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SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

April 24, 2001

Paul Duran, Chairman
Paul Campos
Javier Gonzales [Excused]
Jack Sullivan
Marcos Trujillo [Excused]

SANTA FE COUNTY

1916929

REGULAR MEETING**BOARD OF COUNTY COMMISSIONERS**

April 24, 2001

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:35 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Paul Duran, Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan

Members Absent:

Commissioner Marcos Trujillo
Commissioner Javier Gonzales

I. APPROVAL OF THE AGENDA**A. Amendments****B. Tabled or withdrawn items**

SAM MONTROYA (County Manager): Mr. Chairman, there are no amendments to today's agenda other than we have highlighted on agenda the time sensitive issues for today's meeting due to the fact that we will have to probably adjourn the meeting close to 3:00. And my recommendation would be, Mr. Chairman, that we reconvene the balance of the meeting to Monday morning at 10:00 on the 30th. Mr. Chairman, also, I would like to introduce to the Board of County Commissioners Mr. Ray Martinez who is here on behalf of the Housing Authority. He serves as the representative from the Housing Authority on the Housing Board and will be here to answer any questions on the Consent Calendar items A and B, I believe.

With that, Mr. Chairman, we'd like to get some consensus from the Board that we would reconvene on Monday the 30th at 10:00 at the appropriate time. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Can you guys meet Monday at 10:00?

COMMISSIONER CAMPOS: I can.

COMMISSIONER SULLIVAN: I'm okay.

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CHAIRMAN DURAN: What date? The 30th?

MR. MONTOYA: The 30th, Mr. Chairman.

CHAIRMAN DURAN: Yes, I can too. So we'll at least have a quorum.

Well, Sam, how do we approve the agenda? Should I cite the items in green, or can we just move forward?

STEVE KOPELMAN (County Attorney): Mr. Chairman, I would recommend that we at least at the beginning of the meeting note the matters that we're going to be discussing and moving up at the beginning of the agenda.

CHAIRMAN DURAN: Okay. So the agenda is going to be amended as follows: After the approval of the minutes, we're going to go to the Consent Calendar, that's item VI. We'll go into item VII, Presentations and Awards, item X. from the County Clerk. That would be X. A, then we're going to go into X.E, item 3, and then X. G. item 2. And then we'll go back to the original agenda and finish whatever we can.

MR. MONTOYA: Mr. Chairman, the only recommendation I would have is that you set aside item VII to the latter part of this particular meeting to do some time-sensitive issues on the agenda today.

CHAIRMAN DURAN: So we're going to put the lobbyists and Shomaker in Eldorado to the back?

MR. MONTOYA: Yes, Mr. Chairman, after we finish the other regular business. Yes, Mr. Chairman.

CHAIRMAN DURAN: At the back of what we're moving forward.

MR. MONTOYA: At the back of today's agenda, yes, Mr. Chairman.

CHAIRMAN DURAN: Okay, I'll entertain a motion to amend the agenda as stated.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: Second.

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

V. APPROVAL OF THE MINUTES: March 27, 2001

CHAIRMAN DURAN: Are there any changes to those minutes?

COMMISSIONER SULLIVAN: Mr. Chairman, page 34, about a third of the way down, under the caption "COMMISSIONER SULLIVAN:" second line. The word "not" should be "now."

BECKY BUSTAMANTE (County Clerk): Commissioner Sullivan, would you repeat that please?

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COMMISSIONER SULLIVAN: Page 34, about a third over the under the caption "COMMISSIONER SULLIVAN:" second line. The word "not" should be "now."

CHAIRMAN DURAN: Any other changes?

COMMISSIONER SULLIVAN: That's it. Sorry, Mr. Chairman. That's all.

COMMISSIONER CAMPOS: Move for approval as amended by Commissioner Sullivan.

COMMISSIONER SULLIVAN: Second.

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

[Unanimous] Opposed? Motion carries.

VI. CONSENT CALENDAR

CHAIRMAN DURAN: Are there any items on the Consent Calendar that the Commissioners would like to isolate for further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had a couple that I had questions on and there are two that I believe the staff wants to get moving because they involve contracts and moving forward on contracts. And two of those are items I had questions on. The ones I wanted to discuss briefly were: C, D, E, F, G, H, and I.

CHAIRMAN DURAN: I'm sorry. Say that again.

COMMISSIONER SULLIVAN: C through and including I. Now, I think we can defer those until Monday except, I believe, F and I are contracts and change-orders and it might be a good idea to get those discussed as quickly as we can so that they can move forward. One of them is awarding the construction contract for the public safety complex.

MR. MONTROYA: Mr. Chairman.

CHAIRMAN DURAN: Sam.

MR. MONTROYA: Mr. Chairman, if the Commission would like to defer the items that have been isolated by Commissioner Sullivan, that would be fine. I would ask that only C and F be discussed today and hopefully we could answer those questions and have some positive movement on those two items, Mr. Chairman.

CHAIRMAN DURAN: I'll make that motion that we—why don't we only discuss on the Consent Calendar C and F, and then save the rest of it.

COMMISSIONER SULLIVAN: Would you like me to move, Mr. Chairman, for approval of A, B and J?

CHAIRMAN DURAN: Yes, that would be fine.

VI. A. **Resolution No. 2001-52. A resolution requesting increases to the Section 8 voucher and certification funds (227 and 228) to realign the fiscal year 2001 budget with the revised budget approved by the US Department of Housing**

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and Urban Development

C. Resolution No. 2001-53. A resolution an increase to the Housing Enterprise Fund (517) to budget cash balance for expenditure in fiscal year 2001

COMMISSIONER SULLIVAN: I move to approve Consent Calendar items A, B, and J.

COMMISSIONER CAMPOS: Second.

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

So do you want to discuss C and F and table the balance of the Consent Calendar until Monday?

COMMISSIONER CAMPOS: I'd so move.

COMMISSIONER SULLIVAN: Second.

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

VI. C. Resolution No. 2001-54. A resolution requesting a transfer from the special appropriations fund (318) to the public safety facility bond fund (370) and a budget increase to the public safety facility bond fund for expenditure in fiscal year 2001

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, this request is to provide the budget for the award of the construction contract for the public safety building. That's why they need to go together. Without this budget adjustment we won't be able to award the construction contract. Just to give some history to the new Commissioners, in '97, we sold a bond for \$6 million to construct essentially the Sheriff's facility and at the time, after the bond was sold, the budget was set up where \$500,000 was set aside also for a detox center. We're requesting, and last year, last summer, we moved \$250,000 of that back to the Sheriff facility and we're requesting to move the other \$250,000 back. That's because the MOA that we have with St. Vincent has actually given us funding for that effort and we'd like to put the bond funds to the construction of the facility and the reason that the construction of the facility is also greater than anticipated is that we added the regional dispatch center to it and the fire admin. So the budget adjustment that's in your packet, it's to move that \$250,000 from the special appropriations fund, which is fund 318, back to fund 370, which is the bond proceeds fund, and then to establish the construction budget for the public safety building.

CHAIRMAN DURAN: Any questions of Katherine?

COMMISSIONER SULLIVAN: That was my basic question, Mr. Chairman, is what we were doing here because this is a \$1.1 million item. That answers my questions. Any other questions? Commissioner Campos?

COMMISSIONER CAMPOS: No questions.

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

COMMISSIONER SULLIVAN: Move for approval of item VI.C under the Consent Calendar.

COMMISSIONER CAMPOS: Second.

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

VI. F. Request authorization to accept and award a construction agreement to the lowest responsive bidder, IFB # 21-36, for the construction of the Santa Fe County public safety complex

TONY FLORES (Procurement Director): Mr. Chairman, members of the Commission, I provided you a memo that outlines the nine responsive bids for the construction of the public safety complex, with the lowest bidder being Gerald Martin, Ltd. and I stand for any questions.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The reason I requested this is that I wanted to get some clarification on the alternates and how the low bidder was selected. Obviously the low bidder is selected from the basis of the low bid. That's pretty clear. However, in arriving at this low bid, we, or the staff selected to add into the base bid, alternates four, five and six, which brought the bid to a total of \$4,062,423.75. My first question is, was the low bidder Gerald Martin, Ltd. Were they the low bidder on the basis of the base bid?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, on the basis of the low bid, no sir, they were not the low bidder.

COMMISSIONER SULLIVAN: Okay, I have a concern then that because selecting alternates, we can select the low bidder. So normally, in doing this, the alternates are selected in order. You go down the list, one, two, three, four, five, six, until you run out of money. But when you start picking alternates four, five and six out of the list—I'm not sure how many there were, then you can determine the low bidder by what alternates you pick. It appears that's what we've done here. I see a problem with that.

MR. FLORES: Mr. Chairman, Commissioner Sullivan, the bid package was set up after the construction documents were complete. The bid document included language that allowed the County to select the base bid and any alternate that brings us within budget. The alternates were set up, like I said, after the construction documents and they relied upon the fact that the regional dispatch center was an integral part of this facility. With available budget, we were able to then, the way the bid documents read, select what base bid, plus or minus any alternates that we could get, within the available budget. So the bid documents were solicited in a way that the County had the discretion or the option to pick what alternates they chose to pick based upon available budget, not against who the contractor was.

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COMMISSIONER SULLIVAN: I understand. You can write that in the bid documents but do you see my concern? We had some very close bids and I want to mention, by the way, I haven't been contacted by any bidders on this but it's a concern to me nonetheless. The Gerald Martin, Ltd. was \$4,062,000. There was another firm, Telstar Construction, that was \$4,069,000 and some change, so we're—the bid difference is only about \$5,000 here. I don't think, and perhaps legal can address this, that under the Procurement Code, we can select without pre-identifying how we're going to select alternates to determine a low bid. The only two ways I believe you can do it are (a) award the bid on the base bid, and then pick whatever alternates you can afford, or (b) advise the bidders in advance that you'll be selecting alternates in such an order: 1, 2, 3, whatever, until you've reached your budget.

But I would ask our legal staff for their opinion on that.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I don't believe the Procurement Code is express in this matter, but I think the point your raise is a very valid one.

And I would suggest that maybe we table this matter and bring it back on Monday and do the background work that's necessary to make sure that we're in compliance with all applicable provisions of the Procurement Code.

COMMISSIONER SULLIVAN: That's fine with me. I don't know of Commissioner Campos or Commissioner Duran have any questions.

CHAIRMAN DURAN: Just one. Do we have to award it today? Is it that time-sensitive that we can't wait until Monday?

MR. KOPELMAN: Mr. Chairman, I think we should wait till Monday.

CHAIRMAN DURAN: I don't have a problem with it. Do you want to make that motion?

COMMISSIONER CAMPOS: I'll move to move this item, VI. F to Monday.

COMMISSIONER SULLIVAN: Second.

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

Tony, so you know what the question is, right?

MR. FLORES: Yes, Mr. Chairman.

CHAIRMAN DURAN: Okay. Good. Thank you. I think that was it for the Consent Calendar, wasn't it?

X. STAFF AND ELECTED OFFICIALS' ITEMS

A. County Clerk

1. Appointment of the Registration Board

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, I've given you a memo and I've revised it today. The Republican Party has asked me to name as an alternate Sarah Stewart. In the statutes, the Republican Party and the Democratic Party give us names and I'm bringing these forward to you and I would ask that you appoint them as the

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Board of Registration. We are in the process now of looking at purging. These people will come in and our staff will be looking at the list of who we need to purge, and then they will look at all the names and agree and then we'll move forward on purging. I stand for questions.

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Did the party chairpeople designate in order, one, two, three, who were the preferred nominees?

MS. BUSTAMANTE: Mr. Chairman, no. They left it up to me and I consulted with them.

COMMISSIONER CAMPOS: Is it required by statute that we be given a recommendation by the parties as to what order?

MS. BUSTAMANTE: Not required. It's just that they forward names and you as a Board decide on the names.

COMMISSIONER CAMPOS: Can you tell us a little bit about the folks that you're recommending?

MS. BUSTAMANTE: Well, the Board has recommended them. Lina Ochoa is just, has worked in elections, all of them actually have worked in elections in regard to polling clerks or presiding judges, worked in the community. The Republicans, with the exception of Christine Fidel, the Republican Party is the one that forwarded the names, Mr. Chairman.

COMMISSIONER CAMPOS: So these people were nominated by the parties, not by this Board?

MS. BUSTAMANTE: No, Mr. Chairman.

COMMISSIONER CAMPOS: Is that what you're saying?

MS. BUSTAMANTE: Yes. In accordance with statute, they forward names.

CHAIRMAN DURAN: What Board did you think?

COMMISSIONER CAMPOS: She had said Board and I was—

MS. BUSTAMANTE: It's the Board of Registration. You make the final approval but the two parties forward the names.

CHAIRMAN DURAN: You thought it was the Board of Commissioners?

COMMISSIONER CAMPOS: She had mentioned the Board.

CHAIRMAN DURAN: We did it and didn't tell you.

COMMISSIONER CAMPOS: I just wanted correction, just to make sure that the party—I was under the impression that the party had the right to designate the recommendations in order of one, two, three by statute and I didn't see that. It comes to us from your recommendation.

MS. BUSTAMANTE: Correct.

COMMISSIONER CAMPOS: And we don't have a lot of information as to any of these folks, who they are, what they do, what they should be.

MS. BUSTAMANTE: Other than I gave you copies of their registration.

COMMISSIONER CAMPOS: That's it?

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MS. BUSTAMANTE: Yes. And Mr. Chairman, members of the Commission, all of these people who they've recommended would be excellent on the board.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER CAMPOS: No other questions from me.

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

COMMISSIONER SULLIVAN: Move for approval.

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

MS. BUSTAMANTE: Thank you.

COMMISSIONER CAMPOS: Did we select the alternates in that motion?

MS. BUSTAMANTE: Yes, we did.

X. A. 2. Resolution No. 2001-___. A resolution designating the precincts in Santa Fe County, New Mexico

MS. BUSTAMANTE: Mr. Chairman, members of the Board, in the odd-numbered years we have to designate the precincts for Santa Fe County. As you know, we're doing redistricting so that's why I asked to be before you today because we are needing to get all the information to the Census Bureau to finalize the maps. What we have done, my staff and I, we have done is that we have looked at all the precincts. We've adjusted some lines. We have had in the past, we have had some polling places not in the right precincts. Now we're going to have polling places in the right precincts.

We've also had some areas where, and I'm just going to give you one example: If you go straight out St. Francis Drive all the way out in the Tapia Estates and those areas, those people have to go vote at Turquoise Trail. That's just too far for them to go so we've just created some new precincts. We've also had to create new precincts because if more than 900 people physically vote in an election, then you have to by law create a new precinct. So these are the precincts that I am recommending that you approve. I highlighted for you the changes and in the back gave you the new boundaries and information and I ask that you approve these precincts so we can send them off and then any other changes we have to make we will always come before the Board of County Commissioners.

CHAIRMAN DURAN: I have a question. What's the need for adjusting the boundaries?

MS. BUSTAMANTE: When I came into office I found that there were some polling places in some precincts that weren't in their right precincts, so we had to make those kind of changes. We've also just had some areas where some people are just going too far so we just have adjusted the boundaries and created new precincts to make it easier for people to vote and not disenfranchise the voter. And the example I gave was in the Tapia Estate people, they have to go all the way to Turquoise Trail, which is very inconvenient for them.

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CHAIRMAN DURAN: When do the boundaries of the district change?

MS. BUSTAMANTE: The boundaries for the districts? Mr. Chairman, that's what you will be doing in the redistricting. As far as the County Commissioners, I'm not sure what the time table is on that, but I do know that the legislature will be meeting in special session in September to do these legislative redistricting.

CHAIRMAN DURAN: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Question. Ms. Bustamante, you're creating certain precincts but I don't get much of a rationale as to why. I know you probably understand it but we don't even get any pictures to show what the roads are. We get a verbal description. How urgent is this?

MS. BUSTAMANTE: It's urgent, but we can wait till Monday. We have a map. We'll be able to show you the maps. If you'd like to, I could meet with you personally or you can come down in the office. We can compare the old maps to the new maps. I'd be happy to do whatever we can. Again, to explain why we have to do it is that there's a law that says that if there are more than 900 people who have voted in an election, we have to create a new precinct. When I came into the office, I felt that there were some problems. We've had some people who have come to us and asked us to work with them. We have. Based on all that information, I think we've created some precincts that the voters and the people will be better served in Santa Fe County. I'm happy to sit down with you and go over every one of them.

COMMISSIONER CAMPOS: I would like to have a presentation, at least with a picture, a map, just to show what—

MS. BUSTAMANTE: I do have a map.

COMMISSIONER CAMPOS: And since we're short of time today, maybe we can do this Monday. I'd like to see it because I don't feel I can make a decision. It seems like they're making the decisions and we get a verbal—I don't get a good feel as to what I need to do here or how I should judge the request. But perhaps, I would prefer to see it in more detail to understand what I'm doing.

MS. BUSTAMANTE: Mr. Chairman, Commissioner Campos, I guess you're going to have to give me more information. Would you like my staff to sit with you on an individual basis?

COMMISSIONER CAMPOS: I think the Commission has to make a decision so if you could show us maps as to how it was and how it will be so we understand what we're doing.

CHAIRMAN DURAN: If I might add a suggestion, what if you mounted the maps and at the next meeting just kind of showed it. If we have a question about where any specific boundaries are that we could ask and you could point to them.

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, that's fine.

CHAIRMAN DURAN: Is that okay? Does that do it?

COMMISSIONER CAMPOS: It's good for me.

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MS. BUSTAMANTE: So, for my clarification, you want maps, the old map to the new map?

COMMISSIONER CAMPOS: Yes, ma'am.

MS. BUSTAMANTE: Okay. Anything else?

CHAIRMAN DURAN: Color pictures. Big ones.

MS. BUSTAMANTE: We have given you a description at the end of why we had to adjust—if we had to adjust a boundary, if we had to create a new one, etc.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Becky, do precincts cross Commission districts?

MS. BUSTAMANTE: No. Well—

COMMISSIONER SULLIVAN: Then how can we set these precincts now if few don't know what the new Commission districts will be?

MS. BUSTAMANTE: That's exactly right. I don't know if they're going to cross because I don't know what the new changes you would make. The districts are not based on precincts, it's just based on areas, and then the new precincts will come take into place. That's the same thing with the redistricting of legislatives. The precincts are there and then when they realign, some might fall into different precincts, some might now.

COMMISSIONER SULLIVAN: But my question was is it a good idea to have the Commission district boundaries cross a precinct boundaries so that within that same precinct, you might be, your representative, you might be District Four and you might be District Five in the same precinct.

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, that's your decision. I think that's how you decide on how you guys want to be represented.

COMMISSIONER SULLIVAN: I understand, but then it seems like we're putting the cart before the horse if we're realigning the precincts, and I understand the reason for that because in Eldorado, for example, they have three precincts. One has very little activity and the other two are mobbed. So they're clearly unequal in terms of population. But if the Commission then redistricts, it's very possible that we may be cutting through a precinct. It seems like the redistricting should occur before the re-precincting.

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, it's better to have the precincts and then you look at it and you wouldn't want to cut it so you would make your decision based on not cutting it. That would be my recommendation. I think you need to have the precincts before you do the redistricting.

COMMISSIONER CAMPOS: When do you have to have the precincts designated?

MS. BUSTAMANTE: We need them as soon as possible.

COMMISSIONER CAMPOS: What is the absolute deadline?

MS. BUSTAMANTE: I would like Monday.

CHAIRMAN DURAN: I have a question. So what you just said, what I just

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heard you say is that when it comes time to redistrict the county, when we're in the middle of that process we may not want to change, we may want to follow the precinct boundary in making a determination as to whether or not—or where we want to move that district boundary.

So I kind of agree with Commissioner Sullivan. I'd rather—I've had very little input in where you are creating the boundaries for the precincts and if I'm going to directed, or if the philosophy in the past has been to follow precinct boundaries—

MS. BUSTAMANTE: The Secretary of State has mandated that we do it early to get these all ready for the redistricting of the legislative districts.

COMMISSIONER CAMPOS: She can override the statute?

MS. BUSTAMANTE: She's not overriding the statute but she has asked that we try to get this in. Mr. Chairman, I wasn't involved in the last districting. I can refer to legal, but it would seem to me that the precinct designation would be very helpful to you in designating your boundaries rather than the other way around. I guess I disagree and I don't see it your way.

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to make a motion to table this till Monday and hopefully we'll have some better answers.

COMMISSIONER SULLIVAN: Second.

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

MS. BUSTAMANTE: Just for clarification then, just bring the maps?

COMMISSIONER CAMPOS: And some answers. I'd like to see something specific from the Secretary of State saying that we need this before November.

MS. BUSTAMANTE: Okay. Thank you.

CHAIRMAN DURAN: I still have one more question. Maybe I wasn't listening. I just have one question. The districting is going to be completed by when?

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, are you talking about the redistricting for the County?

CHAIRMAN DURAN: Yes.

MS. BUSTAMANTE: Mr. Chairman, I'd have to refer to your County Manager.

CHAIRMAN DURAN: Do you know when that is, Sam?

MR. MONTROYA: Mr. Chairman, my intention was to start that procedure in June

CHAIRMAN DURAN: And we complete that by—

MR. MONTROYA: It probably would take about 45 days to complete it.

CHAIRMAN DURAN: Okay.

MR. MONTROYA: Maybe shorter than that, 30 to 45 days. The problem, Mr. Chairman, is that I want to have confirmation that the census numbers are usable, that we have some kind of certification that we can use those to draw the lines. And I understand that by June we'll get some kind of correspondence from the Bureau of Census that we can utilize the

initial numbers to begin to draw lines. So that's what I'm waiting for.

CHAIRMAN DURAN: Okay. Thank you.

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X. E. Land Use Department

3. **Request authorization to enter into (a) a water rights purchase agreement with Public Service Company of New Mexico, Inc. and Santa Fe Horse Park, LLC to purchase water rights, the well and real property associated with the Hagerman Well, RG 590; (b) a well-sharing and use agreement with Santa Fe Horse Park, LLC, and (c) an option and buy-back agreement with Santa Fe Horse Park, LLC**

ESTEVAN LOPEZ (Land Use Administrator): Mr. Chairman, Commissioners, good afternoon. I just handed out in tabular form a summary of the three agreements that are being proposed here today. [Exhibit 1] It's basically the same information that's included in my memo but it puts everything on one page and might be useful in that regard.

We are proposing today a purchase agreement for the well, water rights and land that's commonly known as the Hagerman Well and water rights, that includes 116.5 acre-feet of water rights, consumptive, and 2.5 acres of land, and presumably, 233 acre-feet of diversion right. That agreement, the purchase agreement is between PNM, the County and Santa Fe Horse Park. Incidentally, there are representatives present today from both PNM and Santa Fe Horse Park if there are any questions that you need to address to either of them. There's Mr. Hinkey from PNM and Mr. Kokesh from Santa Fe Horse Park.

Nevertheless, the purchase agreement is a three-way agreement under which PNM is the seller, the County and Horse Park are the purchasers of those assets. The total purchase price is \$1.3 million. The share is the County will get 75 percent of the assets, the Horse Park gets 25 percent of the assets and the cost is similarly split that way. The closing on this purchase is subject to a water rights verification and permitting by the State Engineer. The purchase prices is capped at \$1.3 million. If the amount of water rights that is validated by the State Engineer is less than 116.5 acre-feet of water rights consumptive, the purchase price is reduced by each acre-foot that's less than that amount. However, if the State Engineer validates an amount of water rights that's greater, the purchase price remains at \$1.3 million.

The Horse Park has an option under the purchase agreement to utilize both the land and the water rights while the State Engineer's proceeding progresses, and the Horse Park has agreed to prosecute the transfer application. However, the County retains an option at its sole discretion to split that transfer application out and proceed on our own in that regard. The first ancillary agreement is an option and buy-back agreement, and this agreement is between the County and the Horse Park. Under this agreement, the fundamental tenet of this agreement is that both the County and the Horse Park agree that we will, to the extent possible, use treated

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effluent for irrigation, preferentially to using any potable water supply in that regard.

The Horse Park has an interest in the water rights from the perspective of its irrigation needs for the polo fields that are out there. However, it's simply an insurance policy if you will. Right now, the irrigation water supply is from the City. It's treated effluent from the City, but that contract is a year-to-year contract and that was the reason that the Horse Park was negotiating for these rights. The County on the other hand has an interest in acquiring as many of these rights as possible and putting these into the County's water utility. So together, we've agreed to try and work on firming up an alternative long term water supply for Horse Park's irrigation needs and if we're able to do that, then we would have the option to buy all or a portion of Horse Park's share of the water rights.

On the other side of that coin is if for whatever reason, Horse Park's available effluent contract goes away or the water supply is no longer sufficient, Horse Park has an option to purchase an additional 15 percent of the water rights from this well. This agreement sets out a mechanism by which those water rights in either case would be valued and also the option and buy-back agreement allows that each party grants a right of first refusal to the other party in the case of a bona fide offer from a third party.

Horse Park agrees to acquire the County's interest in the land by trade of a piece of land that was erroneously fenced in to the County's open space purchase that's near there and by cash, a cash payment. To the extent that more than 116 acre-feet of water rights can be validated, Horse Park gets 40 percent of that and the County gets 60 percent initially, although in terms of a buy-back, we would have an option to purchase the entire amount. The thinking with respect to this is that Horse Park would have the obligation, unless we opt otherwise, to prosecute the transfer application and this would provide an inducement for Horse Park to try and maximize the amount that's ultimately permitted and validated by the State Engineer.

CHAIRMAN DURAN: Estevan, I have one question. So we're going into this on a 75/25 basis, but yet they're going to be able to use 40 percent of the water?

MR. LOPEZ: Only if they are unable to secure an alternative long-term supply of water, and that option for Horse Park to get the additional 15 percent only extends out five years. After five years that option expires.

The third agreement also is between the County and Horse Park and that's a well-sharing and use agreement. This agreement basically sets out the terms and conditions under which, to the extent that the assets remain in joint ownership, how these jointly owned assets will be shared and how the expenses relating to their operation will be shared. Routine O & M will be shared in proportion to the use from the well, subject to the limitations that are imposed. Major improvements or repairs to the well must be agreed upon beforehand. The County and Horse Park agree to grant each other the necessary easements to use the facilities consistent with the intent of the other two agreements. If the well is made a part of the County's utility at any time where Horse Park continues to maintain an ownership interest, there's no question. The County will operate it, but Horse Park will continue to share in the expense proportional with its use.

And the final key feature of the well-sharing and use agreement is a dispute resolution

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mechanism that is spelled out in great detail in there. That, Mr. Chairman, Commissioners, is a very brief summary of three rather involved documents so I would entertain any questions and as I mentioned earlier, I think the representatives from PNM and Horse Park might also try and field some questions for you.

CHAIRMAN DURAN: Estevan, has this contract been made available to the public?

MR. LOPEZ: Mr. Chairman, it has been.

CHAIRMAN DURAN: How long?

MR. LOPEZ: I believe after the last Commission meeting where we got the direction from the Commission to make it available, we have made it available to individuals that have expressed an interest and to my knowledge at least three or four sets of these contracts have gone out from here, including a set that was taken by the La Cienega Valley Association, so presumably were made available to others.

CHAIRMAN DURAN: Have you heard from anybody?

MR. LOPEZ: I've heard from the president of the La Cienega Valley Association in terms of a telephone message. In that message he had expressed that perhaps a way of garnering the support of the La Cienega Valley Association would be that they somehow become a party to this whole agreement. Given that just having three parties in this negotiation to date has taken us almost a year to resolve all of the negotiated terms and conditions that we did come up with, I felt that that probably wasn't a realistic option at this point. If we can take this first step, perhaps at that point, additional discussions could happen with respect to the community's interest.

CHAIRMAN DURAN: I just need some further clarification on the 75 percent, 25 percent purchase and how if the water rights exceed the anticipated 116 that, although they're only paying for 25 percent of it, they get 40 percent of the excess. How did you figure that?

MR. LOPEZ: Mr. Chairman, again, the rationale for that split was the fact that Horse Park, unless we explicitly request otherwise, Horse Park has the obligation to carry through the application before the State Engineer. And depending on how that application is laid out and the use that can be demonstrated for the water that's coming from this well, that will ultimately determine whether even the 116 acre-feet that we anticipated is realized or something beyond that. So the additional increment that Horse Park would net for the amount over 116 is basically, was basically treated as an inducement for them to try and get as much as possible out of this well and in recognition of the fact that they will pick up the legal and the expert costs associated with that.

Secondly, the purchase price matches very, very closely the appraised price assuming 116.5 acre-feet. So that was the basis on which we set the original split. But the additional amount, the 40 percent that Kokesh and Horse Park would get for the amount over the 116, as I said is an inducement.

CHAIRMAN DURAN: Well, there was a transaction I was involved in in Tesuque where it was of record that the owner had three acre-feet and when they finally went

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through the whole process of getting the water rights straightened out, there was nine acre-feet. So they actually had three times as much as they originally thought. My only concern is that if there is a potential windfall here, and there could be, that it should be based on what we're all buying it for. You had to come up with incentives to have them work with us on getting the water? I just don't understand it. I'm having a hard time now why you're giving away so much—I honestly think there is a potential of a windfall on these water rights. What is your opinion on that?

MR. LOPEZ: Mr. Chairman, I think based on the documents that we've reviewed, we think that the most likely number is 116 acre-feet. However, that amount could end up being somewhere below it or somewhere above it. The appraisal that we did shows there was at least some historical record of additional acreage being irrigated. Whether that's recognized or not, we don't know. But even under that basis, the amount over 116 that we expected we might realize is not all that significant. It's probably an additional five to eight acre-feet, I believe, of water rights.

The additional increment to Horse Park is given in part as an inducement and in part in recognition that they will bear the costs of the legal and experts that will be associated with this effort. Incidentally, if in fact we choose to let them carry forward that application, they'll bear those costs regardless of whether we net something out that's less than 116 acre-feet. So in that instance, it's at least a potential that Horse Park may be paying a relatively larger portion. So it's kind of a trade-off in terms of how we considered it.

CHAIRMAN DURAN: Any questions of Estevan?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One question. This is a purchase from PNM, Public Service Company of New Mexico, as I understand it from the contract. In the notices section, it makes reference to Energy Partners. Who is Energy Partners?

MR. LOPEZ: Mr. Chairman, Energy Partners is a subsidiary of PNM, but I would ask for Mr. Mike Hinkey to elaborate on that if he would.

MICHAEL HINKEY: Mr. Chairman, Commissioners, my name is Michael Hinkey. Energy Partners is a subsidiary of Public Service Company of New Mexico. In the notice, I am a contact for Public Service Company of New Mexico. Previously to the formation of Energy Partners I have been assigned the responsibility as the administrator of the company's water rights. So I retain that responsibility.

COMMISSIONER SULLIVAN: So in terms of who is backing this up in the event of non-performance on the part of PNM, is it Energy Partners, or is it Public Service Company of New Mexico?

MR. HINKEY: No, sir. The agreement is with the Public Service Company of New Mexico and the entire corporation and management committee stands behind that. We do have signature today to the agreement from our senior vice president of Public Service Company of New Mexico.

COMMISSIONER SULLIVAN: Energy Partners is just an administrative

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entities that receives notices in this regard.

MR. HINKEY: Well, not exactly. Energy Partners is actually a part of Avestar, which is an unregulated subsidiary. Part of our function is to, we hold the agreement to operate the City of Santa Fe Water System. Energy Partners does performance contracts for primarily federal, government agencies.

COMMISSIONER SULLIVAN: But we're not contracting with Energy Partners.

MR. HINKEY: No sir. The contract is with Public Service Company of New Mexico.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Lopez, you talk about effluent use. Where do you expect this effluent to come from?

MR. LOPEZ: Mr. Chairman, Commissioner Campos, at present I see two potential options in that regard. First, a long-term agreement that's patterned after current usage. That is Mr. Kokesh and Horse Park have a contract for effluent from the City. At this point, however, that contract is running year to year. If a long-term arrangement could be set out and specific term under which the option would kick in sets out a 25-year term in this contract, that being the period that financial institutions would accept as sufficient. So that's the first option.

The second option that I see is potentially that the County might be at some point in a position to offer such an effluent contract, given that we now operate the pen wastewater system and so forth.

CHAIRMAN DURAN: So is Mr. Kokesh going to approach the City for another one-year continuation of his contract do you think? Or is that not—

MR. LOPEZ: I would defer that question to Mr. Kokesh.

CHARLES KOKESH: Mr. Chairman, Commissioners, I'm Charles Kokesh, director of the Santa Fe Horse Park and in response to Commissioner Campos' question, we have been advised by the City that they will allow us to continue to draw under the contract which expires in approximately two days for an indefinite period of time. But they reserve the right to cut it off at their discretion at any time.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Excuse me, Mr. Kokesh. Are they using that effluent right now for the golf course? It seems to me that that's probably what they're trying to do is control that so that they can take care of their needs, and I think that that golf course is a pretty big need.

MR. KOKESH: Mr. Chairman, Commissioners, as was explained to us, the City is under some severe financial pressure right now because of the cost of operating the municipal golf course and the cost of delivering the effluent to the other purchasers, to the point

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where they actually lose money on the delivery of the effluent today. As a consequence, they are very interested in working out an arrangement with Las Campanas to change their infrastructure and to be able to pump the effluent from the Airport Road wastewater treatment plant to Las Campanas' golf courses.

CHAIRMAN DURAN: Okay. It looks pretty slim that they're going to give you any real long-term agreement on that water, that effluent. Wouldn't you say?

MR. KOKESH: We can only hope that they will agree to a long-term contract and I think with the County's influence and support, it may be possible, but otherwise I needed to look for an independent source of the water because I frankly couldn't depend on the City.

CHAIRMAN DURAN: Okay. I understand. Thank you. Any other questions? So are you asking for us to approve the contract today?

MR. LOPEZ: Mr. Chairman, I am.

CHAIRMAN DURAN: I'll make a motion to approve—so there's no further questions on any of the three agreements that we're going to approving today, or disapproving? Okay, so I would make a motion that we approve the purchase agreement, the option and buy-back agreement, and the well-sharing and use agreement.

COMMISSIONER CAMPOS: Second.

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

Thank you, Estevan and thank you, Mr. Kokesh. I know this took a long time, a lot of issues but hopefully we'll all be able to benefit from this journey that you undertook. Thanks.

MR. LOPEZ: Thank you, Mr. Chairman.

X. G. Matters from the County Manager

2. **Resolution No. 2001-55. A resolution authorizing the issuance and sale of Santa Fe County, New Mexico general obligation bonds, Series 2001, in the aggregate principal amount of \$8,500,000, payable from ad valorem taxes levied on all taxable property with the county levied without limit as to rate or amount; providing for the form, terms and conditions of the bonds, the manner of their execution, and the method of, and security for, payment; and providing for other details concerning the bonds**

CHAIRMAN DURAN: You know what, Sam, we only have about ten minutes because Commissioner Sullivan has to get to that appointment.

MR. MONTOYA: Mr. Chairman, this is absolutely important. We have to pass this resolution today because of the bond sales that we have before you.

CHAIRMAN DURAN: Okay, but then the other critical item is the lobbyists?

Is that—

MR. MONTOYA: Mr. Chairman, they are here and you can hear from them if

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you like, but Mr. Chairman, this particular issue does need to be approved by the Board today.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One possibility after we take care of this bond items is we could switch around the lobbyist and the Shomaker issues, only because I had an opportunity last night to meet with the lobbyists so I know, as you did, so I know some of what their plans are and Commissioner Campos wasn't present.

CHAIRMAN DURAN: Okay, so while you're gone they can talk to us.

COMMISSIONER SULLIVAN: Right. But I would like to hear as much as possible of the Shomaker presentation before I take off. I've got to leave about quarter of.

CHAIRMAN DURAN: Okay, well let's do the Matters from the County Manager, item 2.

MR. MONTOYA: Mr. Chairman.

CHAIRMAN DURAN: Sam.

MR. MONTOYA: We are asking for the approval of the Board of County Commissioners to authorize the sale of this \$8,500,000 for the purposes of funding the phase 2 of the fire initiative, which will build fire houses around the county and also procure the appropriate equipment to house in those facilities. The second four million dollars will go towards construction of a public works facility off 599. Mr. Chairman, this morning at ten a.m. that was the deadline to receive bids on the actual purchase of these bonds. Mr. Chairman, we have received two bidders and I will ask Mr. Ruben Mendoza who is our financial advisor to tell you who these firms were. I also want to introduce Mr. Tommy Hughes, who is our bond attorney on this project, Mr. Chairman.

I also want to point out to the Board that Moody's Investor Service has rated the sale of these bonds as AA-2, which is a very good, high quality rating by all standards. I want to point out that other large counties that have this rating around the country include Bexar County, which is San Antonio, Texas, Denver City and County, Greenville County in South Carolina, San Diego, California and Santa Clara, California. So, Mr. Chairman, I want to point out to the Board that we do have a stellar bond rating. With that, I'd turn that over to Mr. Mendoza.

RUBEN MENDOZA: Mr. Chairman, members of the Board, I'm Ruben Mendoza with the investment banking firm of Estrada Hinojosa Company, and we've served as your financial advisors for this \$8.5 million bond this morning. And Mr. Montoya took most of what I was going to say in his introduction but I would like to reiterate that a AA-2 is an excellent bond. By definition, bonds that are rated AA and AAA are called high grade bonds, and as Mr. Montoya indicated, other counties in the US that have this type of rating include San Diego, Denver and Bexar County in San Antonio.

