not. But for Tesuque and some of the other ones it may be. But those may already be five. But I think for Agua Fria seven is okay.

**COMMISSIONER CAMPOS:** It works?

**MR. ABEYTA:** It works.

**COMMISSIONER CAMPOS:** Okay.

**COMMISSIONER ANAYA:** Mr. Chairman.

**CHAIRMAN SULLIVAN:** Commissioner Anaya.

**COMMISSIONER ANAYA:** I move that we appoint all six members that are on this pamphlet.

**CHAIRMAN SULLIVAN:** Okay. I think we also need to distinguish between terms ending December 31, 2004 and terms ending December 31, 2005. Is that correct?

**COMMISSIONER ANAYA:** Yes, Mr. Chairman. Gonzales, Mee and was there another person, Roman, whose term was coming up?

**MR. ABEYTA:** Mr. Chairman, Commissioner Anaya, just those two.

**COMMISSIONER ANAYA:** And Romero for the first term and Rotunno, Cabeza de Vaca and Tercero for the second.

**CHAIRMAN SULLIVAN:** By the second you mean expiring 12/31/2005?

**COMMISSIONER ANAYA:** Yes, sir.

**CHAIRMAN SULLIVAN:** Okay. There's a motion. Is there a second.

**COMMISSIONER CAMPOS:** Second.

**CHAIRMAN SULLIVAN:** Motion and a second. Discussion?

**The motion to appoint Robert Rotunno, Mark Gonzales, Hazel Romero, Jewel Cabeza de Vaca, Toby Tercero and William Mee passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]**



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**X. A. 3. Community College Development Review Committee (CCDRC)**

MR. ABEYTA: Thank you, Mr. Chairman. Three terms for the Community College Development Review Committee expired. The following individuals have submitted resumes for the BCC to consider for the vacancies: Michael Bartlett, Irving Breslauer and Robert Garcia.

Requested action: the BCC may appoint the three members listed above to serve until 12/31/04, and they are all current members of the CCDRC. Thank you, Mr. Chairman.

COMMISSIONER MONTOYA: Mr. Chairman, so moved.

CHAIRMAN SULLIVAN: A motion from Commissioner Montoya.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Second from - is that Commissioner Duran?

COMMISSIONER CAMPOS: Question.

CHAIRMAN SULLIVAN: All right. There's a second and discussion from Commissioner Campos.

COMMISSIONER CAMPOS: These three members, they're currently serving and I assume their attendance has been good.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, yes, their attendance has been good.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: At the last meeting they had I was here and they all complained that out of a seven member board there was a problem with a quorum. You're certain that these three individuals - were they at that meeting, the last meeting that you know of?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, I believe they were. But we have had a problem before. I believe there may still be one vacancy out of the seven positions. Earlier, Commissioner Campos had asked us about a seven-member board. Maybe it's appropriate that the Community College Board be five members rather than seven. But we'll look into that and report back about it.

COMMISSIONER DURAN: Because I think they were in agreement with that. They'd like to limit the number to make a quorum because of the problems they had meeting that quorum requirement.

MR. ABEYTA: Mr. Chairman, we'll look into that and then discuss what we do to reduce it from seven members to five.

CHAIRMAN SULLIVAN: Any other comments? I think also, at least as I recall last year, one of the rationales for the seven-member board was the plan that Tom Dominguez was working on to consolidate those boards and I think the Community College at that time was proposed to be consolidated with another one. I forget which one. And so there would be representation, adequate representation from both areas. If we're not going to do that consolidation then it seems logical that the board would be scaled back a bit, perhaps to five.

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COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a quick question of Mr. Abeyta. What had happened to that discussion about having a consolidated board for these communities?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, that is something that we're looking at as part of the Code rewrite. It's something that we would bring forward to the Commission to consider at that point.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Okay, we have a motion and a second for approval of the three applicants for the Community College Development Review Committee.

The motion to reappoint Michael Bartlett, Irving Breslauer and Robert Garcia to the CCDRC passed by unanimous [5-0] voice vote.

XI. Consent Calendar

- A. Resolution No. 2003-50. A Resolution Imposing An Annual Liquor License Tax Upon Persons Holding State Liquor Licenses (Clerk's Office)
- C. Resolution No. 2003-51. A Resolution Requesting Authorization To Surplus Obsolete, Inoperable or Duplicate Fixed Assets for Sale, Donation or Disposal in Accordance With State Statutes (Finance Department)
- D. Resolution No. 2003-52. A Resolution Approving the Solid Waste Management Agency Fiscal Year 2004, July 1, 2003 through June 30, 2004, Annual Budget as Approved by the Solid Waste Management Agency Board on March 19, 2003 (Public Works)

CHAIRMAN SULLIVAN: What's the pleasure of the Commission with respect to the Consent Calendar?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay. There's a motion for approval and a second. Is there any discussion on that?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question about item D, a resolution approving the Solid Waste Management fiscal year - didn't we do this at a meeting recently? Are we doing this again?

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CHAIRMAN SULLIVAN: It does sound familiar.

MS. MILLER: Mr. Chairman, the SWMA Board has to approve the SWMA budget and then it goes back to the City and the County because it's an agency of both. And I had put it on an agenda two weeks ago, but there were changes made by the SWMA Board so we tabled it and this is -

COMMISSIONER CAMPOS: The final version with changes?

MS. MILLER: Yes.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN SULLIVAN: Any other questions?

The motion to approve the Consent Calendar passed by unanimous [5-0] voice vote.

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

**A. Community & Health Development Department**

**1. Resolution No. 2003-53. A Resolution Approving Rules and Policies Contained in 2003 Santa Fe County Fair Booklet**

CHAIRMAN SULLIVAN: Who will present that?

PATRICK TORRES (Santa Fe County Extension Agent): Good afternoon, Mr. Chairman, members of the Commission. I'm Patrick Torres. I'm the Santa Fe County Extension Agent. I've been asked to come present this matter before you regarding the approval of rules and policies contained in the Santa Fe County Fair booklet. Basically, this is I believe the first time this has ever been done and this was at the recommendation of one of our County Attorneys, Ms. Grace Phillips, who recommended that this be brought before you. This all came about as a result of an incident we had at last year's County Fair where someone threatened a lawsuit regarding a dispute on how one of the rules was interpreted. So as a result, Mr. Steve Kopelman suggested that before we get everything printed up this year that it be brought to his department first of all for review to make sure there weren't any kind of loopholes there and if everything was spelled out clearly.

Therefore, Ms. Phillips also recommended that these rules be approved by the Board of County Commissioners for the reason that it is enforcing some rules and policies and therefore I'm open to any questions.

CHAIRMAN SULLIVAN: Are there questions for Mr. Torres. We don't see you too often. Nice to have you here.

MR. TORRES: Good to see you all.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Torres, do you think these rules and policies will help eliminate what may have occurred last year? Do you feel comfortable with



them?

**MR. TORRES:** Absolutely. By our legal department and County Attorney's department reviewing I certainly feel a lot more comfortable with the County Fair Board enforcing these rules and avoiding any kind of litigation or lawsuits that anyone may want to try to bring on.

**COMMISSIONER MONTOYA:** Thank you, Mr. Chairman. Thank you, Mr. Torres.

**CHAIRMAN SULLIVAN:** Other questions? Commissioner Anaya.

**COMMISSIONER ANAYA:** I'm glad to see that Ms. Phillips is doing her job and getting you guys to come forward with this so that we will prevent any legal action later on. So we appreciate that very much and all the hard work you guys do at County 4-H. Mr. Chairman, I move for approval.

**COMMISSIONER MONTOYA:** Second.

**CHAIRMAN SULLIVAN:** Motion and a second. Discussion? I had two questions, Mr. Torres, or comments. One was, as I look through these, you're only eligible to participate in the County Fair if you're a 4-H member. Is that correct?

**MR. TORRES:** Mr. Chairman, that is not correct. There are actually some open divisions for youth and adults. Now, from the livestock point or the livestock end of things, yes, you must be either a 4-H member or FFA member. But otherwise, as far as some of the indoor exhibits, there are some areas for entries to be submitted by adults and we have an open youth category.

**CHAIRMAN SULLIVAN:** Okay. Then in the livestock area you have to be either a 4-H and what was the other one?

**MR. TORRES:** FFA, Future Farmers of America.

**CHAIRMAN SULLIVAN:** Okay. And that doesn't constitute a problem as far as someone ever having come to you and saying that they wanted to participate and they weren't a member?

**MR. TORRES:** Mr. Chairman, most of those have been well understood by the public in the past. We have had some inquiries in the past at our office regarding this matter and we encourage these youth to join 4-H or FFA in order to be able to participate.

**CHAIRMAN SULLIVAN:** Okay. And the other comment I had was that I see as you have every year, you're going to have the antique engine and tractor show there and I'm sure you read last year that in one of the state fairs there was a disastrous accident from some of those steam-driven tractors. People apparently were killed as a result of an explosion. What type of safety features do we have in place to check that equipment or to deal with a possible problem like that?

**MR. TORRES:** Mr. Chairman, I don't know that we have an actual kind of protocol in place to protect against that. What we do try to do is rope off the area so that people can view these types of exhibits at a slight distance because there are mechanical parts and these engines turning while this display is up and the last thing we need to do is have anyone injured as you're expressing here. So basically, just roping off the exhibit at a distance is about the only

thing that would be in place.

CHAIRMAN SULLIVAN: Perhaps the Fair Board could take a look at that because if any one of those steam boilers explodes it's going to go beyond the roped area. Most of them are small machinery but the larger ones, it just makes me nervous when I see what happens. So perhaps take a look at that and maybe see what they would recommend.

MR. TORRES: Mr. Chairman, I will take that back to them.

CHAIRMAN SULLIVAN: I appreciate it. Other questions regarding the County Fair Rules and Policies? If not, we have a motion and a second.

The motion to approve Resolution 2003-53 passed by unanimous [5-0] voice vote.

**XII. A. 2. Resolution No. 2003-54. A Resolution Supporting April 21 - 27, 2003 as TV Turn Off Week**

STEVE SHEPHERD (Health Division Director): Mr. Chairman, Commissioners, at the last Health Policy and Planning Commission meeting in March the commission urged the County Commission to support National TV Turn Off Week. It's a national program supported by the TV Turn Off Network that encourages families to turn off their TV, spend some time together, do some reading, other activities. I've attached some of the information on the back and I think it pretty much speaks for itself.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: It just seems to me that the timing may not be right with the war going on in Iraq. I mean, everybody's watching TV and I don't think anyone is going to not watch it.

MR. SHEPHERD: Mr. Chairman, Commissioner Campos, I understand your concern.

CHAIRMAN SULLIVAN: Other questions or comments?

COMMISSIONER ANAYA: Mr. Chairman, this is just a suggestion. You don't have to turn your TV off, correct?

MR. SHEPHERD: That's right.

CHAIRMAN SULLIVAN: No, if we pass this resolution -

COMMISSIONER CAMPOS: Commissioners cannot watch TV that week.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I think this is a good suggestion in terms of passing this resolution. I know that one of the things that we try and do in terms of even turning it off is one way of teaching kids about responsible watching for one thing. If parents themselves would practice it and I think this is something hopefully that this would be teaching also. Everything that's indicated in here in terms of obesity, all of these studies are proving that

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television is a major cause of a lot of the social problems that we're seeing now. If they don't watch MTV for a week I think that's great. That's much less mind pollution that these kids will be exposed to. If they don't watch the war, that's great too.

COMMISSIONER CAMPOS: If they do not?