We did use some new technology for this bond issue. It was the first time we tried doing the prospectus through the internet, through an organization called Thompson Prospectus.

The prospectus went to over 400 bidders across the country. We also tried electronic bidding, which was also a first for the County and I would defer to Mr. Tony Flores but I believe that it worked very well because on the internet you have an internal clock and obviously, if the bid is

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due at 10:00 a.m. it's clearly printed when it comes out. We also used the SSA Sure-Bid method of securing a good faith check. Instead of bidders having to come to the County with a good faith check, they can just submit a surety bond in its place.

The results of this morning's bond sale, we had two strong bids. We had five bidders going in. Southwest Securities was the low bid at 4.654482. The cover bid was by Prudential Securities at 4.663083. I believe that this is the lowest bid that the County has received in the past ten years for the general obligation bonds. I'm recommending that we award the bond to Southwest Securities, Inc. And I'd be more than happy to answer any questions that you may have.

CHAIRMAN DURAN: Any questions of Mr. Mendoza? Okay, what's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER CAMPOS: Second.

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

MR. MENDOZA: Thank you very much.

CHAIRMAN DURAN: Thank you, sir.

VII. PRESENTATIONS AND AWARDS

B. Presentation by Dr. John Shomaker regarding the results of the "Groundwater Flow Model" for the Eldorado Area Water & Sanitation District

CHAIRMAN DURAN: Dr. Shomaker, if you could try to get as much of the real meat of the matter as you can while Commissioner Sullivan is here with us, it would be appreciated, and then if he has to leave you can finish it up.

DR. JOHN SHOMAKER: Mr. Chairman, Commissioners, that's what we'll do. Mr. Dayton had a few words to say in introduction.

CHAIRMAN DURAN: And I just have one more comment. Steve, if Commissioner Sullivan leaves, can Commissioner Campos and I still listen to public comment and presentations, or do we have to cancel the meeting?

MR. KOPELMAN: Mr. Chairman, what needs to happen is when Commissioner Sullivan leaves, I think before he leaves we should formally continue the meeting so that it would be recessed until 10:00 on Monday morning. And then after Commissioner Sullivan leaves, the meeting's over, but there's no reason that these gentlemen can't make their presentation. They're members of the public, they're staff and certainly you can listen to what they say, just not as a formal Commission meeting any longer.

CHAIRMAN DURAN: Okay. Thank you. Mr. Dayton.

DAN DAYTON: Mr. Chairman, Commissioners, over two years ago, the Eldorado Area Water and Sanitation District with the advice and technical assistance of the

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Office of the State Engineer, drafted a scope of work for a contract calling for preparation of a computer model on Eldorado's underground water aquifer. The County Hydrologist also provided valuable technical advice throughout the project. The project was funded by state legislative appropriation and the Office of the State Engineer was assigned as fund administrator. Data for the project was enhanced by other sub-projects that monitored well levels over extended periods of time. With that, I'd like to introduce Dr. John Shomaker who was our contractor for this project over the last two years.

CHAIRMAN DURAN: Thank you, Mr. Dayton.

DR. SHOMAKER: Mr. Chairman, Commissioners, thank you very much. The question is always, Is there enough water? It's a very simple question to ask but it has to be answered in various contexts. One of those is the physical presence of water, whether the water is actually there or not, and another really vital one is whether water is available legally and administratively. The report that we have prepared for the Eldorado Area Water and Sanitation District, particularly relating to the groundwater itself in the Eldorado area, presents computer model-based predictions of the effects of future pumping from Eldorado Utilities and by other appropriators. It attempts to answer both of those questions and I will try to make the answers as clear as I possibly can for you today, because I know this is a subject that's been much discussed over the years.

It's important to remember several things about this groundwater flow model that we have completed. One is that a groundwater model is always a work in progress. It's never complete and it will always be relying on new data to modify it and to reinterpret its predictions. The model that we've prepared is designed to account for all of the hydrology of the groundwater system, the recharge to it, the discharge from it under natural conditions and by pumping. It is important to think of it also in terms of what it doesn't do. It's not a day-to-day management tool for Eldorado's water system. It's not a well field model. And it will not take the place of specific studies that might be related to applications that would come before the State Engineer later on.

I think for the sake of brevity I'll skip over a lot of the hydrologic detail that perhaps would be of interest to Commissioner Sullivan, but would be rather boring to most of us, including myself sometimes. Let me say that this model is calibrated in the sense that it can repeat or approximate the conditions as they were before groundwater development began in the Eldorado area and the changes that have been observed since. It's certainly not perfect in doing that and there are many uncertainties, some of which I'll discuss a little bit further. For example, there are many approximations, many assumptions made. The model deals with averages, annual averages. Sometimes even longer periods. So many of the small scale details are lost in a groundwater flow model.

COMMISSIONER SULLIVAN: If I could make a motion to continue this meeting, could we also include it that motion to have the recorder continue with the recording after the formal meeting, so that the comments by Mr. Shomaker and by our lobbyists and anyone else that you hear would be recorded?

CHAIRMAN DURAN: I don't have a problem with that. Where's Steve?

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MR. MONTOYA: Mr. Chairman, I think that would be appropriate because there's no action being taken and it's being recorded just for informational purposes. I understand that's what Commissioner Sullivan would like to have.

CHAIRMAN DURAN: How would you provide those minutes to us? Obviously, you don't have a problem with being able to do that. You would just say Meeting's adjourned and continue the minutes?

MS. BUSTAMANTE: Yes, we would be able to do that.

CHAIRMAN DURAN: So we'll do that.

COMMISSIONER SULLIVAN: All right. Good. I'm sorry. I've got a medical emergency that I've got to attend to but I want to hear or at least read the rest of Dr. Shomaker's presentation. So I would move that the meeting be recessed and be continued until 10:00 a.m. Monday, April 30, 2001.

COMMISSIONER CAMPOS: Second.

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

RECESS

The Commission recessed at 2:45 p.m.

Exhibit 1 contains a verbatim transcript of the presentations made after recessing.

* * *

PRESENTATION BY DR. JOHN SCHOMAKER

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DR. SHOMAKER: Mr. Chairman, Commissioners, thank you very much. The question is always, Is there enough water? It's a very simple question to ask but it has to be answered in various contexts. One of those is the physical presence of water, whether the water is actually there or not, and another really vital one is whether water is available legally and administratively. The report that we have prepared for the Eldorado Area Water and Sanitation District, particularly relating to the groundwater itself in the Eldorado area, presents computer model-based predictions of the effects of future pumping from Eldorado Utilities and by other appropriators. It attempts to answer both of those questions and I will try to make the answers as clear as I possibly can for you today, because I know this is a subject that's been much discussed over the years.

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I think for the sake of brevity I'll skip over a lot of the hydrologic detail that perhaps would be of interest to Commissioner Sullivan, but would be rather boring to most of us, including myself sometimes. Let me say that this model is calibrated in the sense that it can repeat or approximate the conditions as they were before groundwater development began in the Eldorado area and the changes that have been observed since. It's certainly not perfect in doing that and there are many uncertainties, some of which I'll discuss a little bit further. For example, there are many approximations, many assumptions made. The model deals with averages, annual averages. Sometimes even longer periods. So many of the small scale details are lost in a groundwater flow model.

[The presentation continues after the Commission recesses.]

The modeling was designed to describe four scenarios of how things might unfold in the future. One of those was a limited expansion of the existing Eldorado Utilities. The first of these scenarios that we examined was a small expansion of the utility system in terms of deepening some wells, replacing some wells. It includes pumping it pretty close to the reported capacities of most of the wells that are in the existing system now. It includes the assumption that there has been some approval by the State Engineer of these additions to the system, some deepening and replacement of wells, and that of course, as I will say again, depends on a demonstration by the applicant, which in this case would presumably be the utility company to the State Engineer for these changes in the system for additional depths of wells, replacement

wells and so forth. In any such case, an application would have to be accompanied by proof that no existing water right would be impaired.

The second scenario that we examined was one that I call the existing condition with a drought. And in this case no changes in the existing system would occur. The assumption is that the system as it exists now would continue to be operated with no new wells, no deepening of wells, etc. It assumes that well that go dry would be taken out of service as they cease to be able to produce. This situation or this scenario also assumes a two-year drought would occur. And I say it assumes that; I'm not predicting a two-year drought or any other kind of a drought. The drought that we simulated as an example occurs in the years 2009 and 2010, but that drought could very well begin this summer. We just don't know. The only thing we do know, that I am confident of is that a drought will occur and it may be longer and worse than I have simulated.

In this case, the well known as Well #9, which is near Lamy and which produces from the shallow streambed deposits in Galisteo Creek, would not be producible during much of that drought period because that well produces essentially from the surface water flows in Galisteo Creek. This situation would represent the current situation, the current reality, but it is the only one that doesn't represent any need for applications to be examined and approved by the State Engineer.

Two other scenarios with increasing amounts of water available were also examined. The fourth one, the largest one, leads to pumping of about 1000 acre-feet a year, which is twice the approximate production now. This would serve full build-out of the system at 4,000 connections, 4,000 households and it assumes a little bit higher per capita use at .25 acre-feet per year per connection. So for this fourth scenario, pumping for the system would rise from the 1999 rate of 502 acre-feet and the 2000 rate, I think it was 486, ultimately to 1000 acre-feet by 2010 and it would continue at that rate thereafter.

Well, in the second scenario, the one that is the current situation, the model predicts that the Eldorado system would not be able to meet demand for a very long period. The total capacity of the system as it exists now is estimated to be about 666 acre-feet in 2008, which may or may not meet the demand but it would meet today's demand probably, but not future growth. But the capability of the system declines in time and during the drought period that I have hypothesized, the system's capabilities would only be 469 acre-feet. Or, sorry about that, it would be 603 and then in about 2028, it would drop to 469. So in 28 years, if a drought occurs in the interim, which seems very likely to me, the capability of the system to supply the demand at the present rate would be very seriously questioned.

If the system can find some new sufficiently capable wells in the future and deepen and/or replace some of the other wells, it could meet the demand at the future rate, the catch is that to do that, to have additional capacity and additional wells would require not just the physical presence of water, which is the one context that we need to discuss, but also requires the legal availability and the administrative availability of water. And since development began in the Eldorado area there have been a great many individual wells, a tremendous number of single household wells, and there have

been other wells too. And the State Engineer has the obligation to protect those water rights that have been established by those wells.

It would be up to the utility company to make application to the State Engineer for what additional wells it needs, really whether they be supplemental wells under the existing water rights, or new appropriations of water and having made those applications, it would be necessary for the utility to prove to the State Engineer that no existing water right would be impaired.

The modeling that we have done was not designed to make that proof and it is the obligation of the applicant to make the proof. I've already discussed the issue of Well #9 and the question of its capability in times of drought and that comes into play in another way in that the system has to meet not only average annual demand but also peak demands in the summertime when demands are high. And if that well is not available during the summer season in the future, then it may be necessary that the system have an additional amount of well capacity to take its place, which still would require application to the State Engineer and demonstration of a lack of impairment of existing rights before a permit could be approved.

I also would like to make the point that we made in the original strategic plan that was prepared for the Eldorado Area Water and Sanitation District, which is that the resource in the aquifers that supplies the system is not perpetually available. The great majority of the water that's been withdrawn to date has been mined in the sense that it's been withdrawn from storage in the system. The only major exception to that is Well #9 which essentially taps Galisteo Creek. And I suggested in the master plan, or the strategic plan study that Eldorado needs a renewable supply, which means a surface water supply for the indefinite future and to me that implies conjunctive use between groundwater and stream flow, which in this case I think means the Rio Grande. So I had hoped that there would be progress toward a regional water system that would allow surface water from the Rio Grande, from water rights held in the Rio Grande to be distributed as far as Eldorado.

So I'd like to summarize by saying that this question of how much water do we have and is there enough water is really as much legal and administrative as it is hydrologic. And while the physical presence of water with the acceptance of some assumptions can be predicted, it's certainly not proven the ability to add to water supplies by deepening wells, has not been proved well at all, although the suggestions are perhaps favorable, but the legal and administrative side is really where the issues lie at this time. The State Engineer reviews applications and puts all these applications open to protest subject to the public hearing process and the issues are fairly broad, not only the physical presence of water but the degree of impairment of existing rights by drawing down water levels in other wells, the effects on streams, and also conservation, water use that's consistent with conservation and issues related to the public welfare are all taken up by the State Engineer.

The success of the application and hearing process is not assured. It's up to the applicant to do his or her best to succeed. I think that another issue we should talk

PRESENTATION BY O'CONNOR AND HANNON

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CHAIRMAN DURAN: The last item for the day is a presentation by our federal lobbyists, O'Connor and Hannon, LLP, and just so you know, Commissioner Campos, Commissioner Sullivan and I met with our lobbyists and the Mayor last night to talk about how we can work together on our water concerns here and give our lobbyists direction that will allow them to go to Washington to Senator Domenici's and Senator Bingaman's office and try and get the funds to do this based on a commitment that the Mayor and I have made to one another that the City and the County will work together in this effort. That was the gist of the meeting last night. Sam.

MR. MONTROYA: Mr. Chairman, thank you for the opportunity to bring the firm before you that represents us in Washington. Mr. Chairman, we, as you alluded to earlier, had an excellent meeting yesterday afternoon and also last evening with the Mayor and the City Manager trying to determine which regional projects would be most conducive to the funding stream from the Congressional delegation.

Mr. Chairman, we're very fortunate to have O'Connor and Hannon representing us and I think they bring with them a wealth of experience on the hill and will help us to put together our program and to be our mouthpiece on Capitol Hill forging ahead on some projects that I think will do the valley a lot of good. So with that, Mr. Chairman, I'd like to defer to the representatives, to Craig and Tim, to make their presentation.

TIM JENKINS: Good afternoon. My name is Tim Jenkins. I'm a partner in the firm of O'Connor and Hannon, and Craig Potter is also here today as a partner of mine. In view of the fact that this is a late hour and some of the Commissioners could not stay on, we'll try to make this relatively brief for you. What we're going to do is talk first about the process by which we on behalf of the County and the City and the regional efforts will go ahead and try to obtain some federal funding for a variety of projects. And then Craig will actually focus on the projects themselves and overview the five projects we have initially targeted for funding via Congressman Udall.

We were retained on March 1 of this year specifically by the County to secure federal appropriations. The authorization appropriations process is not really something that state and local government have parallel tracks on so I thought we would give you a little bit of an overview so you understand the framework within which we're going to be working. First what we did within about a week or so of being retained was begin the process of talking to your delegation. We met with Representatives Udall and Skeen. Obviously, Congressman Udall is your Congressman. Mr. Skeen represents down south but is an important player and we'll see that a little bit in our handouts.

But the goal was to initiate the requests in the House. The House is on a slightly accelerated timetable and we wanted to basically put in play or get our markers down on the various general programs that we will be pursuing. Since then, we've

been meeting extensively with the staff of Senators Domenici and Bingaman to both initiate the process in the Senate but also to begin the process of customizing the request. There's a wealth of experience and history in those offices, again because they are extremely well situated in the authorization and appropriations arenas, particularly as it relates to water and natural resources.

So we have sat down with them, talked a little bit about the initial request and worked with them to assure that the requests are going to be made to agencies and to selected pots of money, whether they are straight appropriations or grants, matching type grants, which best meet the program we're talking about.

Now the first thing is the authorization appropriation interface. Last night we spent a lot of time, and yesterday afternoon spent a lot of time explaining and justifying why we're going ahead on our big water management project, WMRS, seeking an authorization instead of just getting an earmarked appropriation. And essentially, the basis for or the benefit of it is that the authorization lays the foundation for a more ambitious infrastructure kind of project, and ultimately, whether it's a Buckman diversion or some of the other alternatives that have been kicked around, the County is going to be talking about substantial funding for construction for infrastructure. We're talking about tens of millions of dollars.

And the authorization, albeit for more modest sums to continue the feasibility, to continue to fine-tune which option is best, also provides for construction but it lays the foundation as a general matter, irrespective of the members who are introducing the authorization, to then move forward with the more ambitious construction requests. In the case of Senators Bingaman and Domenici, it really empowers them. Senator Bingaman is the ranking member on the Authorizing Committee in the Senate. Senator Domenici is on the Appropriations Committee, is on the Authorizing Committee and is the Chairman on the sub-committee on appropriations for the program where this is going to be funded.

So if they have an authorization bill that's out there, essentially they have announced to the world that this is a program we intend to carry through on. And it does not preclude you all getting appropriations. In fact, we're going to seek to get the remainder of the \$3.5 million that was requested for authorization last year, to get that appropriated and earmarked. But this is what I would characterize as a building block.

The other thing it does, which goes to last night's focus, is it assures regional coordinated effort. And there's a copy of the bill in the materials I've handed out to you and if you look at it, it talks in terms of coordinated projects. It doesn't stipulate the City, the County, any of the tribes actually being the custodian of the funding. It doesn't stipulate or parse out or allocate the amount to one group or the other group. It's all about a regional effort. And this too is critical to your delegation in terms of assuring that they perceive it to be a win-win-win for constituencies. If this is earmarked for the County and the City would be either an ancillary beneficiary or might get ignored in the process, the City's not going to be happy. Your Senators are not going to take on a project that pits two constituencies against one another.

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Likewise if the tribes are not included in the process—now they may not be specifically dealt with in a Buckman diversion, for example, but it needs to be clear from the authorization that they're going to be part of the overall solution going forward, even if Buckman is phase one and you have a more ambitious phase two that deals with the tribal areas up north. So I can't overemphasize that this is really as much a strategic thing as it is actually a legal condition precedent. It's really more about framing this so that our champions are going to feel really empowered.

Now the House deadlines, we've also given you a handout on that, we have submitted to Congressman Udall these requests, the requests that relate to Interior had to be in last week, so we got those to Congressman Udall's office on Friday of last week. We will continue to fine-tune these requests and they can update them but what they call supplementals. But the bottom line is this marker is in with the House.

In the Senate, our most compelling deadline is this Friday for the WMRS language and we're going to work closely with your staff to make sure that the language is flexible enough to allow for any of your options to be chosen and also broad enough to achieve the purpose which I talked about earlier, which is they see this as a regional effort. So the language again, it's not going to be the last iteration and what is adopted could be dramatically different after we work with the staff. But this will be our sort of first shot at getting that in.

The other one is the open space, and I spent a large portion of yesterday traveling about, particularly I guess south and east, at some of the proposed acquisition spots and some of the spots where you're looking for some management type of funding. I think that deadline will slip. If it doesn't slip, I'm prepared to have those materials into those offices on time. For your other request, the deadline in the Senate is the end of May.

Now the delegation, I've talked a little bit about how key they are and how well positioned they are and last night I pointed out we shouldn't take for granted that we have a Domenici and a Bingaman in particular, and a Skeen to a lesser degree, in terms of their seniority and the fact that they are positioned tremendously to help New Mexico generally but also Santa Fe. They're not necessarily going to serve forever, and when they step down, the challenger, an open-seat challenger will come in and you're going to lose that seniority. And you'll probably lose the seat on Appropriations that Senator Domenici has. So we need to move quickly to fully avail ourselves of the fact that these gentlemen, just through the happenstance, the seniority process, are really very senior members on committees that are crucial to your interests.

Congressman Udall sits on the appropriate authorization committee, and while he's more junior and he's in the minority, being a Democrat in the House, it's still important to get Congressman Udall really fired up for our requests because the individual member requests are granted a great deal of deference by the authorizing and appropriating committees. We want to make sure that some of ours are at the top of Congressman Udall's overall priorities. We talked about the cooperation to empower the delegation. Again, I think we're in a good position to make some things happen. We've got to just keep a positive, affirmative approach and not take steps back and we

work forward to working with you. Craig is now going to walk through a little bit the specific items on our agenda and obviously, we'd be pleased to answer any questions. Thank you.

CRAIG POTTER: Thank you. I am Craig Potter and also am a partner in the firm of O'Connor and Hannon. The way I'm going to approach this. We have essentially five requests and Tim's already given you a sense of the approach on the water projects. There really are two very different kinds of requests here. The first is for the authorization that he's briefly described and I've spent the last day and a half on the ground looking at a lot of the water infrastructure. Tim went out with us today and saw some of it this morning, particularly up by Otawi, San Ildefonso, that area. Yesterday, I spent a good bit of time in the south county area but all over the county really looking at the whole water system. Tim spent time looking at the open space location and at the transfer station locations.

So he's more up to speed on the actual, on-the-ground aspects of that. I'm more up to speed on the aspects of the water projects and we may turn it back to Tim if you have specific things on open space or the transfer stations.

But what I'd like to do is summarize the actual content of each request a little bit, talk about some of the key points about each one of those requests and why we've targeted some of the accounts that we've targeted for those requests. With respect to the authorization itself, Tim's given you a sense of the importance of regional cooperation and the aspect of working together regionally. That's already been clearly described in the WMRS strategic planning effort. The authorization that we're working from was actually introduced last year, but we're talking about tailoring this authorization and targeting it at Bureau of Reclamation, an agency that has long experience in providing large infrastructure budget needs for projects like this.

We may end up, you do have a copy of the authorization bill that was introduced last year. We may end up, in fact I predict we will end up trying to tailor that a little bit. For example, you'll notice that on the construction portion there is authorization on there for construction, but if you look at it, there's only a 25 percent federal share. This is based on the 1992 Bureau of Reclamation authorization bill for Title 16 and it may be, in fact I think it is very likely you may be able to improve that share but we'll work on those kind of things.

One of the things that I wanted to mention a little bit is the timing. We need to get this introduced this week and hopefully have hearings scheduled soon in the Senate and the House and according to Senator Bingaman, the target would try to get the bill out some time in June so that we can actually get it on both sides and get it passed into law if possible. The issue of interconnection with the tribes is an important one that's been mentioned repeatedly and that's something that we want to focus on in this legislation as is already focused on.

Back up for a second. This authorization I think is an excellent way of linking the feasibility effort that's already been undertaken with actual construction if possible at Buckman or whatever. And also linking Buckman to possible needs down the road at San Ildefonso. We've tried to spend a lot of time understanding your real needs here

and we're trying to cover all those needs in an authorization that is probably somewhat broader than is necessary, but it is the marker for all of that.

I think that's it on the authorization, and if I may, I'll move on to the community water systems. All of these things are described in the materials that we've given you. We're requesting—and to just summarize, we're asking for \$2.3 million for the authorization to complete the feasibility work, and if it's possible to do some construction work, use some of that money for that. The other four requests total about \$6.5 million, and to just summarize, they include \$1.5 million for the community water system effort, \$1.6 for open space funding, slightly over two million for public works transfer stations and then \$1.2 million for the after-school program.

We're not quite as familiar with the latter program as we are with the first three, but we put the community water system request in second for a reason. It's complementary to the overall needs of the County as they relate to water infrastructure. It is a good way of showing, I think that the County intends to deal with small community needs in surrounding areas and it makes a lot of sense to try to seek that funding. We did increase the amount of the request, that was at the advise of some of the people that we talked to on the Hill. We had been asked to ask for half a million. We're asking for a million and a half.

That money, you will need to think about how that money is to be allocated, if we're to get it, and how it's to be actually delivered to those communities. One thing that we have learned is that there is matching money in several cases, already available through state legislation. We have also been able to learn that there may be the possibility of other federal money for matching purposes. So we're trying to anticipate the matching needs there. To clarify a fundamental point is that request is a STAG grant request, State and Tribal Assistance Grant program request, so it is a matching program. That's where we're targeting this money to be coming from and that is part of the IA HUD, Independent Agencies bill, appropriations bill on the Hill.

The third request is for open space protection and Tim visited three locations yesterday. We feel pretty comfortable with the justification for this effort. Most of those sites, if not all of them, are adjacent to federal land and BLM land I believe. The New Mexico State Land Office is involved in some of these efforts and this is a very strong program showing dedicated effort to try to satisfy local needs. In a sort of unique twist here we targeted the Land and Water Conservation Fund account in the Interior bill as an area where we may look for funding because there is now a major new effort in this administration to try to fund these type efforts. We're just learning about that because that budget just went over from the administration to the Hill, so we're in the midst of trying to figure out if that's where we should actually seek this funding. But we think that that's a good source of money for this request.

The transfer stations, the need there is a very serious need based on Tim's description to me of what he saw yesterday with Alina. I haven't seen it first hand but the issue I think, the only issue that I want to mention there is we're somewhat unclear about the source of funding for that at this point. So we're suggesting that we seek possibly EDI money, STAG grant money, or some similar matching program for that

funding. It's a solid waste program. It's not exactly the same as community needs as described in the water request, but it may fit that criteria.

The after-school program is not a program I'm very familiar with. We are building on what the County has already done with respect to that request and I guess the only thing I can say about that is we are trying to—we just got that one at the last minute and we are coming up to speed as quickly as we can on that program. It looks to be a strong program that can be justified.

So that's it for the actual requests themselves. If you have any questions or Tim, if you want to add anything as far as open space or transfer stations are concerned.

MR. JENKINS: Well, the only thing on the open space is the three [inaudible] in Chimayo. In every instance we'd be acquiring contiguous land to that the County already has and two of the three instances there's a federal component to it which suggests that there's certainly a compelling preservation need there and in all three, the developmental component, which your acquisition of the land to preserve the land would moderate the development. The Thornton Ranch is an example where they're already trying to sell the lots and by acquiring this additional property we would really be preserving, perhaps the integrity of the majority of acreage. So we would lay that out in those terms and those are the kinds of justification that the Congress is looking for.

CHAIRMAN DURAN: I have a question for Alina. Are these properties that we have already approved as acquisitions?

ALINA BOKDE: Mr. Chairman, these properties that Tim was talking about are properties that are being considered under phase 3 by COLTPAC at this time and these are properties that are adjacent to existing properties that we've already acquired as either part of phase 1 or phase 2 acquisitions, that the Board has already approved. So we're looking at properties that can build on the existing open space system that we have and COLTPAC's recommendations will be coming before the Board in June for further consideration.

CHAIRMAN DURAN: I guess my question, my concern is that this Commission hasn't had the opportunity to review the merits of these properties and it seems like the decision has already been made to buy them.

MS. BOKDE: Mr. Chairman, the request that was made for matching funds would be for the \$8 million bonds that will be issued next year. And these requests, if the funds come forward, these are the three properties that I've used for examples, based on the criteria that the lobbyists have asked. In speaking with COLTPAC, these are properties that they're looking at favorably that will come to the Board but the Board will still have the final decision. If the Board decides not to approve a favorable recommendation by COLTPAC then those funds can maybe be re-appropriated to another property.

The intent is to be able to utilize the process at the federal level to be able to garner matching funds for properties that come forward that would stretch the \$8 million bonds farther and that was direction that staff and the committee had received

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from the Board when consideration of the second bond came up, for us to try to find matching funds and what I've done is to give an example to the lobbyists of properties that I think will come forward with some favorable recommendations from COLTPAC, but also for properties that meet the kind of criteria that they're looking for. because the recommendations are coming soon, we can have further clarification but I've assumed that matching funds could be used for properties that the Board approves ultimately. The Board does retain final approval of all properties that we acquire.

CHAIRMAN DURAN: So, Tim, the open space money that you're going for, is it specific to these properties?

MR. JENKINS: No, it would not be. I should have made that clear. I apologize.

CHAIRMAN DURAN: Okay. That's fine. You've answered my question.

MR. JENKINS: The three are just basically illustrative of the kinds of properties. If they need justifications, these would be three good models.

CHAIRMAN DURAN: Okay. Good. Thank you very much. I don't have any other questions. Do you have any questions?

COMMISSIONER CAMPOS: I have no questions. I want to thank you very much though. It was a great presentation. I look forward to the results soon.

CHAIRMAN DURAN: Thank you very much.

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SANTA FE
BOARD OF COUNTY COMMISSIONERS

CONTINUATION OF

April 24, 2001 Regular Meeting

APRIL 30, 2001

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

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

April 30, 2001

This continuation of the April 24th regular meeting of the Santa Fe Board of County Commissioners was reconvened at approximately 10:15 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

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

Members Absent:
None

I. APPROVAL OF THE AGENDA

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

SAM MONTOYA (County Manager): Mr. Chairman, if you'll look at today's agenda, we would start back again on item VI, D, and all of the items in red, Mr. Chairman, are the issues that were not discussed at the prior meeting last week.

CHAIRMAN DURAN: Okay. You made it easy on us.

MR. MONTOYA: Try to, Mr. Chairman.

CHAIRMAN DURAN: Then moving right along, we'll go to item VI. the Consent Calendar, D.

VI. CONSENT CALENDAR

C. Resolution No. 2001-56. A resolution requesting an increase to the general fund (101)/County Sheriff's Department from various sources for expenditure in fiscal year 2001

KATHERINE MILLER (Finance Director): This is the budget transfer that we talked about, probably about two months ago, to address the shortages in the Sheriff's budget concerning overtime and the increased costs in fuel. It also has an additional item in there for a—I don't know if you knew that we had the Department of Labor here and they reviewed our last two years of payments for essentially all employees, but one of the areas that they found where we had been paying incorrectly was in the Sheriff's overtime on shift differential. When they work mid-shifts or an evening shift, they actually receive, the dispatchers and that receive a different base rate. They have a shift differential. And when we were paying overtime, they were using the day base and not the shift differential. So the Department of Labor calculated we actually owed employees about \$28,000 over the last two years in the shift differential. They gave us a determination and asked us to pay them by May 18th. So that's also included in budget adjustment so that we can get in compliance with the Department of Labor finally.

CHAIRMAN DURAN: Is that it, Katherine?

MS. MILLER: That I believe is everything that's in that budget adjustment. It's fairly long but that was all the things that are in it.

CHAIRMAN DURAN: Any questions of Katherine?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Katherine, in the monthly financial report that you distributed to the Commissioners a few days ago, and you mentioned just now travel, I see that the Sheriff's Department is over in its travel budget by 12 percent over its annual budget, whereas at this point in time, it should be about 75 percent of its annual budget instead of 112 percent. Do you know what the reason for that is?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, I actually don't have that in front of me, but I would believe that that has to do with the extraditions. They have quite a bit—they have to travel in state and out of state to cover. We have overtime on that as well and it's to take the prisoner transports mainly, for extradition. And that's out of the Sheriff's Department control. We're just ordered to do that. So it's always an estimate as to what that would be.

COMMISSIONER SULLIVAN: Is there some reimbursement to the County for that?

MS. MILLER: No, we do not receive any reimbursement at this time.

COMMISSIONER SULLIVAN: And this wage determination that the County was required to pay on top of the salaries. Is that reflected in the budget that you just put out? The monthly budget through, I think the end of March?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, we have not paid that

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yet. We would like to pay it this Friday. That it would be calculated in the next pay period and the adjustment money that's going in to the Sheriff's budget in this budget adjustment so that we could pay it out.

COMMISSIONER SULLIVAN: So once that happens, then they'll also be over on their salary as well, in addition to travel.

MS. MILLER: We'll be putting that money into their budget, then paying it almost directly out, but we have that figured in through—the adjustment that we're making here for the entire category of salaries and overtime and benefits incorporates what it's going to cost us to get through the end of the year.

COMMISSIONER SULLIVAN: Right. So the department has overrun on salaries and it's overrun on travel. Then my question is, I know it shows in here, could you explain where we're getting the money to pay for this.

MS. MILLER: In the budget adjustment, if you look on the first sheet, we have money from last year when we did the fire, the Cerro Grande fire, we received in this year a \$55,000 reimbursement for our overtime that we expended last year and then also the state grant and this operating transfer in as DWI money for work that the Sheriff's Department does do on DWI and then the rest of it is coming from our current year budget in contingency and savings in the legal department on our insurance, because our law enforcement insurance was also less than anticipated this year and also some savings in finance for when we calculated three percent across the County we had some money left from that. So that's where we're moving all of the money to cover these increased expenses.

COMMISSIONER SULLIVAN: Okay. Thank you. So in general, this is an increase of about a quarter million dollars, which we're getting from seven different categories. We're just essentially scraping up wherever we can find it.

MS. MILLER: That's correct.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Katherine, by transferring these monies around, what's the impact on the other departments, because we have services to render in the road department, in solid waste and things like that. Does it impact those in a disparate, in a negative way?

MS. MILLER: Mr. Chairman, Commissioner Trujillo, this budget adjustment, we're not taking any money from departments that they had set out for expenditures. It's actually from savings in our insurance and savings in our cost of living increase that we estimated. Also in receiving revenues for reimbursements for last year that we had not budgeted, so we're not actually taking any money out of expense line items in any other department that they would need to get through the rest of the year. I would like to say that we probably still have to do some adjustments in Public Works because of the disaster relief. We initially have been told that we're not going to receive reimbursement on that and so we're working also to adjust that budget to cover it but we still have to work with DFA on that.

COMMISSIONER TRUJILLO: What does this do to our emergency

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CHAIRMAN DURAN: We have someone coming in to do that?

MS. MILLER: Yes, we hope to have them for this month to at least just look at whether they believe we can benefit from their services.

CHAIRMAN DURAN: Then the last question, the vacancy savings, are they used vacancy savings to offset the overtime deficiency?

MS. MILLER: Yes we do, and actually up through March, essentially that's what's happened. But now we don't have any vacancy savings left to cover the overtime through the rest of the year and that's why we need to move more money.

RAY SISNEROS (Sheriff): Mr. Chairman, members of the Commission, regarding the overtime, there's quite a bit of it that is beyond our control. If we're given a transport order or an extradition, we have a choice of either sending off-duty deputies to go handle the prisoner or take a deputy off the street, which means we don't have the deputies then to cover calls for service. I'm not going to take the deputies off the street unless it's an emergency. So in essence, we have to pull deputies either that just get off shift or on their days off to go handle the transport.

The other problem beyond our control is the court appearances. If we have deputies that are working graveyard and they're called in to 9:00, 10:00 a.m. court appearances, that's on their time. That's where we have to pay the overtime. That's also part of the labor contract. The other language in the contract, if I'm not mistaken, maybe the attorney can correct me, is there's language in there that states that we cannot arbitrarily adjust shift schedules for the single purpose of avoiding overtime. Am I correct on that, Steve?

STEVE KOPELMAN (County Attorney): I believe so, yes.

SHERIFF SISNEROS: So there are some things that are beyond my control on the overtime itself. I would welcome if this Commission or someone here would be able to give both the judges at district court and magistrate court to work with us on the scheduling of the cases, but I think that's a mission impossible that nobody can accomplish.

CHAIRMAN DURAN: What would scheduling the cases do?

SHERIFF SISNEROS: Well, if you schedule the cases on the deputies' on-duty time, except when they're on graveyard as an example, then you're not paying overtime, because then they're already there on duty. But many, many, many times, that deputy is attending court or motor vehicle hearings on their day off or their off time. That's where a lot of that overtime comes in.

CHAIRMAN DURAN: Well maybe this person that's coming in can help us analyze that and come up with—

SHERIFF SISNEROS: I hope so.

CHAIRMAN DURAN: When does the contract come up for renegotiation? The union contract?

SHERIFF SISNEROS: This time next year, Mr. Chairman. We still have roughly about a year and a half left on the contract.

CHAIRMAN DURAN: Do you think it's possible—and I'm just trying to think of ways of reducing the budget request for increase for overtime, couldn't there be a way of

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working out, restructuring the job description so that maybe they get paid a little bit more so that they're available for these overtime duties and maybe that would be less than having to pay them overtime.

SHERIFF SISNEROS: Mr. Chairman, I don't know whether that would be in the job description. That might be an issue for the contract, but I don't know if that would be amenable.

CHAIRMAN DURAN: The only reason I bring it up is that a half a million dollar increase in overtime is something I think we need to look at.

SHERIFF SISNEROS: Mr. Chairman, I want to make this comment now. We, at last year's budget, we agreed to hold three positions open for the entire budget year to get the salary savings for that compensation package that the Commission approved, if you recall. But also at the time, our request for our overtime budget and our gas and oil was cut quite a bit at the time of the budget hearings last year and had—and I'm not saying, again, Monday morning quarterbacking, but the request today would not be as high. As an example, one of the things that was beyond the manager's control was the fuel. Supposedly the pumps were going to be available at the warehouse August 1 of last year when in reality, they weren't available till I believe it was December.

All County employees still had to use the cards at their regular gas stations. That was a huge impact not only on my department but all the others. Just an example.

CHAIRMAN DURAN: How about in this year's budget request. Do you feel pretty confident that that's going to take care of—do you think that next year you'll be coming forward with another budget increase?

SHERIFF SISNEROS: I hope not. I hope in this next budget year we don't have another Cerro Grande fire or some type of emergency like that that really burns our overtime, but we're hopeful that it will be sufficient for this coming budget year.

CHAIRMAN DURAN: So the fire took up a lot of that overtime?

SHERIFF SISNEROS: That was in the previous year's budget but the reimbursement from FEMA, I believe, came in after July 1, and that's part of the money that Katherine is using to offset this cost now.

CHAIRMAN DURAN: Oh, okay. Any other questions?

COMMISSIONER TRUJILLO: Yes, for Steve. Under the Fair Labor Standards Act, Steve, what is the overtime issue? How does it affect law enforcement? Is it still a 40-hour work week? Or 50-hour work week; or what is it?

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, that was the point I was going to bring up that I believe that for officers it's an 80-hour stretch, but there's no real discretion in whether you give overtime or not. You're legally obligated to, and overtime for an officer is time and a half as you know. So there's no way really to cut that requirement. We're legally, under federal law obligated to pay it after a certain point.

COMMISSIONER TRUJILLO: For an extended work week though, can't we implement a differential schedule for the Sheriff's Department? For example, ten percent for on-call, as on-call pay? A ten percent differential rather than paying time and a half, it would

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save the County copious monies if that could be implemented on a continuous basis, some sort of differential.

MR. KOPELMAN: Mr. Chairman, Commissioner, I think the way the federal government looks at and the case law is that if you're working you're entitled to the overtime pay. If you are not formally working and there's been—there's quite a bit of case law as to whether being on call is, what being on call actually is. But I think what would make a lot of sense is when this consultant comes in to really work with the consultant and see if we can come up with a way of trying to cut the overtime budget. And we'll work also with that consultant.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Sheriff, in your analysis of the overtime, is it a result of insufficient manpower? Or is it a result of unexpected occurrences like the Cerro Grande and court hearings on days off? What does it relate to?

SHERIFF SISNEROS: Mr. Chairman, Commissioner Gonzales, it's not—this current budget year really is not the Cerro Grande fire. That was in the last budget year. But again, we were here a year ago, doing the same thing because of the overtime, not only from my department but for all the departments that were involved in Los Alamos. But it's somewhat the openings that we had, because we averaged for the entire year last year about eight to nine openings all year long, including the three that I held open as part of the agreement.

This year, once the salary and the compensation package was implemented, we were able to fill all the positions and until recently, they were at 100 percent for the first time in about six years. And then we recently had two openings which those will be, I believe those people start in two or three weeks. They're already coming on board, so those are already filled.

The increase in the overtime and the big jump that we've seen has been ever since they opened the Hobbes Penitentiary. We're having to make trips to Hobbes that in years before you only made out to State Road 14. But we're bringing prisoners back and forth from Hobbes. There isn't a week goes by that we're not doing two or three or more trips to Hobbes.

COMMISSIONER GONZALES: Is there a way that you can use the same program that you put together in providing court security, using retired professionals that on your reserve to do the transport?

SHERIFF SISNEROS: Ninety percent of those transports are those people. And they're the ones that are getting the overtime.

COMMISSIONER GONZALES: The reserves are?

SHERIFF SISNEROS: They're getting the overtime, but they're handling 90 percent of those. The other part that we have, the number of prisoners that are being brought into district court for arraignment dates, as an example, usually Mondays and Fridays, but we're averaging no less than 35, up to 63 in one day. And with our vehicles, we're having the two 15-passenger vans plus three police cars full of prisoners going to district court and those holding cells over there are not conducive to the public health of that many prisoners. We've already had fights in there and some other assaults occur, but when we have that type of a

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docket, on Mondays we have the luxury of having, the way the schedule is, our dayshift is on what's called the common day, so there's extra people on day shift patrol that we'll pull off the street to help transports. But again, that's another reason we asked for three additional positions in court security this year. It's unbelievable they way it's increased.

COMMISSIONER GONZALES: That goes to my point maybe to ask for some direction from yourself, the Finance Director and the Manager in terms of would it be more appropriate to hire more personnel that are solely focused on the transport and be able to capture the costs up front as opposed to having this continuous unknown out there. Is it more expensive to be paying time and a half for hundreds of hours of overtime, than to hire additional personnel that could meet the gap that exists? I don't know if that analysis has been done or if we believe that this is the most efficient way for the County to meet some of these needs that are occurring in the Sheriff's Department through just having a budget available for the overtime to use as we need it, or to basically shift some of that money into some FTE positions and pay them regular time, as opposed to having to continuously pay our people time and a half.

It's not only about the time and a half. I would imagine that there's some concern on your part when you're working six-day weeks or seven-day weeks, some of your deputies. Maybe the pay's good but the burn-out may result in something or there may be an issue where we're requiring our people to work enormous amounts of time and not giving them a lot of time off or away from home. I don't know if that analysis has been done or if you guys have considered that or if it's really not an option but it might be helpful to look at hiring more staff for you to meet some of these shortcomings.

SHERIFF SISNEROS: Mr. Chairman, Commissioner Gonzales, that was part of our reasoning for the additional staff requests in transports.

COMMISSIONER GONZALES: Great. So that's coming up now?

SHERIFF SISNEROS: That decision's not mine. That's up to you guys, I guess.

COMMISSIONER GONZALES: Thank you.

SHERIFF SISNEROS: Thank you.

CHAIRMAN DURAN: Sam, did you want to say something?

MR. MONTOYA: Mr. Chairman, I just simply wanted to the Board that we are talking to some transport companies that provide this type of service asking them to give us a proposal to determine the cost that would be related to transporting these individuals from institution to institution or from a jail to the judicial complex. So we will be analyzing those requests. We've secondly also been pursuing other alternatives. I think the Sheriff has been working to possibly look at providing a vehicle or several vehicles for transport issues so that several people can be moved at once and these are new experiences for us so we're walking gingerly in this area but we are studying those two proposals and I just wanted to share that with the Commission.

CHAIRMAN DURAN: Maybe it would be cheaper to take a taxi.

MR. MONTOYA: Highly doubtful.

MS. MILLER: Mr. Chairman, I just wanted to address one of the things that Commissioner Gonzales said and that is whether we've looked at more staff, less overtime. And we have discussed that with the Sheriff and in some cases, that does work, with the right type of position like the security and that. Now with deputies, the more deputies you have the more overtime you have because you still have the issue of 40 hours a week, then court appearances and anything else that they do is on overtime, because you still have to work them 40 hours a week by contract.

So there is kind of a balance. What we did find as they filled more positions and don't have those vacancies, we have more overtime. So that's why we're asking the contractor to come in and look at our scheduling, see if there's a way to do it better. That's their specialty. We're hoping that they can point out some things that we haven't been able to see. We've gone through several discussions with the Sheriff about possible alternatives like the transport contractors and things like that to see where we can reduce the cost next year. As we have the budget right now, we are looking at recommending additional overtime in the base budget but also some additional FTEs to see if we can't get the overall overtime costs down and find the balance between FTEs and overtime.

With all of that said, or just asking for approval of this budget adjustment to resolve the issues that we have for fiscal year 2001 and hopeful bring us to the end of the year, barring no other natural disasters or big overtime hits between now and the end of June.

CHAIRMAN DURAN: Okay, if there's no other questions, what's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve Resolution 2001-56. Is there a second?

COMMISSIONER CAMPOS: Second.

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

MS. MILLER: Thank you.

CHAIRMAN DURAN: Thank you.

VI. E. Resolution No. 2001-57. A resolution requesting an increase to the fire protection fund (209)/various fire districts, to budget fire impact fees for expenditure in fiscal year 2001

MS. MILLER: Mr. Chairman, Commissioners, this budget request is to pay for the impact fee study. We're asking, I believe it's Southwest Planning to do a fire impact fee study, and the cost of that would be spread out over all the fire districts. This budget adjustment is to budget the impact fees to pay for that study.

CHAIRMAN DURAN: This seems pretty easy. Does anybody have any questions?

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COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Okay. There's a motion and a second to approve Resolution 2001-57. Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, I have a question.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Katherine, I recall one other budget adjustment I asked when we had impact fees to increase our budget. We didn't budget those because we didn't know how much was coming in each year. And when we do that, I just want to get a clarification, because it kind of works in reverse in this case. The impact fees go back to the particular district. Is that correct?

MS. MILLER: Mr. Chairman, Commissioner, yes. They essentially are spread out to the districts. Yes.

COMMISSIONER SULLIVAN: But they're spread out in accordance with where the impact fees come from. If the impact fee comes from Cundiyo it goes to the north and if it comes from Edgewood, it goes to the south.

MS. MILLER: Yes.

COMMISSIONER SULLIVAN: So there are some districts that are substantially larger than others in terms of construction occurring, just logically, Edgewood being one I think. There's a lot of building going on. Every single building requires a fire impact fee of I think somewhere on the order of around \$600 per building. Is that about right for a 2,000 square foot building? I'm just trying to get in the ballpark.

MS. MILLER: It's based upon the square footage.

COMMISSIONER SULLIVAN: Would a 2,000 square foot building be about \$600? Am I in the right ballpark? Okay. So I think it's a good idea to study the impact fees and how we do that although the biggest impact fee right now in the county is for, is the fire impact fee. I believe the solid waste fee is very minimal, like \$30 or something, isn't it?

MS. MILLER: Yes. It's very small revenue. I think \$20,000 a year at best.

COMMISSIONER SULLIVAN: All right. This gets me then to my question. All of these departments, these aren't fire districts, are they? They're fiscal departments? Where are the increases are coming? The 465, 380. everything adding up to the \$18,200?

MS. MILLER: Each one of these, if you look in the department division, the second group of numbers, those four numbers, those are the districts and they're set up, each district is given a number, and they're a cost center.

COMMISSIONER SULLIVAN: Okay, so each district. So like District 0840 is paying \$2,337 of this study. Correct?

MS. MILLER: Correct.

COMMISSIONER SULLIVAN: And what district is that?

MS. MILLER: Off the top of my head I don't know. I can get it.

COMMISSIONER SULLIVAN: That's okay. Is the allocation of this by the size of the district?

STAN HOLDEN (Fire Chief): Mr. Chairman, Commissioner Sullivan, it's a percentage of the overall collections and that's the only way we felt we could make it fair, a fair distribution among all the fire districts.

COMMISSIONER SULLIVAN: Okay.

CHIEF HOLDEN: So we took a percentage of whatever they had collected to allocate it toward this fire impact fee program.

COMMISSIONER SULLIVAN: Towards this \$18,200 study. That's what I wanted to be clear, because it would seem like the larger district which has more building activity has a greater stake in this impact fee study and should pay more of it, and it appears that that—I just want to clarify that that is what you are doing. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Okay, if there are no other questions, those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

VI. F. Request authorization to accept and award a construction agreement to the lowest responsive bidder IFB #21-36, for the construction of the Santa Fe County Public Safety Complex

CHAIRMAN DURAN: Didn't we have some discussion about this last meeting?

MS. MILLER: Yes, we tabled this. Mr. Chairman, we requested that this contract be awarded to Gerald Martin, Ltd., and Commissioner Sullivan had a question on how we selected the bid alternates and because they did not go in order, he had the question as whether they were, if there was a problem with that statutorily. What we did is we requested that it be tabled so that we could come back and bring you the information as to how we selected the alternates based upon priority and that it is not statutory that they be selected be in order.

What it states, the statute states that we make it clear how we are going to select, what are the criteria, and the bid documents stated that the criteria were that we would select what we had budget for. I believe, so what we did is went back and did a kind of a summary for you as to what those bid alternates were and what we, as a committee. And the committee was the actual users plus the procurement division, the users of the facility and what was the most important alternate in the alternates that we had because we knew, to get everything we would not have sufficient budget.

So what was selected by the committee, essentially, was the base bid, plus the regional dispatch and the clock tower and associated controls. The clock tower contains the antenna for the regional dispatch. The items that were taken out were the exterior, like a brick fascia, and also a secondary communications feed, and additional landscaping. And with that, the low bid was the \$4,062,000, which when we had the meeting last week, we scraped together the money to get to that amount with a small contingency so that we could complete the construction of the Public Safety—so we're asking that we be able to award the contract to Gerald Martin with the

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base bid and the two alternates, the clock tower and the regional dispatch center.

CHAIRMAN DURAN: Any questions of Katherine?

COMMISSIONER TRUJILLO: Katherine, it looks like the difference between the lowest bid and the highest bid is about \$300,000 out of a total bid price of \$4 million. That's not very much. What do the criteria say regarding the selection of the contractor?

MS. MILLER: The criteria said that if a contract is to be awarded, it will be awarded to the lowest responsive bidder whose evaluation indicates to the County that the award will be in the best interests of the project and the County. The award will be made based upon the base bid and any alternatives that are within available budget. As it turns out, the base bid, when we initially received the base bid, we had enough just for the base bid but we also had enough for the clock tower and if we made the budget adjustment that we made last week, we could do the regional dispatch as well.

All the users who have been involved in this for the last two years trying to put this project together felt it was very important to try to incorporate the regional dispatch. And all of them are here as well to explain how they came to that desire to get the funding and award at least the regional dispatch, the clock tower and the base bid. And the other items they felt that they could go without, brick fascia, without the landscaping to the degree that it was in the bid package and without the communications feed, that those were things that they could forego if they could get the regional dispatch and the clock tower.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I guess, let me understand, Katherine. Our bid documents said that we would award based on the lowest base bid plus any alternates that you all selected within the available budget. As of last week, the available budget didn't include the regional dispatch. So as of last week, the available budget was, I assume, what? About \$3.5 million or so.

MS. MILLER: Three point six million.

COMMISSIONER SULLIVAN: So as of the time of the submission of the bids, the available budget was \$3.6 million. It wasn't until we took action last Tuesday that the available budget suddenly changed to \$4.062 million. So I'm still concerned that, because we know from what was indicated last Tuesday that this particular proposer, Gerald Martin, Ltd. was not low on the base bid. So the question is, would that individual be low on the alternates that we had money for, would this individual be low based on the budget that we had in place at the time of the bidding, which was \$3.6 million?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, it would not have been. What I'd like to state is they would not have been the low; it would have been another one, and if we did alternate one, it would have been another one. If we did alternate one and two, it probably would have been another one and so on. We checked with the State Purchasing and also what we are trying to do is award a contract in the best interest of the County with our available budget. If we award all six alternates, it will be about \$100,000

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more and it will probably be another bidder. We could give you a scenario where it would be a different one probably in every situation.

But there is a sound basis by the committee as to why they want those bid alternates and if we have the money and could find the money within the bond, which from a finance perspective, I would like to see that money spent, since it's been sitting in the County for four years trying to get this project going and we have an obligation to spend that money as a tax-exempt bond. If there was anything that could have been replaced with additional money, we would do as much as we could with the items that were the most important and the most benefit to Santa Fe County, meaning the regional dispatch, based upon all the efforts that the Sheriff and the Fire Department have done and essentially, all that was was the regional dispatch with the clock tower, the antenna. The other items, they felt the brick fascia, things like that were an additional expense to the County that could be foregone if we could come up with the funds to do those items. In no way did anybody look to manipulate the outcome of the bid.

CHAIRMAN DURAN: Commissioner Sullivan, I'd like to know what is your point, where are you taking this and what are you worried about?

COMMISSIONER SULLIVAN: Mr. Chairman, what I'm concerned about—I'm not concerned if we have the money to do the regional dispatch wing, I think that's fine. I think it's needed and I think we've seen testimony for that. What I'm concerned about is in how we designated the low bidder. Now, we could designate the low bidder on the base bid plus the alternates that we had the money for at the time of the bid, and then if we determined we had additional money, \$469,000 for the regional dispatch wing, we would add that to the project. But we might have a different base bidder.

So I'm not questioning the need for the items that the staff has selected, I'm questioning our selection of the low bidder by virtue of not only cherry-picking alternates, but also increasing the budget, which clearly this budget didn't exist at the time of the bid.

CHAIRMAN DURAN: Okay, well I'm not going to allow this discussion to occur anymore. You have checked with the state to make sure you have not violated the Procurement Code. Our legal department has checked it. We're going to move on, Commissioner Sullivan. If you want to change the laws or the guidelines that are Finance Department follows in this type of process, why don't you get together with them and figure it out, but we're moving on. I'm sorry. They have done everything that the state requires and our legal department has looked at it and for you to nit-pick this thing for the rest of the day is not acceptable.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I would like to hear the rest of the comments. I don't think there are going to be many more. We have to have a policy if we're going to have add-ons and number one is our highest priority.

CHAIRMAN DURAN: They spent the last 15 minutes explaining it. How much more do you want them to explain it?

COMMISSIONER CAMPOS: Well, I'm just saying for the future, our highest

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priority should be, one, two, three, let the bidders know up front and that's probably the fairest way to do it. And I think it's a good suggestion that the Commissioner is making about this.

MS. MILLER: Mr. Chairman, one of the things that I'd like to state, the method of saying one, two, three, four, you may not have money for alternate one, but you have it for alternate two. If you restrict the County's ability to make a selection based upon saying, well, if we don't take one, we can't take two, but we have the money for two. We've just shot ourselves in the foot, to get the most that we can for the money that we have available.

The reason that we set up our bid packages this way is to try and get the most for the County and what's in the best interest of the County. We don't manipulate them. We make it very clear that these are our alternates and that we're selecting them based upon what is in the best interest and what we have the money for. We have, as I said, checked with legal. This is a common way of doing this. Some places do say, one, two three, four, five, six, and then they restrict themselves from having the flexibility of selecting other items that they do have money for.

What we said is what we have available budget for and what is in the best interest of the County. If it isn't in the best interest to award the regional dispatch and the clock tower, then so be it. We won't and we'll spend the money somewhere else, but we have come forward because it's been our understanding that is, as staff, what the Commission priority as well as staff priority is. We have found the money to do that.

CHAIRMAN DURAN: Katherine, that's fine.

MS. MILLER: And I think that that's what we're trying to do.

CHAIRMAN DURAN: I want to move forward on this. I need two more votes to make the decision.

COMMISSIONER GONZALES: That's fine, Mr. Chairman.

CHAIRMAN DURAN: I'll entertain a motion right now.

COMMISSIONER GONZALES: Move for approval to request authorization to accept and award agreement to the lowest responsive bidder, IFB 21-36.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

The motion passed by majority [4-1] voice vote: Commissioners Gonzales, Trujillo, Campos and Duran voted in favor and Commissioner Sullivan voted against.

CHAIRMAN DURAN: Commissioner Sullivan, I'd just like to say that if you have some ideas that you would like for the Finance Department to follow, please feel free to meet with them.

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VI. G. Request approval of the CDWI grant application

ROBERT ANAYA (CHEDD Director): Mr. Chairman, Commissioners, this is the annual application for community DWI funds from the State Highway and Transportation Department Traffic Safety Bureau. Mr. David Sims and I stand for questions.

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

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Robert, I had two questions. One was, in the scope of work it talks about, and this is listed under enforcement under the program performance goals, the state goals. It talks about reducing alcohol-involved fatalities from 44 percent of total traffic fatalities in 1997 to 43 percent in 1999. Now that's statewide. Do you know, did we do that? Did that happen?

DAVID SIMS: I don't believe, Commissioner Sullivan, that the '99 numbers have become available yet. If so, it's just been very recently.

COMMISSIONER SULLIVAN: Okay, my second question goes back to one that will be coming up in the future and that is that we have different numbers, it appears, in specific, I'm looking at what will be coming up later under X. B. 4, which is the Smart Moves program. And we seem to be dealing with different numbers and I just wanted some clarification of that. Let me find those numbers.

I'm sorry for the delay here, but it has to do with the reduction goals of the same item, which is the reduction of fatalities in teenage drinking are different in this program than they are in Smart Moves program. I had them highlighted, but I'm having difficulty finding them. Do you recall anything like that?

CHAIRMAN DURAN: Again, Commissioner Sullivan, what are you worried about on this? I don't see the point to a lot of what you're doing today.

COMMISSIONER SULLIVAN: Well, I'm trying not to nit-pick. What I'm trying to get across is that we need in all of these contracts, particularly the DWI ones and any of our community health contracts, we need measurable goals and we need measurable outcomes. And I'm seeing an arithmetical difference in these goals and I'm wondering how we can have a good measure of outcomes unless our goals, our statistics are comparable. That's, Mr. Chairman, where my concerns are.

MR. ANAYA: Mr. Chairman, I think I have a brief, concise response that could address that. Mr. Chairman, Commissioner Sullivan, I do not disagree with you that there is a variation between the numbers from the Smart Moves program for similar goals, as opposed to the DWI program. In many cases with most of the projects that we have, there are various different funding sources and various different databases which is the key to those statistics. So for every database of information that you're getting on drug and alcohol abuse you're going to get varying statistics. One of them, DWI, comes mainly from the court system

and the Smart Moves project that you've referenced comes from the Department of Health. But as a department, we'd be happy to work with the Health Planning commission and the DWI Council to figure out a way internally to try and correlate that data better to give the Commission a better picture of what is truly going on. It is something that would take some time because they are different databases, Mr. Chairman, Commissioner Sullivan.

CHAIRMAN DURAN: The question is, do you want to approve the request, to approve the application, or do you want to deny the request for the application. The rest of it is something you can again discuss with Robert at a later date but we're here to either approve or disapprove the application.

COMMISSIONER SULLIVAN: Mr. Chairman, my request was for some information on those goals but I can't find my comments. I would say also, Robert, that in this I found it confusing under the measures. Again, these are part of the lingo, I guess of the application. If you look under prevention and measures, we just have a.1,1,1,1, b.1, 1,1,1,. I really wasn't able to figure out what that meant. I guess maybe since time is limited you can bring me up to date on that later, since the other Commissioners obviously understand that.

CHAIRMAN DURAN: I don't know if we understand it as well as we should, but perhaps if you asked some questions with the way the program is implemented, once we get the funds, maybe you could sit down with Robert and figure out what would be an appropriate or more effective way of using the money. Does that sound?

COMMISSIONER SULLIVAN: That's fine, Mr. Chairman.

CHAIRMAN DURAN: Any other questions of Robert?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

I'm going to ask the Commission if they would mind if we move to the County Clerk's item here. Denise Lamb from the Secretary of State's office is here, and rather than keep her here till tonight, maybe we could move forward on this one. I'd like to entertain a motion to bring that item up.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

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X. STAFF AND ELECTED OFFICIALS' ITEMS

A. County Clerk

2. Resolution No. 2001-58. A resolution designating the precincts in Santa Fe County, New Mexico

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, members of the Commission, first I'd like to make some comments regarding the last meeting. I think our chairman will agree that several times in the last few months, probably month and a half, I made calls to him asking him if I could possibly meet with him to discuss a special meeting. Unfortunately, his schedule in getting a special meeting and a quorum for the Commissioners was not possible. I would also like to say that I was elected by the people of Santa Fe County. I think that I have done a very competent job. I believe that they re-elected me again. I had opposition. They re-elected me. If you look at the votes I got, I got the most votes of anybody in Santa Fe County. I think that that is a reflection on the job that I do for Santa Fe County.

I have made a mistake. I am a very professional, competent person and when I make a mistake I have honed up to it. I take responsibility in my office and I think that is a very good reflection of a good public official. I—last week there were several questions referred to me about why, etc., prior to coming into the meeting, I was told that we didn't have a quorum. That they were going to approve my particular request. I said that this was a time-sensitive matter, that I needed it to be heard. Reluctantly, our County Manager left it on. I felt that I needed to come before you and let you know how time-sensitive it was.

I felt, when I was here last week that there seems to be a feeling among, and I speak for myself but I know the feeling around this County is that there's a feeling that somebody is going to be looking stupid every week. I just assumed it was my turn to be the one to wear the scarlet letter of being stupid. I assure you that I'm not. I assure you I've done my job and I've brought you the information in accordance with the law. A question was asked, well, why are you bringing this and I did say the Secretary of State's office. I was told that also—after my presentation, I was told it was going to be tabled. I was told that it would, that I was supposed to find out the information in regard to why the Secretary would state that.

Within a half hour of my leaving here, I pulled the law. I immediately tried coming up back here to see if any of you were. I stayed till six o'clock because I assumed you would be here for the EZA meeting and when I got here at six I saw there was a note that said you were no longer here and I pulled the information from the law. I did not speak to the Secretary of State personally, but—and I copied the law, which is public law 94-171-2000, and the Section of the law is 13-11, which says we need, before a census can be done, that we need to do the precincts and send them over to the Secretary of State.

Before I left that day, I requested exactly what needed to be done, what you wanted. I was told that you wanted me to bring the precinct maps, which we have. I asked if there were any other specific question you wanted of me. I was not given any specific questions. I was, through a passing, I was informed that the Secretary of State had been called and that she would be here or her staff, or Mr. Frescas would be here to answer questions. I take exception. I

don't take exception that the Secretary of State's office is here, I take exception that questions would be asked without having the courtesy of request those questions to me. I am an elected official. I feel that if there are questions they should be asked to me. If I'm not able to answer, I think that I would be happy to bring people here also but not to have the courtesy as an elected official to let me know what the questions are and to immediately call, I think is very disrespectful of my position as a County Clerk, because I believe that we have followed the law and we have worked very hard in regard to meeting the law.

The Secretary of State—and I do apologize that maybe I should have given you a lot more information. And I apologize for that. I guess my assumption is that I respect you as elected officials and I would hope that you would respect us as elected officials and that we do know our job and that if you have specific questions you will ask us beforehand. I certainly would do that to you. And maybe I should have given you a lot more information but I would assume that if you get your packets on Thursday that you could call me. You have access to get my home number. Any time you want to get me I would be happy to meet with you.

But I think that's very important that I say that for the record. Now I have my staff here. Oh, I also would like to comment on one other thing in regard to redistricting. I have volunteered, I had asked to help you with redistricting and I'm most happy to do that. However, I don't think that my request has been really taken seriously. I know what I have to do in regard to redistricting in my office and that is to get these precincts to the Secretary of State's office so they can start looking at them, make sure that we have met all the requirements of the law.

The Secretary of State's office sent out a bid and they hired Research and Polling, Inc. and maybe some of you don't know who that is, that's Brian Sanderoff's group. They have worked with all of the County Clerks in the state of New Mexico. They came in and worked with us. I believe we started last June or July working very diligently with them in looking at our precinct maps, looking at the census block, which is required in the information that I have provided to you. We worked with MIS, Mr. Erle Wright, very closely. He can attest to the fact. Mr. Mariano used to work here also. We worked with him very closely because there might not have been the right road names, etc.

So it isn't just something that I just whipped up the night, on Monday, the 23rd and brought before you. We have been working very hard with everybody for the past year to meet the requirements of the law. We have before you today from the Center for Legal Education, information on redistricting, which I will pass out to you in regard to your role in redistricting, but I'm here today to ask you to—to answer any of your questions regarding our precinct maps. The staff will bring up the maps as you requested and we'll stand for questions.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Just a couple of questions to the Clerk concerning the issues of precincts, and I apologize, Madame Clerk, for not being here last week when this was before the Board. What is the—I'm assuming that in most cases, there's a federal statute that requires the state to do something, and then a state statute that requires local

government to do something in accordance with precincts. Is that correct? Is that how all the guidelines are filtering down to this point?

MS. BUSTAMANTE: Mr. Chairman, Commissioners, yes. In the even numbered years, except for a centennial year, which is this year, we are required—in odd numbered years, I apologize. Odd numbered years. We are required to make our precinct changes by the first Monday in November, except that this year is different because of the fact that we are in a centennial year, so now we're trying to get these precinct changes approved and going back to what I said earlier, we've worked with everybody and we're trying to get them to the Secretary of State because as you know, they have now put a legislative committee to do redistricting and I believe they'll be meeting in September to do redistricting.

COMMISSIONER GONZALES: So there is a federal law that passes through the state that comes down to the County that you're saying on centennial years the precincts have to be established, the precinct boundaries. So when's our deadline for that then?

MS. BUSTAMANTE: I think that we have already—we needed—it's time sensitive. We need to get them to them soon. I'm referring to 1-3-11, which I sent you a copy of.

COMMISSIONER GONZALES: You're saying you're needing to get these precincts to the Secretary of State's office?

MS. BUSTAMANTE: Yes, we're needing to get them to them very, almost immediately. I'm a little behind. And again, I think I tried, but I take responsibility.

COMMISSIONER GONZALES: So what happens every two years is that you bring these precinct adjustments before the Board to approve. Is that correct?

MS. BUSTAMANTE: Before the November, the first Monday of November of an odd numbered year, if we have to make some changes. Some of the changes that we have brought to you before, because we haven't really done any—in the census blocks or any adjustments on the boundary, prior, in my tenure, prior to this time. We have come before you on a couple of occasions because the law also says that if a precinct in any election, more than 800 people vote in one particular place, then we have to divide the precinct. And we've had that happen. We have that here also and that is when we have come before you in those times.

COMMISSIONER GONZALES: That's a state law?

MS. BUSTAMANTE: Yes. It's—

COMMISSIONER GONZALES: That's okay. Let me just go and ask you, is the reason why the dates are different for the centennial year, as opposed to any other year, because of the census?

MS. BUSTAMANTE: Mr. Chairman, Commissioners, yes, because when you—because of the designating of the legislative districts, the City districts and your County Commission districts. So you do that every ten years because of the changes in the census. As I indicated to you on Wednesday, we based, my predecessor and you, their predecessors, based the precinct changes or approved them in 1990, based on a population of approximately 92,000 living in the county.

We are basing it on, it's projected that now, the census will show approximately

125,000 people. So now as you look at your redistricting of the five Commission seats, you will now have to take into consideration that population shift.

COMMISSIONER GONZALES: And I guess my question now is opposed to November and the need to do it now, is it because the law requires us to adjust the precincts prior to redistricting?

MS. BUSTAMANTE: Yes, Mr. Chairman, and it's—

COMMISSIONER GONZALES: Whereas if it was in November it would occur after redistricting.

MS. BUSTAMANTE: Mr. Chairman, we can't do it in a centennial year. We have to do it before the redistricting. I mean in a census year.

COMMISSIONER GONZALES: In a census year.

MS. BUSTAMANTE: And that is 1-3-11.

COMMISSIONER GONZALES: Is that the reason why this resolution 2001-58 is before this Board because the precincts need to be established—

MS. BUSTAMANTE: And approved by the Secretary of State. We need to send them over to the Secretary of State.

COMMISSIONER GONZALES: Prior to redistricting?

MS. BUSTAMANTE: Yes.

COMMISSIONER GONZALES: And you noted for the record, and I don't know how to state this, 4-171-2000 as being the state reference.

MS. BUSTAMANTE: The law says new precincts and the precinct adjustments were necessary to meet the requirements, public law 94-171-2000, that precincts be designated in such a way that the Bureau of Census will approve. They want it to be around census tracts.

COMMISSIONER GONZALES: Okay. Well you answered, in the long way you answered my question and that is the law says, and the reason why we're doing it now as opposed to November that the precincts should be established prior to any redistricting efforts.

MS. BUSTAMANTE: Mr. Chairman, yes, and members of the Commission.

COMMISSIONER GONZALES: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Becky, for the record, I'd just like to state that this item, the decision to table this item was made at the meeting. It wasn't made before the meeting.

MS. BUSTAMANTE: No, I'm sorry if I misstated that. You're right.

CHAIRMAN DURAN: And this really has nothing to do with whether I respect you and you respect me, because I do respect you and I'm sure you respect me and all we're really trying to do is, if you recall at the last meeting, it kind of came out of the blue. It just caught us off guard that we were changing the boundaries of the precinct and not really having any visuals to look at to see how that's really going to—it just makes more sense to see it, rather than read it on a piece of paper and that was—

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, I have absolutely no problem with wanting to see that. I did not—I do have a problem in that if you had questions, why you didn't ask me the questions. I would very happily gotten you the

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answers. I would have called the Secretary of State if you wanted to.

CHAIRMAN DURAN: I don't know what kind of questions you're talking about but I got a call from the Secretary of State's office advising me how important it was for these precinct boundaries to be approved. One of the questions you think I had or any of us had, I have no idea. But the conversations that I had with the Secretary of State was how critical it is to have these precinct boundaries approved and we're here to do that today so why don't we move forward.

MS. BUSTAMANTE: Okay.

COMMISSIONER CAMPOS: If I might add—

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: The reason for the hurry is that on May 7, the legislative redistricting meets for the first time. They would like to have this data as soon as possible.

MS. BUSTAMANTE: Would you want us to put the maps up, how do you want us to do this? We stand at your—we've given you a description and if you look at your packets—

CHAIRMAN DURAN: You know what I'd like is I'd like those precinct maps to be put right in front of me so I can see them, and if anybody in the audience would like to come look at them, they can come and stand in front of them. But I can't see them from where I am.

MS. BUSTAMANTE: If you look at your packet, we indicated to you the precincts. And in the back we gave you more detail of the changes we've made on some of them. As I indicated to you at the last meeting, those that we have in bold are the ones that we've made changes. Now do you want us to go by each change individually, or do you want to single out a question? I'm not sure what you'd like me to do.

CHAIRMAN DURAN: One moment please.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Just a question for the Clerk. So the cause for the adjustments in the boundaries are driven by, you said more than 800 registered voters showing up at that precinct, which forced you—

MS. BUSTAMANTE: If a particular precinct, like say in the general election we did have, we had more than 800 people who physically, physically went to vote in a precinct, by law we need to divide the precinct.

COMMISSIONER GONZALES: So that's what we're seeing in these changes then?

MS. BUSTAMANTE: There's a few.

COMMISSIONER GONZALES: Like I'm looking at Atalaya Elementary where you've adjusted the boundary.

MS. BUSTAMANTE: It was just a boundary change.

COMMISSIONER GONZALES: The new polling place, like Pojoaque

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Pueblo?

MS. BUSTAMANTE: The Pueblo has requested that they have a polling place in the Pueblo.

COMMISSIONER GONZALES: So what would cause you to adjust the boundary?

MS. BUSTAMANTE: In 1990, they did not use a census block area that the public law I just read you is requiring.

COMMISSIONER GONZALES: Okay. So you're saying that in some of these precincts, for instance, Precinct 55, the Elk's BPOE 460 Lodge, there's an adjustment to the boundary. Are you saying that's reflective of new census numbers?

MS. BUSTAMANTE: No, Mr. Chairman. It's reflective of the request by the Census Bureau to do the boundary along a census block. In other words, the last one wasn't done along a census tract.

COMMISSIONER GONZALES: Okay. So these mirror the census blocks more so than anything else.

MS. BUSTAMANTE: On the adjustments. We did create—and you were not here, present at the last Commission meeting, we had some situations up in Las Campanas area, the SNAC area where those people were just having to go all the way to Gonzales, which is very inconvenient for them, so we have made a new precinct in that area. We have, if you visualize going straight down St. Francis Road, all the way down St. Francis past where you go into the freeway, there's a place called the Tapia Estates. Those people are having to go vote at Turquoise Trail, which is very inconvenient for them, so we have created a new polling place, which will be closer for them. So we try to take into consideration some of the areas that some people are just having too far to go to. We want to make it easier for people to be able to vote and so in my first four years we had some concerns and we've taken all those into consideration.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, during the last redistricting or adjustment of boundaries at the Bennie J. Chavez Community Center there was some people that were required to go vote in La Puebla and you very diligently addressed that problem. Does this rectify that problem in perpetuity or do we still have that problem of people having to go vote in La Puebla and they live in Chimayo?

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, that is the concern. We have, we were not able to address that problem because of the—we have to divide it somewhere and we do have some concerns that some people say, well, my neighbor votes across the street at a closer place and I have to go somewhere. Unfortunately, we do have to divide the precincts somewhere and we are going to hit some of those people. So I guess to say there wasn't enough people in order for us to be able to make that change.

COMMISSIONER TRUJILLO: So we can't designate a precinct around Chimayo so that the people from Chimayo vote at the Bennie J. Chavez Community Center and those that live in La Puebla would vote at the Sombrillo Elementary School?

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MS. BUSTAMANTE: The way, Mr. Chairman, one of the ways we can look at that area is to see if we can get another polling place in that area with the same precinct, and we're happy to do that.

COMMISSIONER TRUJILLO: Okay.

CHAIRMAN DURAN: So this is all census-based? The changes that you're—

MS. BUSTAMANTE: Except—yes. And then also based on the law that if we have more than 800 people we are doing a new polling place.

COMMISSIONER CAMPOS: Ms. Bustamante, I'm looking at New Mexico State Statute 1-3-3.1a. It says basically that the authority of the County Commission to create new precincts is suspended until January 31, 2002 and that they're all frozen until January 31, 2002, except those precincts not in compliance with the provisions of the Precinct Boundary Adjustment Act, 1-3-10 to 1-3-14. So essentially, as I understand it, we can make adjustments basically to come up to the census block maps, which involve physical features, highways, other things like that. I think that is our only authority at this point if I look at 1-3-12 and 1-3-3-1.

MS. BUSTAMANTE: Mr. Chairman, I'll go ahead and ask Denise Lamb, but we were told to just go ahead and try to make all the changes. Ms. Lamb, is that a correct interpretation? It certainly wasn't our interpretation when we were working with Research and Polling.

DENISE LAMB: [Director of Elections]: Chairman Duran, Commissioners, while it's true that you do have to make changes to comply with the Precinct Block Boundary Adjustment Act, you also have to make changes where you have more than 800 voters in a precinct. And the reason for this is is that when you are reapportioning districts, you need the smallest building blocks possible in order to accomplish that. If you have a number of building blocks that are over the 800 level it makes it very difficult to accomplish reapportionment, both at the County level and at the state level for redistricting purposes. Does that answer your question, Mr. Campos?

COMMISSIONER CAMPOS: Mr. Chairman, I'm just asking about the statute. Do we have any authority until January 31, 2002 as stated in the statute to do anything except comply with the Boundary Readjustment Act? It says we don't. I'm just wondering.

MS. LAMB: That is correct. However, it does say under this laws of 2000 Chapter 81. Is that what you were referring to?

COMMISSIONER CAMPOS: I'm looking at statutory numbers, not session laws. If you'd like to look at this.

MS. LAMB: Yes. That's the same law that I'm looking at. It says that the Secretary of State may authorize the Board of County Commissioners to adjust precinct boundaries in accordance with the Precinct Boundary Adjustment Act and shall notify the Legislative Council Service of any adjustments. And that's what we are doing now. That is what this process has been in all the counties in terms of trying to comply, come up with the smallest block boundaries for the reapportionment and also to tie all of these boundaries to topographical features as approved by the Census Bureau.