COMMISSIONER MONTOYA: Right. If they don't watch the war, I think that's okay. But I would, unless there are any other questions, Mr. Chairman, move for approval of this.

CHAIRMAN SULLIVAN: We have a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: And a second from Commissioner Anaya.

Discussion?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I agree with Commissioner Montoya and maybe this could be a start for some families that maybe once they find out how nice it is without the TV they would continue to maybe to that throughout the year.

CHAIRMAN SULLIVAN: I think that's true, just to add my two cents to it. There are other alternatives. Radio is still around. NPR is a very good one. KUNM is a very good source of information on the war and I think also there are some other issues in here. One of the comments made is the broadcast industry was given a \$70 billion dollar airwave commitment at essentially no cost in exchange for providing public service announcements which tend to get put on at two in the morning, whereas, for example, the cell phone industry had to pay for their airwave rights and there's a lot of concern over the weight, the impact that that industry has on political issues. So there's a little more behind this than just the idea of the ever present tube staring at you, but I think it's a good one to think twice about how we use that resource and how our children use it. That would be my two cents.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: And you would be surprised the conversations that you can have with your kids without the TV being on.

The motion to approve Resolution 2003-54 passed by unanimous [4-0] voice vote.  
[Commissioner Duran was not present for this action.]

CHAIRMAN SULLIVAN: Item A. 3, the update on the CARE Connection is tabled. Mr. Gonzalez, do you want to explain when we're going to hear that?

MR. GONZALEZ: Mr. Chairman, members of the Commission, the reason is because we thought that it would be useful to run the proposal that's coming forth through the CARE Connection board to make sure that they had their ducks in line, so to speak, with respect to the proposed operation of the new facility. We're bringing forward a proposal that would discuss or propose to the Commission the question of whether to acquire the old



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magistrate building and in order to make sure that the proposal would be complete we wanted to identify specific uses for the floor space that would be acquired as part of that purchase.

In particular, with respect to the CARE Connection we wanted to know, given the budgetary constraints that we have, what operations they could implement for a specific piece of that floor space. That had not yet been run through their board and so the question being posed to them is, given a specific amount of funding, and I can't remember what the number was, but given a specific amount of funding, what program or programs would you operate in the facility if it were acquired as part of trying to let the Commission know that if we went forward with the acquisition of that property what all of the parts of that floor plan would be used for and that they would be used for County business in appropriate ways.

There's also a component of that proposal that would at least open up, depending on how much of the floor space was used, the option of staging implementation of some of the CARE Connection programs, in particular the one related to alcohol treatment, and also open up the option or the possibility of perhaps leasing part of the floor space in order to cover the cost of acquiring the facility.

CHAIRMAN SULLIVAN: I had some discussions with Robert Anaya and are we still considering bringing this up on April 14<sup>th</sup>?

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

CHAIRMAN SULLIVAN: And the idea is to have the Housing Authority meeting. Was that at 4:00?

MR. GONZALEZ: That was - yes. It would be immediately after. This would be -

CHAIRMAN SULLIVAN: Let me just make sure we're okay with the Commission. We've got a Housing Authority meeting, which is a fairly routine affair, April 14<sup>th</sup> at 4:00 and Mr. Anaya has asked - that's as opposed to Commissioner Anaya, asked that that meeting be a County Commission noticed meeting so that he can in addition then discuss the CARE Connection issues after the CARE Connection group has met. Are we okay with that? Do we have a quorum? Everybody okay on the 14<sup>th</sup>?

COMMISSIONER CAMPOS: Mr. Chairman, I'm not sure I understand. We have a 4:00 BCC Housing Authority meeting?

CHAIRMAN SULLIVAN: It's a 4:00 Housing Authority meeting. Yes.

COMMISSIONER CAMPOS: And Mr. Anaya is suggesting that we add something to that agenda?

CHAIRMAN SULLIVAN: He's suggesting that we add this CARE Connection update to that agenda because by then he will have met with the CARE Connection group and will have gotten their feedback on these things that Mr. Gonzalez was just mentioning.

COMMISSIONER CAMPOS: Will this still be a study session?

CHAIRMAN SULLIVAN: I don't know. Mr. Anaya, do you want to explain that?

ROBERT ANAYA (CHDD Director): Mr. Chairman, Commissioners, several months back, the Commission provided us direction as to how they wanted to move forward

with the purchase of the building. A big part of moving forward with the acquisition and the use of that building was contingent on what funds if any we would receive from the legislature. So this is an update back to the Commission as to what we have available for purchase and what we would have left over that could be used to phase in part of the CARE Connection project. So we're going to seek your recommendations as to how you want us to proceed with that. We didn't anticipate it being a study session. We anticipated it being direction. If the Commission wants to change that to study session, that's your prerogative.

We are under some time lines relative to acquisition as far as notice requirements go. If we do move ahead with the purchase there's some money on the table, if not used by June 30<sup>th</sup>, if the Commission decides they don't want to purchase it that the County would lose, \$300,000 exactly. So there are some implications relative to not purchasing the building, implications relative to purchasing it, so we want to provide some direction, some recommendations and then seek your direction.

COMMISSIONER CAMPOS: Is there any reason why we couldn't make a decision on the April 29<sup>th</sup> BCC meeting? That still gives us enough time without forfeiting any monies. Right?

MR. ANAYA: Mr. Chairman, Commissioner Campos, we'd like to do it sooner just so that we have enough time. If there are other questions that come up from the Commission that you want us to look into. We don't anticipate it being a really long discussion because what we have available as far as resources is fairly straightforward. It just is going to come down to whether or not the Commission is willing to have part of the building vacant and then providing some options as to whether or not you want to lease it or whether or not you want to leave it and hold it open so that we can go seek additional money to bring in the sobering center component to that piece.

COMMISSIONER CAMPOS: I'm still very concerned about the whole idea. I don't know if we have the money to do it. I don't know how we did at the legislature. The City, certainly, is not willing to put any money in for operation as I understand it. It's still pretty iffy and our budget situation is pretty tight. I just hope you guys look at this real carefully because that's what I'm going to be looking at. And I'm a little skeptical right now as to whether it's viable or not. I know it's a good idea. I wouldn't argue with that. I'm not certain we can afford it as a County at this point in time without any special revenue sources. It doesn't look good to me.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to hear it on April 14<sup>th</sup> and I'd hate to lose that \$300,000. I'd like to see this thing move forward. Are you suggesting we hear it on April 14<sup>th</sup> at 4:00, Mr. Chairman?

CHAIRMAN SULLIVAN: Well, I was just - actually we've had more discussion on a tabled item here than we've had on some of the non-tabled items, but I was trying to get the schedule here because I wanted to be sure that the Commissioners could make that meeting if we are going to discuss it because it's extremely important, and that's what I'm

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getting at here.

COMMISSIONER MONTOYA: I can.

CHAIRMAN SULLIVAN: You can. Commissioner Anaya can.

COMMISSIONER CAMPOS: I can make it.

CHAIRMAN SULLIVAN: Commissioner Campos can. So -

COMMISSIONER CAMPOS: Mr. Chairman, the only thing, it's a week away or so. Does staff have enough time to really look at the fiscal issues? I think there's some big issues there. I don't want to bring this up on the 14<sup>th</sup> if we're not ready to address it. If we don't have a real good plan of where we're going to pay for this and how we're going to pay for all things. Just a week. And if you want to have it, it's fine, but I'm suggesting we may not be ready to get that full assessment.

CHAIRMAN SULLIVAN: I'd ask you to condense it too. I've got a meeting out in Eldorado at 6:00 that night so we don't want this thing to go into the wee hours of the morning. Okay, so we'll have the option for action if we want to take action. If we feel there needs to be some other discussion or investigation then we can bring it up on the 29<sup>th</sup>. If we bring it up on the 29<sup>th</sup> do we lose \$300,000?

MR. ANAYA: Mr. Chairman, the \$300,000 that we would potentially lose is effective at the end of June 30<sup>th</sup>, so hypothetically, if the Commission decided they didn't want to move forward with the project and made that determination on the 14<sup>th</sup>, let's say for example, Mr. Shepherd and I could scramble and expend some of those monies and some of our existing indigent contracts so that we would lose the entire \$300,000, but to say that we would be able to spend the full \$300,000 if we weren't going to move with acquisition, I would say we would not be able to do that. But if that was the direction, we would be able to spend some amounts.

CHAIRMAN SULLIVAN: I guess my question was, if a decision was made on April 29<sup>th</sup>, does that still give you adequate time for the noticing and so forth that you mentioned?

MR. ANAYA: Mr. Chairman, it gives us adequate time relative to the purchase, I believe. I wish Tony was still here. But as far as amending those indigent contracts and then allowing those people to spend, then you'd be talking about May and June, two months of treatment work.

CHAIRMAN SULLIVAN: Okay. We'll have that option and we'll look at it and see how the Commission feels. Okay, so much for that tabled item. We'll move on. It's a good thing we didn't table any more.



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**XII. B. Land Use Department**

**1. Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article II, Section 2.4, Notice and Conduct of Public Hearing to Require an Applicant to Notify Homeowners Associations or Neighborhood Groups For All Applications Requiring Public Hearings (Roman Abeyta)**

MR. ABEYTA: Thank you, Mr. Chairman. The proposed amendment would require that a notice be mailed to a neighborhood group or homeowners association for the area in which a development is proposed. As part of the County Code rewrite, staff is considering developing a formal process such as the City of Santa Fe early neighborhood notification. However, in the interim, this amendment will ensure that neighborhood groups and associations are notified of projects that could impact their areas. Staff requests that the BCC grant authorization to publish title and general summary of the above-referenced ordinance amendment. The proposed amendment will be scheduled to be heard by the CDRC in April and in May and June by the BCC. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Thank you. Questions for Mr. Abeyta? One question I had Roman, would this notification be in addition to the 100-foot requirement?

MR. ABEYTA: Mr. Chairman, yes. It would just add to what's already required now.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, if there's no other questions, I move for approval.

CHAIRMAN SULLIVAN: Motion for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: And a second. Any further discussion?

**The motion to authorize publication and general summary of an early neighborhood notification amendment passed by unanimous [3-0] voice vote. [Commissioners Duran and Anaya were not present for this action.]**

**XII. B. 2. Status Report for the Wireless Communications Facility Ordinance Adopted by the BCC in June 2001**

MR. ABEYTA: Thank you, Mr. Chairman. The Board of County Commissioners approved the Wireless Communication Facility Ordinance, which is Ordinance 2001-9 on June 12, 2001 and the Extraterritorial Zoning Authority approved the Wireless Communication Facility Ordinance, 2001-4 on July 31, 2001. The ordinance regulates wireless communication antennas, towers and other facilities relevant to location, placement,

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appearance, and design. The ordinance requires that the Land Use Department provide the BCC with a quarterly report.

Mr. Chairman, since the ordinances went into effect, we have had 11 applications, ten of which have been approved administratively, one, which was approved by the CDRC. Staff will proceed to evaluate and establish updated criteria for encouraged and discouraged locations in order to prepare a wireless communication facility master plan for consideration by the BCC. Again, Mr. Chairman, this is just an information item as required by the existing ordinance. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Any questions?

COMMISSIONER CAMPOS: Question, Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, how is this ordinance been

working? And the second question is, there's supposed to be an areas that were going to be encouraged and discouraged. What is the status of that study?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, the ordinance has been working well. What it's done, and you can see with the 11 applications we've processed since, it's really encouraged companies to locate at existing sites by allowing that to be approved administratively and that's all we've seen so far. As far as - so I would say it's been working well. As far as the discouraged and encouraged locations, staff is currently working with GIS, the GIS staff on going out there and doing the different, the visual impact studies that we need to do. So we expect that hopefully by the end of the year we can bring forward a map for the Board to adopt that would show the encouraged and discouraged locations.

COMMISSIONER CAMPOS: By the end of the year?

MR. ABEYTA: By the end of this year. What takes time is we need to actually go out into the county and GPS and look at these different locations. So that's what's taking us a while.

COMMISSIONER CAMPOS: Thank you, Mr. Abeyta.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Abeyta, when these come for your approval and they're given administratively, have there been - it looks like they're all pretty much in existence and they're replacing or updating. But the situation, for example, like in Arroyo Seco, what happened there, it doesn't sound like there were any people or neighborhoods that came in in opposition to any of these. You didn't have the negative feedback the way you did.

MR. ABEYTA: Mr. Chairman, Commissioner Montoya, in probably all the cases we did not. We did do all the noticing that was required but because they were locating on existing - at existing locations it made a big difference. And that's something that we tried to do with the ordinance was to encourage that, encourage, rather than new towers popping up all over the place, we wanted to make it easier for you to come in and get approved if you were willing to locate at an existing site, and that's what's happened so far.

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COMMISSIONER MONTOYA: Thank you.  
CHAIRMAN SULLIVAN: Other questions? All right. Thank you, Mr. Abeyta.

**XII. B. 3. Update on Affordable Housing in the Community College District**

MR. ABEYTA: Thank you, Mr. Chairman. On March 13, 2003, the BCC directed staff to update the Commission on affordable housing in the Community College District. Santa Fe Community College District Ordinance requires an affordable housing plan for all development within the Community College District. Fifteen percent of the total housing approved in a master plan must be affordable housing. Total housing means and includes all for-sale houses on fee-simple lots. Affordable housing units shall be integrated into the overall design and layout of the project. Final plat shall not be recorded until the developer has entered into an affordable housing agreement with the County.

Affordable housing regulations have been adopted which establish and include one, the form of affordable housing agreement which shall provide for the method and documentation necessary to verify that the developer has met the requirements of the ordinance. Two, the process of certification of eligible buyers by the County. Three, the form of certificate of compliance to be issued to developers upon compliance with the terms of the ordinance. And four, the exact method of determining the maximum base price.

Robert Anaya, the County Health Development Department Director has been appointed as the County designee to issue certificates of eligibility and certificates of compliance pursuant to the above-referenced regulations.

To date, there has been one development, Rancho Viejo, in the Community College District, who has signed an affordable housing agreement with the County. The agreement outlines the obligation of Rancho Viejo to provide affordable housing units in the Village at Rancho Viejo, Windmill Ridge Unit I and Windmill Ridge Unit II. Based on the agreement, Rancho Viejo must provide 48 units throughout the Village I and II and Windmill Ridge Units II and III.

To date, Rancho Viejo has submitted an affordable housing plan for 20 units within Windmill Ridge Unit II. The required units, which are 15 for Windmill Ridge Unit I are proposed within the Windmill Ridge Unit III. Windmill Ridge Unit III has been granted master plan approval. In the Village, Rancho Viejo has agreed to provide 13 units. Staff has met with Rancho Viejo to discuss the location of the units within the Village and also recently confirmed for Rancho Viejo that there is water available under their current water service contract for these units.

Under the terms of the affordable housing agreement, Rancho Viejo must bond for the affordable housing lot development requirements for the Village Unit I, which is six units, and Windmill Ridge Unit I, which is 15 units. The County is currently holding a letter of credit for Windmill Ridge Phase 2 and a separate agreement between the County and Rancho Viejo for



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the amount to be set aside from this letter of credit for affordable housing is being worked on.

There are currently proposed amendments to the Community College District Affordable Housing Ordinance. The County Planning Division, with assistance from Robert Anaya, is currently working on these amendments. The proposed amendments will address other types of housing in the Community College District such as rental apartments, live-work units, etc. These amendments will be finalized once the housing needs analysis and the fiscal impact study for the Community College District is completed. The projected time frame for completion of both is fall of this year. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Questions for Mr. Abeyta? I had a question, Roman. Of the units in the agreement, how many have been accomplished to date?

MR. ABEYTA: Mr. Chairman, we currently have, it's my understanding that Rancho Viejo has submitted four packages for certification, so they believe they have sold four homes and I believe it's in Windmill Ridge Unit II for qualified, what they believe will qualify under the regulations. Also, Rancho Viejo has submitted a housing plan for 20 units within Windmill Ridge II that's been approved that designates the location of other affordable homes that are going to be built.

CHAIRMAN SULLIVAN: Okay. And any in the Village?

MR. ABEYTA: Mr. Chairman, no. Nothing in the Village yet.

CHAIRMAN SULLIVAN: The total is 48 in the agreement. That's what you mentioned here. In the breakdown of units that I was looking at, I counted 52.

MR. ABEYTA: Mr. Chairman, the actual total is 52 but in the agreement we give them a credit of four units that they had already provided previously so while the agreement says 52 with a credit of four, what's actually owed to us is 48.

CHAIRMAN SULLIVAN: Okay. Are there other questions?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Roman, what is the affordable housing? How much are they going for now?

MR. ABEYTA: Mr. Chairman, Commissioner Anaya, the Community College District Ordinance outlines that the income ranges, the prices of the homes are based on the income ranges and there's the ordinance that sets out maximum base prices. For example, if you're in what's considered income range 1, which is zero to 60 percent of the area median income, for a two-bedroom, one-bath, that's \$88,733. And then for a three-bedroom, two-bath, it's \$98,537. For a Type C, which is a four-bedroom, two-bath, it's \$106,347. Those prices go up based on your income. There's three ranges. That was range 1. There's a range 2 and a range 3. So in the Type A, the two-bedroom, range 1 again is \$88,733, the range 2 is \$121,000 and range 3 is \$133,000. That's for a two-bedroom. For a three-bedroom, it goes from \$98,537 to \$134,369 if you're in income range 2. If you're in income range 3, the price of the home is set at \$147,805. So the ordinance sets aside different prices for homes based on your income.

COMMISSIONER ANAYA: How many square feet is range 1, \$88,733?

MR. ABEYTA: I'm not too sure. Maybe Robert Anaya knows that off the top of his head. When we get that for you I'll hand out what I just read, the different incomes. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Other questions for Mr. Abeyta? Okay, if not, thank you very much Mr. Abeyta and we look forward to seeing these move forward quickly, obviously.

MR. ABEYTA: Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: We'll move to the Utilities Department.

**XII. C. Utilities Department**

1. **Resolution No. 2003-55. A resolution in support of the Jemez y Sangre regional water plan whereby the Santa Fe Board of County Commissioners endorses the work done to develop the regional water plan and commits to evaluating the alternatives proposed in the plan in the County's water planning**

CHAIRMAN SULLIVAN: This does not look like Ms. Yuhas.

GARY ROYBAL (Utilities Director): Mr. Chairman, members of the Commission, my name's Gary Roybal, not Katherine Yuhas. As you're aware, Ms. Yuhas went on to bigger and better things with the City of Albuquerque and I have the privilege and honor of adopting her presentation today. Before you is a resolution in support of the Jemez y Sangre regional water plan. Before I get into the resolution itself, I'd just like to give a brief background on what the Jemez y Sangre Regional Water Planning Council is about and their purpose. The Jemez y Sangre Regional Water Planning Council was created by and funded by the Interstate Stream Commission for the purposes of evaluating the water issues in a certain region. The region that is covered by the Jemez y Sangre Council includes Los Alamos County, the northern 2/3 of Santa Fe County, and parts of Rio Arriba County. The Council was made up of 24 entities which included representatives from the local, state and federal governments, from acequia associations, from water and soil conservation districts and from other interested environmental, business, technical and civic groups.

This water plan was developed through an open public process held through several years. The council was created in 1998 and held many public meetings, technical meetings and conferences to develop this water plan. The purpose of the water plan is to assess the current available water supply to determine what present and future demands are going to be in this region, and also to identify and evaluate methods for meeting that future demand. The planning horizon was out to 2060 and so they evaluated the demand and projected demand out to that area and looked at several water supply alternatives, evaluated them and the plan contains recommendations on what they believe are feasible and attainable water supply sources.

The resolution before you is an instrument that basically is the Board's endorsement of this water plan. This water plan will be presented to the Interstate Stream Commission for

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acceptance on April 23<sup>rd</sup> of this year and this resolution will support that to the State Engineer and give the Board's recommendation of endorsement. I stand for questions.

CHAIRMAN SULLIVAN: Questions for Gary?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Roybal, is this an annual plan or an annual sort of resolution that's adopted by the Commission or is this one that's going to be in effect for a number of years?

MR. ROYBAL: Mr. Chairman, Commissioner Montoya, this would be a one-time resolution endorsing the plan. I would anticipate that this plan would evolve over time and this plan would be used by the County as a guideline in developing its water supply sources also. I imagine, as I said, this would be kind of a living document. As time goes on it would be amended to adjust to the conditions of that time.

COMMISSIONER MONTOYA: Oh, okay. Thank you, Mr. Chairman. Thank you, Mr. Roybal.

CHAIRMAN SULLIVAN: Other questions? If not, what are the wishes of the Commission?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Motion for approval and a second. Discussion? I think it's a great plan and a great effort by everyone. It's going to go a long way in helping us in our water planning.

The motion to approve Resolution 2003-55 passed by unanimous [5-0] voice vote.

## XII. Matters from the County Manager

MR. GONZALEZ: Mr. Chairman, members of the Commission, the only issue I have, somebody had wanted me to explore whether the Commissioners might be interested in bringing forth a resolution in support of the troops in Iraq and my other fascinating piece of information we got into a little earlier. I just pose that to the Commission so they can think about it in anticipation of the next meeting. That's all I have, Mr. Chairman, members of the Commission.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I have a question for you, Gerald. I was wondering if you might be able to give us an update on the hiring of the County Attorney. I really think that it's time that we do something quickly on this thing. There's a lot of issues that



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Steve - it's been almost a couple weeks now that Steve has left. Actually, it's been almost a month since he's gone since he took two weeks off before he left. I'm just wondering if you could tell us where we are in that process and how quickly you think you're going to pull the trigger on this thing.

MR. GONZALEZ: Where we are is I have gone through with legal staff and distilled the qualifications of those who I felt were most qualified for the position and shared those with the Commission by e-mail asking for some feedback at this point in the process. I've discussed with legal staff setting up a series of interviews to go through those individuals and at that point narrowed down the selection process so that I can get back to the Commission and get additional feedback at that point.

COMMISSIONER DURAN: Is there any problem with us just making a decision today to hire Chris Graeser?

MR. GONZALEZ: That's always a prerogative of the Commission, however, I want to have a little bit of discussion with the Commission before they make that decision but that's your prerogative.

COMMISSIONER DURAN: Okay. Well, I looked at all the resumes and it was closed, I guess the period of time for people to apply for the job closed last week and I looked at all of the ones that have applied and in my opinion, the person that takes control of the County Manager's [sic] needs to have a real strong land use background and of the ones that have applied, I think that Chris really is the one that rises to the top on that. The ones had a lot of litigation, not litigation but public defender work and may have had more time as an attorney or more experience as an attorney but I think that of the ones that applied for the job none of them had the experience, I felt that Chris had relative to the land use policies and actually the knowledge of the ins and outs of the County and the issues that we've been faced with over the last four or five years.