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CHAIRMAN DURAN: Well Denise, I have a question. Are you through? Are you sure?

COMMISSIONER CAMPOS: Yes.

CHAIRMAN DURAN: If you need to follow up, that's fine. At the last meeting, we asked the Clerk if when it comes before us to make the decision on how to change the district lines for the Commission districts, how do those changes occur, and she said that they typically follow the precinct boundaries. Do you remember telling me that, Becky?

MS. BUSTAMANTE: Yes.

CHAIRMAN DURAN: Okay. So my question is when we start talking about or discussing changing the Commission district boundaries and we decide at that point that the precinct boundary needs to be changed, do we have the option of changing that precinct boundary at the same time we change the district boundary?

MS. LAMB: Mr. Chairman, Commissioners, no, that's not correct. Once you create these precincts here, everything is frozen until reapportionment is complete. So you must use the precincts that you are creating now to create your new Commission districts as well.

CHAIRMAN DURAN: See, that's the problem that I have is that I was only asked to look at this stuff last week and I had no idea that we were going to be faced with making the decision on where those Commission districts—basically, that's what we're doing right now is we're going to pretty much designate the Commission districts if we approve these precinct changes.

MS. LAMB: Mr. Chairman, Commissioners, not exactly.

CHAIRMAN DURAN: Not exactly but—

MS. LAMB: No. What you will be approving are precinct boundaries, which are the building blocks that you will be using for your Commission districts when you create them.

CHAIRMAN DURAN: Right.

MS. LAMB: You are not approving your Commission districts. That will be something that you will do at some point in the near future.

CHAIRMAN DURAN: But if we approve them now, the boundaries now, and after going through a further analysis of the district boundaries we decide that approving these precinct boundaries has kind of pre-empted our ability to change the district lines for the Commission districts, we can't change them. We've basically done some of the work that we're going to do. We're doing some of the work that we're going to do in the next few months today without having the ability to actually analyze how this is going to impact the decision we're going to make further down the road. So we're making decisions today that we haven't had any time to really consider or analyze. That's the only concern I have.

MS. LAMB: Mr. Chairman, Commissioners, you are correct. The decisions that you make today or next week on these particular precincts will impact your reapportionment process or redistricting process. That's one of the reasons why you want to have smaller precincts, because it makes it easier to come up with districts that are equal in

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population, contiguous, preserve a sense of neighborhood, analysis of voting patterns and things of that nature, which is the consideration at the legislative level and I'm sure it will be at yours as well.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Ms. Lamb, thanks for being here. Just to continue that question and what the chair was asking in terms of accepting these precinct boundaries without a lot of further dialogue, from what I understand from our Clerk is that basically the adjustments that are being made are moving to track the census blocks. Is that correct? And it's through those census blocks that we're going to begin to develop the analysis for the new districts. Is that right?

MS. LAMB: Yes. Mr. Chairman—

COMMISSIONER GONZALES: So there's going to be a point where we really don't spend a lot of time. This is basically just one step that's preparing us to have a little bit easier time developing our own individual districts based on boundaries that are in line with the census tracts. Is that correct?

MS. LAMB: Yes, Mr. Chairman, Commissioner Gonzales, that's absolutely correct.

COMMISSIONER GONZALES: Thank you. Then it seems to me, Mr. Chairman, and I understand your concern about moving forward and making decisions on these adjustments to the precinct boundaries without a lot of input and discussion. However, it seems like this first step is a step that brings us in line for matching with where the census tracts are going to me and from there we go for where our individual district boundaries based on those changes.

CHAIRMAN DURAN: I think have it figured out. Let me just ask you one quick question. The boundaries that we're changing within the precincts are all within the existing boundaries of the districts.

MS. BUSTAMANTE: Right.

CHAIRMAN DURAN: So we're really not going—none of these changes actually go outside the boundary of the district.

MS. BUSTAMANTE: Mr. Chairman, if I would answer that question also. There's only four in the Commission districts and we'll go ahead and change it. There's only four precincts that are affected and they're very minor, just little changes based on the census block. Do you want to give me those, Eric?

MARK RODRIGUEZ: Okay, on those districts, you're looking right in this little area of 11 and 82 was extended. And then right here, 80 is a new precinct. That had to be created. This will affect the boundary line a little bit right in here.

CHAIRMAN DURAN: What's the northern boundary of 80? Just looking on the map, where's 599? Just so I can get my bearings.

MR. RODRIGUEZ: You're looking right in here, following down the -11 all the way down.

CHAIRMAN DURAN: So is 80 kind of Las Campanas and—

MR. RODRIGUEZ: The southern part of Las Campanas and going out toward like where the new baseball fields and everything are at.

CHAIRMAN DURAN: So it's really not a highly populated area, right?

MR. RODRIGUEZ: Not in the northern part out here. There is a little bit down in the southern part.

CHAIRMAN DURAN: Okay.

MR. RODRIGUEZ: And then also 12. Eleven used to come all the way around, so this was all 11 and now 12 is going to take over this portion.

CHAIRMAN DURAN: And that's all within Commission District 1?

MR. RODRIGUEZ: Yes. This will be one. Three will be taking over this outer part right here. This little section right in here, it's going to become part of 12 and then this section is going to be 80. Eleven was cut back.

COMMISSIONER TRUJILLO: Okay.

CHAIRMAN DURAN: And 80 was in District 1.

MR. RODRIGUEZ: Eight is going to actually be in three. It's all going to be this little section right in here.

COMMISSIONER TRUJILLO: It's going to be in three.

MR. RODRIGUEZ: Basically, 11 was cut, so precinct 11 was the basic cut right in here and we combined it with 12.

CHAIRMAN DURAN: Okay.

MR. RODRIGUEZ: And then also precinct 14 was expanded a little bit, right up in the northern part going into 70, and then also going down into 72. So 14 is actually going to cut up a little bit up here into District Five from three and then down below will also stay the same. So we just have the little northern section right here. Okay, one more that we have is precinct 81, this is a brand new precinct that was created for the Tapia Estates that the County Clerk referred to earlier. And that there is cutting, it's this little section right in here, which is going to cut part of four and five. And those are the only ones that will cut over a little bit.

CHAIRMAN DURAN: That's your district, right? Comes out of your district? Okay. Are there any other questions?

COMMISSIONER GONZALES: Mr. Chairman, I'd like to thank the Clerk for the work that she's done on this and thank the Secretary of State's office for taking time out of their day and with that, move for approval of Resolution 2001-58 as presented by the County Clerk's Office.

COMMISSIONER GONZALES: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second for discussion. I'd just like to say, Becky, thanks for bringing these maps. It was more a matter of understanding it and I understand it now. Thank you.

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, I have no problem in bringing it. I just had a problem in making me feel I didn't know my job. Thank

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you.

CHAIRMAN DURAN: Well, I apologize if that's the message that you got. It sure didn't come from me. Any other questions of Becky?

COMMISSIONER SULLIVAN: Mr. Chairman, I just wanted to clarify and following up on Commissioner Campos' question and according to what Ms. Lamb has said, because we don't know what is going into each one of these adjustments per se, but I assume, for example, in the Eldorado, you have adjustments to two of the districts and you have a change to one. Those adjustments for example, in Eldorado are all census tract adjustments?

MS. BUSTAMANTE: Census tract and also people vote, yes.

COMMISSIONER SULLIVAN: Over the 800 number.

MS. BUSTAMANTE: Correct.

COMMISSIONER SULLIVAN: And that, according to Ms. Lamb, those two types of adjustments comply with 1-3-31, the requirements of the Precinct Boundary Adjustment Act. Is that correct?

MS. BUSTAMANTE: Mr. Chairman, Commissioner Sullivan, are you asking me or are you asking Ms. Lamb?

COMMISSIONER SULLIVAN: Well, I'm asking you because she's been consulting with—

MS. BUSTAMANTE: I believe so. Yes.

COMMISSIONER SULLIVAN: I just want to be sure that we're staying within the statute. Thank you.

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

Thank you very much.

MS. BUSTAMANTE: Thank you.

CHAIRMAN DURAN: Thank you, Denise.

VI. H. Request authorization to enter into a participating agreement with the US Forest Service, Southwestern Region, and Santa Fe National Forest to be reimbursed for support costs for wildland fire non-emergency responses

HANK BLACKWELL (Fire Marshal): Commissioner Duran, Commissioners, briefly, this is just a formal agreement between the Forest Service which allows them to reimburse the County Fire Department, their districts and their volunteers for non-emergency wildland responses that are not covered in our joint powers agreement with the state, such as prescribed burns or standbys. It just allows us to get reimbursed for costs in time and equipment for those events.

CHAIRMAN DURAN: Any questions of Hank?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

COMMISSIONER SULLIVAN: Just one quick question, Hank. Similar to one, a cooperative agreement we had before and that was on liability. Does this fall under the same situation where we're cooperating with the USDA Forest Service that we do not become liable? We discussed that in some greater length last time. Are we under that same umbrella in this agreement?

MR. BLACKWELL: Mr. Chairman, Commissioner Sullivan, yes sir. We are. This is a standard agreement which basically, they would have to request our resources under their umbrella, USDA and we would respond in essence as a contractor, if you will. Formally, that's not a really good term but again, it just allows them to reimburse us for equipment or gasoline and some of our volunteer costs. Yes, sir.

COMMISSIONER SULLIVAN: So we have that same overarching umbrella liability that was described to us before when we do go on to federal lands and provide services for the federal government.

MR. BLACKWELL: Chairman Duran, Commissioner Sullivan, yes sir. We also still carry the same umbrella in terms of self-insurance as a County fire department because it's still within our response or our fire service area as well. So we also have that to protect our personnel as well.

COMMISSIONER SULLIVAN: Thank you.

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

Thank you very much. I just want to know, to ask the Commission, do we have executive session? How about if we order some sandwiches and then went into executive session during lunch. Or do you all just want to work through the lunch?

COMMISSIONER CAMPOS: I'd like to work through lunch and then after we finish the body of this, before we go to executive perhaps have a lunch.

COMMISSIONER GONZALES: Can we bring lunch into executive though, so we stay working through, or did you want to—

COMMISSIONER CAMPOS: It's up to you.

COMMISSIONER TRUJILLO: Yes, we can do that.

COMMISSIONER SULLIVAN: I thought we set up an executive session for next Friday or something. Haven't we set up—

MR. MONTROYA: Mr. Chairman, we had set up an executive session for today at 3:00 and at the time, we had no idea that we were going to be continuing this meeting from the last regularly scheduled meeting. So it's a bit compounded today, but that was the intention.

COMMISSIONER TRUJILLO: So the executive session for water will take place—

MR. MONTROYA: Mr. Chairman, the executive session can happen at any point that the chairman and the members desire at this point.

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CHAIRMAN DURAN: Well why don't we agree on a place where we'll order sandwiches. How about the Noon Whistle?

COMMISSIONER TRUJILLO: That's fine.

CHAIRMAN DURAN: They have everything you can think of?

COMMISSIONER SULLIVAN: You want to go the Noon Whistle? Are you buying?

CHAIRMAN DURAN: We'll just order from there.

COMMISSIONER SULLIVAN: Oh I see, just ordering.

COMMISSIONER TRUJILLO: We'll do a collection.

CHAIRMAN DURAN: So why don't we just work as far as we can, I guess. When we think we're approaching executive session we'll order the sandwiches.

MR. MONTOYA: Mr. Chairman, we're going to attempt to get a menu then pass it up to the members and then order it and we'll call it when you're ready.

CHAIRMAN DURAN: This is all new to us, you know.

VI. I. Request authorization to enter into the following change orders:

1. Number two (final) with D & H Pump Service, Inc. for the Santa Fe County Fueling station

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, the Public Works Department requests approval of project change order #2 in the amount of \$7,770.21 to close out and make final payment on this project.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Robert, I'm not familiar with this. It obviously started before January but I noticed that as a part of this change order, we have assessed the contractor \$12,500 in liquidated damages for failure to complete the work within the time period stipulated. What happened?

MR. MARTINEZ: Well, Mr. Chairman, Commissioner Sullivan, this has been a project that had many surprises. When the contractor first started with the project, there were problems obtaining a permit from the City for the canopy. That was the first problem. Another delay was when the contractor went to excavate for the underground storage tanks, there were two underground storage tanks that were found that we were unaware of. So there were several things that compounded to the delay. Those two instances and also Public Works requested change orders to upgrade the system that was originally bid out.

For example, the leak detection system, it was a manual leak detection system and it was brought to our attention that the New Mexico Environment Department was going to be raising the leak detection standards come the first of the year. So we went ahead and increased or change-ordered to upgrade that system. Another change was the card reader that each

individual gets to obtain fuel. From our understanding, the system that was bid out was a system that was only capable of handling 100 transactions. So after 100 transactions, the system would shut down. So we increased or we improved the system to handle or hold a system that would hold numerous transactions and not shut it down. It would automatically hold after say, 100 transactions and it would not shut down the system.

COMMISSIONER SULLIVAN: Robert, again, I'm not familiar with the contract, but all those things that you just enumerated, changes in the scope and the problem of getting a permit from the City, at least on the surface to me don't sound like they're the contractor's responsibility. It sounded like we changed some things and made a better project and this is the result and that happens of course all the time so I'm still curious as to what in those things were the contractor's fault that caused him to be assessed these liquidated damages.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, obtaining the permit for the canopy was his responsibility, not the County's. And he did not ask for an extension when he found out that the permit process was taking longer than normal.

COMMISSIONER SULLIVAN: So the sole basis for the liquidated damages then was the time it took to get the permit from the City?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is true. Also, the contractor ordered the wrong tank for the job, so that was part of the decision in the liquidated damages.

COMMISSIONER SULLIVAN: Looks like someone else wants to add to your—

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner, that was the issue on that also. The tank.

COMMISSIONER SULLIVAN: Ordering the wrong tank and the liquidated damages was how much? \$500 per day?

MR. MARTINEZ: In the contract, it read \$600 per day, and what was negotiated was \$12,500.

COMMISSIONER SULLIVAN: So this represents a negotiated amount. You obviously felt perhaps that it was more than this.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: So this is amount that was agreeable to the contractor also.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER TRUJILLO: Mr. Chairman, move for approval.

CHAIRMAN DURAN: There's a motion to approve.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Seconded by Commissioner Campos. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed?

Motion carries. [Commissioner Gonzales was not present for this action.]

VI. I. 2. Number Three with J.R. Hale Contracting Company, Inc. for the County Road 62, Alamo Lane and San Isidro drainage, paving and sewer improvement project

MR. LUJAN: Yes, this change order is in the amount of \$52,347 and it's a change order that was taking place, this was prior to my being here at the County so I will yield to Marcos. He has the details on it if there are any questions on it.

CHAIRMAN DURAN: We've been working on this thing for a long time. I don't have any questions. Do you have any questions.

COMMISSIONER TRUJILLO: I don't have any questions either.

CHAIRMAN DURAN: Any questions, Commissioner Sullivan, Campos?

COMMISSIONER SULLIVAN: My only question, Mr. Chairman, is that it says in James' cover memorandum that a normal guideline is 10 percent and this one is about 12 percent change. And so my request is are we within—my question is are we within the budget or has this already been subject to a budget adjustment or is this subject to one that will be coming up?

MARCOS MENDIOLA: Mr. Chairman, Commissioner Sullivan, actually, we do have budget to cover this change order. Most of the change order was a result of the Commission's directive to go ahead and make changes at the intersection of County Road 62 and Agua Fria. We had to actually redesign a little portion of that project and then also we had to install a wall on County Road 62, which led to a little bit higher cost for the project.

COMMISSIONER SULLIVAN: So that budget adjustment's already been made as a result of prior Commission action.

MR. MENDIOLA: Yes sir.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question. As to the change for additional material of \$123,000, what material? Are those materials related to the redesign of the project?

MR. MENDIOLA: Yes sir. Basically, what happened is we do have some deductions if you look through on County Road 62 with building this wall that was required by us from obtaining property from Mr. Baca. We had to go ahead and import quite a few materials and also take out a lot of materials that were spec'ed out in the project. Some of them were deletions and some of them were additions.

COMMISSIONER CAMPOS: Do you feel—the \$123,000 of new materials is pretty well—did you review that pretty carefully?

MR. MENDIOLA: Yes. We actually sat down with our project manager about four or five times to go ahead and get this final. This isn't the final change order. We've still got one more left that should be coming up for your approval next month and I believe it should

close out the project and I believe it's about \$5,000 sir.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The last question I had, James or whoever.

I'm sorry. I didn't get your name.

MR. MENDIOLA: My name is Marcos Mendiola. I work for Public Works.

COMMISSIONER SULLIVAN: Thank you, Marcos. I noticed that one of the change orders, item 53, was due to a suspension of the project from August 23 to November 13, and so we had to pay the contractor additional money to remobilize. What was the—about \$20,000. What was the cause of that suspension?

MR. MENDIOLA: There was two causes that I brought up earlier. One was caused because the Commission asked us to redesign that County Road 62 and Agua Fria intersection. So we had to delay the project there. And then also we delayed the project due to acquiring the easement from Mr. Baca when we had to build the wall on County Road 62, sir.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve item VI. I. 2. Is there a second?

COMMISSIONER CAMPOS: Second.

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

VII. ADMINISTRATIVE ITEMS

A. Committee expirations/resignations/vacancies

1. County Open Lands and Trails Advisory Committee

ALINA BOKDE (Planner): Thank you, Mr. Chairman, members of the Commission. Mr. Dale Lewis, a member of COLTPAC has missed more than three meetings since January 1, 2001 and as a result has submitted a letter or resignation, which is in your packet. Mr. Lewis has served on COLTPAC since the committee's establishment in 1998 and represents the community of Stanley in the southern part of the county.

The COLTPAC Resolution 2001-1 includes a requirement to ensure regional representation of committee members. This resolution states that at least three members shall be from the area of the county south of Township 13 North including the Estancia Basin. With Mr. Lewis' resignation the Board will need to appoint a new committee member who resides in the southern part of the county in order to meet the requirement for regional representation.

Staff recommends advertising the COLTPAC opening in the *East Mountain Telegraph* and soliciting letters of interest from volunteers. And then with direction from the Board, staff will present a list of interested volunteers at a future meeting for possible committee appointment. Are there any questions?

CHAIRMAN DURAN: And he is from what part of the county? South?

MS. BOKDE: Mr. Chairman, that's correct. The southern part of the county, which generally includes the Estancia basin area.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Alina, the only suggestion I would make to your recommendation is that the advertising also occur in the *Independent*. I think the *East Mountain Telegraph*, they're both good periodicals. *East Mountain Telegraph* is a subscription paper, the *Independent* is a weekly free publication and I think that would get us the maximum coverage to get the applications.

MS. BOKDE: Commissioner Sullivan, I will go ahead and also advertise that in the *Independent*.

CHAIRMAN DURAN: You don't have anyone in mind? That's your district.

COMMISSIONER SULLIVAN: Not immediately. I really feel that if we get the word out—maybe we better advertise in Cedar Crest too, if we suddenly get Campbell Ranch on board. I don't know, but for now I think that will give us good coverage and I would like to see as many new faces as possible. It is difficult for people in that area to have to drive an hour and a quarter up here to the meetings and I don't know if anyone has ever suggested occasionally either having a meeting half way in between or perhaps at our new Public Safety Complex once it's build or somewhere in between in Edgewood, occasionally so the public could see what the COLTPAC committee has done.

For example many of them aren't aware of that acquisition right next to the wildlife park that the County has made and it's just something to think about.

CHAIRMAN DURAN: Well, thanks Mr. Lewis for the time he did dedicate.

MS. BOKDE: Okay. Staff will come back with a list of names after we've had an opportunity to advertise the opening. Thank you.

VIII. B. Committee appointments
1. Health Planning Commission

VIRGINIA VIGIL (Policy Analyst): Mr. Chairman, members of the Commission, the Health Planning Commission, to whom you have designated the authority to address the health issues throughout Santa Fe County, identify health gaps and create resources. Those term limits are up March of this year is the time that those term limits were up. Each member of the committee has served for two years. Out of the current eleven members, three of the members will not be returning. Based on the Board of County Commissioners' direction

to advertise for the new positions there were three advertisements that were sent two to the *New Mexican* and one to the *Albuquerque Journal*.

The nominating committee for the Health Planning Commission has a nomination slate for your consideration and appointment today. That also includes the expansion of the Health Planning Commission, which by Resolution 2001-30 created three new positions to the Commission. One to represent the physician's community, the other to represent Edgewood community and the third to include representation from I believe the Santa Fe County Public Health Office, which was not previously represented.

Mr. Chairman, members of the Commission, the resumes of each one of the applicants are in your packets. Some of them are extensive, some of them are brief. The appointee from the physicians' community is Dr. Cleveland Pardue; from the Maternal Child & Health, Ron Hale; from the Edgewood Community, Donna Lockridge; from the Health Care Union, Jack White; from the DWI Planning Council, Glenn Wierenga; from the City of Santa Fe, Fred Sandoval; the Santa Fe Public Health Office, Valerie Henderson; from the Community Health Center from La Familia, Richard Taafe, the director of La Familia Medical Center; St. Vincent's Community Network's nominee is Dr. Arturo Gonzales; and for your consideration, appointments from each one of you. Commissioner Gonzales, Kevin Henson has been recommended from the Santa Fe County Fire Department; the recommendation from Commissioner Duran is Rebecca Frenkel from the League of Women Voters; recommendation for appointment for Commissioner Campos is Jaime Estremera-Fitzgerald, returning Health Planning Commissioner; and recommendation by Commissioner Sullivan is Brad Hill, the executive director of community housing from Edgewood; the recommendation from Commissioner Marcos Trujillo is Larry Martinez, director of Behavioral Health Services for Presbyterian Medical Health Services. I stand for questions.

CHAIRMAN DURAN: Any questions of Virginia?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Not so much a question, so much of the recommended appointments but Virginia, the Commission created this Health Planning Commission to help address some of the, obviously some of the health care concerns in Santa Fe County and rural parts of Santa Fe County, looking at ways where we can seek more collaborative efforts among its providers, close the gap that exists in terms of access to health care. I know that they filed a strategic plan, but I guess what I'm asking is I think that we—I think it would be a healthy move for the Commission and for the Health Planning Commission to do an assessment as to if this body that we have appointed and are dedicating resources to are accomplishing some of the goals that we've set forth.

And I'm not sure, I know that, I think that this is important that we make sure that we're achieving some of the milestones and the objectives that we've set out a couple of years ago to achieve. And what I would like to ask you, it doesn't have to be a formal presentation, but I'd like something coming from the staff to the Commission letting us know, is this working? Is it accomplishing the objective that the Commission wants accomplished in terms

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of health care services, the collaboration between community providers, creating more access in rural communities in Santa Fe County? Are they functioning well? Is this a good thing to stay committed to? Things of that nature. I think we need to have that analysis over the next couple of months so that, certainly for the benefit of myself and the new Commissioners that are coming on board or that are on board that, we fully understand how is this benefiting our citizens and what are some of the things that we can point to that this Health Planning Commission has done to increase the level of health care in this community.

So I don't want an answer now, but I think we need to have some formal report that either validates their existence and the work that they're doing or says we need to do more or maybe it's not the tool that we had envisioned it to be when we were talking about creating a Health Planning Commission for the members of this community.

MS. VIGIL: Mr. Chairman, Commissioner Gonzales, what are you're asking for is a comprehensive analysis based on the work product and the projects that they have been involved in and I would be happy to provide that for you.

COMMISSIONER GONZALES: I'm asking for that, but I'm also asking to see what we've done, right? Not so much I want to see something tangible and one, is it continuing to be effective? Is it turning out to be the type of commission that we wanted it to be? Is it accomplishing the things that we wanted it to accomplish? And I know that basically, when the Commission created this, we left a lot of the processes and the direction amongst the committee members and it's been kind of quiet. So I want to see if it's working and if it's something that we should obviously stay committed to. And I hope it is, because I think that it's something that's important to our community, but I just haven't heard where we made the gains that we weren't making prior to the creation of this Commission.

MS. VIGIL: Mr. Chairman, Commissioner Gonzales, my preliminary response is yes, many gains have been made. But I think to really do a fair and accurate representation of what the Health Planning Commission has actually done, we do need sort of a final report. One of the pieces of where they've gained, I will be presenting later on with some of the memorandums of agreement that we've entered into and their substance abuse initiative and how they've been able to collaborate forces through Los Alamos National Labs and the Department of Health to gather grant monies for addressing substance abuse prevention.

In addition, there were a couple of summary reports that were brought before the Board of County Commissioners, one in December that addressed the adolescent sub-committee's policy recommendations for the Health Planning Commission. That executive summary is available but there are more assets that I do believe your request really does need to address and that is more of a comprehensive pieced together analysis of what impact the Health Planning Commission has made.

COMMISSIONER GONZALES: That's good news. Thank you. Thank you, Mr. Chairman.

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

COMMISSIONER GONZALES: Move for approval of the recommendations

as submitted by the Health Planning Commission.

COMMISSIONER CAMPOS: Second.

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

Thank you, Virginia.

VIII. B. 2. Labor Management Relations Board

VINCENT OJINAGA (Acting HR Director): Mr. Chairman, Commissioners, as per County Ordinance 1999-11 relating to the collective bargaining for Santa Fe County, there shall be a Labor Management Board created. The board shall be composed of three members, one member shall be appointed by the County Commission, one member shall be appointed on the recommendation of the union, and the third member shall be appointed on the recommendation of the first two appointees. The board members' terms serve for a one-year period. The duties of the board are to disseminate rules and regulations and perform its functions and duties as established in the ordinance.

Mr. Chairman, Commissioners, since we have not received any formal names submitted, I would recommend the County Commission bring forward names to represent management and the employees representing labor also forward names. Once we have these nominations from management and labor, we will come back to the Board to have the Board appoint and create the labor board. We have some members of AFSCME if you have any questions of them. Thank you.

CHAIRMAN DURAN: Corky, I spoke to you last week. Wasn't there someone that was interested in representing us, had submitted a name.

MR. OJINAGA: Mr. Chairman, we didn't get any kind of formal submittal so we didn't take—

CHAIRMAN DURAN: What kind of background should this individual have that we appoint?

MR. OJINAGA: I believe that some of the background needs to be somebody experienced in labor negotiations for one. There's some criteria that spells out what that board member can be part of. He can't be part of a union, not be a public employee, cannot run for any political office and so forth. So it could be an attorney, but it doesn't have to be.

CHAIRMAN DURAN: Okay. Any questions of Corky?

COMMISSIONER TRUJILLO: The board, Corky, will be comprised of four individuals?

MR. OJINAGA: No, this Labor Management Board will be comprised of three members. The committee appointments that staff sits on for negotiation consists of four members.

CHAIRMAN DURAN: So what is your request today, Corky?

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MR. OJINAGA: That the County Commission come up with some names or a name for the Labor Management on the Management side.

CHAIRMAN DURAN: So since we don't really have a name, we should table it till we all agree on one? Is that what we need to do?

COMMISSIONER TRUJILLO: And this would be a representative from management?

MR. OJINAGA: That's correct.

COMMISSIONER GONZALES: Can we just, Mr. Chairman, appoint the Manager or their designee to fill that—

CHAIRMAN DURAN: Sure. That's fine with me.

MR. OJINAGA: Again, Mr. Chairman, Commissioners, I believe, it says during the term of the appointment, no labor board member shall hold or seek any political office or public employment or be an employee of a union or an organization representing public employees or public employers.

COMMISSIONER GONZALES: Mr. Chairman, I move as a representative of the Commission to appoint the Manager or his designee to fill our spot on this board.

CHAIRMAN DURAN: Okay. To be our appointee.

MR. MONTOYA: Mr. Chairman, I can't be the appointee myself but to allow me to find a member that represents management.

CHAIRMAN DURAN: I think that might be fine, provided that we get to, as a Board approve that individual.

MR. MONTOYA: Mr. Chairman, I would definitely seek nominations from the members. Or the chairman can.

COMMISSIONER GONZALES: Why don't we just give you the ability, Mr. Chairman, to review whatever request comes up and you approve for the Board.

CHAIRMAN DURAN: I don't care. Commissioner Campos.

COMMISSIONER CAMPOS: I would suggest that the Manager come up with names, several names to the entire Board for consideration at the next meeting.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, the only thing is it puts us in a position of if we go to the point of several names, why would we pick one manager over the other? Can we ask the manager to consult with them possibly that could come up with a name that he's consulted with us prior to bringing up.

COMMISSIONER CAMPOS: At the meeting we could talk to each other, we could ask questions. We could look at resumes, whatever you want.

COMMISSIONER GONZALES: Because it's just among the managers, right? Or can it be people outside of management?

MR. MONTOYA: No, Mr. Chairman, it can be anyone from the community.

COMMISSIONER GONZALES: That seems appropriate.

FRANK GALLEGOS: Mr. Chairman, members of the Board. My name is Frank Gallegos. I'm the vice president of the state of New Mexico AFSCME Council 18. I'm here in support of having this Labor Board structure. The ordinance is specific. The County

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Commissioners select an individual that will be the neutral party on this Labor Board as well as the management team will also select their candidate as well as the union will select our candidate. What we will do will be submitting the names of our candidate to you as well as the administration as well as we will request the administration submit their proposals of their candidate to us as well as well as we would like to see the recommendations that the Board would select.

And the reason for that, there are specifications within the ordinance, is that the County Commission will select the neutral and that management will choose their side as well as the union will pick their side in order to have a neutral party. So when we go to a Labor Board, it will be an issue where it has to pertain a representation. One, that union will have theirs, management will have theirs and then we will have a neutral. So with that, Mr. Chairman, members of the Board, we're in support of you expediting this board. This board has not been in session for over a year that I believe and we would like to move with it if possible as soon as we can.

COMMISSIONER GONZALES: Mr. Chairman, I agree with Commissioner Campos. He's right. We should have a collection of names brought forward for review. I apologize. I was under the impression that it was going to be a management appointment by us and I'm sorry for not understanding it was a neutral position. Maybe we could send that direction to have some names brought up to us that would be neutral in this aspect for consideration at the next meeting.

COMMISSIONER CAMPOS: Mr. Chairman, I don't believe we're going to select a neutral member. The two shall select a neutral member. We shall select the labor management member. Is that right?

COMMISSIONER GONZALES: Oh okay. We'll get this eventually. Thank you.

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Sir, on behalf of the County's unions, do you anticipate any need—are you saying there's a need to have some action taken by this board in the near future?

MR. GALLEGOS: Excuse me, sir?

COMMISSIONER CAMPOS: Are you saying that the union is anticipating that this board will have to meet in the near future to take any action?

MR. GALLEGOS: Yes sir.

COMMISSIONER CAMPOS: Are there items coming up?

MR. GALLEGOS: We are currently right now an internal organization. Mr. Montoya's been really supportive. I've spoken with him on occasion on some issues that AFSCME Local 1782 has, as well as we are in the process of a labor management committee being put in place as well. And Mr. Montoya's been really helpful with that. The reason why we come today, Commissioners, is that we believe that there are a couple of few items that we would like to bring to a hearing and hopefully, prior to the hearing, working with Mr. Montoya

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and with the local, I'm hoping that we would resolve these issues but as it stands right now, there are a few members that believe that they deserve a hearing and they would like to go forward.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Okay. Thank you very much. So the pleasure of the Board is to—the direction is to have the County Manager bring names forward for us to consider for this appointment? Okay. Thank you.

VIII. STAFF REPORT

A. Report by the Fire Department

STAN HOLDEN: Mr. Chairman, if you'll indulge us just a second here, we're going to check this to make sure it's working since it's been setting for so long. And while we're waiting, as we informed the Commission at the last meeting, we have some invitations to the Pojoaque Fire Station grand opening. You'll see on the invitation, on the invitation it says it's a wet down. It's a traditional term where community fire trucks come to the grand opening and they douse the fire station with water.

COMMISSIONER TRUJILLO: And all the people around it?

CHIEF HOLDEN: If you can't move fast enough.

COMMISSIONER SULLIVAN: I assume that's to check for roof leaks. Is that correct, Chief Holden?

CHIEF HOLDEN: That could be one of the requested actions if you so wish, Commissioner. Okay, it looks like we're good to go. We appreciate the opportunity to give this presentation to you. Can all the Commissioners see the screen well enough? First of all, I'd like to talk about expectations and specifically the expectations have to do with the expectations of the public. Today, when someone calls for 911, they expect a fast response. And they expect that that help will arrive in minutes. They expect a trained 911 operator will provide the telephone assistance while they're waiting for that assistance to arrive. This is a national standard now that has been made popular by many TV shows including Rescue 911, where it is demonstrated time after time that 911 operators play a pivotal role in emergency response, especially on medical emergencies.

It looks like we're locked up, which looks like it's a good time since the Commission needs to order their lunch.

They expect that the people who arrive will be well equipped and well trained to prepare whatever emergency that they have and they expect the fire department to save their baby from drowning, their brother from entrapment in an auto accident, their father from a heart attack, their home from fire and their community from disaster. So it's a pretty wide range of services that your fire department is expected to provide in our community.

We are your largest department within Santa Fe County government. This is not something that's discussed very often and I would venture to guess that the two newest

Commissioners may not have known this. But if you look at our roster we have 396 personnel, 286 of those are volunteer firefighters and EMTs, 72 are volunteer auxiliary and support staff, and 38 are career personnel. We're the third largest fire department in New Mexico, 15 fire districts, 30 stations and 141 vehicles.

Our personnel are experienced and trained in vehicle extrication. This is an incident that happened on I-25. They're experienced with fire rescue and rescue training. They have specialized response teams. We really do. This is the high-angle team. This is the confined space and trench rescue team, to give you an idea of the specialized capabilities of your fire department. This is the swift water team. And this last slide, if you don't recognize it, is Cerro Grande. That was our wildland strike force team.

This is an organizational chart—

COMMISSIONER TRUJILLO: In this special area, do we have capabilities to respond to hazardous materials, emergencies—we see that on the screen.

CHIEF HOLDEN: Mr. Chairman, Commissioner Trujillo, yes we do. And we'll cover that a little bit more in depth when we get to the divisions under Hank Blackwell, but we do have some specialists in that area as well.

The important thing to point out here is that we have three specific divisions that are headed by three individuals who are very high quality individuals that Santa Fe County was lucky to get to head up these divisions and they do an excellent job. They're here with us today. Kevin Henson is the assistant chief of EMS, Jeff Saunders is the assistant chief of fire operations and training and Hank Blackwell is the assistant chief of fire prevention and special operations. He's also our Fire Marshal.

If you look right here, these make up the backbone of your fire department, and those are the 15 fire districts that are manned by volunteers. Jeff, why don't you stand up so they can see you just to make sure they'll recognize your face. He's the tallest guy in the auditorium. Jeff is responsible for facility maintenance. That's the 30 fire stations, five regional training facilities and our one current admin building. He's also responsible for fleet maintenance. We currently have two emergency vehicle technicians to cover 141 vehicles. Suffice to say that is not sufficient for the workload. He's also responsible for road rescue, swift water rescue, confined space rescue, trench rescue divisions and communications and dispatch areas, your regional emergency communications center coordination. He's our City fire dispatch liaison. He's responsible for doing the CAD maintenance on the fire side for the County, and he's also the representative for the County Commission to the Española 911 Board.

The fire rescue training division also is responsible for fire training for all personnel. That includes all the volunteers. Rescue training for those same personnel. And coordinating training with outside agencies when we either co-sponsor or bring in outside agencies to either assist us or we provide the training to them.

The next is fire prevention and special operations division. Most of you recognize and know Assistant Chief Blackwell. You saw him a couple of Commission meetings ago when he was presenting his Wildland-Urban Interface Ordinance. He's responsible for master plan reviews, subdivision reviews and commercial development reviews under the fire prevention

division, the wildland strike team, the urban-wildland interface, fire-wise community planning, fire inspections throughout the county, fire investigations for any fire that happens in the county, hazardous materials, weapons of mass destruction and emergency planning. There's also a small component that has to do with disaster management planning that ties in fairly closely and public information and education.

Next we have the EMS division. Chief Henson is also in the audience. Kevin, why don't you stand up? Kevin, it sounds like was just appointed to the Commission's health development team. And he's responsible for all emergency medical services that are provided in the fire department. He's also responsible for the regional crews, and that's the 24-hour/seven crews that are in the north, south, east and west that supplement and support our volunteers in those areas. He's responsible for EMS training, continuing education, EMS medical direction coordination. And that's county-wide, by the way. That also includes the City of Santa Fe and the private provider, Rocky Mountain here in town. Continuous quality improvement program, the northern New Mexico E-track Trauma Committee chair and he also is responsible for special EMS events like the recent Santuario walk which we just completed.

In May of 2000, as a result of the Commission's support and help in putting together the regional response teams, the National Association of Counties awarded the County Fire Department an award for its regional paramedic program that was implemented county-wide and was completed in 2000. That was a significant step for the County because before that we had no support in any of the four regions for any of our volunteers. And now in each of those four regions we have paid, 24-hour a day, seven-day a week paramedic firefighters in each of those four regions. And for that program, the National Association of Counties gave us this award. In addition, I might point out that now, Dona Ana County and San Juan County are requesting information and are looking to follow our lead for what we've done there and they're requesting more information so they can do the same thing in their county.