So I'd like to make a recommendation that we push this thing as quickly as possible and I don't think we should wait two more weeks for you to bring a recommendation forward to us about who should be the County Manager [sic]. Of course this is my thought. If the Commission as a whole would like to hold off for a couple weeks I guess that's the desire of the Commission. But I really think we should move forward on this thing quicker.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I agree with Commissioner Duran. Chris Graeser is highly qualified but I think that we hire the County Manager to look into this and he's going to use his best judgement so I think I'd like to let him go back and study the applications more and come up with a qualified person. But I agree Chris Graeser is a very qualified person but I'd like to see the County Manager come back with a suggestion. Thank you, Mr. Chairman.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Are we going to move into executive session?

CHAIRMAN SULLIVAN: That's the next item.

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COMMISSIONER DURAN: That's all I wanted to say.

CHAIRMAN SULLIVAN: This is not an action item. Any other Matters from the County Manager?

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

CHAIRMAN SULLIVAN: Okay, timing-wise, I assume, correct me if I'm wrong, Gerald, that we want to begin the public hearings at 5:00. Is that correct?

MR. GONZALEZ: I think as a concession to the public that 5:00 would be the earliest time we would want to start those.

CHAIRMAN SULLIVAN: So the next item is executive session.

**XII. Matters from the County Attorney**

1. Executive session
  - a. Discussion of pending or threatened litigation
  - b. Discussion of possible purchase, acquisition or disposal of real property or water rights

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

[The Commission met in executive session from 4:07 to 4:55.]

Commissioner Duran moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Montoya seconded. The motion passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Okay, we have a couple of minutes before 5:00 before our public hearing and Commissioner Duran, who wasn't present for Matters from the Commission would like to discuss some issues related to the economic development park. Commissioner Duran.

COMMISSIONER DURAN: Thank you. Thank you, Mr. Chairman. Well, I just thought I'd give you guys an update on some meetings I've had relative to the economic development park and I just really felt that since I was here at the inception of that that I probably had a little - I guess I have an understanding of the vision that was created at the beginning. That's not to say that it's the same today and that's kind of why I think that we have found ourselves where we are right now. If you recall, we put out an RFP for someone from the private sector to come in and help us with the economic development park and the basis of that RFP was that someone from the private sector would come in, they'd do the planning, they'd even build the buildings. They'd be in

charge of finding tenants or developing economic opportunities for us out there.

And we put that RFP out. We only had one individual that responded to it and I'd actually talked to two or three others that had wanted to respond but felt that overall, the RFP was so complicated, it was just so lengthy, they just couldn't figure out how to respond to it properly. So based on that, and my understanding or my knowledge of the current market, I think it's going to be pretty risky for someone from the private sector to come in, take on this project, with the goals and vision that we had when we originally put this thing together, and those goals and that vision was to create some economic opportunity out in the county where we could take the land value out of the equation and thus be able to provide low-cost space for cottage industries or other companies that might want to locate in Santa Fe and don't want to pay \$12, \$15 a square foot for space, and by taking the land value out of the equation we would be able to provide affordable industrial space for say \$7 a square foot.

When we put the RFP out, if someone from the private sector was to come out and actually be the successful applicant, they would be that for a profit and that kind of works against what we had originally planned when we entered into this agreement with the state. So I spoke to the people, Roman and the other people that had put the RFP together and asked them if we could sit down to try to figure out what to do next so that we could come to the County Commission and ask for some guidance and to actually explain what the problems were. So we set up the initial meeting which was last weeks some time, and at that meeting, there was somebody from the state that Governor Richardson had sent who was heading up some economic development opportunities at the state level. It was out of that meeting that I thought that the information and the vision that came out of that was that this would be an opportune time to work on economic development and opportunities not only at the County, in the county, but would also incorporate the needs of the City and of those of the state.

And so at that same meeting, there was information brought forward that the City is planning to rewrite their economic development code. Is that what it is? They're rewriting their economic plan, I guess. So they have someone coming in that's going to be spending about six months or so redrafting it. And my thought was that what we might want to consider as a Commission was to let the City know that we have this economic development park concept that might tie into a regional effort that would incorporate the City's needs, the County's needs, and some ideas that the state would even have relative to attracting appropriate businesses to our community.

So that's pretty much what came out of that meeting. I spoke to Steve Whitman who is in charge of the City's Economic Development Department and advised him, let him know that we had this property and when it gets to a point where they're going to be discussing the needs of the community, they might want to factor in this particular project. So that's what those meetings were all about. The other thing is that I'm not sure that putting this thing for another RFP is really what we need to do and I think that we need to have some further discussion about it and hopefully, Laura and Gerald will be bringing forward some ideas and



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some recommendations, maybe. I guess we talked about maybe having a mediator involved and to actually pull all this together.

So that's my story and I'm sticking to it.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So, Commissioner Duran, you want us to work with the City? I just don't want things to get lost like the CARE Connection and continue to go back and forth. I'd like to see the economic development project go forward. But I hear your concerns and I'd love to work with the City but I don't want to see things going back and forth like we have been in the past. And I'd like to move forward with this infrastructure and get this thing off the ground.

COMMISSIONER DURAN: I agree with you. I don't want to get this thing - I don't want to get involved with the City to the extent that we don't move forward, which is what happens on everything we do with them. I'm just trying to make the City aware of what we have. They have this business incubator out on Airport Road and they can only stay there for a certain period of time and then they have to move - who knows where they go. So I'm just trying to make sure that they're aware and the people of the incubator know that there might be some opportunities out at our site. My gut feeling is that, and I checked with James Lujan, we have the infrastructure to a certain point there in the park. And we could offer a sizable tract of land with water and the rest of the infrastructure to perhaps attract the very first business out there.

So I was thinking that we might be able to, after we have this meeting, ask the Planning Department to devise a map of how we could configure that property to offer land and all of that. The other thing I think is that the only way that this business park is going to move forward is if we - because we don't have any water. But if we can prove to the City that what we're doing out there is providing more jobs, that there's an opportunity to ask them, and more than likely they would grant it, an extension, not an extension but an increase in the wheeling agreement, if we can prove from a regional point of view that there's economic development occurring out there that benefits the community as a whole.

So I'm in agreement with you. I think that we shouldn't wait for anything. We've waited long enough to do anything out there, but I think that if we could factor in some of the - if we look at the big picture we might be able to come up with a more concise and successful project out there.

COMMISSIONER ANAYA: Mr. Chairman, Commissioner Duran, so are you asking our staff to come up with some ideas on how to develop that, and come up with a plan and then move forward with that plan?

COMMISSIONER DURAN: No, what I've asked staff to do, and I think that staff is in agreement, that we need, staff needs some direction from the Commission. And so they're hopeful of putting together, not hopeful, but I think the plan is to find a time and a place for us to meet as a body to make a decision on what we want to do based on the lack of respondents to the RFP and just give staff some direction so that we can move forward on this.

COMMISSIONER ANAYA: I agree.

COMMISSIONER DURAN: I definitely didn't come up with my own idea. As much as I'd like to.

CHAIRMAN SULLIVAN: And Gerald, maybe it might help the Commission to provide them with the planning documents that the Planning Department has which I believe you're reviewing on the economic development park. That might be useful for all of us.

COMMISSIONER DURAN: Yes, before we have the meeting.

CHAIRMAN SULLIVAN: Because there is a plan there. It may need updating but that's a starting point.

MR. GONZALEZ: Be glad to do that, Mr. Chairman, members of the Commission. We'll circulate those before we get there and I think we're looking at a meeting some time in May.

COMMISSIONER DURAN: Good.

COMMISSIONER CAMPOS: Mr. Chairman, just one comment. I just hope we can keep focused and that staff can keep focused on what we have to do and come up with a plan soon and not go off in 10, 15 different directions. We have to have a little discipline because we have had a lot of problems with this concept and how we're going to do it and what kind of leases we need, capital. It's a very complex thing and I just don't want to lose focus by trying to divide out attention too much.

COMMISSIONER DURAN: Mr. Chairman.

COMMISSIONER CAMPOS: The problem is that we don't have a plan right now. So we had an RFP out there with no plan and the plan is to do something out there but nobody knew what that was. So all I'm asking staff to do is to find a time that all of us can get together and come up with a plan. It was so fractured. And even when this RFP went out there they didn't know what to do with what we had.

COMMISSIONER CAMPOS: I'm just saying let's let staff take the lead and do what they have to do and then come and we can all have a meeting together and kind of brainstorm it a little bit. Is that what you're suggesting?

COMMISSIONER DURAN: I think that's fine. I'm going to actively get involved in it to.

COMMISSIONER CAMPOS: I think you should be.

COMMISSIONER DURAN: I think all of us should if you're interested in it. I'm just real interested in seeing something happen out there partly because this living wage issue that the City got involved in, I think there were some pros and cons about it but increasing the salaries out there, I think is one thing, creating job opportunities and attracting clean and appropriate industry to the community is another thing. And I think that if we could do that, that it would have a major impact on the quality of jobs that are available out there, the ones that demand more per hour. Okay. Thank you very much.

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**XIII. Public Hearings**

**A. Land Use Department**

1. **EZ Case #V 02-4770 Mark Rendleman Family Transfer Variance:** Southwest Mountain Surveys, agent for Mark Rendleman, applicant, is requesting a variance of Section 3.5.5.D, (Road Requirements), of the Extraterritorial Subdivision Regulations and plat approval to allow a division of 2.492 acres more or less, into two tracts for the purpose of a family transfer. The tracts will be known as Tract B-1, (1.246-acres more or less), Tract B-2, (1.246-acres more or less). The property is located at Camino Tres Arroyos, which is off West Alameda Rd, within Section 28, Township 17 North, Range 9 East, within the 2 Mile EZ District

VICTORIA REYES (Review Specialist): Mark Rendleman, applicant, is requesting a variance of Section 3.5.5.D (road requirements), of the Extraterritorial Subdivision Regulations, to allow a land division of 2.5 acres, more or less, creating two 1.25 acres more or less for the purpose of a family transfer. The property is located at Camino Tres Arroyos, which is off Alameda. On February 13, 2003, the EZC granted plat approval and recommended approval of the variance. The applicant is requesting a variance of road requirements of the Extraterritorial Subdivision Regulations to allow a division of 2.5 acres, more or less, into two tracts for the purpose of a family transfer.

Arroyo de las Trampas crosses directly through the applicants property, which lies within a 100-year flood zone. Extraterritorial Subdivision regulations require an all-weather crossing for the portion that crosses through the arroyo. The applicant is not in agreement with this requirement due to the cost. A cost estimate for a box culvert or bridge was performed for a similar situation and the estimate was \$250,000 to a million dollars.

Recommendation: The applicant requests that they be allowed to divide his 2.5-acre property for the purpose of a family transfer. It is the position of staff, that density should not be increased in areas where access is not adequate for emergency vehicles, therefore staff recommends denial of the requested. Thank you.

CHAIRMAN SULLIVAN: Thank you. Are there questions of staff? Is the applicant here? Would you like to come forward and have the Clerk swear you in?

[Duly sworn, Mitch Noonan testified as follows:]

MITCH NOONAN: Mr. Chairman, Commissioner, the focus of why we're here tonight is the crossing of this Arroyo de las Trampas and Camino Tres Arroyos. This crossing is about .6 mile north of West Alameda up Camino Tres Arroyos. The Federal Emergency Management Agency, FEMA did a large scale evaluation of all of Santa Fe County and the whole state, and they do a large brush stroke at places. They're looking for large drainage areas. They declared that this area here should be subject to a 200-foot wide floodplain. However, the actual crossing itself is about 20 to 30 feet wide.

According to the Code, the requirement is for an all-weather crossing, a 200-foot long



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bridge or box culvert and you heard what Victoria said the cost estimates were, up to a million dollars. When this case was approved by the EZC on February 13<sup>th</sup>, that day and that week it had been raining and I drove up there twice. That crossing was no better or no worse than the rest of Camino Tres Arroyos, in fact it was better than a lot of the arroyo. The crossing has been stable for years. It is landscaped, which is what holds things in, and Mark Rendleman will get into that a little bit when he has a chance to talk.

An engineer that we talked to said that if we were to do a concrete dip section or something of that nature that would disturb the landscaping stability that's there and we'd have to create a new stability which would take years to happen. We see no public benefit to this by building a 200-foot long bridge or whatever the case may be. It's stable now and it's been stable for 10, 15 years. Nobody's complained about it and it's been fine. Whether this case is denied or approved, the best house site on the 2.5 acres we're asking to divide into 1.25-acre parcels, the best house site is across the arroyo. So whether we're approved or not, that's the house site that would probably be built on at some point, so therefore traffic would not be increased across the arroyo in either case.

In looking at neighborhood densities, in the information that we got from the Assessor's office and GIS information of Santa Fe County, the four lots immediately to the south and the 8 lots immediately to the north are at 1.25 acres, the density we're trying to get to with this family transfer. Our request is then totally in conformance with the neighborhood and it's the only lot of 12 lots in a row that is 2.5 acres; all the rest are the size we're looking for. So in overview, we feel there's no real public benefit by building a bridge or a dip section in an already stable situation.

To do this and to be forced to do this would create an undue financial hardship and burden which is one of the major ingredients of a variance request. This would not set a precedent as the particular and individual elements of this case are unique to this parcel. FEMA's 200-foot wide brush stroke determination of the area does not take into account individual variations as this parcel is, where the actual area of flooding, there isn't any, and it's narrow there. The crossing itself, again, is only 20, 30 feet wide. And the densities that we're trying to get to, 1.25 acres through the family transfer are in conformance with the neighborhood. For these reasons I urge your support of this variance request.

CHAIRMAN SULLIVAN: Thank you. Mr. Rendleman.

MARK RENDLEMAN: I have some pictures I can show and it makes it real clear if I could come approach.

CHAIRMAN SULLIVAN: Sure.

MR. RENDLEMAN: Thank you for your attention. We've had this property for a while and in the process, the area has become more built up but it's actually a very old private road that used to be the thoroughway when people needed to connect between West Alameda and out toward La Tierra to the Buckman area. The people who have built up out there have intentionally wanted to guard that road as being a private road even when it became cut off by the bypass, the community is actually established by a road agreement and that forms the basis of their organization. At every meeting that I've been to there has been, when there's

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a vote even to grade the road or improve it in any way to make it more passable everybody votes it down. Part of that's probably financial but there's been a real intent to keep it as a very small, almost a single lane private dirt road. So the community doesn't use it and people don't go too fast because there's children there.

So I sent letters to everybody about this and no one objected to the variance and people again, I don't think anybody would like to see any improvements anyway there. You'll notice from the pictures several things. One is right now, the road that's supposed to go down the middle of the - there's a 15-foot wide easement on each side of the property line but actually the road is entirely located in my property because they didn't want to cut down the trees and destroy the bosque there. You'll see there's a bosque of trees that secure and hold the land together. And if any flood comes through there it is very well channeled through there and no one has ever had any problem that I know of.

Almost all the lots beyond me have already been developed and already have houses. Those people live there. They know the conditions in which they bought the property and again, no one's had any problem with the way the crossing is right now. My feeling is from looking at it and from also having a lot of experience in making roads myself in other areas is that even if the costs, if I had no costs - it says here it's because of the cost, but even if it was a grant to me by a federal agency or something to build this thing I think it would be a big mistake and it would actually disturb the area and cause more problems and would be unsatisfactory for the neighborhood in general.

Also, my family of course, if this was a requirement we would just have to sell the property and someone would be living on that house site. It says that they disagree because of an increased density but actually it doesn't create any more house sites than there would be even if it wasn't approved. I think that's all.

CHAIRMAN SULLIVAN: Other questions of the applicant?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Rendleman, how many people live on that road past that?

MR. RENDLEMAN: I think there's either eight or nine properties on [inaudible] three properties on the other side.

COMMISSIONER ANAYA: So it's 12?

MR. RENDLEMAN: I'd say it's probably [inaudible] On my side in the same area where they've been divided it's probably about eight or nine I believe. And most of them have been developed and all together there's probably about a dozen.

COMMISSIONER ANAYA: So is there going to be any more development out there? Is there any more lots that haven't been built on?

MR. RENDLEMAN: There may be a couple at the end of the road. Frankly, I haven't driven out to see if anybody else is out there.

COMMISSIONER ANAYA: Is that a dead-end road?

MR. RENDLEMAN: Yes, now it is because the bypass cuts it off. It used to be

a through road and you can probably still get into the road from the bypass in an emergency.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Other questions of the applicant?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Rendleman, could you just specify what the purpose of the family transfer would be?

MR. RENDLEMAN: I want to split it to give half of the property to my daughter.

COMMISSIONER MONTOYA: Of which is won't be livable?

MR. RENDLEMAN: No, they're both - actually, if you look at the picture, I don't know how well it shows that but both sides are - it makes a not lot because the arroyo goes right down the middle and it split the property in half anyway.

COMMISSIONER MONTOYA: Okay. So that's -

MR. RENDLEMAN: And there'd be a shared well. The well's already there.

COMMISSIONER MONTOYA: Mr. Chairman, Mr. Rendleman, are you in agreement with the conditions that have been placed by staff?

MR. RENDLEMAN: The other conditions? Yes, except for the cement culvert which we brought up at the EZC and they put it in the same category, I believe. I haven't seen if it's still on there or not. I haven't seen a copy of the latest recommendation. But we agreed to all the other conditions.

COMMISSIONER MONTOYA: Okay. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Mr. Rendleman, are there any homes on the property now?

MR. RENDLEMAN: No.

CHAIRMAN SULLIVAN: Okay, it's a public hearing. Is there anyone in the audience who would like to speak either in favor of or in opposition to the requested variance? Seeing none, then the matter is before the Commission.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: There's a motion and a second. Discussion? To clarify with staff -

COMMISSIONER ANAYA: With County conditions.

[The conditions are as follows:]

1. The portions of the existing access road that extends through the platted area must have a 38' foot easement and must be developed meeting SFC Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.



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2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing 0.25-acre feet per year per lot. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the County Hydrologist annually by February 28<sup>th</sup> of each year.
3. Water supply to these lots are governed by The Extraterritorial Zoning Ordinance Section 10.1.A
  - a) Only one well shall be permitted to serve these lots. This well shall be subject to a shared well agreement, to be approved by the County and executed prior to plat recordation. The plat must indicate shared well easements.
  - b) Drilling of any new domestic well is prohibited if regional water is available within 200 feet of these lots.
  - c) If regional water becomes available, domestic well use shall cease within 90 Days and these lots shall connect to the regional water system.
  - d) All well drilled on these lots post January 1, 2000 must be constructed per EZO standards listed in Section 10.1.A.3. Proof of proper construction must be submitted at the time of development permit request or upon demand by the County Land Use Administrator.
4. A shared well agreement must be approved by the County and executed prior to plat recordation. The plat must indicate shared well easements
5. A 10-foot wide utility easement along all property lines must be dedicated and shown on the plat for future potential water lines.
6. A 25' foot building set back will be required from the edge of the drainage easement including base flood elevation limits of 100 year floodplain and shall be noted on the plat.
7. As per ESR regulations, a solid waste fee will be assessed for all newly created parcels. The fee for this subdivision is \$65.79
8. Approval from the NMED for the septic system must be obtained prior issuing a permit for residential units.
9. Compliance with County Fire Marshal review.
10. Submit a school impact report per County code.
11. Submit family transfer affidavits and deeds transferring lots to family members prior to plat recordation.
12. A retention pond in accordance with the Santa Fe County Regulations will be required for both lots at the time of development.
13. The applicant must address all minor redline comments by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Victoria Reyes, Development Review Specialist with the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

CHAIRMAN SULLIVAN: Including the conditions. This is actually a very small amount below the minimum for the transfer, for a family transfer. Is that correct? So are

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we waiving not only the condition, if it's to pass, not only the condition of requiring an all-weather crossing but we're also waiving the minimum lot size?

MR. ABEYTA: Mr. Chairman, no you're not. This isn't a waive to the minimum lot size because under our current procedures they have enough property to do the family transfer. All that you're acting on now is a variance to the road requirements.

CHAIRMAN SULLIVAN: But the minimum lot size is 1.25 acres and their lots would only be 1.246.

MR. ABEYTA: Right. But the County procedure allows for, what is it, you can round up a certain percentage and this meets that.

CHAIRMAN SULLIVAN: Meets the round-up percentage.

MR. ABEYTA: Yes. That's allowed.

CHAIRMAN SULLIVAN: All right.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, what about the safety issue? This is a 100-year floodplain designated by the federal government. What kind of a hazard, a safety hazard does it pose to people in the area?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, it does pose the hazard that if there were to be a 100-year storm or flood it could limit access to the other side, to one side or the other. As far as the structure where they're proposing to build, that's not within the floodplain. The issue is access, being able to access the site in the event of a 100-year storm.

COMMISSIONER CAMPOS: There was a case that we considered maybe a year ago, Los Pinos or something and there was a subdivision, there was a crossing over a 100-year floodplain. There was some discussion by attorney Steve Kopelman that there might be liability on the part of the County for approving something that might expose families to danger as they crossed. Is this case distinguishable?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, it's the same situation. However, it's a less number of lots than what was in the other request. The other request was the Piñon Hills Subdivision where there's several lots that are affected. Or several homes that have to cross.

COMMISSIONER CAMPOS: This was not Piñon Hills, I don't think. It was a subdivision by the racetrack.

MR. ABEYTA: Okay, that would be the Valle Vista de Gracia and it's a - the situations are similar. I still believe that other property there was a lot more area than just that subdivision. There was also other existing lots that used that crossing. So it's the same situation but less of an impact here because there's less lots and less homes off of this roadway.

COMMISSIONER CAMPOS: A question for Mr. Gonzalez. I guess you're acting as our attorney today.

MR. GONZALEZ: Hopefully to the extent that you need it, yes. Our legal staff is stretched a little thin.

COMMISSIONER CAMPOS: I think Mr. Kopelman cited a New Mexico case

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where someone had been killed, a car had been washed away at one of these 100-year floodplain arroyos the county had approved. I think there was some exposure, some liability to the county. How would you advise us on that issue?

MR. GONZALEZ: I don't know the details of the prior approval. I guess one of the questions I would have is was that a situation where there was a pre-existing roadway or not and I don't know whether that's the case or not. In this case the road is already pre-existing. We have people who are using it everyday to get across. And irrespective of what we do with respect to this particular owner I'm assuming that those people will still continue to travel to reach their lots. I don't know if that was the case in the prior situation. We'd probably have to research that.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: The 100-year floodplain is a designation given to areas that might flood once every 100 years. I think the risk is minimal here. That just means that once every 100 years they might have to swim home.

CHAIRMAN SULLIVAN: Other cogent comments?

COMMISSIONER DURAN: Sorry about that? I couldn't control myself.

CHAIRMAN SULLIVAN: Hearing none, there's a motion on the floor.

The motion to approve EZ Case #V 02-4770 passed by unanimous [5-0] voice vote.