I thought it was important that the Commission understand the value of the volunteers in Santa Fe County. Because of the services that they provide we save \$2.5 million a year, and that's derived from the number of fire rescue EMS calls in the county. It includes that the district chief officer of each of the 15 districts put in, and it includes the training's and the meetings that they're required to attend, it's \$2.5 million and that's a significant cost savings that we receive that the public benefits from as a result of their volunteering. If you look nationwide, the value of volunteers is in the billions. It would cost US taxpayers over \$36.8 billion to provide those services with paid personnel. Volunteers comprise 70 percent of all firefighters in the US, and that's down from 75 percent just a couple years ago. And that follows a national trend in volunteer organizations, not just in the fire service. Volunteerism is down in the United States. The majority of the fire departments are of course volunteer-based. We could not be successful without all of our volunteers because they are our backbone.

So we have to continue to do whatever we can to support our volunteers, both in the field and administratively. The biggest complaint that we get from our volunteer district chiefs is the amount of paperwork that is required to run their district, and that's not counting mandated paperwork; that's paperwork that's mandated by the federal and state government.

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The average cost to train a firefighter is \$4,500. It cost \$7,300 to equip them. It's \$30,000 just to train a paramedic. A fire tanker fully equipped is \$140,000. And engine-pumper, fully equipped is \$220,000. A main station for a fire district is half a million dollars, and a regional fire station is \$650,000.

These are the major accomplishments that—

COMMISSIONER SULLIVAN: Stan, just one question. In your district chiefs, each of the 15 districts has a volunteer chief. Is that correct?

CHIEF HOLDEN: Yes sir, that's correct.

COMMISSIONER SULLIVAN: What are their responsibilities? Don't go into detail. I know they've got 1001 things to do, but I'm trying to get a feel, and I'd like the public to get a feel of how they interact with you. Do you boss them around or do they boss you around? That type of thing.

CHIEF HOLDEN: Well we hope neither happens, because ultimately the Commission is responsible and ultimately the Commission has the authority. Through 1997-11, a Santa Fe County ordinance, the Commission, through the Fire Chief administers all the 15 fire districts in the county. As a result, the 15 fire districts who are volunteers report to me, and then ultimately of course to the Commission. They're responsible for everything that happens within their fire district, especially when it has to do with individual calls, rescue calls, fire calls, EMS calls, that occur within their fire district. They're responsible for conducting their meetings, conducting their trainings. They're responsible for attending a monthly meeting with the fire administration staff, so we convey information back and forth and from an operational standpoint, they're responsible for operating their fire district and overseeing their volunteers.

COMMISSIONER SULLIVAN: Is there some mechanism, if someone calls a fire station and it's not a 911 call, it's an administrative call. Maybe someone has a complaint or loud card playing, whatever it might be. Is there a central place where those calls would go if that fire station can't respond to them or do they just sit on the answering machine?

CHIEF HOLDEN: We try to direct all administrative calls to fire admin because we have the paid staff there at fire admin to answer the telephones and address those issues as they come in. If you were to call a fire district phone number, the majority of time during the day, unless it was on a night that they were having training or a meeting, there would be no one there to answer the telephone. It would go directly to a voice mail or a message machine. And if it's something that the fire district chief believes he can handle then he returns the phone call. If he believes it's something the fire administration should handle, he ups the phone call and refers it to fire admin.

COMMISSIONER SULLIVAN: The reason I ask is that I'm thinking of just citizen service, just routine questions, whether they have to do with the fire life ordinance or anything. Because I recall during the campaign recently last year, I talked with you on several occasions and I called all of the fire districts in District Five. I forget how many of them there are; I think there's four or five. The only one that ever responded to me was Edgewood. So I wondered if there was a mechanical mechanism there that was a problem or if there's a protocol

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for a log sheet so that when a citizen calls, someone responds to them. How is that handled?

CHIEF HOLDEN: Well, to be quite honest with you, Commissioner Sullivan, we had not addressed it to that level yet. When we started three years ago we basically had 15 independent districts running completely along without direction from the County, including from the County Commission. So our biggest role for these last three years has been to try to establish some form of administrative order and organization to the Fire Department and we have focused primarily on safety-sensitive tasks, those things that may lead to an injury or death for one of our firefighters. So that's what our focus has been on. Ultimately, yes, we would like the organization to get to a point where we have specific policies and procedures to address every detail of how the department should be operated but currently, the answer is no, we do not.

COMMISSIONER SULLIVAN: I've been to the trainings, I've seen some of the training sessions in Eldorado, the CPR sessions and so forth and there's a great outreach there and obviously from the size of your organization and also from the size of your budget, you look to be one of the few County operations that's making money here. We could perhaps do more of this and I see your projected income is about \$500,000 more than you're budgeted income. So this is what we like to hear. But I just think that as we get somewhat more sophisticated administratively we need to think about public relations and response to the community in day to day issues. I think we did real well on that in the ordinance. Most people who came forward said Mr. Blackwell has consulted us. We've gotten copies of the drafts. So I think that, people were appreciative of that. But certainly, from the standpoint of the telephone you say to yourself, Gosh, if the fire department doesn't get back to me, what happens if it's an emergency. And of course in emergency you call 911. I understand that. But nonetheless, if we could develop some protocol for that I think it would be useful.

CHIEF HOLDEN: Certainly and I agree. I would like to point out specific to the ordinance issue, the Wildland-Urban Interface Ordinance, Chief Blackwell returned all those phone calls individually and it was because the people were instructed to call the office and specifically his phone number. The Fire Department has no administrative staff support as far as secretaries or administrative assistants on staff. So the four of us basically answer our own telephones and we do all our correspondence as individuals. So if we're out of the office, then it's obviously incumbent upon us to return those telephone calls once we get back to the office, since we have nobody coordinating the effort.

But on the volunteer side, it's very difficult because at any time, you don't know if it's going to be the most junior rookie firefighter in the Eldorado fire district that picks up the phone or plays the message and then fails to deliver the message to the district chief may be in the station at the time the phone call comes in. So I understand your concern and certainly customer support and service is a big issue for me, and we will address it over time. It's just we've been focusing on some bigger issues.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: I think you said a little bit ago that the reason that you're successful is because of the volunteers out in the county. I'd just like to see that

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they feel that the reason that they're successful is because of the support that all of you provide. The morale in the volunteer infrastructure in Santa Fe County is at an all-time high. I was just talking to the fire chief in Pojoaque last week and they're completely ecstatic. This department is a shining star of Santa Fe County and I want to commend you guys.

CHIEF HOLDEN: Mr. Chairman, Commissioner Trujillo, I appreciate those comments. We definitely try. As far as admin, we have a goal that we treat each of our fire districts just like they're our customer and we operate in that fashion. So we hope that's the response that you would get from any of the 15 districts if you were to talk with them in general.

The major accomplishments—Mr. Chairman, I know that we're running a little bit long here, but the major accomplishments, first of all, I think it's very important that we point out the reorganization and restructuring of the 15 fire districts into the Santa Fe County Fire Department. That was Santa Fe County Ordinance 1997-11. The reason that has to be the focus is that we would not have been able to accomplish many of the things that we've done so far as the fire department without that ordinance in place. There was a great deal of groundwork that had gone into preparation for that ordinance before I even got here. The Commission working with Chief Saunders when he was the president of the Chiefs Association and others basically put us on the right track to get that ordinance approved and passed by the Commission and it has been an excellent instrument to organize and administer your County Fire Department.

This is the same instrument that Dona Ana County and San Juan County are interested in copying. At the same time, the development of the County Fire Department administrative staff has been significant in accomplishments. With Chief Henson, Saunders and Blackwell we would not have been able to make many of these accomplishments in the very short time period we've accomplished them. We've mentioned the NACo Achievement Award previously, the adoption and implementation and completion of the first five-year plan, which was approved by the Commission about three and a half years ago, we are in the final year of that. We're in year four and we'll be finished a year early.

We've implemented a funding plan that includes the '98 revenue bond that was funded with a quarter cent gross receipts tax from fire protection. The '99 GO bond, the voter referendum on the third 1/8 gross receipts tax, which was the redirection on the Indigent care fund toward funding the paramedics in the four regions.

We've constructed the Pojoaque Fire Station, which is their main station but which is also the northern region headquarters for Chimayo, La Puebla, Pojoaque and Tesuque. We've adopted county-wide EMS protocols. That means that any EMT or paramedic in any part of the county, if they respond to your house are all operating under the same set of medical protocols. They will treat you the same whether you're in Edgewood or Cundiyo. Adoption of county-wide policy procedures, directives and guidelines has been one of the major accomplishments, trying to get 15 fire districts that were at one time independent and operated as such, and basically, were going different directions to agree and move forward in adopting these policies, has been a huge accomplishment.

We also have a single, county-wide medical director, consulting pharmacist. We've adopted the current UFC and FPA fire and life safety codes. County-wide special operations capability, as we referred to, obviously, earlier, and we've established a state-wide wildlands strike team which was the first in the state to cooperatively enter into an agreement with the New Mexico Resource Mobilization plan with the State Forestry Division.

CHAIRMAN DURAN: Thank you very much Stan.

CHIEF HOLDEN: Quickly, we'll end here. There's our current admin building and with your approval today of the Public Safety Building, this is what we hope to be in within a year's time. Thank you very much, Commissioners.

CHAIRMAN DURAN: Great.

COMMISSIONER SULLIVAN: Stan, by the way, the green grass in that picture got deleted as one of those alternates that we were debating very vigorously earlier on.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, we all about had a heart attack when the architect delivered that drawing with all the green grass, Commission, thank you for your time.

CHAIRMAN DURAN: Thank you, Stan and thank your staff. You have really brought this department to an unbelievable level. Thank you.

VII. PRESENTATIONS AND AWARDS

C. Presentation by Las Campanas regarding its plan for surface water diversion

GARRIT CORMANY: Thank you, Mr. Chairman. I'd like to introduce Sue Umshler who is with Long Planning Resource Associates and is our consultant on this project. Sue will give you an overview of some of the work that we have done to date and some of the information that we either have developed or are in the process of developing. As a matter of introduction, Sue's background is in several technical areas. First of all, she is an attorney by training. She's also a professional engineer by training and has considerable amount of experience and timeserving in the EPA. So we are going to ask her to give an overview of our alternatives and then we'd be more than happy to respond to any questions that you might have.

CHAIRMAN DURAN: I'm sorry sir. Could you please state your name for the record. Commissioner Campos wasn't here.

MR. CORMANY: Yes, thank you. I apologize. My name's Garrit Cormany and I'm the executive vice president and general manager of Las Campanas. I also have copies of these diagrams that I'd be happy to distribute to the Commission if you would like to have a set of those each yourselves.

SUE UMSHLER: Good afternoon, Mr. Chairman, members of the Commission. Thank you very much for having us today. Las Campanas is proceeding with a project to divert water from the Rio Grande River at the end of Buckman Road. They are doing this in conformance with the agreement with yourselves, with the May 1994 agreement

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with the Santa Fe County that required them to develop a replacement water system for the development. There are several alternatives for the replacement facility that they could develop, but it was always anticipated that going down to the Rio Grande River and actually diverting water at that point and bring it out to the project, it was always one of the contemplated options.

So they are proceeding on a track to complete that diversion by the date they have agreed to with you, 2004. In order to meet that date, we have to obtain a series of federal permits. The actual structure would be located in the river and that will require a Corps of Engineers permit. The land right along, adjacent to the river is Forest Service property and that will require a special use permit to actually construct facilities there. And the land that the pipeline would be on to bring the water up the hill and two of the booster stations is on Bureau of Land Management property, and they will be issuing us a right-of-way.

All of those permits also require a National Environmental Policy Act analysis, which is either an environmental assessment or an environmental impact statement. Las Campanas has sent a letter of invitation to the County, to yourselves, inviting you to join in this project. There are many reasons for trying to ascertain the scope of the project, one of them is this NEPA process. We are having a meeting tomorrow with the federal agencies and they want to know how large, what the scope of this project will be, and for that reason we wanted to have this discussion with you as well as with the City to determine how much disturbance and how large the facilities would actually be.

In any event, Las Campanas is proceeding with the basic project, which would bring out the 1800 acre-feet that they need for their development purposes, and that in itself is a benefit to the area because your agreement with them has required that they got off of the Buckman well system, and once this project is completed, they will be able to release that lease and that groundwater will then be available for the region.

What I'd like to do at this point is step to the posters and talk about the three different alternatives and I am willing to take questions at any time, so you can interrupt me any time.

CHAIRMAN DURAN: Well, I have one. You realize we are working towards a summit with the City to discuss how we're going to go to the river collectively. And I think that's in June? May 16. How does that date tie into the time constraints you're working under?

MS. UMSHLER: Mr. Chairman, that would be very timely for us. What we are proposing to the federal agencies tomorrow is that we would like to start the NEPA process in June, and so if we have sort of defined the project's scope by the first of June we will be able to embark on either the environmental assessment or the environmental impact statement. So that's very timely. If we can have that discussion with the City and determine if this is the appropriate time for joinder.

We are also working very hard to plan this project in a way that the County and/or the City can join at a later date and to structure it so that will be a feasible alternative because we know that you have to go through your own public processes before you could make firm commitments. So we are not asking for a firm commitment. What we are seeking at this point

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is just a level of interest so that we can report to the federal agencies whether or not they can expect that this will be larger than the Las Campanas project only.

CHAIRMAN DURAN: Okay. Any other questions? Thank you.

MS. UMSHLER: My name is Sue Umshler. And I'm with Law and Resource Planning Associates. The first alternative that we are examining, and I will mention with all of these alternatives there are two things that we consider a given. One of them is that you will have to have a pipeline that brings the water from the facilities at the river up to the hill, so there will be about 12 miles of pipeline, and there will be at least two booster stations that are required to get the water to the top of the hill.

The second similarity that all of them will share is that this water will be raw river water and it will not meet Safe Drinking Water Act standards, so it will require treatment before it can be introduced into the potable system. The proposal that Las Campanas has at this time is to place a treatment facility at the top of the hill on their property, and that is where the water will be treated for the potable use. Any water that is diverted for irrigation on the golf courses will not be treated and that will bypass the treatment plan.

COMMISSIONER TRUJILLO: Mr. Chairman, as part of the NEPA process, are you required to submit information regarding the quantity and quality of the water that exists in that area? Are you doing studies or analysis in that regard?

MS. UMSHLER: Yes, Mr. Chairman and Commissioner Trujillo. That is required. We are going to have to examine all of the impacts at the river itself and the land construction, and in order to do that we will have to evaluate what the water quality is at that particular point in the river. We will also need that information in order to design the treatment plant, because we will need to understand the chemistry of the water so that we can then effectuate meeting the Safe Drinking Water Act requirement.

COMMISSIONER SULLIVAN: Sue, a question also. In the first infiltration gallery alternative, I take it then that this alternative is not a Ranney well.

MS. UMSHLER: No. Commissioner, this is not a Ranney well. A Ranney facility will not work in this particular—our geohydrologists have told us that we cannot construct a Ranney facility at this point. We do not have the right geologic strata underneath the river.

COMMISSIONER SULLIVAN: Because as I recall, one of the benefits, I believe stated in the Boyle report for the Ranney wells was that, if they work and produce adequate flow a water treatment plant is not required other than chlorination. And we can mix waters with the current well supplies.

MS. UMSHLER: Yes, Mr. Chairman, Commissioner Sullivan, that would be true, however, you would have to comply with the New Mexico Environment Department regulations and water from either a Ranney facility or an infiltration gallery is classified as groundwater under the influence of surface water. That's what they call it. And you have to go through a very rigorous testing program to prove that you do not have to meet the treatment standards for a surface water system. So I think anyone who put in a Ranney facility would have to go through that testing procedure at some length before they could absolutely say they

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did not require treatment.

COMMISSIONER SULLIVAN: But if your geologists then feel that a Ranney well would work, this is similar to a Ranney well in this particular alternative with the perforated pipe and essentially a horizontal well-type configuration.

MS. UMSHLER: That's correct.

COMMISSIONER SULLIVAN: What makes you think that would work?

MS. UMSHLER: Well actually, we think that this option has a lot of problems.

We definitely think that we would have to treat this water. We do not anticipate that any water we would divert would not require treatment, so we are not operating under that planning assumption. But the difficulty with the infiltration gallery is that it is about 2,000 feet of pipe that's perforated and it will be buried about 30 feet deep. The difficulty with that is that you must disturb approximately a half a mile of riverfront to install the facility, and because an infiltration gallery will clog, will collect the sediment and the other debris that occurs in river water, eventually, you will have to go in and replace it. The maintenance is to essentially replace it because you would have to clean out all of the clogged material. So every few years we would have to go in and completely redo that half-mile of vegetation disruption.

The other difficulty is that an infiltration gallery will de-water the riparian area, so we would probably be killing all of the trees in that half-mile stretch. But probably the biggest difficulty we have with the infiltration gallery is that it will only bring up 1800 acre-feet of water. Our geo-hydrologists think that that would be a maximum yield. That would only accommodate the needs of Las Campanas. There would not be any way for additional water to be brought up through this facility for either the County or the City. And there is no way to really increase the yield for an infiltration gallery except to install much more pipe. And so even then, you may not be able to increase the yield.

So we believe the infiltration gallery does have some technical problems and some delivery problems. It is certainly not compatible with a regional solution. It's kind of a one-party deal. One group would be able to use it and that would be it.

There are some advantages, of course. An infiltration gallery will be beneath the ground and it will not be seen and it will not be subject to vandalism and other types of security measures, but the difficulty with not being able to turn it on and off is that you take the water that you get and if you're not getting water, then you're going to have to go and replace that facility. So we have identified quite a few problems with an infiltration gallery, and that's why we went to option #2.

Option #2 is a facility that CH2 Hill, the design engineers that we're working with, have identified as a type of facility that is constructed quite frequently in the Pacific Northwest and it is an intake structure that actually has a pipe that allow the water to flow over it and by gravity go into a sump pump area, and then the water can be pumped up to the sedimentation basin. This option does require that we have sedimentation basins fairly early in the system because it doesn't have the filtering activity that goes on in an infiltration gallery. So we will just be bringing up raw water that will be loaded with sediment and sand, and we want to be able to remove that sand before we pump the water further up the hill for the treatment plant.

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But this option has a lot of advantages. One of the advantages that you can see immediately is that it has a much smaller footprint. It will only be disturbing about 40 feet to maybe 100 feet on the river's edge and it will only be out in the river probably about ten to 15 feet. So it is not going to have the significant disruption that an infiltration gallery would have. The second major benefit that we've identified is it has the capacity to bring up much more water. We have estimated that for Las Campanas only, we only need about two screens across this structure. If we added the County's additional San Juan-Chama allocation and the water rights that the County might be able to bring up from the river, that would only add one screen. And if we added the entire San Juan-Chama allocation that the City and County have together, the 5600 acre-feet, that would only require installing approximately eight screens.

So we think that this facility would have the capacity to mesh with a regional solution in allowing all of the entities in this area to access the water supply that they need to match their water rights.

The engineers have currently said that they think this facility will go up to about 12,000 acre-feet without modification. If we go much higher than that, then you definitely have to go to option #3. So there are some constraints on this system in terms of what it will deliver. The other constraints are that this system requires a very stable river bank. So we're in the process of doing some geomorphology studies at this time to determine if we have a stable bank and that the structure will not be compromised by large floods. We believe that is the case because the river has been constrained by dams and reservoirs upstream, so we believe that it will be quite stable and that this section of the river has not moved.

The other thing that we require for this option is flowing water, because you are depending on the water to flow over the screens into the sump. We have been analyzing the Otawi Gauge records and we have indications that this stretch of the river has never dropped below 200 cfs since 1964. We think that's probably a function of the dams upstream as well, because you have regulated flow and you have the San Juan-Chama demand for contractors south of this area, so there's always water flowing past this stretch of river. So we think that this facility will work in this area and will be a dependable supply of water.

CHAIRMAN DURAN: Excuse me, Sue. How many drought years have we had since 1964?

MS. UMSHLER: Mr. Chairman, I could get the graphs for you, but there have been some significant drought periods. There have been two or three-year periods when we've had very dry conditions. That 200 is the minimum number that occurred in those time periods. The average flow of the river in this section is about 1500 cfs and peak flows have gone as high as 10,000.

CHAIRMAN DURAN: And at what flow does this facility cease to work?

MS. UMSHLER: It would cease to work if we had zero flow, if we completely dried out the screens, which means it would have to drop significantly. This photograph was taken in December when we had very low flows. This would be very characteristic of a low-flow time period and this is about 500 cfs. So if we put the screens, if we can place them below that water surface, this facility should always work.

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MR. MONTOYA: Mr. Chairman.

CHAIRMAN DURAN: Sam.

MR. MONTOYA: Mr. Chairman, could I ask a question. Could you tell us what the cost would be between alternate one and two? Construction costs?

MS. UMSHLER: Yes, Mr. Montoya, we do not have the actual costs ascertained at this time because it would be a violation of NEPA for us to have pre-selected any alternative or made actual designs. But our preliminary numbers indicate that the facility in number two would cost about \$11.5 to \$12 million for Las Campanas only. If we added 1000 acre-feet capacity for the County, it would raise the price to about \$15 to \$15.5 million. Option #1 would cost more than that, primarily because of the increased disruption to the river, the complications in the construction. It's going to be much harder to build that infiltration gallery. And then the higher maintenance cost long term. So we think that alternative one would be more expensive, but we haven't put as much thought to its price because it's not our preferred option.

MR. MONTOYA: It's not reliable, basically.

MS. UMSHLER: Right.

MR. MONTOYA: Thank you.

CHAIRMAN DURAN: So just to finish my question, at what level of cfs—is that what it is?

MS. UMSHLER: Cubic feet per second.

CHAIRMAN DURAN: Does this method cease to work?

MS. UMSHLER: It would have to drop to zero. We would really just have to have zero flow in the river. In comparison, if we have 200 cfs as the lowest we could project even in a really drought year, Las Campanas only needs to bring up an average of 2.5 cfs, five in a peak time period in the summer. To add the City's and the County's entire San Juan-Chama water we would only have to increase the flow to 20 cfs. So that's a very small percentage of what we think the very lowest flow in this stretch of the flow in the river will be.

CHAIRMAN DURAN: And the lowest recorded flow is 500, did you say?

MS. UMSHLER: Two hundred. Since 1964.

CHAIRMAN DURAN: So in that year, if we had this thing in place at that time, we'd have dropped the river to 180. Is that correct?

MS. UMSHLER: Right. The river would have dropped to 180 in a peak demand time period in the summer.

CHAIRMAN DURAN: Okay. Thank you.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Just to ask you some general questions about the river itself and how it relates to the rest of New Mexico. Currently, as we know, along the Rio Grande there's lots of claims to Rio Grande water and San Juan-Chama is part of those claims but when you look at the actual reality of the water, when you have drought years, when you actually are at the 200 cfs level, do other factors come into play into trying to determine

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how much water we can actually pull out of the Rio Grande? If it's running low up here, I'm assuming it's running low down in Dona Ana and down in Socorro. Are there going to be challenges when we try and access the water on low years? Or is that all going to be addressed up front through this process, who has the right to the challenges for that water when you have the low flows.

MS. UMSHLER: Mr. Chairman and Commissioner Gonzales, actually, that would be more a function of state water law, because that's where we would wind up in the priority system and when you're in a dry year, then the senior water rights will get their water. And if the junior water rights, if you're trying to pull out junior water rights upstream, you will not be allowed to do that. However, the big difference for this particular stretch of the river is the San Juan-Chama, which is an inner basin diversion. You're very fortunate in your position here because the San Juan-Chama contractors are basically downstream. So when they demand their water, that water is going to be flowing by. You are also a San Juan-Chama contractor so you are on equal priority basis with all of those contractors. So there should be no challenge to the ability of a San Juan-Chama allocation to be taken out of the river.

Las Campanas' water rights, they have in addition to a lease with the City of Albuquerque for San Juan-Chama, they have 600 acre-feet of native river water rights that they have purchased, and that water would be based on the priority system. The priority date that they have for their water rights would be compared to other priority date users in allocating that water.

COMMISSIONER GONZALES: So assuming Las Campanas is fully allocated on their San Juan-Chama lease and they're having to rely on those river water rights, if the river is at such a point that there's other priority water rights that claim it, does this system have the capability of determining what can go in and what can't?

MS. UMSHLER: The state water law would.

COMMISSIONER GONZALES: Right. But is the system going to—there may be a point where you have to cut off how much is coming in, I'm assuming.

MS. UMSHLER: That's exactly right, Commissioner, and that's why this option is better than option #1 because we can turn this on and off.

COMMISSIONER GONZALES: You can regulate the flow in.

MS. UMSHLER: Right. We can valve it, and that's a very beneficial thing for the peak requirements as well, because in the winter time, you're not going to need as much water flow. In the summertime is when you need your peak water flows, so that's why you're going to have an average draw over the year, but you may take five cfs in the summer and one of a half a cfs in the winter, or none.

COMMISSIONER GONZALES: Is there a storage component to this? Do you want to take advantage of very heavy peak seasons when you have a huge runoff, you want to get the water when you can. Can you do it in this system and then store it over a period of time somewhere?

MS. UMSHLER: Commissioner Gonzales, that would be an excellent addition to this project because what this is doing is just actually getting to the river and diverting the

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water. Once it's brought up the hill and treated, then there have to be some decisions about storing it, saving it for peak, using it for aquifer recharge, which is a possibility. And in the infiltration gallery option, you have to have storage, because it would be the only way to meet your peak. That's one of the reasons why that alternative becomes more expensive is because you have to have tanks, you have to have some type of storage system.

For the option #2, the storage system could be based on your needs and your planning objectives and not a requirement of making your deliveries.

COMMISSIONER GONZALES: One final question, Mr. Chairman, in terms of the water flow. Based on what we know of the history of the Rio Grande and how much water is being taken through it, is there a reasonable chance that we may not have enough water to exercise everyone's rights to it?

MS. UMSHLER: Mr. Chairman, Commissioner Gonzales, I think there's always a chance of that in New Mexico. We are in a desert western state. But the river is a more sustainable supply in that if you have a low-flow year, everybody is facing a shortage. The difficulty that the Santa Fe region has right now is that you're dependent on aquifers that are depleting. The Buckman aquifer is dropping seven to ten feet a year. Some of the reports I've seen. The reason why the yield in that well field has dropped is because there has been more withdrawal than recharge and some of the screens are actually above the water table. So you can't physically go to the Buckman and get water as a back-up.

If your surface water system over in the Santa Fe disappears, for instance if you had a forest fire or if you had a no snow flow there—

COMMISSIONER GONZALES: You're talking about the watershed?

MS. UMSHLER: The watershed. Then your plan B is a well field that is depleting and this option gets you down to the river where there is another alternative, so that you can manage what resources you rely on. It is the way for you to assure that you've maintained access to your San Juan-Chama rights, because there is some question about whether the Buckman field is actually being recharged by the river, and if that water is not offsetting your depletion of the Buckman, or you can't take all of the water out of the Buckman well field, then you need another place to find the wet water.

COMMISSIONER GONZALES: Yes. And I guess my point was, I understand the point of the San Juan-Chama having priority rights, being able to move it through the diversion system. Other water rights that we may purchase that—and my question more so as to the flow of the river and the quantity of water that's moving through, based on what we know, are we going to be limited to only San Juan-Chama? Is there enough quantity flowing through that river that we could access other water rights up there that we could take through the diversion system?

And I understand your point. There's always the threat but we can also do some analysis and understand what's happening and through some of the weather patterns and some of the additional uses that are going to the river. My point is will our community, will Santa Fe be able to use a diversion alternative two and affect the river for thing, other water rights outside of the San Juan-Chama or are we just going to be building this system to access the San

Juan-Chama and only the San Juan-Chama, based on the quantity of water that's moving through the river and who have access to that water all the way up and down the Rio Grande.

MS. UMSHLER: Mr. Chairman and Commissioner Gonzales, you will be able to use this for other water rights. It only requires that you have designated that as the place of diversion for those water rights. And then you're just in line with all of the other priority users.

If you have a senior water right with a very early priority date, you probably will never be cut off and you will be able to always use this system to be able to bring up that water.

The way the Rio Grande is regulated at this time with the dams, I think it's very unlikely that this particular region is going to have a dry stretch of river. The concerns about the river drying up happen much further south, particularly with the San Juan-Chama because it passes by you and that keeps—and you're also at a higher elevation. You have less evaporation, less loss to carriage, and so I think your water rights are actually much more secure than downstream San Juan-Chama users who have to bear the cost of that carriage loss and evaporation loss and it has to get down to them, which is quite a far distance.

COMMISSIONER GONZALES: Thank you for your answers. That was very helpful. Thank you, Mr. Chairman.

MS. UMSHLER: Well, in the third alternative, which can be added. If you build alternative #2, at some point if your water quantity requirements get very high, then alternative #3 can be constructed. For the NEPA process we have to analyze alternative #3 at this time, but the quantities of water that would be brought up with this facility are not necessary for Las Campanas at this date. It would never be, because Las Campanas is only going to be taking 1800 acre-feet, that's their total amount that they will require at build-out and won't be asking for more.

But this has the d-word in it. It does require that the dam be constructed across the river and the proposal that we've put forward is one that has an inflatable dam, a dam that can be lowered and raised. When you need the extra capacity you can raise the dam, and during times of floods and other period, you can lower it. But you also have to have the same type of facility. You have to have alternative #2 or some other type of pumping system to get the water up the hill, so this is of course the most expensive alternative because you would have to be constructing and maintaining the dam in addition to the other delivery facilities.

So if you're ranking these alternatives in terms of cost, we think that alternative #2 is the least expensive, alternative #1 would be the medium priced alternative and alternative #3 would be the most expensive. And as you know, with the NEPA process, there's one other alternative that we have to analyze and we call that the blank board alternative. We also have to look at the no-action alternative, and that would require leaving everything at the status quo and potentially just renegotiating the lease of the Buckman facility.

So are there any other questions that I can answer for you? One of the things that we are trying to take to the federal agencies are any concerns that we hear, and Commissioner Gonzales, we will be writing down your questions to present them as the public concerns that have come up during the process. We are also doing a whole series of pre-scoping meetings. We are trying to go to as many public groups as we can to talk to them about the project and to

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gather their concerns and each potential alternative that they might identify that we have not, so that it can be put into our NEPA process.

COMMISSIONER GONZALES: Mr. Chairman, from an environmental standpoint, have you identified environmental barriers that exist out there. I know we hear about the silvery minnow and endangered species along the Rio Grande. Does the NEPA process identify and also in terms of the routes, across BLM and Forestry land, are there cultural sites? Once you determine or once we've selected it, we need to determine what method we're going to pursue. That would have to be part of the process of identifying endangered species.

MS. UMSHLER: Yes, Mr. Chairman, Commissioner Gonzales. We will have to analyze all of that in the NEPA process. If you look at this site map, we are going to have to be identifying any and all endangered species that might be affected by the project. We are going to have to an archeological clearance for any and all areas that would be disturbed. If they are encountered during construction, we must stop and re-evaluate the archeological clearance. So all of that would be ongoing during the process.

NEPA requires that we up front identify all of those issues and work to mitigate any impacts to the maximum extent possible. It may require realigning the pipeline route if we have to go around a historic site. We do know that the minnow does not live this far north so we know that we don't have the minnow in the river here because the waters are too cold for that particular fish. But as Commissioner Gonzales has noted, the river is an interconnected thing, and so we think that people downstream are going to be very interested in this project because of its potential impacts to the minnow downstream.

So we are trying to meet with those groups as well to address their concerns if we can.

COMMISSIONER GONZALES: One final question. The time line for when you reasonably expect the federal government to review this request.

MS. UMSHLER: Mr. Chairman, Commissioner Gonzales, we are very hopeful—I will put it that way—we are trying to work with the federal agencies to try to start the NEPA process in June. We would like to have our permits approved by the end of this year and begin construction in 2003, after the final design is done, and have water flowing in 2004. But of course we are subject to the federal agencies and they may extend that schedule but that is what we are currently trying to shoot for.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo and then Commissioner Sullivan.

COMMISSIONER TRUJILLO: You stated that it looks like, because of the mining of the water table, the aquifer and things like that that the river will be possibly the only sustainable source of water for the community. As more entities tap into the river—Española is going to need more water rights, there's rampant growth going on upstream of the diversion point here—you don't anticipate that there will be a zero flow of water, zero cfs through the river there? On top of that, what do you think the impact on the traditional usage of water is,

because the acequias up north are dependent on the river to fill with water. So that tells me it could potentially, because of the growth and not wanting to compromise additional usage of water, therefore there being more zero cfs downstream.

MS. UMSHLER: Mr. Chairman, Commissioner Trujillo, the engineers and myself do not think that there will ever be a way to zero the flow here because the San Juan-Chama water is not related to this basin. It's water that's coming out of the Colorado River Basin and being brought over into the Rio Grande Basin. Those waters do not affect any of the traditional uses or the priority water rights of the users in the Rio Grande system. That is additional new water, and it has to flow by this section of the river to get to contractors downstream who have a much larger volume of the San Juan-Chama water.

So we do not think it's possible to zero the flow of the river because you have so many large demands downstream that have their water going to them. And Commissioner Trujillo, the water rights system in New Mexico, the state law is there to protect the traditional users and the priority water right holders, and that system is where that sorts itself out. In New Mexico, you cannot go down and just grab water. You have to have a water right to do it, and that water right is set up in a priority based system to protect those senior water rights. So I do not think that there is going to be any impairment or damage to them, because the water rights that are being diverted here are in that system and they must be subject to impairment review.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Do you anticipate that this will require an environmental assessment or an environmental impact statement?

MS. UMSHLER: Mr. Chairman, Commissioner Sullivan, we pray that it's an EA and it may be an EIS. We have already spoken to all three federal agencies and they agree that technically, this project does not come up to an environmental impact statement level, but that depends on who joins, which is the reason that we are here talking to you and we really want to participate in the water summit, because if the City does join, the City will have to have a much larger treatment facility, and that would undoubtedly be an environmental impact statement. But we think that if it is just the Las Campanas and the County only as the initial project proponents moving forward, that it would stay at an environmental assessment level.

COMMISSIONER SULLIVAN: If an EIS were necessary, how would that change your time schedule?

MS. UMSHLER: It would add at least two years. An environmental impact statement would take, the earliest would probably be three years for that to turn around, so it would add about two years to our schedule before our permits would be approved.

COMMISSIONER SULLIVAN: So what you're saying then is you're really not encouraging the City's participation at that point because it would add two years to your process and that would put you beyond your 2004 deadline.

MS. UMSHLER: And then we would be back here talking to you, because we think that if the City did join us, it does create that time difficulty. It will take longer, but in order to effectuate a regional solution, the federal agencies would very much like for all of the parties to be working together. And if that were a way to facilitate that, by doing an

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environmental impact statement and have all of the parties join, that would be a positive thing for the region, and that is not something to be discouraged when we just have to recognize the additional time that that would require.

CHAIRMAN DURAN: We would just have to extend our agreement with you.

MS. UMSHLER: Yes. We would have to have an extension to that agreement, because I don't think we would be able to have water flowing by 2004.

COMMISSIONER SULLIVAN: And then in terms of your additional outreach, you're talking about doing presentations like this to other groups, what coordination are you proposing with the City? The City as you know has just recently hired a contractor, an engineer to evaluate several alternatives, this being one, and to focus on the diversion as a priority path, and they're just about to hire a NEPA contractor. I believe the proposals for that were due in April 27, just three days ago, to do, I assume, essentially some of the same NEPA work that you will be doing, at least on that routing which they also feel is a priority in their study.

So on the surface here it seems like we have two groups doing the same thing, or am I wrong on that?

MS. UMSHLER: Mr. Chairman, Commissioner Sullivan, it does appear that way and so we actually are meeting with the Bureau of Reclamation representatives who are coordinating that environmental impact statement with the City. We are meeting with them tomorrow to try to find out if that is the case, or if we have two really separate projects. Because the City may be—I believe that their study encompasses evaluating many alternatives for the location of the diversion, including the Ranney system at San Ildefonso and something down at Peña Blanca. And we aren't sure that at the end of their EIS they will have permits in hand. And we actually intend to have a permit in hand when we complete our NEPA study.

So if that EIS is not going to generate permits, we are doing separate projects. If that environmental impact statement does anticipate generating permits, then we very much want to coordinate that with the City and not overlap and do a study in the same area. That is more information that we will obtain tomorrow.

COMMISSIONER SULLIVAN: My understanding from talking to the City Hydrologist is that they have a two-pronged approach and one is the diversion, the Buckman diversion, and that they anticipate, even with storage, and are hoping as you are that it's an environmental assessment and if the contractor is to move forward on that on one phase, and then to evaluate reclamation and reuse alternatives and the NEPA process in the other areas as another fork of the two-pronged approach. So I got the impression that they too are open for an EA and that they too are studying the same site and they too are studying the same routing or a similar routing which includes Buckman rights-of-way wherever possible, Buckman Road rights-of-way. So there would seem to be some mutuality here that we could capitalize on.

MS. UMSHLER: Mr. Chairman, Commissioner Sullivan, you're right and we have sent a letter of invitation to the City saying that we would like to work with them and join with them because it does make sense that if we were going to be doing the same thing in the same place that we work together and capitalize our resources so that we can get the maximum

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benefit for everyone. So we have asked to sit down with them, have the same kind of discussion and presentation. We very much want to work with them in any way that we can.

COMMISSIONER SULLIVAN: The last think that I would suggest that you also should talk with the Bureau of Reclamation people about the regional concept. We've had a presentation in our water summit about the funds that Senator Domenci is working on, the \$1.5 million that I understand has been committed to study the regional water system which I see more of a northern arm which ultimately would connect into the Santa Fe system but nonetheless would provide San Ildefonso and Pojoaque and Española with water where they have not only a water quantity problem, they have a water quality problem.