- XIII. A. 2. **CDRC CASE #V 02-5470 - Bruce Oakeley Variance. Bruce Oakeley is Requesting a Variance to Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division Of 7.52 Acres to Create One 2.5-Acre Tract and One 5.03-Acre Tract. The Property is Located Off of East Pine Within Section 6, Township 14 North, Range 9 East (Commission District 5)**

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman. On October 24, 2002 the CDRC met and acted on this case. The decision of the CDRC was to grant the appeal of the Land Use Administrator's decision and recommend approval of the variance. The property is located within the Basin Fringe Hydrologic Zone. Article III, Section 10 of the Land Development Code states that the minimum lot size in this area is 50 acres per dwelling unit. Lot size may be reduced to 12.5 acres if the applicant can demonstrate adequate water for such a reduction, or 6.25 acres through a small lot family transfer.

The lot in question was created in 2000 by a small lot family transfer. The applicant states that he recently underwent a divorce with his wife, leaving him with many burdens including a large debt and on the verge of bankruptcy. Therefore, the applicant is requesting a variance to the lot size standards to help him alleviate his financial burdens, preserve his credit



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and eventually attain affordable housing for his family.

Recommendation: The County Code allows the applicant to prove adequate long-term water to allow him to divide the existing lots to the requested sizes without applying for a variance. Staff recommends denial of the variance based on Article III, Section 10 of the Land Development Code which states the minimum lot size in this area is 50 acres per dwelling unit. The decision of the CDRC was to grant the appeal of the Land Use Administrator's decision and recommend approval of the variance to allow the 7.53 acres to be divided into two lots subject to the following condition. May I enter the conditions into the record, Mr. Chairman?

CHAIRMAN SULLIVAN: Yes.

[The conditions are as follows:]

1. The applicant shall use the existing driveway for access to both lots and create an access easement on the final plat.
2. Lot 1-A shall not become a flag lot as proposed.
3. Water use shall be restricted to 0.25 acre-feet per lot per year. Water restrictive covenants shall be recorded on the plat. The applicant shall install a water meter on both lots. Annual water meter readings shall be sent to the County Hydrologist.
4. No further division of this land shall be permitted; this shall be noted on the plat.
5. A plat of survey meeting all other Code requirements shall be submitted to the Land Use Department for review and approval.
6. Both lots must hook up to the County water system when it is 200 feet within the property line. [Added at motion.]
7. Rain catchment must be used for landscaping and outdoor irrigation as approved by staff. [Added at motion.]
8. The applicant will use xeriscaping. [Added at motion.]

CHAIRMAN SULLIVAN: Is that it?

MS. LUCERO: Yes.

CHAIRMAN SULLIVAN: Okay. Questions of Ms. Lucero? Commissioner

Anaya.

COMMISSIONER ANAYA: Under condition number 2, what does that mean?

Lot 1-A shall not become a flag lot as proposed. What do you mean by that?

MS. LUCERO: If you look at Exhibit C, the lot 1-A is shown as a flag lot. There's a portion of it that comes directly off of Pine Road, which originally, they were proposing as an access. But as I understand from talking with the applicant, the two lots that are proposed will share one access off of Pine Road, which is at the center of Lot 1-B. So that will only be utilized as a utility easement right now.

COMMISSIONER ANAYA: So do we have another map that we could look at?

MS. LUCERO: Showing the new proposal? I believe the applicant has one that they're prepared to hand out. Exhibit D is the lot as it exists right now.

COMMISSIONER ANAYA: Oh, okay. I got it.

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CHAIRMAN SULLIVAN: Other questions?

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

Cs: Vicki, what's the difference between a flag lot and a lot that's - the front lot just had an easement going to that back lot. What's the difference? What's the purpose of not having a flag lot?

MS. LUCERO: Mr. Chairman, Commissioner Duran, originally, that flag lot was going to be used for the purpose of access, but at this point, as I mentioned, when I spoke with the applicant, it will just be used for utility purposes, just as a utility easement right now. To avoid having -

COMMISSIONER DURAN: How are you going to access the back lot then?

MS. LUCERO: It will be accessed through the existing driveway that's in the center of lot 1-B. So it will have a shared access now, rather than two separate access points off of Pine Road.

COMMISSIONER DURAN: And what's the difference between - I'm just having a hard time understanding what's the difference between two families sharing the same access or two separate accesses. It seems to me that the driveway going right through the middle of that front lot would have a much greater impact on the front lot than if they were to move - the people that would be living on 1-A would access their lot from that portion that you're calling the flag. We could talk about it later. I know we're not going to decide that today, but could we talk about that some time?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, we can. Pine Road is a County Road and the Code tries to encourage limited accesses off of County roads. But it's not a requirement and that's why staff just made a recommendation that because of the language in the Code that encourages shared driveways they should eliminate the flag lot to eliminate that separate driveway. But it's not a requirement by Code.

COMMISSIONER DURAN: You're going to have the same number of people accessing that road whether they're coming down a shared driveway or two separate ones. Okay. I'm just kind of argumentative today, I guess.

COMMISSIONER CAMPOS: In a nice way.

CHAIRMAN SULLIVAN: Vicki, I have a question. Let me understand, this lot was first divided in 2000 into two 7.5-acre lots by family transfer, is that correct?

MS. LUCERO: Yes, Mr. Chairman. That's correct.

CHAIRMAN SULLIVAN: And the request now is to divide one of those two, one of those 7.5-acre lots into two additional lots.

MS. LUCERO: That's correct, Mr. Chairman.

CHAIRMAN SULLIVAN: Okay. Now, the applicant is requesting a waiver of the proof of water supply, but even if they proved water supply, they could only go down to 6.25 acres. Is that correct?

MS. LUCERO: Mr. Chairman, actually, the 6.25 would be the minimum lot size for a small lot family transfer. Technically, in the ordinance it allows you to go down to

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2.5 acres if you can prove adequate water, although as the County Hydrologist's memo states she doesn't believe that there's adequate water in this area to support the lot sizes that are being proposed.

CHAIRMAN SULLIVAN: Okay, that's what I wasn't clear on. So the six - a small lot transfer, if it were down to 6.25 acres could be done administratively if they proved adequate water. Is that correct?

MS. LUCERO: Yes, that's correct.

CHAIRMAN SULLIVAN: Okay, then where does the 2.5 acres come from?

MS. LUCERO: Mr. Chairman, there's actually a provision in the ordinance that allows you to go down to a minimum of 2.5 acres anywhere in the county if you can prove that there's adequate water. That's the minimum lot size you can go to. In this area, I guess based on the water availability in the area, the minimum lot size is actually stated at 12.5 acres. That's what they feel can be proved in that area.

CHAIRMAN SULLIVAN: That's what I'm still having trouble understanding. If this is in the Basin Fringe Zone, right? In the Basin Fringe we say you can go down to 12.5 acres if you can demonstrate adequate water or 6.25 through a small lot family transfer. So that's the requirement in the Basin Fringe. Then we just have another requirement that says, "Oh, by the way, you can go down to 2.5 acres"?

MS. LUCERO: Well, 12.5 acres is what seems to be more feasible in the Basin Fringe Hydrologic Zone.

CHAIRMAN SULLIVAN: What I'm not understanding is do we have a Code requirement that contradicts our Code requirement? Meaning, you say you can go down to 6.25 and then we say, By the way, you can also go down to 2.5?

MR. ABEYTA: Mr. Chairman, the Code states that you can go down to 12.5 with just water restrictive covenants. So without having to demonstrate water availability you can go down to the 12.5 if you sign water restrictive covenants. If you're doing a small lot family transfer, you can go to half of the 12.5, which is 6.25 with just water restrictive covenants and not water availability. Anything less than that, anything less than 12.5 that is not a family transfer or anything even smaller than 6.25 if it is a family transfer or not you need water. So basically, the way the Code works is it sets up minimum lot sizes and it says, And by the way, if you prove water you could possibly go down to 2.5 but nothing smaller, regardless if you're in the Basin, Basin Fringe, Homestead or Mountain. If you can prove water you can go all the way down to 2.5.

CHAIRMAN SULLIVAN: Okay. So the 6.25 is small lot family transfer, as you said, with just restrictive covenants for water usage.

MR. ABEYTA: Yes.

CHAIRMAN SULLIVAN: But in this case, the prior conditions on the family transfer of the two lots, and correct me if I'm wrong, that each lot could use a quarter acre-foot of water.

MR. ABEYTA: Yes, that's correct.

CHAIRMAN SULLIVAN: So now, if we're dividing this lot, in essence we're



contradicting that covenant because now we have two lots there, each, according to these conditions, would get a quarter acre-foot.

MR. ABEYTA: Mr. Chairman, that's correct and that's why it's a variance. That's why the only way you can do it is through granting a variance to those requirements.

CHAIRMAN SULLIVAN: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, Mr. Abeyta, can we grant a variance to the hydrologic study requirement? If you want to create something at 2.5?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, the only way to allow these, to create these lots is through a variance. In essence, what you're doing is you're granting a variance to the minimum lot size requirements and the hydrological requirement because they're together.

COMMISSIONER CAMPOS: So there are two variances?

MR. ABEYTA: They're both covered under the same section of the Code, which is the lot size requirements of the Code. So it's one variance but that section deals with both water availability and lot size.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: If there are no further questions, is the applicant here? Do you want to step forward and make your presentation and have the Clerk swear you in please?

[Duly sworn, Maurice McAllister testified as follows:]

MAURICE MCALLISTER: Mr. Chairman, Commissioners, my name is Maurice McAllister and I am a resident of the Silverado community, along with Bruce Oakeley, which is also a resident of the community out there. And I want to speak on his behalf with regard to the application that he has proposed to you, that you guys grant him the lot split on his hardship. Because of Mr. Oakeley's hardship, he has been put into an extremely difficult financial situation. Currently, Mr. Oakeley has lost the additional income that was obtained during the time he was married to his ex-wife. With his wife leaving, his wife has given him 100 percent of the debt that he has incurred. Unfortunately this is a very unfortunate situation, it has prompted Mr. Oakeley to submit this application for a lot split to maintain the ability to provide a home for his children and himself.

Currently, in Township 14 North, Range 9 East, Section 6, there are a total of 89 lots. As shown in your packet, which I'd like to provide the bench now, there are 24 lots that are equal to or less than 6.25 acres, and 17 lots are equal to or less than 2.5 acres. This results in 46 percent of the population falling under the 12.5-acre minimum lot size. In the County Code, there is a variance that speaks to hardship, which Mr. Oakeley is currently in and if an exception can be made, he falls within this hardship.

In the application, Mr. Oakeley has proposed that the two lots be created from the existing 7.53 acres. One is to be 2.83 acres, which is in your report, and one is 4.69 acres. This will provide an equal lot split to satisfy and concern the existing driveway, which was already brought up by staff, and I think this is to satisfy basically the residents around them. So I want everyone to know that residents around Mr. Oakeley's lot are for this. In Mr. Oakeley's

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hardship he has realized there are many concerns regarding the water issues that face the Silverado community, and in realizing this Bruce has conducted some research that is in this packet to help show his concern for his neighbors and that there is adequate water in the surrounding area of his residence.

You can see that in the well logs that are provided within the packet. Contiguous to Mr. Oakeley's property there is a well that produces 50+ gallons per minute, and again, please refer to the well lot. Additionally, Mr. Oakeley has provided water availability assessment reports in which he conducted that shows five surrounding wells to his lot, including the 50+ 1 had recently mentioned, that yields 115 gallons per minute.