Again, my understanding is that for federal funds, for this to be available at the federal level, we have to have a regional system. Now, one could say in effect, if we need to, that this is the first step of a regional system. I don't know but I think the maps and the boards have to go further north and begin to look at what is going on up there, even though understanding that is not Las Campanas' responsibility, but as a part of this total regional construct we've had it beat into us pretty heavily that federal funding is going to rely heavily on us not undertaking this on a piecemeal basis.

MS. UMSHLER: Mr. Chairman, Commissioner Sullivan, I think that any time you have federal funds, you're going to have NEPA attached to it and you're going to have those kinds of requirements. But it's also very important for the region to have as many alternatives as possible, because you have domestic needs that require that you meet public health and safety requirements in your communities. So you don't want to restrict yourself to any one alternative. But the thing that we really like about option #2 is that if Las Campanas is able to proceed with their project, we will not interfere with that regional program. We may even be able to help facilitate it by having a structure that the City and the County can attach to later.

We can construct it for eight screens and leave them blank until such time as they're ready to be constructed. And so option #2 allows everyone to go down to the river and get their water at the point in time that it's appropriate for them. And so we think that is the most amenable to a regional solution and is not in any way interfering if our plans have to take separate paths.

CHAIRMAN DURAN: Great. Thank you, Sue.

MS. UMSHLER: Thank you very much.

CHAIRMAN DURAN: So do you plan on being at the summit with the City and the County? Has that been set up?

MR. MONTROYA: Mr. Chairman, it's been set up for May 16th.

CHAIRMAN DURAN: Is Las Campanas going to be there to make a presentation?

MR. MONTROYA: Mr. Chairman, we're still working on the agenda items but I don't see that this would be something that would not fit. I think it's real important to it.

CHAIRMAN DURAN: I think it's critical that it's actually presented at the beginning of the meeting because we need to make some decisions.

MR. MONTOYA: So most definitely we'd add this to the agenda, Mr. Chairman.

MR. CORMANY: We have been notified of the May 16th date and we do have it on our planning calendar to be there if it works out that we are on the agenda and we are invited to make a presentation.

CHAIRMAN DURAN: Did the County notify you or the City?

MR. CORMANY: I believe that it was the County that told us that that is the tentative date and then in a discussion with the Mayor I believe he alluded to it as well, but wasn't sure about what the date was.

CHAIRMAN DURAN: Good.

MR. MONTOYA: Mr. Chairman, we were waiting for your direction today but it's pretty clear that you'd like it on.

COMMISSIONER GONZALES: Absolutely.

CHAIRMAN DURAN: Okay. Great. Thank you very much.

MR. CORMANY: Thank you for the opportunity to present.

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

[The Commission met in executive session from 1:35 to 2:45.]

Commissioner Trujillo moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Sullivan seconded. The motion passed by unanimous voice vote.

X. B. Community Health & Economic Development Department

1. **Resolution No. 2001-59. A resolution approving the Santa Fe County Housing Authority's pet policy**

MR. ANAYA: Mr. Chairman, Commissioners, this resolution allows

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Housing Authority residents the opportunity to have pets in their residence, which they currently, only elderly and handicapped and disabled individuals have this. This will bring us in compliance with the federal regulations and myself and Dodi Salazar stand for questions.

COMMISSIONER TRUJILLO: Why did we have this policy before?

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, there was a problem in the past at the Housing Authority prior to even my working at the Housing Authority with large animals, liability issues are always a concern with dog bites, other associated damage to the unit. That is the best explanation I have, Mr. Chairman, Commissioner Trujillo, for while the Housing Authority had a policy against animals.

COMMISSIONER TRUJILLO: So we're in a better light now from a liability perspective or is it just to comply with the federal standard?

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, I think it's both. We do have to comply with the federal regulations, but I do think that we have better management on-site and our housing managers spend more time at the individual housing sites and we have better tenants that we're screening and don't have as many tenants that are posing as many problems as we've had in the past.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: Robert, I don't see anything in here—first of all, how big is 20 pounds?

MR. ANAYA: Mr. Chairman.

COMMISSIONER TRUJILLO: A mean rottweiler.

CHAIRMAN DURAN: That's what I was alluding to. I don't see anything in here that mentions any kind of a vicious dog or do you have anything in here that deals with that?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Yes.

COMMISSIONER SULLIVAN: I think attachment A-17 mentions that.

CHAIRMAN DURAN: Oh, okay. Number 17? I don't have a 17.

COMMISSIONER SULLIVAN: It says it gives the Authority the right to reserve or remove any pet for disturbance and it defines disturbing as noise, odor, allergic reactions, barking, biting, scratching and fighting.

DODI SALAZAR (Housing Specialist Supervisor): Chairman Duran, when we originally wrote the policy and we sent it down to the County Attorney to review we had that language in there but his opinion was that any animal under 20 pounds would not be vicious like a pit bull or something like that, so we took it out.

CHAIRMAN DURAN: And then it says in here that Housing Authority can require the removal of any pet for reasons of neglect or abuse and for disturbing or threatening persons other than the owners. So it's okay if they disturb the person that owns it? Or bites it?

MS. SALAZAR: Then it will be up to them to get rid of it.

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COMMISSIONER TRUJILLO: So you're expecting, Mr. Chairman, that somebody might get an animal under 20 pounds and if they get bigger than 20 pounds then they get rid of them, even after they've essentially bonded and possibly the pet had become an integral member of the family. So there is some alienation there between owner and pet.

CHAIRMAN DURAN: Enter it in Jenny Craig. Either get rid of it or get it on Jenny Craig.

MR. ANAYA: Mr. Chairman, Commissioners, I think that's a valid point and at your direction we'd be happy to revisit that portion. We would ask that we have this adopted and then maybe we can put some language in there and revisit that so that we don't have a family that could potentially fit that criteria with children with a dog and them tell them we have to take it away.

The intent is to make sure we don't have large dogs, very large dogs that could damage the unit and/or hurt other people in the community. But we can revisit that, Mr. Chairman, Commissioner Trujillo.

COMMISSIONER TRUJILLO: You need some discretion as far as that goes.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

X. B. 2. Request authorization to enter into a project agreement with the State Highway and Transportation Department, Traffic Safety Bureau for a media literacy project aimed at reducing underage drinking in Santa Fe County

MR. ANAYA: Mr. Chairman, Commissioners, at your direction a couple months ago, we asked for some additional monies to do a project aimed at reducing underage drinking. This is the project agreement for that revenue and I will defer to our DWI Coordinator, Mr. Sims for any questions.

CHAIRMAN DURAN: Any questions of Mr. Sims?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Motion and a second for discussion. Any discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This is the one I was searching for and I want to, just the other, earlier in the meeting, and I just want to point this out so you can see if you can resolve this administratively. In the scope of work in this project, which is about the fifth or sixth page in, it says what we're trying to accomplish here, our performance goal is to reduce alcohol-involved fatal crashes among adolescents 15 to 19 age from 47 percent of adolescent crash deaths in 1999 to 45 percent in 2000, and 43 percent in 2005.

Those numbers in and of themselves are staggering, let alone the arithmetic. And so we obviously want to see some action, some results in that direction. That seemed to conflict to the goals in the earlier agreement that we passed this morning, one of which, the local goal was to reduce the percentage of teenage crashes involving alcohol from 44 percent in 1998 to 40 percent in 2002. So in one contract we're saying the problem isn't quite as bad. It's only 44 percent and we're going to bring it down to 40 percent and in the other contract we're saying the problem is worse; it's 47 percent and we're going to bring it down to 43 percent.

I'd really like to get a handle on what the issue is now, whether it's as was previously mentioned, a database issue. It seems like we should be on the same track here.

MR. SIMS: Thank you, Mr. Chairman, Commissioner Sullivan. Those, the goal that's stated in this agreement that is before you is actually the state goal that is information from the Department of Transportation. In the scope of work that we discussed this morning—now I understand what you're talking about. In the scope of work this morning also at the top of each category are the state goals, which obviously, even the Department of Transportation, since they gave us the framework in which to apply for the general CDWI grant, and the time when this goal was printed, obviously even in the their documentation they have changed their goals and updated their goals and so perhaps that's the reason for the discrepancy.

COMMISSIONER SULLIVAN: So let me understand then. In the document that we're considering right now, this performance goal is a state goal?

MR. SIMS: And what the deal is is that we are working in tandem with the Department of Transportation to try to achieve these goals.

COMMISSIONER SULLIVAN: Okay. Then if you would compare that to the state goal in the agreement that we approved this morning. The state goal—I read you the local goal. The state goal is to reduce alcohol-involved fatal crashes among adolescents 15 to 19 from 42 percent of adolescent crash deaths in 1997 to 40 percent in '99, 38 percent in 2000 and 35 percent—that sounds a lot better than 43 percent, in 2005. That's an eight percent difference. So those two state goals are way apart.

MR. SIMS: I agree and part of the difficult in all of this is the lag time in when we actually get data. It seems that we are at least one year behind all the time and often as much as two years behind in actually getting numbers. And when the state sets their goals, for instance, obviously in the CDWI grant format that was presented to us to

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put in our local goals, the state goals, their most recent numbers when they gave us this material to submit the grant that we're just now submitting, their latest numbers at that time was in '97. So that's why they gave that as the starting point.

So I agree that we just have a difficulty in getting up to date data.

COMMISSIONER SULLIVAN: I don't want to belabor this. It's just these numbers are not even close to each other in these two grants. And I know you have to put in numbers to get grants and that's what the grant-approving entities like, but I'm hopeful that you can come back to the Commission with some real numbers. These percentages don't mean anything to me when they're just all over, varying between 35 and 47 percent.

If you can come up with a system of tracking performance, whether it's in human lives, that would be good. Whether it's in any form other than these really difficult to interpret and obviously conflicting statistics. That sure would be appreciated.

CHAIRMAN DURAN: Any other questions? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for the vote.]

X. B. 3. Request approval to apply for a grant extension with the Department of Health for the Smart Moves substance abuse prevention program

MR. ANAYA: Mr. Chairman, Commissioners, items 3 and 4 are associated with one another and I will defer to Virginia who negotiated the extension of this agreement to next fiscal year.

CHAIRMAN DURAN: So Virginia, should be both of them at the same time?

MS. VIGIL: I think you can consider them separately, Mr. Chairman, however, they are interrelated. But just going by the procedure of the agenda, I'll start with the request for you authorization to enter into an agreement, and I'm really happy to be here on this agenda item because over a year ago I was before the Board of County Commission, this is one of the items that we talked about earlier this morning in terms of what the Health Planning Commission has done to collaborate and do outreach to the community.

About a year ago I came before you and informed you that Los Alamos National Laboratory, had through their grant writing program provided a grant writer for Santa Fe County to enter into a competitive RFP to the Department of Health for substance abuse prevention. Through Robert Anaya's department and the coordination that he made with the County Extension Office and the Santa Fe Boys and Girls Club, we were able to draft that RFP and design it to enter into an agreement with the Boys Club and the County Extension Service to implement the Smart Moves program.

Those of you who may have seen a really nice article that Elena Vasquez from the *New Mexican* did about two Sundays ago in the front page of the *El Norte New Mexican*. We did get some really nice publicity as a result of that. This year has been the first year that Santa Fe

County has entered into an initiative for substance abuse prevention with the schools, with the Boys Club and with the County Extension Service. It does have a strong evaluation component. You will look at I think Appendix A or Appendix B in your packet that identifies the quarterly evaluation report and there's some staggering results.

These results are evaluations from the participants in the program. There was close to 113 boys and girls from three school sites, Alameda, Ortiz Elementary, and one other school, Capshaw Junior High, where we recruited participants. In addition to the recruitment of the participants who were between 12 and 17 years old, there is a Smart Parent component that is underway right now. We have gone through evaluations through the department. I have coordinated services with them. This last month, they informed us that our program was considered for refunding next year.

So they submitted a mini-RFP that asks some specific questions about our progress and asked for an update on all the evaluation and draft information that is required by them. Actually, this item was intended to go before you at your last BCC, so in between that time and today, I have actually entered in negotiations and the Department of Health has granted us an additional \$25,000 to continue to implement this program. So that the new agreement that we're entering into would be for \$150,000 and that agreement has already been signed by the Department of Health and I am before you to ask that you grant us permission to enter into this agreement and grant our County Manager the authority to sign the agreement. It is over the amount that's required for the BCC, so that I'm you delegate that authority to the County Manager.

The amount that the Department of Health has granted us is \$150,000. The final results of the evaluation component of the program will be done by June of this year. The money that we requested for next year are intended to do Smart Moves in the Santa Cruz, Camino Jacobo and Valle Vista Boys and Girls Clubs sites. In addition we want to recruit parents from those sites to participate in the Smart Parent component, and in addition, the money should be able to fund another program. We should be able to allocate new school sites. We're looking at Turquoise Trail, Pojoaque and Pecos perhaps, to implement these programs, depending on how well we coordinate and collaborate the services with the Boys and Girls Club and the County Extension Service.

Just to touch on the next item, the County Extension Service did participate in most of the training and preliminary meetings. However, there was a delay in entering into an agreement with them, so that they have not implemented their portion of the program for the 4-H'ers. That agreement is the next item on the agenda and we're asking for your authority to enter into an agreement with them. Part of the delay with that agreement was preliminarily, we thought we could enter into a memorandum of understanding with the County Extension Service, only to learn that we actually had to process a full-blown agreement through New Mexico State University.

Another delay in getting that agreement in their program implemented was my two-month stunt at the legislature, which created a further delay for that. But they have participated in some preliminary meetings. They have identified a prevention specialist. They have also

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begun doing some of the outreach through their newsletter, *Substance Abuse Prevention Information*, and they did do some recruitment activities. So I think once we can enter into that memorandum of agreement, we can get their program implemented.

In addition, one of the coordination of services that we really want to work out is to allow those participants from the Boys and Girls Club to take advantage of the curriculum available to them through the County Extension Service. The County Extension Service has over 110 areas of curriculum and adult volunteers that they can team up with the Smart Moves participant to discover alternative activities and implement the substance abuse prevention alternative aspect of this. I stand for any questions.

COMMISSIONER TRUJILLO: Thank you, Virginia. Any questions of Virginia?

COMMISSIONER GONZALES: No, other than congratulations. I think this is a nice testament to what the Health Planning Commission and what the efforts of the County have been. I think we need to keep in mind that two years ago, or even two and a half years ago, the County wasn't even talking about programs like this. It wasn't even on our radar screen. So I think that this is a real testament to the County, the Health Planning Commission, to the community, to be able to receive this kind of funding and to be involved in this area.

I didn't get a chance to read Ms. Vasquez' article but I was getting a chance to move through some of the program elements and it's amazing. This whole shift in how we try and educate and develop skills amongst our youth so they can say no to drugs and halt alcohol and all the other things that affect their lives. They can say no for the right reasons and through developing skills that help them make some good judgement. I think that's good. So I'm pleased. I think it's great that the County is able to be involved in this area.

People question why the County would move into the health care business or the business or trying to promote a healthy community when that really isn't part of the normal things that we do but you can point to programs like this and the success rate that you've just talked about and see why it's important that all of us be involved in this area and we can make a lasting difference on the youth in this community. And I want to applaud the Boys and Girls Club for their efforts and everyone else who's been involved in this. What I'd like is to see if you can send maybe a thank you note from the chair or from the Commissioners to the Boys Club and Girls Club and the other people that have been participating in this on behalf of the County Commission stating that we fully recognize and compliment what they're doing for the youth of our communities. So I think it's great.

COMMISSIONER TRUJILLO: Ditto to your comment, Commissioner Gonzales. Any other questions?

MR. ANAYA: Mr. Chairman, I'd like to just make a brief comment to thank the Commission. Many times articles are written. This was a good article for the County, but it did focus 90 percent on the Boys and Girls Club. And the bottom line for the record is that from your direction, Mr. Chairman, Commissioner Gonzales and the entire Commission, we took this project forward, then we went out and found the contractors to help administer the program. But it was based on the Manager and the Commission and the Health Planning

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Commission's direction that the project was funded at all.

COMMISSIONER TRUJILLO: Thank you, Robert. What is the desire of the Commission?

COMMISSIONER GONZALES: Move for approval of the request as presented by the staff.

COMMISSIONER TRUJILLO: We've got a motion.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: Second. All those in favor? [Unanimous]

[Chair Duran was not present for this action.]

X. B. 4. Request authorization to enter into an agreement with the County Extension Service for Smart Moves program

COMMISSIONER TRUJILLO: I think we've already heard from Virginia on that.

MS. VIGIL: That's correct.

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Any other questions?

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: There's a motion, second. All those in favor?

[Unanimous] [Chairman Duran was not present for this action.]

Okay, thank you, Virginia.

MS. VIGIL: Thank you, Mr. Chairman. If I may just add just a little piece of information that I think probably should be announced at this point in time. Based on all the previous work we've been doing. I think Mr. Chairman and Commissioners, you should also know that the Health Planning Commission has received a Kellogg grant, from the Kellogg Foundation and we have finally negotiated an agreement with Shaning and Associates, and Shaning and Associates are going to help Santa Fe County in developing an inventory of health services, doing a needs assessment, helping with the Santa Fe Cares Network, helping with the health plan and so we're moving forward and that's just one of many other areas that the Health Planning Commission has tapped into for resources. Thank you

COMMISSIONER TRUJILLO: Thank you, Virginia, and good job.

X. C. Finance Department

1. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #21-44, for the surveying of La Cienega traditional community boundary

MR. FLORES: Mr. Chairman, members of the Commission, the Land Use Department in conjunction with the Purchasing Division prepared a solicitation for surveying

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services, which by statute falls under a qualification-based proposal. Proposals were received by six firms. They were scored on written evaluations. The evaluation committee at that time determined it was best to interview the top three rated firms. As a result of the written and the interview evaluations, we are before you today requesting authorization to enter into an agreement with Red Mountain Engineers.

COMMISSIONER TRUJILLO: Any questions?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: Got a motion and a second. All those in favor? [Unanimous] [Chairman Duran was not present for this action.]

X. D. Fire Department

- 1. Request authorization to enter into a joint powers agreement with the New Mexico Public Regulation Commission, Insurance Division, Fire Marshal's Office for the Waste Isolation Pilot Project to support the hazardous materials response program**

MR. BLACKWELL: Commissioner Trujillo, members of the Commission, basically, what this agreement does is every year there's a certain amount of funding through the WIPP Isolation Pilot Project Department of Energy grant, and these grant monies are available to fire department emergency services departments that are along the WIPP route. And this supports not only WIPP or radiation training, but also any other hazardous materials training or exercise. And what this does, it allows us to have some funding to support for training materials, for training of some of our instructional staff as well as some reimbursements for some of the large scale drills and exercises we have to conduct with other agencies.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Gonzales.

COMMISSIONER GONZALES: Hank, I'm assuming that this is yearly funding subject to appropriation. So this \$15,000, we're using it for training, or we would be using it for training?

MR. BLACKWELL: Mr. Chairman, Commissioner Gonzales, yes sir. The money's earmarked not only for training but also to support some of the other costs involved in training and readiness which may be hazardous materials, response tools, if you will, also instructional materials to support the training: text books, videos, those kinds of things as well.

COMMISSIONER GONZALES: Yes, and I guess my only point is that we want to be careful, and I know Katherine is really watchful of this that these grants—we make them a part of our operational budget and then they go away and then all of a sudden we're caught holding the bag. And I appreciate the fact that this \$15,000 is going to go toward training our crews on hazardous waste and all those programs that are going to be very

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beneficial. But we need to recognize that this is subject to annual appropriation and if next year it's not appropriated we may not have money in the budget to do these types of training.

MR. BLACKWELL: Chairman Trujillo, Commissioner Gonzales, you're absolutely right, and that's why we come before you each time. This is a yearly occurrence. We'll fill out the application and again, if the funds are available and if we receive notification that we're not only eligible that the funds have been approved, only at that time do we come before you and say we've got this agreement we want to sign because there's money available for one more year.

COMMISSIONER GONZALES: Do you use this money and this training for the volunteer departments that are closest to the WIPP routes, or is this available to our volunteers? And is the funding enough?

MR. BLACKWELL: Chairman Trujillo, Commissioner Gonzales, it's a mixed question. We use this funding county-wide, in terms of trying to promote the readiness and the availability of people to respond to hazardous materials events county-wide. However, the focus is always particularly on those departments that are along the WIPP route as well and along some of the busier thoroughfares. But it is county-wide.

The answer to your second question is it's really not sufficient in terms of funding, but again, it's still a windfall of \$15,000 that will greatly help us out in our budget that's specific to hazardous materials that we can actually focus that money on that training and that readiness.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Any other questions of Hank?

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a brief one, Hank. To clarify what Commissioner Gonzales was asking. This will be for training of both full time and volunteer personnel?

MR. BLACKWELL: Mr. Chairman, Commissioner Sullivan, yes sir.

COMMISSIONER SULLIVAN: And it includes, you said, tools and instructional materials as needed. Do we have the equipment needed, the protective clothing and so forth for this type of training?

MR. BLACKWELL: Mr. Chairman, Commissioner Sullivan, in our—right now the County of Santa Fe is what we call purely defensive. We have a certain level of training where we respond in a defensive fashion. In other words, we don't—we call upon both the laboratory haz-mat team and the City haz-mat team if we actually have to get in touch with the product or the spill. And they're what they call a technician or specialist team. They actually have the Level-A protective clothing to actually do offensive measures to dam and dike and plug and do the things we need to do to mitigate and take out the material. What we do is identify it, we set up a command system. We notify all the proper authorities and response agencies and basically set up the structure such that we can organize and manage that event with all the incoming agencies.

Given that, there is still a small amount of material in terms of absorbents, in terms of

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spark-proof tools, spark-proof batteries that we may need for hazardous materials that may be explosive in nature, and this grant will help us add to that cache of specific hazardous materials equipment if you will. The rest of it will go for training, and that's training not only in terms of on the ground training of our volunteer and our career staff, but it will also go toward getting more of our people, both career and volunteer, their instructor certification so we have a larger cadre of people to teach, given the fact that we've got such a large and diverse fire department.

COMMISSIONER SULLIVAN: So we're not trying, Hank, to go to a Level-A response team here?

MR. BLACKWELL: Mr. Chairman, Commissioner Sullivan, no sir. We're not. We rely on both the LANL HazMat team, which we have an excellent working relationship with, both training and response as well as the City haz-mat team. Again, it's a very expensive endeavor. What we've done with the City, for instance, is we've tried to do that in terms of resource management. A lot of the, as Chief Holden showed you in our presentation, a lot of our technical expertise in confined space, high angle rescue, swift water rescue—we provide those services even for the City. But in trade, the City basically has the advanced hazardous materials team and they're the ones that come in to help if it's so needed.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: Thank you. What is the desire of the Commission?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Got a motion, seconded. All those in favor? [Unanimous] Opposed? [Chairman Duran was not present for this action.]

X. D. 2. Request authorization to enter into a participating agreement with the US Forest Service, Southwest Region, and Santa Fe National Forest to locate a staffed seasonal wildland fire engine and crew at the Hondo Fire Station #2

MR. BLACKWELL: Chairman Trujillo, members of the Commission, as you can see this format is virtually identical to the participating agreement that was approved earlier under the Consent Calendar. The standard agreement form from the US Forest Service, this one particularly. What we've done in the last year is try to work very hard at cooperative agreements and relationships with other agencies in the wildland area. We have a very good relationship with the Santa Fe National Forest, and as a result of the wildfire cooperators, some of the interface code development that we're working on now and some other issues, this is one of the things that is a product of those interagency groups.

What we've been able to do is, the Española Ranger district has been able to find seasonal funding for an additional wildland engine and a full time crew for this fire season. It will probably go through October of this year. So basically, 99 percent, almost 100 percent of

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all the cost for this engine crew is borne by the US Forest Service. What our part of the bargain is is to actually be able to house them and their engine in one of our stations, and the one that's most strategically located to the watershed, to the Glorieta Mesa and what have you is our Hondo Station #2, which is at the intersection of US 285 and I-25. And that's also where our full time eastern regional crews are housed.

What we're doing is actually adding to our resources greatly by having a fully trained and qualified Forest Service wildland engine crew stationed at one of our facilities to respond into the county for any wildland fire event. When they're not responding, they're also going to work cooperatively with us in terms of joint training, in terms of public education, and neighborhood education days and what have you. So again, I think we're really grateful to the Forest Service and again, what we're doing is putting a bay in one of our stations to make sure that their engine has a place out of the weather for the rest of the fire season.

Other than that, that's really our major contribution but it adds four people full time through October to help us in wildland fire.

COMMISSIONER TRUJILLO: And Hank, they're available to cover the whole county, but they're strategically located in Hondo because that's where the forest is easily accessible, right?

MR. BLACKWELL: Yes, sir. Chairman Trujillo, one of the reasons that the Forest Service in the Española District, which includes the watershed and actually even includes the Hondo station, one of the reasons they got this additional funding through the Forest Service this year had to do with the fact that the watershed of course is one of those very critical areas in terms of risk, in terms of hazard. And consequently, this was probably the most appropriate station to get them fairly clear access, not only to the watershed, but also to both the west and east side of the slopes there. So it was strategically placed but it also met their needs in terms of having an engine closer than Española and their headquarters there closer to the watershed. So once they looked at our stations and we presented those options to them, they felt very grateful that that Hondo station was so strategically located.

COMMISSIONER TRUJILLO: For emergencies in the Española area, Cundiyo, the Española crew will respond to those fire emergencies there, right?

MR. BLACKWELL: Chairman Trujillo, that's right. They have other engines, seasonal and full time as well in the Española Ranger district that are available as well. As do we with our strike force. So this does not take away from any of the fire protection or fire prevention activities from the other side of the Española District.

COMMISSIONER TRUJILLO: And the liability to Santa Fe County is nothing as far as insurance for people getting hurt? We're covered under the federal government liability insurance?

MR. BLACKWELL: Commissioner Trujillo, that's correct. And again, that's part of why we really want this participating agreement, to clarify roles and responsibilities and the working relationships so legally, we've got that document. It's clear in terms of the relationship and also the responsibilities. Yes sir.

COMMISSIONER TRUJILLO: Thank you. Any other questions of Hank?

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COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Hank, let me just be clear on a couple things.

Your agreement first page says the Forest Service will staff a fire engine available. I take that to mean from what you've just said that the Forest Service will provide a fire engine and will staff it. Is that correct?

MR. BLACKWELL: Chairman Trujillo, Commissioner Sullivan, yes sir. That is correct.

COMMISSIONER SULLIVAN: So we're not having to provide the fire engine?

MR. BLACKWELL: No sir.

COMMISSIONER SULLIVAN: Second question was will they respond to fires not on Forest Service lands?

MR. BLACKWELL: Chairman Trujillo, Commissioner Sullivan, under this agreement, their primary responsibility of Forest Service land, but again, if there's another wildland fire in that area, part of this participating agreement means that again, they would respond with our personnel to those wildland fires, even if it was outside of their area, their participating area.

In the last few years, the Forest Service has been given authority, if you will, by Congress, to actually respond outside of federal lands to adjoining lands where wildfires may indeed pose a threat to Forest Service property. Consequently, they do have that ability to respond with us in the county as another wildland engine.

COMMISSIONER SULLIVAN: Excuse me, but they would have to be adjoining lands to Forest Service lands for them to respond.

MR. BLACKWELL: Commissioner Trujillo and Commissioner Sullivan, adjoining meaning, again, as long as there's a threat posed for wildland fire, the extension of that fire. It doesn't mean that the boundaries have to touch. In other words if it's three or four or five miles in one of our districts, and they're not on an active fire call, they indeed can respond with out personnel. Yes sir.

COMMISSIONER SULLIVAN: And my last question was it seems to contemplate, this is apparently for about a five-year period, this contract. The placing of a mobile facility at the Hondo station and obviously, some additional equipment and activity and traffic there. Should this, or does this require and should it have some land use approval?

MR. BLACKWELL: Chairman Duran, Commissioner Sullivan, in terms of the mobile facility. First of all, I guess the answer to your first question, the reason this agreement would be in effect for five years is that hopefully, with the potential that next year for fire mitigation monies through the Forest Service that we could also have the benefit of another engine staged in one of our County facilities so that we could benefit from this again. So that's the reason for the five-year, which is a standard agreement with the Forest Service.

The second part of that question, what we're looking at now is a temporary facility, so in terms of that, it would be a temporary, leased three-month building that the Forest Service

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could have their office and their base station in. So given that, again, we will be working with Land Use. But because it's a temporary facility it would probably be a 20-foot long trailer that would stay, it wouldn't even be on a foundation. Basically it would be a temporary office like we have in construction sites, so that again, the Forest Service crew just had room to do their paperwork and what have you, and/or maybe again, to house a couple of the crew members overnight, after hours, depending on their shifts.

COMMISSIONER SULLIVAN: And after three months this trailer would go away?

MR. BLACKWELL: Correct.

COMMISSIONER SULLIVAN: And then where would the staff go?

MR. BLACKWELL: Chairman Duran, Commissioner Sullivan, the staff—again, this is a temporary contract and this is seasonal fire money so that by the end of October this seasonal crew would go away. In other words, this is just a seasonal fire crew which is common throughout the United States. They beef up their crews during fire season. This would be a three to four-month crew. Once that's done then those crews would be reassigned somewhere else in the United States and we'd be out of our fire season.

COMMISSIONER SULLIVAN: The reason I ask is that we've had questions and concerns raised by residents in this general area about, for example, the bringing in of just extra trailers and equipment at transfer stations. And I don't know whether the appearance of a trailer, whether temporary or not might also be a concern for the residents of the area. Do we typically go to Land Use for these decisions on expanding County facilities? We did on the Public Works facility. We came to the BCC and requested a variance of the tower. I'm unclear on that. Maybe legal counsel can help me out on that.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I don't think that area itself is really residential. I think the state stockpiles minerals and gravel and sand there, so I don't think that should raise an issue at all because I know I drive past there everyday and it's just not an area that I think would cause that concern in all likelihood.

COMMISSIONER SULLIVAN: So typically, we as a County would bring our own projects to Land Use if we felt there were a concern. There's not a policy on this, I'm sensing.

MR. KOPELMAN: Mr. Chairman, Commissioner, I don't think it's a formal policy. For a temporary use, I think often I think the Land Use Administrator is able to sign off on that, because it's only a temporary use for several months.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

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X. D. 3. Request authorization to enter into a purchase agreement with Linda Mylonas to purchase land in the Thunder Mountain area to construct a fire substation

CHIEF HOLDEN: Mr. Chairman, members of the Commission, we're coming before you today to request this authorization to purchase a one-acre piece of land in the Edgewood area, It's in the Thunder Mountain area to be more specific, off of West Dinkle Road. In your packets you should have the materials from a legal description including the appraisal, which was conducted by an outside agency, specifying the appraisal in excess of our purchase price. This particular piece of land has been approved by the State Fire Marshal's Office for funding, which is a critical step in the process. Obviously, we don't want to construct a substation anywhere without receiving the appropriate funding from the State Fire Marshal's Office. And we also have those letters in your packet as well.

So specifically, the action that we're requesting today is an approval of the purchase agreement with Ms. Mylonas who is the trustee of the family trust that owns the property in southern Santa Fe County. And I stand for any questions.

COMMISSIONER TRUJILLO: I am looking for the appraised value. Is it \$180,000?

CHAIRMAN DURAN: No, \$30,000.

COMMISSIONER TRUJILLO: Where is that?

CHAIRMAN DURAN: The bottom of that page.

COMMISSIONER TRUJILLO: Okay. \$30,000 an acre.

CHAIRMAN DURAN: Stan, all these comparables are two miles away, three miles away, the other ones three miles away. There were no lot sales—it looks like this was in a platted subdivision. Is that correct?

CHIEF HOLDEN: Mr. Chairman, I'm not real familiar with how land use or property divisions are conducted but according to what has been prepared by the appraiser, that's what it looks like to me. There are properties directly across the street. There are homeowners on the north side of Dinkle Road. But on the south side of Dinkle Road there are no homes that are currently constructed within about a mile and a half. And the majority of that land has been subdivided by Mr. Oden, who has a large subdivision just a little east of this particular piece of property.

CHAIRMAN DURAN: And do you know what the qualifications of the appraiser are?

CHIEF HOLDEN: Mr. Chairman, I do not. This appraisal was conducted prior to the Commission's action regarding the appraiser.

CHAIRMAN DURAN: Who ordered the appraisal?

CHIEF HOLDEN: I did.

CHAIRMAN DURAN: So you call up Quintana, the appraiser?

CHIEF HOLDEN: No, Mr. Chairman, what I did was I called the Purchasing Department and asked for referrals and they gave me a list of appraisers and we sent out a

request and Ms. Quintana was under \$500 if I remember correctly, to conduct the appraisal.

CHAIRMAN DURAN: And she's a certified residential appraiser?

CHIEF HOLDEN: I believe so, Mr. Chairman. On page 5 of her document is her signature.

CHAIRMAN DURAN: Any questions of Stan?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Stan, let me understand. This is part of the request from Representative King that we move into a new substation and we move out of the community center with the rest of the equipment that you have over there. Is that correct?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that is correct. So once we get the new station, then there'll be more room in the senior center there, the eastern end where you have the equipment stored now will become part of the senior center?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: It seems like Edgewood is well covered with substations and facilities. My last question is when do we get one in the Community College District?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, we are actually planning that now. We have had some talks with Rancho Viejo for over a year now and we're planning on building a substation for the La Cienega Fire District in the Rancho Viejo area. The reason that this one is going forward before Rancho Viejo is that this particular project was part of our five-year plan and we're trying to get this one done before we move on to our next five-year plan.

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

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Okay.

COMMISSIONER CAMPOS: Chief, this is close to Edgewood. How close?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, it's about a mile to the town limits of Edgewood.

COMMISSIONER CAMPOS: Is this being affected in any way by the proposed annexation, the Campbell Ranch annexation? Alongside the road?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, no. This particular area is not part of the Campbell Ranch proposed annexation. That is north of Edgewood approximately 20 miles. The Campbell Ranch annexation will certainly have an impact, a negative impact on the fire department and as a result, may have a negative impact on our current joint powers agreement with the town of Edgewood if they were to proceed with that annexation. And at the appropriate time, with direction from the Commission and with counsel from legal, we would probably need to intervene and make sure that the town council was aware that such action of annexing areas in an adjoining county which would negatively impact the fire department may negatively impact the current joint powers agreement with the town of Edgewood.

COMMISSIONER CAMPOS: Could you comment on Commissioner Sullivan's idea that this perhaps is not a necessary site, that it's well covered?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, the insurance service organization looks at areas based on density. The more homes that you have in a particular area, the more it drives the need for a fire station. This particular area has been identified for over five years and has been included in numerous plans before I got here, but it has only been recently that we focused our time and energy with the State Fire Marshal's Office and with Representative King to try to get this station put in. It will have a positive impact on the ISO rating for the Edgewood Fire District. And as a result, the people that live within a five-mile radius of this substation will see a reduction in their ISO premium.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, Stan, usually land for these sorts of things are donated. La Puebla Fire Station is located on BLM land. Pojoaque's between Pojoaque Pueblo and the Santa Fe County. Is this a unique situation that we have to purchase a piece of land for the construction of a substation there? Is there any BLM land that's available or any other land that we can utilize?

CHIEF HOLDEN: Mr. Chairman, Commissioner Trujillo, actually that's a very good question and you're correct. The majority of the time that's exactly what we try to do. As a matter of fact, the neighborhood association for Thunder Mountain had identified a piece of property of the size of a half acre that was in the Thunder Mountain Subdivision. Unfortunately, the access would not be approved by the State Fire Marshal's Office once we went down and did the evaluation with the State Fire Marshal's Office. It was basically tucked away in the very back of the Thunder Mountain Subdivision and there was one road in and one road out and there was no way to cover a large area very quickly.

With the State Fire Marshal's Office with us, we went and did a tour of the area to try to find property that would be suitable to the State Marshal for funding and access, and this is the piece of property that they approved. So we did do that. We did some due diligence trying to find another location that we could either negotiate with the property owner or have them donate it and this was the best we could come up with.

COMMISSIONER SULLIVAN: Mr. Chairman, one final question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: Is this in the town of Edgewood?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, this is just outside the current town boundaries about a mile.

COMMISSIONER SULLIVAN: Okay. So it won't require planning and zoning or town zoning approval?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, it should not. From what I understand, we do not have an existing agreement with the town of Edgewood regarding the EZ. But I would defer to counsel.

MR. KOPELMAN: Mr. Chairman, Commissioner, the Chief is correct. There is no agreement at this time and the zoning is subject to the County Land Development Code.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

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

X. D. 4. Request authorization to enter into a joint powers agreement with the City of Santa Fe for emergency services in fiscal year 2002

CHIEF HOLDEN: Mr. Chairman, this is simply a request to enter into an updated agreement that we currently have with the City of Santa Fe to provide emergency services. Those services include of course dispatch services but they also allow for joint services between the City and County. The primary focus being commissioned that we try to provide services within the city and the county without regard to jurisdictional boundaries, specifically if a city resident is closer to a County fire station, we want to send the County resources to that fire and then be supported by City resources. Exactly the opposite happens in other areas of the county where the fire may be in a county residence but the City has closer response services so we utilize those services.