These five wells used in his analysis equal to an average of 23 gallons per minute and that is also in your packet. He referred to that. In addition, Mr. Oakeley has taken steps to collect rainwater and effectively use xeriscaping to minimize any strain on his neighboring wells. But again, we have to go back to the point that this is about his hardship and Mr. Oakeley has taken every step to reinforce the importance of this. That's why we're hear in front of you today. The lot split would not be in front of the Commission if it wasn't for that fact. For the hardship that was bestowed upon Bruce, Mr. Oakeley and his children, the excessive amount of debt that was left to him by his ex-wife which abandoned them and the residence again has prompted him to take this course of action. Knowing that if he did not take this, he could potentially face bankruptcy and/or foreclosure, thus displacing himself and his children.

I know that I would not want to be in that situation and anybody that is would understand what he's going through today and the importance in which the approval of this lot split is. So we're asking the Board today in your decision and in your hearts to grant this application of the lot splits. Of course, with the creation of Mr. Oakeley's application it has become very apparent that the Silverado community faces many challenges, mainly this one in front of you today. And I do feel that many of the residents feel and understand his hardship and also hope for approval of this lot.

One concern has come up with the neighboring community and that is there is on moratorium in place right now to deal with these types of issues and that we do not have an advisory committee out there to deal with this. So we're asking that you establish in the Silverado community a board that can deal with these types of issues similar to the La Cienega CDRC. So I hope that you approve. And personally, for myself, being a resident out there, I would not hope that I'm ever put into a situation like this. I think that the water logs themselves prove that there is adequate water because if Mr. Oakeley is denied, he could be faced with something that none of us would want. Nothing that his children would want. If he's forced to file bankruptcy we've got to really think about the kids. We've got to think about the future of him getting back on his feet because he has ensured everything.

I think that the information in front of you will provide a stability that Mr. Oakeley can do this and we're asking the Board to approve this.

**CHAIRMAN SULLIVAN:** Let me see if Mr. Oakeley wants to make a presentation. Did you want to speak, Mr. Oakeley?

[Duly sworn, Bruce Oakeley testified as follows:]

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BRUCE OAKELEY: Mr. Chairman, I would like to just reiterate what Mr. McAllister has presented here before you today. Unfortunately, I didn't ask for this tragic situation that I was put under. I do not want to have to take that route of having my home foreclosed on. My children have already suffered a terrible hardship. I've suffered a terrible hardship. An additional hardship, I think would be on all of us would be very difficult to endure. Based on that, I don't know what else to say. Please see it in your hearts to review this. Look at this objectively. Look at it and do the right thing is all I can really say.

CHAIRMAN SULLIVAN: Okay. Thank you. Questions of the applicant, before we have our public comments? Commissioner Duran.

COMMISSIONER DURAN: No, I read what I was going to ask.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Maurice, on this plat, where you show lot, 4.69 acres and 2.83 acres. Is that to scale? Because it doesn't look to scale on here. It looks like the 2.83 acres are larger than the 4.69.

MR. MCALLISTER: Chairman Sullivan, Commissioner Anaya, this was the report given. If it is to scale, I do not know. Mr. Oakeley may be able to answer that.

MR. OAKELEY: Commissioner Anaya, yes it is. If you look at the east end of that there's 432.82 feet and then you've got the north end at 285.12. And if you look along the road there's X's there. That's where an existing fence is currently right now. It comes out to 2.83. If you look at the 4.69 to the left, sir. You'll see that the property continues back. It's 621 feet on the west side and on the northeast side is 325 feet, which is thus 4.69 acres.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN SULLIVAN: More questions of the applicant? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. McAllister, what is proposed in terms of the lot split? The sale of one of the lots?

MR. MCALLISTER: Chairman Sullivan, Commissioner Montoya, yes. I think the intent is to sell one of them to help Mr. Oakeley get out of the financial stress that he is under now where he can take that and then refinance the current lot which he wants to keep his residence on. So yes, I think that's the proposed plan with this lot, probably.

COMMISSIONER MONTOYA: Mr. Chairman, staff, what would this do in terms of a potential buyer, with what's out there in terms of existing water rights? Would someone be buying a piece of land, I guess, with no water?

MR. ABEYTA: Mr. Chairman, Commissioner Montoya, that's always a possibility and I think that's the concern that the County Hydrologist had raised in her memo when she reviewed this, that she felt that a hydrological study should be done to prove that that won't happen, to prove that there is enough water for both lots.

COMMISSIONER MONTOYA: I guess the reason I bring that up, Mr. McAllister is if you can't sell the land, what would it be used for if it's non-residential use?



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MR. MCALLISTER: To my knowledge it would be, primarily it would sit there and if anything, just domestic use. Not domestic but maybe if - not even grazing, but to be honest, my knowledge, it would not be used. It would not be used.

COMMISSIONER MONTOYA: And the lot that's being proposed that the residence is on is the 4.69-acre lot?

MR. MCALLISTER: To my knowledge, Chairman Sullivan, Commissioner Montoya, the 2.38-acre lot would be where the residence would be and the 4.69 lot would be the available lot that he is proposing to hopefully sell to help him through this hardship.

MR. OAKELEY: Actually, the 4.69-acre lot is where the house resides, sir. The 2.83-acre lot is the one that would be used for sale. The reason, sir, I would like to keep this residence is because my children, that is there stability right now. That's where they reside. That's where we would like to keep for my children and for myself. The 2.83-acre lot would be the one for sale, sir.

CHAIRMAN SULLIVAN: Other questions for the applicant? Commissioner Campos, did you have your hand up?

COMMISSIONER CAMPOS: No.

CHAIRMAN SULLIVAN: All right. Thank you very much, Mr. McAllister. This is a public hearing. Are there those in the audience who would like to speak regarding this application? Before you speak, I did have one question of the applicant. Let me ask one question. From these listing of wells that you just handed out, and you talked about one being 50 gallons a minute and so forth, you indicate from the asterisk that the one serving your property is five gallons a minute. Is that correct?

MR. OAKELEY: That's correct, sir.

CHAIRMAN SULLIVAN: So that if you assumed a shared well then each one would then have in essence, 2.5 gallons a minute.

MR. OAKELEY: Well, it's currently, that is a shared well already, sir. The proposed would have to probably drill another well there, lot split.

CHAIRMAN SULLIVAN: Oh, the five gallons a minute, you're already sharing with someone.

MR. OAKELEY: Yes.

CHAIRMAN SULLIVAN: With one other person?

MR. OAKELEY: Yes.

CHAIRMAN SULLIVAN: So then they would have to drill another well close by.

MR. OAKELEY: Yes, sir.

CHAIRMAN SULLIVAN: The only reason I bring it up is because we had another case out in this area some months ago and some testimony from the State Engineer's Office that they felt the minimum was four gallons a minute that anyone should have for minimum service to a residence.

MR. OAKELEY: Yes, sir.

CHAIRMAN SULLIVAN: So if we're halving five gallons we're below that.

Okay, I just wanted to clarify that. Excuse me. All right, sir, if you would step up and have the County Clerk swear you in please.

[Duly sworn, Lupe Chavez testified as follows:]

LUPE CHAVEZ: Mr. Chairman, members of the Commission, my name is Lupe Chavez. I'm here to speak in favor of Mr. Oakley. When Mr. Oakley bought this property the farthest thing from his mind was having to split it. He wanted a nice piece of land for his house to build a barn, corrals and have some horses. He never intended to split this land. He loves horses. He's honest and he's sincere. He wouldn't be here if he didn't have to be here. He's fallen into hard times. That happens to the best of us and he needs help now. He's holding down two jobs and he still can't make it. He's a hardworking man. He needs help now. Let's give it to him. Thank you. God bless you.

CHAIRMAN SULLIVAN: Thank you, sir. Are there others who's like to speak with regard to this application?

[Duly sworn, Mr. Montano testified as follows:]

MR. MONTANO: Mr. Chairman, Commissioners, I'm an employee of Santa Fe County. I'm also a neighbor of Bruce Oakley. I'm in favor of him subdividing, the reason being is that I've known him for a while and I know the hardship that he's going through. I knew him and his ex-wife and his kids, and I'm also in favor of associating some kind of association out there so we can, since we live out there we can form, we can approve who wants to subdivide and why, what's the reasons. A lot of times we don't see what's going on out there. It goes behind our backs and we need to see what's going on. And that's it.

CHAIRMAN SULLIVAN: Thank you, sir. Are there others who'd like to address the Commission with regard to this application? Roman, a clarification for me, or perhaps Gerald. The purpose of a family transfer is the sale of a lot? Does that fall under the hardship provisions of what we're dealing with here?

MR. ABEYTA: Mr. Chairman, I guess I don't really understand the question.

CHAIRMAN SULLIVAN: Well, there's a number of conditions or things that are to take place in granting a variance, and hardship is one of them, but in a family transfer, isn't the intent that it goes to, the land is to go to a family member? And that's for a period of three years. Is that what we're dealing with here? I'm a little confused.

MR. ABEYTA: Mr. Chairman, what you're dealing with here is just a variance to divide the lot and not for the purpose of a family transfer.

CHAIRMAN SULLIVAN: Oh, it's not a family transfer.

MR. ABEYTA: It's not a family transfer. It's just a density variance.

CHAIRMAN SULLIVAN: It's a density variance. Okay. There's no one else? Then we're back to the Commission. Comments or action by the Commission?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: A question of Ms. Lucero. Is this an area where we've had some dry wells or some water problems in the past, other cases we've considered?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, it is, and one case that

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comes to mind is the John Paul Garcia case. This is in the same location and this is also the same location which Chairman Sullivan had directed us to speak with the State Engineer about designating it as a critical management area because it is spotty in this area as to whether or not there's as much water available as the Code originally stated or intends that there is.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Question for the applicant. Just so that I'm clear. What we have or what we were given was one 2.5-acre tract and one 5.03-acre tract. Now it's being revised so it's 4.69 and 2.83. Is that correct?

MR. OAKELEY: Sir, to satisfy the existing or one of the conditions in which one of the residents or staff had was not creating another lot, creating another road for that lot. So what I've done to satisfy that is grant easement using that existing road and allowing easement on to that 2.8 acres, 2.83-acre tract, sir.

COMMISSIONER MONTOYA: So that is the correct -

MR. OAKELEY: Yes.

COMMISSIONER MONTOYA: It's 2.83 and not 2.5?

MR. OAKELEY: no, it's 2.83 and what we did is we created a larger lot there. We did a smaller lot on the other side on the west side.

COMMISSIONER MONTOYA: Okay. Mr. Chairman, Mr. Oakeley, do you think with the situation in terms of water availability that you'll be able to sell that lot?

MR. OAKELEY: I firmly do believe that we can sell it. Those lots have been selling fairly well out there. It's all usable land. The neighboring wells and the research that I've done based on the water availability report in there shows that there are wells, mine being the lowest yield. But yet my surrounding and the neighbor contiguous to me has a 50+ gallon a minute well. It's unfortunate out there, there are issues out there. There are wells where you hit great wells and there's wells where you hit basically a dry hole. It is hit and miss out there. I can tell you from experience from my well and from my neighbors' wells, there has not been any problems in 12 years that I've owned that property.

COMMISSIONER MONTOYA: And then this plat that you gave us here, this particular one. You're showing us that 49 percent of these lots are below the minimum lot requirement.

MR. OAKELEY: Forty-six percent are below the 12.5-acre lot requirement, sir.

COMMISSIONER MONTOYA: And I guess the question for staff then is how did that occur?

MR. ABEYTA: Mr. Chairman, Commissioner Montoya, we would have to take a look at that but without having that information in front of me I would say that a lot of the lots were probably created through family transfer, which allows you to go to 6.25. There also has been other variances that have been granted in this area in the past for lot size. And then also, this area, it happens to be an area of the county where if you're on one side of the



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road you're in the Basin, where the minimum lot size is 2.5 acres, but if you're on the other side of the road, you're in the 12.5-acre minimum, so it could be possible that some of those lots were actually in the Basin, the 2.5-acre minimum and that's how those were created, because the hydrologic boundary does go through this area of the county.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Other questions, comments? Okay, hearing none, what is the pleasure of the Commission with regards to this case?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: From the testimony that I've heard today, it's clear that Mr. Oakeley could not afford a hydrological study. This is definitely a tragedy and a hardship case. The residents, there were no residents in that area speaking against this case. He's willing to use rain catchment systems and xeriscaping, which I would like to put in the conditions. This is definitely a hardship case for his kids. He did a lot of research on this and I'd like to add a couple of additional conditions before I make the motion. I'll add an additional condition that if County water is to extend in that direction and come within 200 feet that he would have to hook up to it. And that he would use rain catchment systems and xeriscaping on not only his lot but the additional lot. With that I make a motion to approve.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Is the applicant in agreement with those conditions?

MR. OAKELEY: Yes, sir.

COMMISSIONER MONTOYA: Then I'll second.

CHAIRMAN SULLIVAN: Okay, we have a motion and a second. Any discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I just want to state that we've considered cases of property in this area, the John Paul Garcia where we did deny it because there was simply no evidence of available water or a good water supply. This is an area that has a serious water problem and I don't think it's good public policy to approve variances in these cases. Personal hardship isn't a justification for the granting of a variance, and two, we don't have enough water information to make a rational decision whether this is a viable lot split anyway. So I think we need to be consistent with what we've done there. We have to be consistent with what the Code says as far as variances in hydrologic zones. I just don't think this is -- I don't think we're doing Mr. Oakeley a favor, to tell you the truth. We may be putting him in the hole.

COMMISSIONER DURAN: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: If there was any reason for granting a variance I think that this is it. The other thing is that the variance criteria that was presented to us in the

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case that you mentioned was pretty much focused around the profit that the applicant was going to experience and this is totally different. This isn't about profit. This is about granting a variance to someone who definitely has a hardship, personal hardship. That's what these variances are all about.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I agree with Commissioner Campos. The water issue is a very big issue and that's why I personally would like, and the Commission would like to extend the water service in that area because of the water issues. So that's why I threw that condition in. And this is definitely a hardship case and with that I'd call the question.

CHAIRMAN SULLIVAN: Let me just add a comment, unless you want to vote on the question. He didn't have any negative testimony today but in the CDRC minutes I see four individuals that spoke at the CDRC in opposition to the application. But aside from that, I do feel that there's been one family transfer here that's gotten close to the line and another, the remaining lot, I'm sure we'll see that come back for a family transfer again. Not a family transfer but for a variance. I do think that we need to get water out there but until we do, once we allow a well to be drilled, that's a substantial investment on that individual's behalf and they stay on that well. The chances of us getting within 200 feet of this lot in any of our lifetimes with a public water system is pretty minimal. I feel we need to draw the line when we come to these hydrologic situations where we've already had considerable experience with failing wells. Notwithstanding the hardship, which I don't say isn't there, but from the overall public policy, I think we have to look at the entire area. That's my opinion. Okay, I think everyone's spoken. There's a motion including the conditions plus two additional conditions, which I understand are that the applicant must connect to water when it becomes available within 200 feet on both lots, and the applicant shall use rainwater catchment systems on both lots. Is that correct, Commissioner Anaya?

COMMISSIONER CAMPOS: Mr. Chairman, just a point of clarification on the water catchment. What does that mean? That can mean 50 gallons or that can mean several thousand gallons. I don't know if you have an idea as to how much water they have to catch, if they're going to have to have a cistern or just two 50-gallon barrels. Because it's all water catchment.

COMMISSIONER ANAYA: I think right now the Land Use Administrator is looking into rainwater catchment systems. Are we still looking into that?

MR. ABEYTA: Mr. Chairman, Commissioner Anaya, yes. We are currently looking at that.

CHAIRMAN SULLIVAN: Maybe we could just say as approved by the Land Use Administrator.

MR. ABEYTA: What we can do is we can work with the applicant. He can make a proposal to us. We can look and see whether or not it's reasonable and then we can work with the applicant on this.

COMMISSIONER CAMPOS: Mr. Chairman, and the reasonable standard is do

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you get enough water to support the two houses on these two lots. Is that the standard?

MR. ABEYTA: Mr. Chairman, I believe that the intent of the condition was to address the outdoor watering and landscaping, if I'm correct. Because he's going to be allowed a well to provide for the other domestic uses, if I understand that. So it will be based on landscaping and whatever they propose for landscaping.

CHAIRMAN SULLIVAN: Is that correct, Commissioner Anaya?

COMMISSIONER ANAYA: yes.

CHAIRMAN SULLIVAN: Okay. That clarifies it. Any other questions or comments?

The motion to approve CDRC Case #V 02-5470 passed by majority [3-2] voice vote, with Commissioners Sullivan and Campos voting against.

- XIII. A. 3. EZ CASE #M 02-4301 - Territorial Plaza. Albertsons, Inc. (Peter Lynch, President), Applicant is Requesting Transfer of Ownership and Location of a Dispenser Liquor License for a Neighborhood Center District on 7.9 Acres in Accordance With the Approved Master Plan. The Property is Located at 7461 Airport Road Off The Airport Road/San Felipe Intersection Within the Two Mile Extraterritorial District (Commission District 5)

MR. ABEYTA: Thank you, Mr. Chairman. The State Alcohol and Gaming Division has granted preliminary approval of this request. In accordance with Section 66-6B-4 NMSA of the Liquor Control Act, legal notice of this request has been published in the newspaper and the Board of County Commissioners is required to conduct a public hearing on whether or not the proposed transfer of ownership and location for dispenser liquor license should be granted.

Pojoaque Pueblo Development Corp. presently owns the liquor license, which is the Downs at Santa Fe. In February 2000, the EZA granted master plan approval for a neighborhood center district which included a grocery store, retail, restaurant, office, personal services on 7.9 acres, which included the sale of package liquor for a grocery store. Staff recommends approval based on the zoning approval granted by the EZA. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Questions of staff?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Abeyta, is this liquor license going to be leased by Albertson's or purchased?

MR. ABEYTA: Mr. Chairman, Commissioner Montoya, I'm not sure. We'd



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have to get that clarified from the applicant.

COMMISSIONER MONTOYA: Oh, okay.

CHAIRMAN SULLIVAN: Other questions of staff? Is the applicant present?

[Duly sworn, Maurice Bonal testified as follows:]

MAURICE BONAL: My name is Maurice Bonal, 685 Callecita Pecos, Santa Fe. I generally usually never follow another Maurice. It's really hard to do. They just aren't out there. But to answer your question, Mr. Chairman, Commissioner Montoya, this is, Albertson's will be purchasing this license from the Pojoaque Pueblo Development Company and transferring ownership and location to that site, the Albertsons' site.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Mr. Bonal, does that mean that then if the Pojoaque Pueblo does move forward with that site per their master plan that they could not sell alcoholic beverages there?

MR. BONAL: Mr. Chairman, I can't speak to where the license is coming from. I can only speak to where the license is going to.

CHAIRMAN SULLIVAN: Oh, I thought the license was coming from the Downs at Santa Fe.

MR. BONAL: The license is coming from the Downs at Santa Fe, but what I'm saying is I'm not familiar with the zoning or the conditions or what exists at the Downs at Santa Fe, the uses at the Downs at Santa Fe. I would guess that it's probably a grandfathered use and I'm not - that's a guess. That's an educated guess.

CHAIRMAN SULLIVAN: Okay, when they bought the Downs at Santa Fe, they bought the property and obviously a liquor license which they're now selling. I've heard discussion that the intent of the tribe is to eventually convert that to trust land so it would be non-taxable and not under the County's jurisdiction. Could they, again, I know you're not an expert but since you're the only one we got here, could that mean that they could then serve alcoholic beverages without a license?

MR. BONAL: Mr. Chairman, if you want me to give you a hypothetical case, if that's the question I could give you a hypothetical case. It's very rare that, number one, you would get non-contiguous properties to become trust lands. It's very, very rare these days. Congress does not look very favorably on granting trust status to severed parcels because of the gaming issues. That's number one. Secondly, the license itself, I'm not really sure whether it's a grandfathered use or when they did do the Downs they did have a consolidated general plan approved process for the license. But once that license leave there it is gone from there and the only way they could ever get a license back, there's only two ways, is to actually buy a license and transfer it back, just as this one is going out, or in the event that it did become trust land, they would be eligible to "issue themselves a license." Under the current liquor law. Highly unlikely.

CHAIRMAN SULLIVAN: Unlikely because of the fact that it's not contiguous, you say, but technically possible if it did become trust land.

MR. BONAL: That's the possible probability question, yes.

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**CHAIRMAN SULLIVAN:** Okay. I appreciate your candor. Other questions for the applicant? This is a public hearing. Are there those in the audience who would like to speak in favor of or in opposition to the transfer of this liquor license? Seeing none, what are the wishes of the Commission?

**COMMISSIONER ANAYA:** So moved.

**COMMISSIONER CAMPOS:** Second.

**CHAIRMAN SULLIVAN:** There's a motion from Commissioner Anaya and a second from Commissioner Campos. Is there discussion?

The motion to approve EZ Case #M 02-4301 passed by unanimous [5-0] voice vote.

**MR. GONZALEZ:** Mr. Chairman, as you adjourn, I just want to remind everybody of the Tribal Summit meeting tomorrow, continental breakfast begins at 8:00 and the Summit itself begins at 9:00. Lunch will be served from 12:00 to 1:00.

**CHAIRMAN SULLIVAN:** And that's located -

**MR. GONZALEZ:** That's at the Camel Rock Casino. We're being hosted by Tesuque Pueblo.

**CHAIRMAN SULLIVAN:** So essentially 9:00 to 1:00.

**MR. GONZALEZ:** That's correct.

**COMMISSIONER MONTOYA:** Who's going to that, Mr. Chairman?

**CHAIRMAN SULLIVAN:** Anybody who wants.

**COMMISSIONER MONTOYA:** But out of the Commission?

**CHAIRMAN SULLIVAN:** I plan to go.

**COMMISSIONER MONTOYA:** I'm going.

**CHAIRMAN SULLIVAN:** Commissioner Anaya is going.

**COMMISSIONER DURAN:** I'll be late to it.

**MR. GONZALEZ:** We have advertised it as a Commission meeting so there should be no problem with a quorum.

**CHAIRMAN SULLIVAN:** Thank you for that information.

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**ADJOURNMENT**

Chairman Sullivan declared this meeting adjourned at approximately 6:15 p.m.

Approved by:

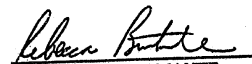
  
Board of County Commissioners  
Jack Sullivan, Chairman

Respectfully submitted:

Karen Farrell, Commission Reporter



ATTEST TO:

  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK





**PLAT**

**BOOK** 533 **PAGE** 032

**DATE** June 10, 2003

**NOTARY DATE** May 19, 2003

**DOC#** 1270476 **TIME:** 1:00 P.M.

**LEGAL** Sec 9 Title RIDE

**TITLE** Thomas K. Gutgood

Blake T. Franklin