The whole idea being that we try to provide the quickest, most reliable service to the people at the time of the emergency without regard to jurisdictional boundaries. The amount of the agreement has not changed. It's \$100,000 and there are no proposed changes to the joint powers agreement other than replacing Chief Curtis Lardy for Chief DiLuzio. I stand for questions.

CHAIRMAN DURAN: Any questions of Stan?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Stan, this is for two years, and as I understand it, right now the City mans the primary safety access point and also houses the individuals when our new Public Safety Complex is completed, this will be located in that, is that correct?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that will be done at the direction of this Commission with joint approval by the City Council. We are proposing that. That is a recommendation that the committee, which encompasses myself, Chief Lardy, from the Fire Department of the City of Santa Fe, Chief Denko and Sheriff Ray Sisneros. That's the recommendation that we're making to you at a later time. Certainly we're going to discuss it, I hope, as the next agenda item, but the answer to your question is Yes, that's the direction we would like to go.

COMMISSIONER SULLIVAN: And when that happens, so this \$100,000 is for heat, light and rent as well as for personnel. I would imagine that the emergency complex

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would be staffed with still all City personnel and with the County providing the building or haven't we gotten that far yet in the discussion.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, we have broached those issues and we can cover them in depth on the next agenda item. But this item is simply to renew the current agreement which pays the City \$100,000, primarily for personnel. Once the regional emergency communications center has been constructed and we move in, this agreement would go away. So the answer I think to your question is we would no longer pay the City \$100,000 for these services.

COMMISSIONER SULLIVAN: Okay. So it's a two-year agreement but we can opt out at any time.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Any other questions of Stan?

COMMISSIONER CAMPOS: Question, Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Contract, scope of agreement, sub-part E. I don't have a page number but I think it's page 3. Fire/Rescue Impact Fees. Could you explain that to me a little bit?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, as a result of the Fire/Rescue Impact Fee Ordinance, which the Commission adopted about five years ago, the County can collect fire/rescue impact fees on any construction property that's within the county.

Within the EZ, we collect those impact fees, and then, according to that ordinance, we distribute the impact fees that are collected to the agency that responds to the emergency. So if it's a City station that is responding to that area, then the City would receive those impact fees.

If it's a County unit, then the County Fire District receives those impact fees. Overall, the vast majority of impact fees that are collected go to Santa Fe County Fire Districts and very little goes to the City of Santa Fe.

COMMISSIONER CAMPOS: How much to the County and how much to the City in impact fees?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, I could not answer that question at this time. When we're finished with the impact fee review that is currently being conducted, we will be able to answer that question.

COMMISSIONER CAMPOS: You're saying that this agreement to distribute the fee is by EZ ordinance or by JPA or what is it?

CHIEF HOLDEN: Well, the Developmental Fee Act, which is a state act, requires that in the EZ area that there be a joint powers agreement that allows for the collection of impact fees in the EZ. This joint powers agreement addresses that issues under the Developmental Fee Act so that we can collect those impact fees.

COMMISSIONER CAMPOS: Thank you.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

X. D. 5. Discussion of proposed joint powers agreement with the City of Santa Fe to create a regional emergency communications center (RECC)

CHIEF HOLDEN: Mr. Chairman, Commissioners, this item is for discussion purposes only. We're requesting no action at this time. Because a similar document is moving forward through the City process, we felt it was prudent that we bring this before the Commission to address any issues or receive direction regarding the proposed direction from your committee. Specifically, if you'll refer to the document that's the executive summary—

CHAIRMAN DURAN: Stan, if there's no action on this, we have 45 minutes to finish the agenda on this, so could you kind of give us the two-minute drill on it.

CHIEF HOLDEN: Mr. Chairman, I will certainly attempt to.

CHAIRMAN DURAN: Well, then how about if we just do this at the next meeting?

CHIEF HOLDEN: Mr. Chairman, that's certainly fine with me at your direction.

CHAIRMAN DURAN: I mean I'll take the two-minute drill or go to the next meeting.

CHIEF HOLDEN: Could we do both?

CHAIRMAN DURAN: Sure.

CHIEF HOLDEN: Mr. Chairman, the reason being it's obviously a very critical step. It requires some infusion of cash and I think we need to discuss that and really understand what the fiscal impact is to the County before we request any action from the Commission. The two-minute drill, if you will refer to the executive summary, I think that basically points out the highlights. This group was originally formed at the direction of both the Commission and the City Council by resolution. The direction from both committees was simply that we look at consolidating our dispatch services for emergency services into one center. We have done that. That process has been ongoing for over two years now. We believe that what we're recommending to you is in the best interest of the public and I would certainly hope that the Commission would spend a considerable amount of time reviewing the fiscal impact report that has been prepared so that they can understand the potential fiscal impact to Santa Fe County over the long term.

I certainly understand that we're a year away at least from occupying and operating this regional dispatch center, but we need to be up to speed as quickly as possible so that I and

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Sheriff Sisneros are not operating without firm direction from the Commission and we want to make sure that we're taking action that has been blessed by the Commission. And I stand for any questions.

CHAIRMAN DURAN: Stan, is this what we were going to talk about this morning that got cancelled?

CHIEF HOLDEN: Mr. Chairman, that's correct.

CHAIRMAN DURAN: Okay. I'm more than willing to meet with you again. I'm sorry I had to cancel this morning but I agree, we need to be as familiar as possible with this. I think there's a lot of community support for this. What's the process at the City then? This is going before the City Council for their review?

CHIEF HOLDEN: Mr. Chairman, the document has gone before their Public Safety Committee and has received its blessing and is now going before the Finance Committee. After the Finance Committee reviews it, then we'll go before the City Council.

CHAIRMAN DURAN: And when does this become an action item for this Commission?

CHIEF HOLDEN: Mr. Chairman, at this pace, probably at the next administrative meeting of the Commission.

CHAIRMAN DURAN: So the reason for not doing it today was because we hadn't had an opportunity to review it or—why didn't we act on it today?

CHIEF HOLDEN: Mr. Chairman, simply because we did not want to set the Commission out in front of the City Council too far without having some firm direction from the Commission. We wanted to make sure the Commissioners understood, because it is such a big item. They understood the fiscal impact, the operational impacts and we had a chance to answer any questions before we ask you to take action.

CHAIRMAN DURAN: Okay, I'll get familiar with the document and have more questions for you at the next meeting. Or even before then.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Stan, just a few quick things to be thinking about and I guess also when we discuss it next time, some questions that I had. One was you talk in the document about consolidation saving 20 percent in personnel, yet I see in the budget the same 51 employees that currently man it, so I didn't see the savings in personnel there.

The second big item seems to be we're creating an entirely new district here that has separate powers and its employees are not employees of the County and they're not employees of the City. As you've indicated, that is a big decision and we need to read this joint powers agreement very carefully I think. It's got some substantive impacts that we need to determine. There's discussion of a transition team. That seemed to be a bit cumbersome to me. I question that. When we have time we can talk about that. And then there was also some language added as a last condition, I noticed having to do with collective bargaining. I also questioned whether we were going to write into this joint powers agreement, the power to collective bargain.

There are laws about collective bargaining. I'd have some question about mandating it

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in this joint powers agreement. So those are a few of the questions that came to my mind when I looked this over.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, I certainly appreciate those questions. I think we have answers for a majority of them but I appreciate the heads-up and we will prepare our answer for you at the next meeting.

CHAIRMAN DURAN: Commissioner Campos, do you have any questions? Okay, thank you Stan.

X. E. Land Use Department

1. Resolution No. 2001-60. A resolution amending Resolution 2001-50 to further modify the boundaries of the Airport Development District to include the Santa Fe Metro Area Highway Corridor Redevelopment District and other designated properties

JACK KOLKMEYER (Planning Director): Thank you, Mr. Chairman, Commissioners. Good afternoon. Jack Kolkmeier, Planning Director of Santa Fe County. On May 10, at the request of Commissioner Gonzales, you approved Resolution 2001-50, modifying the boundaries of the Airport Development District and establishing an Airport Development District planning committee. At that time, at that meeting, we discussed the possibility of also including the Redevelopment District of the Highway Corridor, and also a couple of other pieces of property that are in that vicinity to also become a part of this overall district planning area.

With the help of Erle Wright and Jim Gallegos from our GIS, we've prepared what we hope now is an official map, and I'd like to take just a brief minute and explain to you what it is now and it's real clear and we have then a new resolution which was -60. I'm sorry, is that what you said? So we would ask you to approve that basically says, under the Now, therefore, be it resolved, the Airport Development District boundaries are hereby further amended to include portions of the Santa Fe Metro Area Highway Corridor Redevelopment District and other designated properties. It's a little bit confusing because we're really starting to overlap quite a few planning areas now, but let me just make sure that we all understand what we have here.

What you adopted on the 10th was a new boundary for the Airport Development District which followed the original boundary but then went Airport Road over here and then came around the Redevelopment District back up there, so essentially, it's this piece right here. The original Airport Development District boundary also included the airport over to the highway. We decided to take that out of this planning effort. Then you suggested that we include the Redevelopment District of the Highway Corridor area and that's this piece right here, the pink piece. We've made a couple little changes to that, one change being to stay outside of the EZA, so this project will remain a County project and we don't have to at this point flip back and forth between EZA and the Board of County Commissioners, and that was fairly simple to

do because the properties that followed along this road right here actually orient themselves to the highway this way, and then into the Southwest Planning area. So actually that ended up making quite a bit of good sense to do it that way.

Then there is another piece of property, actually two pieces of property just south of the Redevelopment District that were in the original Airport Development District that would have gotten cut off and had no planning occurring for them, so we have added these two properties in this little segment right here. So now the boundaries for the Airport Development District planning area are, they go, they follow this blue dashed line all the way around like that. It actually turns out to be a really good planning area boundary, we think. So that's what we'd be asking you to approve by resolution this afternoon.

COMMISSIONER GONZALES: Mr. Chairman, move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman, for discussion.

CHAIRMAN DURAN: There's a motion and there's a second for discussion.

COMMISSIONER TRUJILLO: Jack, the reason, I conjecture that you took away the EZ area is because it convolutes the regulation of the process. So what's going to happen in that area regarding the planning, adjacent and contiguous with the designated development districts?

MR. KOLKMEYER: Commissioner Trujillo, as I mentioned, the way that worked out, the EZ—here's the two-mile boundary that goes just down here like that. So actually, as part of the original Redevelopment District, there were these little pieces of property that were originally in the Redevelopment District. But it actually makes more sense to plan them as part of the Southwest Planning area, the joint plan that we're doing with the City, because that then involves the City and the EZA. So it actually puts them into that project, which would get City and EZA consideration and approval. Because it is convoluted. And we're trying in the work that we're doing with the Regional Planning Authority and with joint City Planning is trying to simplify things, is creating new layers so we thought we'd just try to make it as clear and as simple as we could and not to intentionally make it convoluted.

COMMISSIONER TRUJILLO: So it won't go into a black hole. The planning process will continue in that area?

MR. KOLKMEYER: And both sides do get planning. Yes sir.

CHAIRMAN DURAN: Any other questions of Jack?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jack, the area also designated in red as the south Santa Fe urban growth area. That's not a part of this resolution.

MR. KOLKMEYER: No sir. It's not.

COMMISSIONER SULLIVAN: My other question was in the Whereas, one of the whereases says that the Airport Development District includes lands owned by the City of Santa Fe, which include the Santa Fe Municipal Airport and adjacent lands, but we've taken out the municipal airport, right?

MR. KOLKMEYER: Yes sir. That's correct.

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COMMISSIONER SULLIVAN: And are there any other City of Santa Fe lands in the proposed Airport Development District planning area?

MR. KOLKMEYER: Commissioner Sullivan, we think that there are a couple of places where the airport area goes up and cuts across Airport Road, but we may have to refine that piece. See, there's a little piece right here, and I believe that there's another little piece right in here. We can either snip those out or simply leave them in depending on how critical they are to the airport master planning process. But we wanted, for simplicity for the moment just to follow along the road there. But it appears that there may be a few places where it crosses the road. There's also the sewage treatment plant.

COMMISSIONER SULLIVAN: So is it appropriate to leave this whereas in, or is this whereas have to do with the way it was before and now we're changing it, or is this where, which is in the middle of the second page, something that indicates what the district is now.

MR. KOLKMEYER: Commissioner Sullivan, could you point out exactly which whereas it is?

COMMISSIONER SULLIVAN: It's the fourth whereas on the second page.

MR. KOLKMEYER: I believe that is simply a statement of what the original Airport Development District in our—our original general plan includes all those areas. And we're modifying what we did with 2001-50 is we modified that boundary. We've kept the same whereas from the previous resolution.

COMMISSIONER SULLIVAN: Are you okay with that, Steve? That fourth whereas is okay?

MR. KOPELMAN: Mr. Chairman, Commissioner, I looked at that. I don't think that's a problem. Again, as Jack had indicated, whether the land to the north of Airport Road is included is something that can always be changed down the road if it presents a problem. But I don't see that as a problem per se.

COMMISSIONER SULLIVAN: Thank you.

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

MR. KOLKMEYER: Thank you, sir.

CHAIRMAN DURAN: Thank you, Jack.

- X. E. 2. Resolution No. 2001-61. A resolution establishing minimum appraiser qualifications for properties purchased under the County's Wildlife, Mountains, Trails and Historic Places Program**

CHAIRMAN DURAN: Alina, if you would allow me to kind of make an introduction on this thing so we can kind of move quickly on it. Alina approached me a while back about the qualifications that—well, there are no qualifications on how we select an

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appraiser. And I think in my discussion with you we decided it would probably be in the best interest of the County, since we're going to be expending County funds to acquire these properties that we get the most qualified individual to do the appraisals for us. So I believe that what Alina's here for today is to ask us to give her some direction, and my thought at that time was that we just go ahead and have a policy where an MAI is hired to do the appraisals for us. So is that pretty much it in a nutshell?

MS. BOKDE: Mr. Chairman, you did the majority of my presentation for me.

Yes, in a nutshell, basically the policy would be that for properties that contain significant archeological, historical, cultural or natural resources, or are zoned other than vacant residential land for lots of four or less, lots that we would have an MAI designated appraiser do the appraisal.

COMMISSIONER TRUJILLO: Which is most of the land that we're looking for for open space, if not all of it.

MS. BOKDE: Commissioner Trujillo, that's correct. The majority of the properties that are brought forward to the Board and then recommended by the Board to move forward do have very significant resources on them and as part of the negotiation process what staff has learned is that the MAI designated appraiser has probably the most training to be able to try to provide a value for an archeological site, provide a value for a floodplain area. So they receive training that allows them to be able to make that determination where a lower designation doesn't necessarily provide that kind of training or understanding on the process.

As the chairman stated, a MAI designated appraiser, I think, can best bring forward the information necessary to make a determination as to why they're giving the property a certain fair market value.

COMMISSIONER TRUJILLO: Does that mean that the appraisals are going to come in higher, because now traditional and cultural idiosyncrasies are being taken into consideration, or will the appraisals stay the same?

MS. BOKDE: Mr. Chairman, Commissioner Trujillo, I don't anticipate that the appraisals will automatically come out higher. I think what this will allow, what this will allow the process to be is that the appraiser will be able to look at certain assumptions and be able to make certain determinations based on the training that they've had rather than just looking at vacant residential properties as comps. So what's—and I would like to state that about 85 to 90 percent of the appraisals that have been done to date are MAI designated appraisals. So we're not bringing in a new standard. It's basically an existing standard. I don't anticipate that the appraisals will come out higher. It's just being able to—it's more of a methodology and approach that an MAI designated appraiser can bring forward, rather than another certified appraiser.

COMMISSIONER TRUJILLO: We're using MAI appraisers anyway, so this is just making it official.

MS. BOKDE: Mr. Chairman, Commissioner Trujillo, that is correct. This is something that the staff has instituted that would like to come to the Board for direction.

CHAIRMAN DURAN: It's basically to prevent property owners from hiring

their own appraisers who are not MAI designated and claim that their appraiser, their appraisal indicated a higher value and that the standards for appraising, their standards of appraising aren't as—they have different levels of professionalism that they bring to the table and a residential appraiser doesn't have the credentials that an MAI appraiser has. So we were just trying to make sure that we wouldn't run into any conflict where a property owner could say that their residential appraiser indicates that it's worth X, which is a lot more than our MAI appraiser indicated.

MS. BOKDE: Correct, Mr. Chairman.

COMMISSIONER GONZALES: Mr. Chairman, move for approval.

COMMISSIONER GONZALES: Second, Mr. Chairman.

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

X. F. Public Works Department

1. Request authorization to enter into a professional services agreement with Tierra Engineering Consultants for surveying, engineering and design of the La Puebla detention basin project

MR. LUJAN: Mr. Chairman, members of the Commission, we're requesting that the Public Works seek acceptance of response for request of quotes to Tierra Engineering for the design of La Puebla detention basin project in the amount of \$15,224.

CHAIRMAN DURAN: Any questions of James?

COMMISSIONER TRUJILLO: This is a flood control project, James? Just for the record.

MR. LUJAN: Yes, it's a flood control project for the acequia in La Puebla.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: James, how many firms did you contact?

MR. LUJAN: We contacted three in Exhibit A. One was a no-response, Dennis Engineering.

COMMISSIONER SULLIVAN: I just offer a suggestion in the future. I know three is the minimum that usually the Code looks at for services under \$25,000. But if you don't get response there are certainly a number of other firms out there. I encourage you to get at least three responses. There are plenty of firms. I don't know if they'd be lesser or more but it seems like we could have a little bit more effort on that.

MR. LUJAN: We will make that effort, Commissioner.

CHAIRMAN DURAN: Okay, any other questions?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Lujan, where's the money coming from?
Is it general fund money?

MR. LUJAN: No, this is a project that the acequias went out to get. \$46,000 from a BLM grant, and then they got a \$19,000 legislative appropriation in the year 2000, so it's not County monies at all.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

X. G. Matters from the County Manager

1. Update on the proposed Edgewood annexation of the Campbell Ranch

MR. MONTOYA: Mr. Chairman, in the interests of time, we have a memorandum that was prepared by Ann Lovely who is our assistant County Attorney that was sent over to myself and to the Board of County Commissioners, giving you an update on the most recent meeting that took place relative to the Campbell Ranch annexation by the governing board of Edgewood. Mr. Chairman, I think the memorandum is self-explanatory and have provided it to the members for your information.

In a nutshell, Mr. Chairman, the room where the meeting was held, it was approximately 300 people plus and most of those individuals were against this annexation and the reasoning is prepared for you in the memorandum. But I wanted to point out that the public sentiment does not favor this annexation much, however, the governing board still has not made a decision.

Another thing I wanted to bring up, Mr. Chairman, is the water summit between the City and the County has been placed on the calendar for both governing bodies for May 16th from 8:30 to 4:30 approximately.

CHAIRMAN DURAN: Eight thirty in the morning?

MR. MONTOYA: Yes sir, Mr. Chairman.

CHAIRMAN DURAN: What day is that?

MR. MONTOYA: The 16th, Wednesday is what I understand, Mr. Chairman.

And it's been set aside for seven-plus hours in case we need that much. If we get our business done earlier obviously we can adjourn at an earlier time.

CHAIRMAN DURAN: Great. Okay, I have a question on the Campbell Ranch. Does the Commission have any—are we involved at all in approving or disapproving an annexation of, such a large annexation.

MR. MONTOYA: Mr. Chairman, I'll defer to counsel.

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MR. KOPELMAN: Mr. Chairman, members of the Commission, technically, the matter would not come before this body, but depending on how things develop, there's nothing that says that the Commission can't actually intervene in this manner.

CHAIRMAN DURAN: We could oppose it if we decided to, right?

MR. KOPELMAN: That's true, Mr. Chairman. They're not really at a point where they're ready to bring forward the annexation formally. They're still gathering information and getting generally public feedback at this stage.

CHAIRMAN DURAN: What does that do to our tax base?

MR. KOPELMAN: Mr. Chairman, I don't think it would affect the County tax base hardly at all. Very, very little of the ranch is in Santa Fe County. Virtually all of it is in Bernalillo County and all of the part that's proposed to be developed is in Bernalillo.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: There is one imminent and immediate issue on that annexation and that is that—I've never seen it but I understand that the town has formally submitted to the County a request for its approval of annexation of Entranosa Road. Entranosa Road is a three-mile road that provides the entrance, the shoestring annexation entrance into Campbell Ranch. I haven't seen it as I said, but I understand a response has been made to the town that the County is in favor of that provided that they extend the 2 ½ mile annexation to three miles, which would bring it to the Bernalillo County borders. So I think something is moving forward here that we may not be aware of.

Now this has a secondary ramification that goes on to the Public Works Department and that is that the Road Advisory Committee, which I attended a month or so ago, approved \$86,000 for graveling Entranosa Road. And that I think was an appropriate approval because last year, Edgewood area didn't get any graveling projects. Now there were other gravel projects proposed in the area and we could move to those other projects if we had to, but Entranosa Road had a number of petitioners who asked for that road to be graveled. So the Public Works Department apparently has a June 1 deadline to get matters over to Finance to do their purchasing for the year so it's done in this calendar year and we're now kind of caught between a rock and a hard place, here to know whether we're going to be graveling the Campbell Ranch entrance road or not.

I spoke to the Mayor about this, and by the way, the Mayor's read is that the council is pretty well split half and half on this so this can go either way, just as easily in favor as not. But I told him I had a problem personally, or as District Five representative, with graveling Entranosa Road if it was going to be the town of Edgewood's road and if it was going to be the entrance to Campbell Ranch. I felt they probably had that obligation, rather than the County. He understood that and said he felt that they could have a decision on this by June 1. In Edgewood, the Mayor does not vote unless it's a tie, which in this case it might well be, two to two. And the Mayor favors the Campbell Ranch project.

So we have a little immediate problem here in how to deal with Entranosa Road and maybe Robert can enlighten us on it.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I think I've got a solution for that problem. I believe what I will do at the next Road Advisory Committee meeting, which is May 9th, ask them to revise the list and exclude Entranosa off of this year's basecourse program in the event that the annexation does not take place, we will have next year's money that will be available after July 1 and then at that time, we can address Entranosa's problems with next year's money.

COMMISSIONER SULLIVAN: I think that's probably the only way we can go. Two comments on that. Number one is that we're putting out or proposing about \$86,000 of the \$125,000 in graveling to go on Entranosa Road, so would the balance, would that money then go other Edgewood road projects, or Edgewood area projects?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, it's up to the Road Advisory Committee. They toured all of the requests in Santa Fe County, but I believe there were some other roads that the representative from Edgewood had on her list.

COMMISSIONER SULLIVAN: Oh, Rita had about seven, I think.

MR. MARTINEZ: Correct.

COMMISSIONER SULLIVAN: She had plenty in that area. I just wanted to keep them in that area. Now, the other comment I had is I think we need to notify all of the residents. There were a number of residents and names and addresses on that petition that they brought to me requesting that Entranosa Road be paved and as you know, there were two residents that came all the way up to Santa Fe the Road Advisory Committee meeting, which is a fairly rate undertaking in and of itself. So if we're going to yank that funding, and I don't see any alternate course right at this point, I would ask—tell me if it's a problem—that we send out letters to each of those residents.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, we can do that. We have the petition with the addresses.

COMMISSIONER SULLIVAN: Explain that we're not forgetting them, but by the same token we can't jump into the middle of this Campbell Ranch debate and can't take action until it's resolved by the town of Edgewood.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, we can do that.

COMMISSIONER SULLIVAN: Thank you.

MR. MONTOYA: Mr. Chairman, just for the record, I wanted to point out that we did receive a letter from Edgewood talking about Entranosa Road and their interest in taking it over and asked us for an opinion. We've sent that over to the Public Works Department for an opinion. We've not communicated back to Edgewood officially yet. So I appreciate the direction. Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman, Sam, I think before that letter goes back down to Edgewood, we certainly as a Commission should see it.

MR. MONTOYA: Mr. Chairman, we will provide that to the members in their baskets and would also like to have an idea of how to proceed with that relative to discarding the road and turning it over to them or rejecting the request. So we'll place it as an action item, probably at the next meeting, prior to the June 1 meeting.

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COMMISSIONER TRUJILLO: James, a question on the basecourse program. Do we have an idea of what roads have been designated throughout the county by district for enhancement with basecourse?

MR. LUJAN: Mr. Chairman, Commissioner Trujillo, I don't have that information but I can defer to Robert.

COMMISSIONER TRUJILLO: It would be nice to get a copy of that by district.

MR. LUJAN: Are you asking for this next year's program or the current program?

COMMISSIONER TRUJILLO: The current program.

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, I believe the majority of the money, there was \$125,000 available, and approximately \$85,000 was for the Edgewood area. I believe there was one road in your district, two roads in your district: County Road 72A in Tesuque, and County Road 84D from 502 to 84 that were on those lists from your area. There were a couple other roads, I believe one in Commissioner Campos' district in the Seaton Village Subdivision.

COMMISSIONER TRUJILLO: So the bulk of the monies went to the southern district.

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, that is true. The last couple of years we did not have a supplier for basecourse down in the southern part of the county, so the southern part of the county did not receive any basecourse in the last couple years.

COMMISSIONER TRUJILLO: How is it going to look for the upcoming year?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, we had requested for the basecourse program funding to be increased back to \$200,000, what it was originally, but I believe we were cut to \$125,000.

COMMISSIONER TRUJILLO: And the Road Advisory Committee will prioritize the program, the roads that are going to be basecoursed?

Mr. Chairman, Commissioner Trujillo, yes, they will.

COMMISSIONER TRUJILLO: Can we get a copy of the priorities when they're finalized?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, you can. I will forward those to you.

COMMISSIONER TRUJILLO: Okay, we're still in Matters from the County Manager?

MR. MONTOYA: Mr. Chairman, I had one last item and that was that the working group to continue the efforts on the tribal summit initiative, we were hoping to reconvene the second meeting on May 18th, which I believe is a Friday. Now, I realize that we're loading the Commissioners up with several meetings and there's a lot of conflicting schedules and I wanted to put that data out in front of you to see if that would work. If it

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doesn't we could postpone a week or two and possibly find a working date that would be able to bring all of the Commissioners to the table, because it's going to be a very important meeting with the governor types from the tribes and we'd certainly like to have leadership to leadership at the table. So it's very imperative that we schedule a meeting when the Commissioners are actually available and have some time.

Our intent is to start approximately 8:30, 9:00 and go only through lunch, so that we condense our efforts within a three to four hour period and release people in the afternoon to do other business. So Mr. Chairman, we're hoping for the 18th and we're looking at the Quail Run here in town and we're hoping that that works for the Commissioners. If you would please get in contact with myself or with Deborah to let us know if that date's going to work at your earliest possible convenience so we can begin to get the word out to all the tribal governors.

COMMISSIONER TRUJILLO: Sam, why don't we look at something about a week or two after the 18th because I think the Commission is getting inundated with meetings for the month of May. So if we focus on something the week, or a couple of weeks after the 18th I think that will be, free time will be available then.

MR. MONTOYA: Very good. Shall do.

COMMISSIONER GONZALES: Preferably two weeks, Sam, because I'm gone then.

MR. MONTOYA: Two weeks. Very good. Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: Is that it, Sam?

MR. MONTOYA: Yes sir. Thank you. Oh, excuse me, Mr. Chairman. One last item. I'm sorry. We're also going to have to come to you to schedule the final budget hearings for the final budget adoption and that is very, very important, Mr. Chairman. We would figure that that would take probably a good six hours and hopefully, we could streamline the presentation and also provide information to you prior to the meeting and hopefully, answer a lot of the questions prior to the meeting but most certainly give you a quick brief and field any questions that the Commission might have.

At this point in time, I'm not sure exactly what particular day we're looking at but we were hoping that you might be available on May 8th. That would be right after the regular scheduled meeting, prior to the next regular scheduled meeting. So Mr. Chairman, we lay that one in front of you with some real expectation that we can come up with a date that will work for everyone.

COMMISSIONER TRUJILLO: And May 8th is the regular meeting of the County Commission, right?

MR. MONTOYA: Yes, Mr. Chairman, that starts at 4:00 so we were thinking if we could get you in early that day do the budget hearing in the morning and roll into the Commission meeting, which I believe you would be here already but that makes for a very long day. I understand that.

COMMISSIONER SULLIVAN: That makes too long a day for me, Sam. Particularly after six hours of budget and then to go into the public hearings. The first meeting

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of the month is a public hearing.

CHAIRMAN DURAN: You may not have another job, but I do.

COMMISSIONER GONZALES: Mr. Chairman, Sam, what's the budget deadline? When do we have to have it submitted?

MR. MONTOYA: Mr. Chairman, we'd like to get it in probably by the third week of May into DFA with all the appropriate adjustments and the clean up. Mr. Chairman, we have done lots of cutting and almost—and I say almost—we need one more meeting, and we're going to do that tomorrow but we will come to you with as close to a balanced budget as we can get. So our initiative is to bring you that kind of a budget.

So Mr. Chairman, we've incorporated a lot of the comments we've had from the Commissioners and from the department heads as we've gone. We've done a very thorough job of cutting to the most important issues that the Commissioners have pointed out to us and quite frankly, we might not need a six-hour meeting, Mr. Chairman, but we're giving it enough time just to cover all the bases in case we need that much time. If the 8th is not possible, Mr. Chairman, I would ask that the Commissioners please give us a date on that week so that we can plan on it and announce it to the public. I heard our recorder's getting rich these days.

I think we should have three meetings a month.

COMMISSIONER TRUJILLO: Wait till June 2002.

CHAIRMAN DURAN: Is that it?

MR. MONTOYA: Sorry, Mr. Chairman. Could you consider May 10th?
Would that be possible?

COMMISSIONER TRUJILLO: That will be possible for me.

MR. MONTOYA: Mr. Chairman, we'll provide you a memorandum with some possible dates and see if we can get a consensus. The calendar's just so heavy, everybody's overbooked.

CHAIRMAN DURAN: What time would you want that on the tenth?

MR. MONTOYA: Mr. Chairman, I've just been told that we have a meeting in Gallup that we have to be at that day, so the tenth is not available really.

COMMISSIONER GONZALES: How about the 9th?

COMMISSIONER TRUJILLO: That's the day after the long meeting.

MR. MONTOYA: The ninth would work.

COMMISSIONER GONZALES: The afternoon of the ninth.

COMMISSIONER CAMPOS: How about Saturday.

CHAIRMAN DURAN: Let's do it on Saturday.

COMMISSIONER GONZALES: Saturday's fine by me.

MR. MONTOYA: The ninth would work or Saturday would work.

COMMISSIONER TRUJILLO: The ninth would be better.

COMMISSIONER CAMPOS: The ninth and tenth I'm going to be in a conference with PNM on energy. It's going to be all day, two days. I won't be able to be here either the ninth or tenth.

COMMISSIONER GONZALES: What's the 11th? Friday?

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MR. MONTOYA: The 11th is Friday.

CHAIRMAN DURAN: Friday looks good.

MR. MONTOYA: Friday the 11th?

COMMISSIONER TRUJILLO: Yes.

CHAIRMAN DURAN: Why don't we do it the next week?

MR. MONTOYA: Well, because you're going into an RPA on the 15th and you're going into the water summit on the 16th, and—

CHAIRMAN DURAN: What are we doing on the 15th?

MR. MONTOYA: RPA.

COMMISSIONER GONZALES: No, that's not till Tuesday.

CHAIRMAN DURAN: That's the 15th.

MR. MONTOYA: That is a Tuesday.

COMMISSIONER GONZALES: Oh. Then what about the 14th?

MR. MONTOYA: Fourteenth is a Monday. It would work on Monday the 14th. Maybe about 10:00 a.m.

COMMISSIONER GONZALES: Actually, maybe in the interest of Commissioner Campos and Commissioner Sullivan, can we rather than wiping out the day—I'm not opposed to an afternoon meeting, like at 4:00, bringing us in. I know it's a long day for the staff but everyone has to work on their regular jobs.

CHAIRMAN DURAN: Why don't you let staff come in late?

MR. MONTOYA: Four o'clock on the 14th? Is that—okay. We'll book that.

COMMISSIONER GONZALES: Does that work for Commissioner Campos and Commissioner Sullivan?

CHAIRMAN DURAN: That's great. So the 14th at 4:00?

MR. MONTOYA: Right. Thank you very much.

X. H. Matters of Public Concern – NON-ACTION ITEMS

CHAIRMAN DURAN: Is there anyone out there that would like to address the Commission on any issue? Erle?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: For Mr. Montoya. Can we get some kind of agenda, a draft agenda for the tribal summit at some point when it gets fairly concrete?

MR. MONTOYA: Yes, Mr. Chairman, Commissioner Campos, we do have the potential agenda that we've been working on for the 18th. We can provide that to the Commissioners this week.

COMMISSIONER CAMPOS: I'd appreciate it.

MR. MONTOYA: Yes sir. Thank you.

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X. I. Matters from the Commission

1. Discussion regarding County road improvements plan and strategy

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I asked that this be placed on the agenda and I can summarize it very briefly. A couple of months ago we talked about possible ways to implement a County road plan and strategy with various taxing alternatives that the Commission authorized Ms. Vigil and me to look into. Since then, there has been legislation passed that allows the counties to adopt up to a quarter percent gross receipts tax upon referendum in sixteenths increments. There is also gas tax possibilities. I feel very strongly that we spend a lot of time and good time on a number of public issues but we sometimes forget some basic services that we need to provide in the county and roads is certainly one of them.

So what I'm asking for in this discussion is not a lengthy discussion today but rather some direction that the staff could be directed to go back and look at some alternatives, look at the tax implications, look at the number of miles of road we have. I know we have over 500 miles of County-designated roads. I know we have more than double that in private roads. I know we have issues of not being able to spend County money on private roads because of the anti-donation clause, but nonetheless, we need to find a mechanism to address the road problems. I wanted to give the staff the first whack at that and see if they could come up with some alternatives for us to develop a long-term strategy.

We've been focusing on water and so many imminent issues that I think we need to consider also some of our basic services as well.

COMMISSIONER GONZALES: Mr. Chairman, I agree with Commissioner Sullivan's call, in fact I think we had talked about this a couple of months ago, the frustrating phone calls that we all have when our constituents give us a call. They live on non-County roads and they're in need of some help. And then there's those County roads that are in need of continuous maintenance. So I think that, what seems to me what would be appropriate, Commissioner Sullivan, I'm not sure if you're asking, or what method or what form you want to see it but many some type of strategic plan with some objectives that would address some of the non-County roads and some of the financing options available to get some assistance to them, or are you looking at some formal County plan that addresses some of these non-County roads with methods of how we can get some assistance. Because it is a very huge, pressing need.

COMMISSIONER SULLIVAN: And there's two areas. One of course is we need to improve our own County roads, (a).

COMMISSIONER GONZALES: Right.

COMMISSIONER SULLIVAN: And we need to look at the costs per mile and (b) we need to take a look at what we can do on private roads. Perhaps if we gave some incentive that we would accept the roads if they brought them up to a certain standard, which maybe was 50 percent, and then they would become County roads and eligible for the 50

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percent funding and maintenance. Once we did that, we would need to be sure we had the money for that ongoing maintenance. And that's why we would need to look very closely at either gas tax or this gross receipts tax addition.

COMMISSIONER GONZALES: So, Commissioner Sullivan, would it be like an operation plan that we would be adopting that would address County and non-County with all the financing mechanisms available?

COMMISSIONER SULLIVAN: Correct.

COMMISSIONER GONZALES: Okay. That'd be great.

COMMISSIONER SULLIVAN: A comprehensive plan, and I say, start with some suggestions thrown out by staff for us to drag in to investigate.

COMMISSIONER GONZALES: I'd support that. I think that's a very timely and needy issue.

COMMISSIONER TRUJILLO: I think in this area we need, Mr. Chairman, to take into consideration the impact on the finances and the existing work force in the County. In my district, we have 120 miles of dirt or roads that are maintained by poor people. And I'm sure that there's 120 miles of private roads that want to be dedicated to the County so we still have poor people to address, to maintain, now 240 miles of road. So we need to take that into consideration and hopefully staff will give us some recommendations in that regard. Because if we start absorbing and maintaining private roads or public access roads, that's going to have an impact on our equipment, on our finances and on our work force.

MR. MONTOYA: Mr. Chairman, just for clarity's sake on the scope of this project, I understand the intention to improve County roads that are either already paved and/or the ones that are dirt to pavement. Where I am not very clear is what exactly do you want us to do with the private roads because that is a huge number of miles. Do you have a special sector you want us to look at, or the entire county? This scope could be huge and I just need to know exactly where you want us to focus because I don't want to disappoint you with findings and I'd like a little more clarity about exactly what you want us to look at.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Chairman, Sam, it seems to me in my mind, I know that yes, in fact we need to address how efficient we are, or an operational plan and how efficient we are in terms of our current demand, and an operational plan on how we work to increasing the support for taking care of existing County roads. So I think that that's one need that I would like to see coming from the staff, rather than just on an annual basis saying we need two more people or we need three more people. I think it's important that we have an operational plan knowing what the current demand is, what our current capability is for meeting that demand, and what we need to close that gap—one. Two, we all know that there are a lot of private roads in this county that many county people use and are very dangerous in times of winter and extreme rainy seasons, that need some County assistance or they need some assistance.

We know that there's a law that prevents the County from being able to assist these people who use these private roads. Well, actually, they're public roads in their minds. In our

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minds, they're private. But if the public's using it, they see it as a public road. So I think if I hear what Commissioner Sullivan is talking about is what's the operational plan to address, or at least what I'm thinking in my mind, what's the operational plan and what kind of operational plan can we develop that would address making those roads safer, either through some County and private area participation or relationship. So let's say as Commissioner Sullivan indicated, we send out some incentives for communities that are using these public roads to choose to tax themselves so that we can bring it up to standards.

And we have enough history under our belt. We tried doing this with the Silverado Subdivision, and man, that fell apart. And we could probably look for ways that we made some mistakes and figure out how we can do a better job, but it seems to me that are probably a lot of people in this community who live on these public roads that aren't County-maintained that may be willing to step up and put some money out of their pocket to get them up to a standard where the County will consider taking them.

Then that throws us into another gamut. What does it mean to accept these roads and what does it do to us and our work force? So there are all these questions in my mind, that I have, that I've never really been able to fully comprehend how the County is going to approach all these challenging issues as to how they deal with roads. When I heard Commissioner Sullivan talking about this, right away, I felt that this operational plan would help me address those things in my mind, and, when we're talking to our communities, what we're going to do to try and address some of their needs. I think this is important because one of the primary reasons why we all exist and it's easy to forget with all the issues facing us is to take care of roads in the county. That's why county commissioners exist all across this country is to take care of roads.

So I think it would be a very helpful document to have that talks about all these issues from County-maintained roads, what the demand is, what the need is, what our capacity is to meet that demand to non-County roads that are highly used by the public that present serious and dangerous situations and then moving into the step what the County can do in assisting the community to help bring some of those of those private roads up to a capacity that the County would be willing to take over and rolling that out. And identifying some of these areas. I think that we need to go out there and see what some of these dangerous road situations are and seeing what we can do to bring some awareness to the community on how they can make these roads safer roads.

I know there's a lot of communities that during the flood season can't cross many roads because they've got the low-water crossing and they can't get through it and the County can't go in to help. I guess that's what I was thinking in my mind, Mr. Chairman and Sam. Maybe Commissioner Sullivan can offer some clarification, but there's a lot of questions that I have in my mind as to how we deal with not only existing roads but those roads that are going to be coming on line and those roads that need to come on line.

MR. MONTROYA: Mr. Chairman, what I would like to recommend is that we put together a kind of a scope of work for this initiative and then share it with the Commissioners to make sure that that's going to hit the red part of the target and then when we

get some concurrence from you we'll pursue that. Is that all right, Commissioner Sullivan?

COMMISSIONER SULLIVAN: That's fine. We've got to look at the income. We've got to look at as Commissioner Trujillo said, maintenance. What would all that additional maintenance cost. We need to look at revenue sources, what could we achieve from gross receipts tax? What could we achieve from fuel tax? And we need to look at a road acceptance policy as well. So all of those issue and an outlined scope would be very useful before we jumped in feet first.

MR. MONTOYA: Right. Very good. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a brief comment. I think the project as outlined is really huge. I think we need to focus perhaps on arterials and maybe if we get lucky we could get that far. Trying to go into subdivisions and do roads, that seems like a huge task burden and this summer people are predicting that gasoline is going to be at \$2 a gallon and they're paying a lot of taxes. I'm not sure if they're going to want to pay that much more.

COMMISSIONER GONZALES: My focus, Commissioner Campos, wasn't necessarily on every County road but exactly doing that, identifying some of the major arterial roads that people are using, whether they're County roads or non-County roads, that we really take a look at it and make some of these areas safe roads.

MR. MONTOYA: Very good. Thank you.

- X. I. 2. **Request authorization to publish the title and a general summary of an ordinance to amend Ordinance 1998-5, "The Community Planning Process" to include a provision that all community plans shall demonstrate that they achieve a benefit to the greater public good for all citizens of Santa Fe County**

CHAIRMAN DURAN: Who's was that?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This was a suggestion that I wanted to place before the Commission. I felt in reviewing the community planning process, there were two things that were omitted, and particularly I saw that come forward in the San Pedro plan. And number one was a statement some place, direction, that these plans have to have at the outset and as an overriding factor that they do provide a community benefit to Santa Fe citizens as a whole, as opposed to simply being a lock the gate behind me or an enclave type of plan. So I think we need to start out giving a community that direction.

And as I look at Eldorado starting doing a community plan, I want to be sure they have that direction, that this is not a protective plan. This is a plan that's got to demonstrate to the Board of County Commissioners that it's for the benefit of all the citizens of Santa Fe County.

The other issue that I felt was important that I think the staff should look at is in the

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ordinance, there's a listing of "shalls." The plan "shall" include. And there's a whole additional listing of some ten or so items that the plan "may" include. And those "may" items are quite important. Identification of any historical structures is under "may." Preparation of an open space trails plan is a "may." There's six or seven items there in those "may" categories that really, I think need to be in a community plan and should have been "shall" items. Have the staff take a look at those "may" items now that we've gone through several of these plans and see what their recommendations would be to make them into "shall" items. I think without too much difficulty they could become a better plan that way.

That's what I hope the ordinance would look like when staff puts it together.

COMMISSIONER GONZALES: Move for approval.

CHAIRMAN DURAN: Second. Any further discussion?

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to hear something from staff. I agree with Commissioner Sullivan's motion. I think we have to have a public element to any of these special areas that are developed, but I'd like to hear from the staff, a report from the staff as what they think, how they would handle this as opposed to going to ordinance right away.

MR. KOLKMEYER: Mr. Chairman, Commissioner Campos, I understand Commissioner Sullivan's—the content of his concern. First of all, a community plan has to conform to the County Growth Management Plan, the general plan. It's the County general plan that outlines the vision and in Commissioner Sullivan's phrase, the good of the county. So in order for a community to go forward with a community plan and a plan to be approved by you, the Commission, it has to, by right, conform to the general plan. So if you go back and you look at the general plan, all those concerns are fairly clearly articulated in the Growth Management Plan.

Secondly, in terms of exclusionary plans, staff wouldn't propose even going forward with one. If Eldorado came in, for example, wanting to do a community plan for the subdivision only at this point, where we're at with that right now. We haven't seen how they're going to come back to us, staff would not recommend going forward with a plan like that, because it would be exclusionary. That was built in to the ordinance. So those things are already there.

The "shalls" and the "mays" actually, got quite a bit of debate when we adopted that plan. A comment has been made a couple of times in the budgetary process that once we do a plan, then we're finished with it. But that's not the case. The plan is just the road map. Some communities may not want to do a trails plan as part of their community plan. They may want to do some other elements that come out of the community plan. San Pedro was an example of that. They didn't have the time, the wherewithal, the money to undertake it at that point, but they do want to do a trails plan. Out of the community plan comes element plans that we then continue to go forward with. We don't just do a community plan and then leave it sit. We intend to work with those communities for however long they need that.

On the other hand, there may be a few things in there that we would want to look at again that should be required. If you go back and you read the Community Planning Ordinance

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again, the basic premise of the community plan is problem solving. So if a community wanted to undertake a plan to do what they felt were to solve two problems, for example, we wouldn't want them to have to spend two years to discuss a whole wide range of other things that they didn't feel were necessary for them, because it's the community that comes forward that articulates to us what problems they want to solve and how they would like to go about it.

So we'd be open to sitting down with Commissioner Sullivan and looking at these things in some more detail. But in terms of doing an ordinance for that, I think I'd need a little bit more clarity and direction at this point.

CHAIRMAN DURAN: Is it an ordinance or just an addition, an amendment to the ordinance? I think this is just a policy statement that we're trying to make. Isn't that what you were trying to—or a vision statement, I should say.

COMMISSIONER SULLIVAN: A policy statement that's in the ordinance, so it has some weight, and then a relook at some of the "may" and "shall" items and I had a few—I didn't bring the document with me, but there's several in that item and we can pull out the ordinance if you want that seemed to be pretty basic to any community plan, that some community plans that we've done have in them. I'm not saying they all exclude those. Some of them just ended up having them in anyway, but I think we need to rethink those "may" items and obviously we want the input of the Planning Department to do that.

But it would be an amendment to the ordinance. It wouldn't be a major one, but I think it's a fine-tuning as we proceed down the road on this.

COMMISSIONER GONZALES: I think, Mr. Chairman, that's the way I see it is that it would be a fine-tuning process where we could bring back the vision statement and make sure—I know this was an issue that we talked about quite a bit when we went through the general plan process was that we made the commitment to the County that any community plans that would come forward would benefit—we had elements in there that would benefit the County as a whole, and we left it flexible enough so that communities can carve out their own individuality and it would be reflected in their community plan, who they were and what they represented and the values that they have, so that if the community of San Pedro came forward with a community plan, Cerrillos came forward, Tesuque came forward, La Cienega—there would be some core requirements for the public good, like making sure the preservation of groundwater resources, issue of proper transportation network, community building, all those things are fundamental in every plan that are consistent.

But then there would also be enough flexibility so that that community plan could reflect and represent the character of those communities and the values they believed in. I think it's important that we continuously revisit to make sure that the general plan is allowing for that to happen and that that is taking place. And also, as Commissioner Sullivan indicated, the "mays" and the "shalls" I've forgotten and not reviewed those in a while and I think that as we've gone down and we have some history under our belt, and we have some community plans under our belt, it's okay to review what the "mays" and the "shalls" are for some of these community plans and either reaffirm or modify or fine-tune it.

I guess that's what I saw the value of this being. Is the method that it's coming

forward, will that allow us to do it? Because it seems like it's an amendment and will allow us to make those modifications or to affirm them, or is this not the same path that I've just described? I'm looking at Steve, I guess.

CHAIRMAN DURAN: I think Steve wants to respond.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I don't think that this caption is really exactly what it sounds like the Commission is wanting us to do, and if I could suggest that rather than take this forward, that maybe Planning and Legal and Commissioner Sullivan, maybe could sit down and discuss it a little more. And maybe the next time we can come up with specific sections and have a little more specificity. Because I think all this would do would allow you to amend the ordinance to allow you to put in a policy statement, and it wouldn't really allow you to get into the specifics. I think the caption doesn't really allow for that.

COMMISSIONER TRUJILLO: I look at this amendment as being redundant. I look at the general plan and community planning, the essence being what we're saying here. The community planning process to include provisions about the overall quality of life. That's already in the ordinance. This amendment is not taking the ordinance to the next level. We can revisit and see what we need to change, but it's already there. I see it as being redundant. I don't see any added value to amending an ordinance that's already serving its purpose.

CHAIRMAN DURAN: Jack, why don't we do this? Why don't we just bring the whole—I don't have any problem with you discussing it with Commissioner Sullivan but I think it's more important that this Commission discuss the entire ordinance. If we're going to rehash it, let's do it at a public meeting and have it at the next land use meeting, and have the public out there to be able, available to comment on it. And then if this Commission thinks that we need to publish for a new ordinance, then we would do that.

MR. KOLKMEYER: Mr. Chairman, in our opinion, the Community Planning Ordinance is working pretty well. So if there are problems with it, I think it would be really helpful for us to be able to sit down with Commissioner Sullivan and the attorney because quite frankly, I don't know what I'd come back to you with. I can bring back a list of the "mays" and the "shalls" and say that maybe one or two of them out to change but—

CHAIRMAN DURAN: And I don't want you to do that either. I want to have an open public hearing about it.

MR. KOLKMEYER: About the Community Planning Ordinance? As it exists.

CHAIRMAN DURAN: About what Commissioner Sullivan has the concern with. What's wrong with that?

COMMISSIONER GONZALES: I think the only—what I hear the staff asking is, I think they're still needing some clarification from Commissioner Sullivan as to what the ordinance will actually be amended to reflect. Is that what I hear?

MR. KOLKMEYER: Yes, because I wouldn't know how to sit down and write what he's asking for to amend an ordinance, the ordinance right now. We'd need some direction to look at specific things that you would want to change. I don't know what those would be right now. We'd be happy to go through it, because as we know, any ordinance that

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we have needs tinkering but I'm kind of confused as to what exactly, what amendment you would want from us.

CHAIRMAN DURAN: I'm not sure that we know what the amendment is and that's why I thought if we all sat together—I wouldn't want you to sit down with Commissioner Sullivan and then decide, okay, yes, we'll make some changes without discussing it with the rest of us.

COMMISSIONER TRUJILLO: What are we trying to do? Fix something that's not broken? What's the added value here? I don't think that the ordinance now that we have in place for community planning is broken. It's working. What are we going to discuss?

CHAIRMAN DURAN: The caption says the community planning process—he wants to amend the ordinance the community planning process to include the provision that all community plans shall demonstrate that they achieve a benefit to the greater public good for all citizens of Santa Fe County. Does it say that in the ordinance right now? Does it specifically say that?

MR. KOLKMEYER: I'd have to go back and look at the ordinance, but I believe that what it says is that the ordinance has to concur with the general plan.

CHAIRMAN DURAN: So it doesn't say.

MR. KOLKMEYER: It probably doesn't say that specifically.

CHAIRMAN DURAN: Okay, what we're here to discuss today is Commissioner Sullivan's desire to have the community planning process have that statement in it.

MR. KOLKMEYER: So the amendment would be one statement.

CHAIRMAN DURAN: Well, that's what it says.

MR. KOLKMEYER: We'd be happy to write an ordinance that said one statement. That would be no problem for us.

MR. MONTROYA: Mr. Chairman.

CHAIRMAN DURAN: How about if I entertain a motion to table this?

COMMISSIONER CAMPOS: So moved.

COMMISSIONER GONZALES: Second.

The motion to table passed by majority [4-1] voice vote with Commissioner Sullivan voting against.

X. I. 3. Resolution No. 2001- 62 A resolution establishing a local development review committee for the Santa Fe Community College District

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: As you know, we've been trying for the

better part of four months to see how we could establish a local development review district for the Community College District. We've been to the Regional Planning Authority three times and really, were unable to come up with any mechanism the City, at least informally would buy into. We looked at changing the boundaries of the EZA. We suggested moving them in. They suggested moving them out. I think ultimately we should just leave them alone.

So we came up with a mechanism which is simply to develop a local development review committee that has a function in the area of the Community College District, which is outside the EZ. It serves the function that it's allowed by ordinance now, which is a recommendatory body in lieu of the CDRC. Inside the EZ it serves as an advisory to the EZC. And I think that's important.

We looked at a number of issues that—and ways, we talked about having an early notification program that the City does on some parcels. We talked about, like I said before, changing the two-mile zones, which we can do jointly with the City, and ultimately I think what we want to do, we have developments that are coming on line now and are starting up through the process and we need a committee of local persons who are active, many of whom were active in the Community College District formation to continue that level of activity and I think it isn't a perfect mechanism but I think it would work.

CHAIRMAN DURAN: Move for approval.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: Any further discussion?

MR. ABEYTA: Mr. Chairman, if I may just add, we handed out a fiscal impact report for the Commission to take a look at. This is the third committee that you've added to our staff this year. In response to that we're requesting an FTE with our new budget to help offset the impact of these development review committees that keep being added. So I just wanted for the record to add this fiscal impact report.

CHAIRMAN DURAN: So when it comes time for budget time, we don't slash your budget, right?

MR. ABEYTA: Right.

COMMISSIONER SULLIVAN: Mr. Chairman, let me make a clarification to Roman's statement. You're not requesting an FTE for the Community College District?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, not just for the Community College District, but for the other, to also help us staff the other committees that we're created this past year.

COMMISSIONER SULLIVAN: Because you're estimating the staffing to cost about \$4,200 a year to provide support services to that. That's far and away from a, that's about one-tenth of an FTE.

CHAIRMAN DURAN: I think it says on the second page.

MR. ABEYTA: Right. And again, Mr. Chairman, Commissioner Sullivan, this is just in addition to the two other committees that were added earlier this year.

CHAIRMAN DURAN: And then we're going to add another one you know, when we finally put together the Airport Development District, right?

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COMMISSIONER GONZALES: That's right.

CHAIRMAN DURAN: This means then that we are not going to agree to change the boundaries of the EZA?

COMMISSIONER SULLIVAN: Correct. We will certainly enter into those discussions at any time if the City wanted to do that, and actually, it would be advantageous to the process if they eventually came around to that, but from this point now, no. This would solely be a County action. It would be a County committee and when the City comes on board, then we'll accommodate them too, but we need to move forward here and allow the public to have some input in the Community College District developments.

CHAIRMAN DURAN: We're in the middle of a motion, but Steve, I'll go ahead and—

STEVE BURSTEN (RPA Director): Mr. Chairman, if I may, the RPA still hasn't really discussed this, as Commissioner Sullivan has mentioned. It's informally been discussed but it was postponed at the last meeting, and it should be heard at the May 15th, still to consider what to do with the LDRC and what to do with the two-mile EZ boundary. So this obviously pertains to it. It may not preclude that option of still taking some kind of an action at the RPA level to look at changing the two-mile boundary.

CHAIRMAN DURAN: Well, it sounds to me like we made a decision.

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, it seems to me that this LDRC process is just taking up a lot of staff time and if we keep doing this, it's going to cost a lot of money. Is there any better way of handling these issues?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, staff has had discussions amongst ourselves. One option would be to create a committee, a local development review committee that would have a member from each of these different committees on one. For example, you can combine Agua Fria, Tesuque, La Cienega, and make one committee with members from those different communities to review their projects. But we haven't—

I don't know what kind of support there would be from the Commission on that, because I know at one time there was a commitment to these different communities that they would have their own local review committees. So in response to that, we're going to bring forward these fiscal impact reports to the Board and we're going to request staff come budget time to help us deal with these additional committees.

COMMISSIONER CAMPOS: I'd like to have some further discussion some time down the road with staff about this LDRC. It is expensive. It's cumbersome. It's overloading the Land Use Department. I don't think it's fair to have people driving around all night, meeting several times a month when there's a more efficient way of handling this. I don't know how anybody else feels about that on the Commission, but I think it's a very expensive process. I'm not sure it's that effective.

CHAIRMAN DURAN: I don't think there's any other way of doing it. This is

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essentially allowing representatives from the community to decide their own fate.

COMMISSIONER CAMPOS: I understand the general concept but I'm not sure if it's the most effective way of doing it.

CHAIRMAN DURAN: We could have another meeting and we could decide.

MR. ABEYTA: Mr. Chairman, if the Board likes, we could bring forward options to the Board to consider.

CHAIRMAN DURAN: Okay, why don't you do that. Whatever they might be.

The motion to approve Resolution 2001-62, passed by unanimous voice vote.

COMMISSIONER TRUJILLO: We're not done with Matters from the Commission yet, are we? I've got one. I understand we are close to coming to conclusion with some of the Native American tribes and the renaming of some roads in Santa Fe County. Sam, that's correct? We also have in place an ordinance 1996-14, item #3, that states that a road cannot be changed for a period of ten years. I would like to direct staff to bring forward an amendment to this ordinance in which it would allow the County Commissioners to change the name of a road that has been named by the Rural Addressing Department.

In this particular issue, especially in the Pojoaque Valley and its surrounding areas, the Native Americans have named certain roads with no input from families who have used and lived around those roads for generations. In some cases it is still questionable as to whether the Native Americans own the road easement or not. So if staff would come forward next meeting to publish title and general summary regarding this issue, I would appreciate it.

MR. MONTROYA: Thank you, Mr. Chairman. Duly noted.

CHAIRMAN DURAN: Anything else from the Commission?

[audio difficulties: the following is from the reporter's notes]

Commissioner Sullivan expressed concern that staff distributed a fiscal impact report regarding the local development review committee during the meeting. He asked that staff prepare documents in advance and include them within the packets.

X. J. Matters from the County Attorney

1. **Resolution No. 2001-62. A resolution repealing Resolution 1996-37 and establishing procedures under the New Mexico Inspection of Public Records Act**

[Audio difficulties]

Mr. Kopelman explained that this resolution designates the County Attorney as the custodian of public records. It also contemplates that each department or office shall designate

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a rdepartmental records liaison.

Commissioner Gonzales moved approval of Resolution 2001-62. His motion was seconded by Commissioner Campos and passed by unanimous voice vote.

PUBLIC HEARINGS:

- A. **Ordinance No. 2001-__ . An ordinance replacing Ordinance 1999-6, "Comprehensive Solid Waste Management" (one public hearing required)**

Jill Holbert, County Landfill Coordinator, reviewed the proposed amendments regarding the Comprehensive Solid Waste Management Ordinance.

CHAIRMAN DURAN:...Do they punch it? Is that how they are?

MS. HOLBERT: Commissioner, yes they do. Right now, there's actually little squares and each month has two squares at this time.

COMMISSIONER TRUJILLO: I guess I don't understand what the issue is when, if we plan the right way. We've got an infrastructure that ostensibly will be used by the community for the purpose of getting rid of and containing solid waste. The purpose of that is to get away from throwing solid waste in the arroyos and on top of hills and things like that. This infrastructure should be available to the community. I've got my solid waste card here. I've used one, two, three, four punches up to now. And this is since July of last year. I don't understand why I can't use all of those punches, and I'm not going to use them all by the end of the year. By no stretch of the imagination will I use them all.

Why do I have to go to the solid waste facility April 31 with a pick-up full of trash and be turned back home because I've exhausted my two punches. And that, I'm going to take it back home. Other people are going to go to the nearest arroyo, or they're going to go to a river bed, or they're going to go on top of the hill. Why don't we make our citizenship accountable and give them the opportunity to decide when they're going to take their solid waste to the transfer station and at the same time, protect our aesthetics, our quality of life.

MS. HOLBERT: Commissioner Trujillo, Mr. Chairman, I don't disagree with you. I'm just trying to explain that at this point, the County has basically made promises that we don't have the staff or the resources to keep. We issue more punches per year that we can actually accept, if that were the case, if they all would come in, because we don't have the trucks, we don't have the staff and we don't have the dollar amount to pay the tip fee at Caja del Rio. For the total number of punches that we actually issue. We pretty much promise more than we can deliver at this point. Now, if we would like to deliver the increased flexibility that you're proposing, I am basically pointing out that yes, we can do that. I need that FTE in the budget to be approved. I need an additional \$246,000 a year to be approved and then I believe, yes, we can increase our resources to provide those services as you've described.

COMMISSIONER TRUJILLO: Can't we get creative and work outside of a

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box and see how we can utilize existing resources to make this infrastructure the best that we can make it for the community?

MS. HOLBERT: Commissioner Trujillo, I'd ask you to look on the back page.

CHAIRMAN DURAN: I have an idea. Why don't we get the Solid Waste Management Agency to divvy up the extra money that we have in that—

MR. MONTOYA: The reserve fund.

CHAIRMAN DURAN: The reserve fund and transfer it over to the County and lets use that money for this. Good idea. Take that. That's a go.

MR. MONTOYA: Mr. Chairman, that's a good idea for this year, and next year we'll have a recurring hit for the same amount.

CHAIRMAN DURAN: But we've been consistently operating at a profit at the other facility.

MR. MONTOYA: Mr. Chairman, I understand exactly where Commissioner Trujillo wants to go and I don't disagree that we need to provide a user-friendly system. I think that's what he's looking for and it annoys a lot of people to wait in line and then not to be able to unload their loads and have to take them back, and we've been working really hard at trying to avoid that, but just this morning we had another problem with that same issue. However, we are building our fleet. We are hopefully going to be able to deliver material to Caja del Rio on Sundays, which has been a major problem because Saturday through Monday, we can't even get in the door on Monday morning. So there has to be Sunday delivery, Sunday pick up and clean up and that is going to be key.

I thank the chairman for helping us with SWAMA to get that approval. Now, I think we should channel some money there to make sure that we do have people working overtime on Sundays to pick up cans and to deliver them to Caja del Rio and to keep the process flowing at least. If not, every Monday morning we're going to have a bottleneck and we're going to have a lot of irate people. And we need to get away from that.

So I would say that we do need to make that investment and I would agree with the chairman that we should tap some of that money, although maybe not all of it, because there are some capital improvements at Caja del Rio that are going to be necessary in the future and some of that money is being kind of saved in abeyance for that. But if we could take a certain amount of it to take care of Sundays and OT for maybe some additional cans as well to make sure that we keep our flow steady, that might work. I don't know. Maybe Mr. Lujan and Jill have some other recommendations.

CHAIRMAN DURAN: My feeling is that this is a problem that we need to correct and we need to make adjustments. I think that it's ridiculous that they can only go twice a year, or twice a month and we need to change it. And I think that that prevents people from dumping their trash in the arroyos. And if we have to adjust, lets adjust. Our lobbyist is also trying to get us some money for our solid waste program.

MR. MONTOYA: Yes, Mr. Chairman.

CHAIRMAN DURAN: So we're pro-active. I don't think we should be afraid to offer the services that the community expects and needs.

MR. MONTOYA: Mr. Chairman, one other item that I don't know that the staff has brought up yet but—and I know it's a sensitive issue but we charge people \$3 a year for a permit these days and the revenues generated from that \$3 is not even enough to pay for the postage. So we were going to ask the Commissioners to at least taking that up to \$6 to cover the postage costs, which is minimal operating expense. It's tough to run in the red, just basically operating, and then much less—

COMMISSIONER TRUJILLO: But Sam, we've got a $\frac{3}{4}$ mill tax on our taxes specifically for the purpose of running the solid waste facility. So they're being hit. They're paying for the operation of the facility. It's not the \$3 that's in question. They're paying for that operation.

MR. MONTOYA: Well, Mr. Chairman, and I know that debate. I understand exactly what you're saying. I basically put that in front of you for consideration. If that's not going to work, I leave that up to you but clearly it's our responsibility to bring that to your attention as well. So thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Could we incrementalize at this point? I understand one of the problems is that people have a general habit of waiting until the last minute to do things. And we're all that way and at the last minute, suddenly, the end of the year, here comes all the trash. And we are limited to 120 cubic yards of waste at each site and that's the reason that people get turned back. Would a quarterly system work? We're doing monthly now and according to Commissioner Trujillo that seems to cause some inconvenience to some people. Would a quarterly system work and see if that creates more back-ups and problems.

You understand what I mean by a quarterly system, allowing them to accumulate up to six within a quarter instead of two per month.

COMMISSIONER GONZALES: Couldn't we, Mr. Chairman, that seems reasonable, but couldn't we table it and ask to find—it seems to me that the Commission as a whole is wanting to move to the direction that Commissioner Trujillo is advocating for where there's more flexibility designed in the program, but also so that staff feels somewhat comfortable that we can manage our costs. I agree with what Commissioner Trujillo has indicated. We, just real briefly, Mr. Chairman, we increased taxes for the purpose of this. It's our responsibility to manage this fund within that tax rate. And it's not the point of three more dollars being a big hit it's just the principal of the matter, the commitment that we made to the community. If we're going to tax you then we're going to deliver a system that was more customer friendly and able to handle these needs and as Commissioner Sullivan is suggesting, it seems to me that through some more creative thinking that there might be a way, and through looking at the recommendations that the chairman has brought up, there might be a way to find somewhere from where the staff is, somewhere where Commissioner Trujillo is and find that medium, whether it's quarterly or some combination of issues that will allow for maximum flexibility.

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So rather than trying to figure it out here, would it be appropriate to table this, Mr. Chairman, and send that direction to come back next month with some more flexibility built in and a little bit more options?

COMMISSIONER CAMPOS: Yes. I'll move to table.

COMMISSIONER GONZALES: Second.

MS. HOLBERT: Can I make a point on that? If we table it to next month we won't have permits issued in July. So the permits will actually expire before we've come up with a new permit for the next year.

COMMISSIONER GONZALES: Well, can you bring it back at the next County Commission meeting, which will be May 8th.

MS. HOLBERT: We've already missed the deadline for advertising for a public hearing for May 8th.

MR. MONTOYA: Mr. Chairman, can't it be continued? Can't the public hearing be continued from today?

CHAIRMAN DURAN: Yes, let's do that.

COMMISSIONER GONZALES: So we'll just recess this hearing then until May 8th?

MR. MONTOYA: Right.

COMMISSIONER GONZALES: Did you understand the direction, Jill?

MS. HOLBERT: No, I did not.

COMMISSIONER GONZALES: Well the direction is, Commissioner Sullivan seemed to have offered, at least he was starting to go to an area that would create more flexibility, possibly quarterly if you're given six visits a quarter, that you can use those six visits at any time during that quarter as opposed to just two a month and that would be it and it seems to me that that sounds really reasonable and you can manage the time with that quarterly when all the trash may be coming in or the solid waste may be coming in to the certain areas.

It seems to me that that seems a reasonable approach. There might be some other options that you think about in between, but to me, I want to support an ordinance that has the most customer-friendly type aspect to it. It's a heartache on everybody. It's a heartache on our constituents, it's a heartache on you, but I'd rather us bear the burden than for the constituents to bear that burden. So however we get to that point, I hope we can resolve it, because today I was prepared to support what Commissioner Trujillo was asking for. But if we can find some medium, as Commissioner Sullivan has advocated, that seems to make sense.

MS. HOLBERT: Okay.

CHAIRMAN DURAN: Great.

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ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 5:25 p.m.

Approved by:



Board of County Commissioners
Paul Duran, Chairman

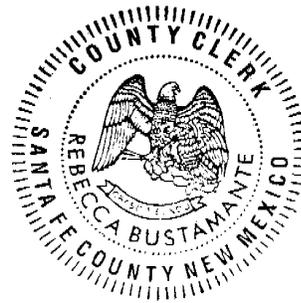
Respectfully submitted:


Karen Farrell, Commission Reporter

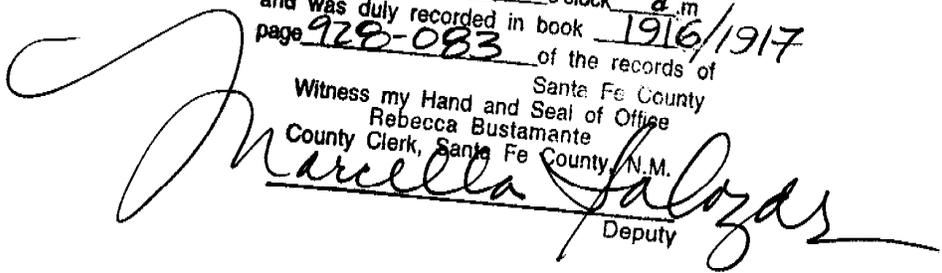


ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1158 874
COUNTY OF SANTA FE
STATE OF NEW MEXICO } SS
I hereby certify that this instrument was filed
for record on the 5 day of June A.D.
20 01 at 8:14 o'clock a.m.
and was duly recorded in book 1916/1917
page 928-083 of the records of
Santa Fe County


Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Marcela Salazar
Deputy

Center For Legal Education
Redistricting

April 2001

Research & Polling, Inc.

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Redistricting

Elected Body	Districts	Authority to Redistrict
U.S. House of Representatives	3	State Legislature/ Governor
New Mexico Legislature <ul style="list-style-type: none"> • State House • State Senate 	70	State Legislature/Governor
State School Board	42	State Legislature/Governor
Public Regulation Commission	10	State Legislature/Governor
County Commission	5	State Legislature/Governor
City Council	3/5	County Commission
Local School Board	4 to 9	City Council
	5/7	Local School Board

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Census County Population & Population Change
Ranked By Highest Percent Population Change

County (Largest City)	2000 Population	1990 Population	Numeric Population Change 1990-2000	Percent Population Change 1990-2000
Torrance County (Moriarty)	16,911	10,285	6,626	64.4%
Lincoln County (Ruidoso)	19,411	12,219	7,192	58.9%
Valencia County (Belen)	66,152	45,235	20,917	46.2%
Sandoval County (Rio Rancho)	89,908	63,319	26,589	42.0%
Catron County (Reserve)	3,543	2,563	980	38.2%
Luna County (Deming)	25,016	18,110	6,906	38.1%
Sierra County (T or C)	13,270	9,912	3,358	33.9%
Santa Fe County (Santa Fe)	129,292	98,928	30,364	30.7%
Taos County (Taos)	29,979	23,118	6,861	29.7%
Dofia Ana County (Las Cruces)	174,682	135,510	39,172	28.9%
San Juan County (Farmington)	113,801	91,605	22,196	24.2%
McKinley County (Gallup)	74,798	60,686	14,112	23.3%
Socorro County (Socorro)	18,078	14,764	3,314	22.4%
Mora County (Wagon Mound)	5,180	4,264	916	21.5%
Otero County (Alamogordo)	62,298	51,928	10,370	20.0%
Rio Arriba County (Española)	41,190	34,365	6,825	19.9%
San Miguel County (Las Vegas)	30,126	25,743	4,383	17.0%
Bernalillo County (Albuquerque)	556,678	480,577	76,101	15.8%
Guadalupe County (Santa Rosa)	4,680	4,156	524	12.6%
Grant County (Silver City)	31,002	27,676	3,326	12.0%
Colfax County (Raton)	14,189	12,925	1,264	9.8%
Roosevelt County (Portales)	18,018	16,702	1,316	7.9%
Cibola County (Grants)	25,595	23,794	1,801	7.6%
Curry County (Clovis)	45,044	42,207	2,837	6.7%
Eddy County (Carlsbad)	51,658	48,605	3,053	6.3%
Chaves County (Roswell)	61,382	57,849	3,533	6.1%
Los Alamos County (Los Alamos)	18,343	18,115	228	1.3%
Union County (Clayton)	4,174	4,124	50	1.2%
Hidalgo County (Lordsburg)	5,932	5,958	-26	-0.4%
DeBaca County (Fort Sumner)	2,240	2,252	-12	-0.5%
Lea County (Hobbs)	55,511	55,765	-254	-0.5%
Quay County (Tucumcari)	10,155	10,823	-668	-6.2%
Harding County (Roy)	810	987	-177	-17.9%
New Mexico	1,819,046	1,515,069	303,977	20.1%

Ideal Population of a Legislative District

	1990	2000	Net Increase Per District
House	21,644	25,986	+4,342
Senate	36,073	43,311	+7,237

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New Mexico State House Districts Total Population (2000 Census)

Dist	Total Pop	Deviation from Ideal Population*	Non-Hispanic Origin						Hispanic	Asian and Other Races	2 or More Races
			White	Native American	Black	Other Races	2 or More Races				
1	23,163	-2,823	15,590	3,346	162	141	392	15.2%	0.6%	1.7%	
2	26,038	52	16,079	3,666	173	125	487	21.2%	0.5%	1.9%	
3	29,866	3,880	17,140	5,147	50	97	491	23.2%	0.3%	1.6%	
4	27,546	1,560	4,097	21,761	42	42	311	4.7%	0.2%	1.1%	
5	24,324	-1,662	5,838	9,408	224	326	771	31.9%	1.3%	3.2%	
6	26,349	363	3,383	18,680	66	73	271	14.7%	0.3%	1.0%	
7	33,675	7,689	14,838	512	323	181	529	51.3%	0.5%	1.6%	
8	28,068	2,082	9,981	24,894	334	113	363	59.5%	0.4%	1.3%	
9	26,652	666	834	566	23	25	183	2.6%	0.1%	0.7%	
10	21,716	-4,270	5,628	2,758	1,039	235	370	53.8%	1.1%	1.7%	
11	20,824	-5,162	6,781	668	412	166	296	60.0%	0.8%	1.4%	
12	24,429	-1,557	5,090	387	303	85	220	75.1%	0.3%	0.9%	
13	33,091	7,105	4,362	847	837	158	324	80.3%	0.5%	1.0%	
14	21,959	-4,027	3,851	517	546	133	219	76.0%	0.6%	1.4%	
15	23,494	-2,492	11,038	528	212	267	339	47.3%	1.1%	1.4%	
16	36,659	10,673	11,040	1,183	1,226	400	532	60.8%	1.1%	1.5%	
17	20,920	-5,066	6,911	735	327	178	280	59.7%	0.9%	1.3%	
18	20,415	-5,571	12,118	847	521	1,139	560	25.6%	5.6%	2.7%	
19	19,745	-6,241	10,418	1,172	850	525	439	32.1%	2.7%	2.2%	
20	24,353	-1,633	13,434	1,055	1,028	853	549	30.5%	3.5%	2.3%	
21	20,847	-5,139	11,154	665	694	523	385	35.6%	2.5%	1.8%	
22	26,607	621	18,780	478	351	717	473	21.8%	2.7%	1.8%	
23	30,774	4,788	23,230	314	427	1,090	484	17.0%	3.5%	1.6%	
24	21,816	-4,170	14,870	464	443	756	385	22.5%	3.5%	1.8%	
25	20,653	-5,333	10,664	923	443	497	367	37.6%	2.4%	1.7%	
26	23,190	-2,796	7,858	1,361	791	663	392	10.8%	2.9%	1.7%	
27	20,452	-5,534	12,523	781	524	530	351	21.3%	2.6%	1.7%	
28	21,061	-4,925	13,546	430	501	441	345	19.0%	2.1%	1.6%	
29	47,009	21,023	26,357	1,642	1,193	831	880	80.9%	1.8%	1.9%	
30	21,438	-4,548	12,871	782	568	393	393	17.5%	1.8%	1.8%	
31	30,056	4,070	23,373	358	448	922	483	15.7%	3.1%	1.6%	
32	30,486	4,500	11,660	144	220	114	232	17.3%	0.4%	0.8%	
33	24,659	-1,327	8,125	311	342	331	347	5.1%	1.3%	1.4%	
34	34,870	8,884	4,257	95	124	88	113	34.2%	0.3%	0.3%	
35	19,744	-6,242	5,457	199	407	165	233	24.0%	0.8%	1.2%	
36	26,099	113	10,164	163	196	129	295	0.4%	0.5%	1.1%	

1917073

WS

WS

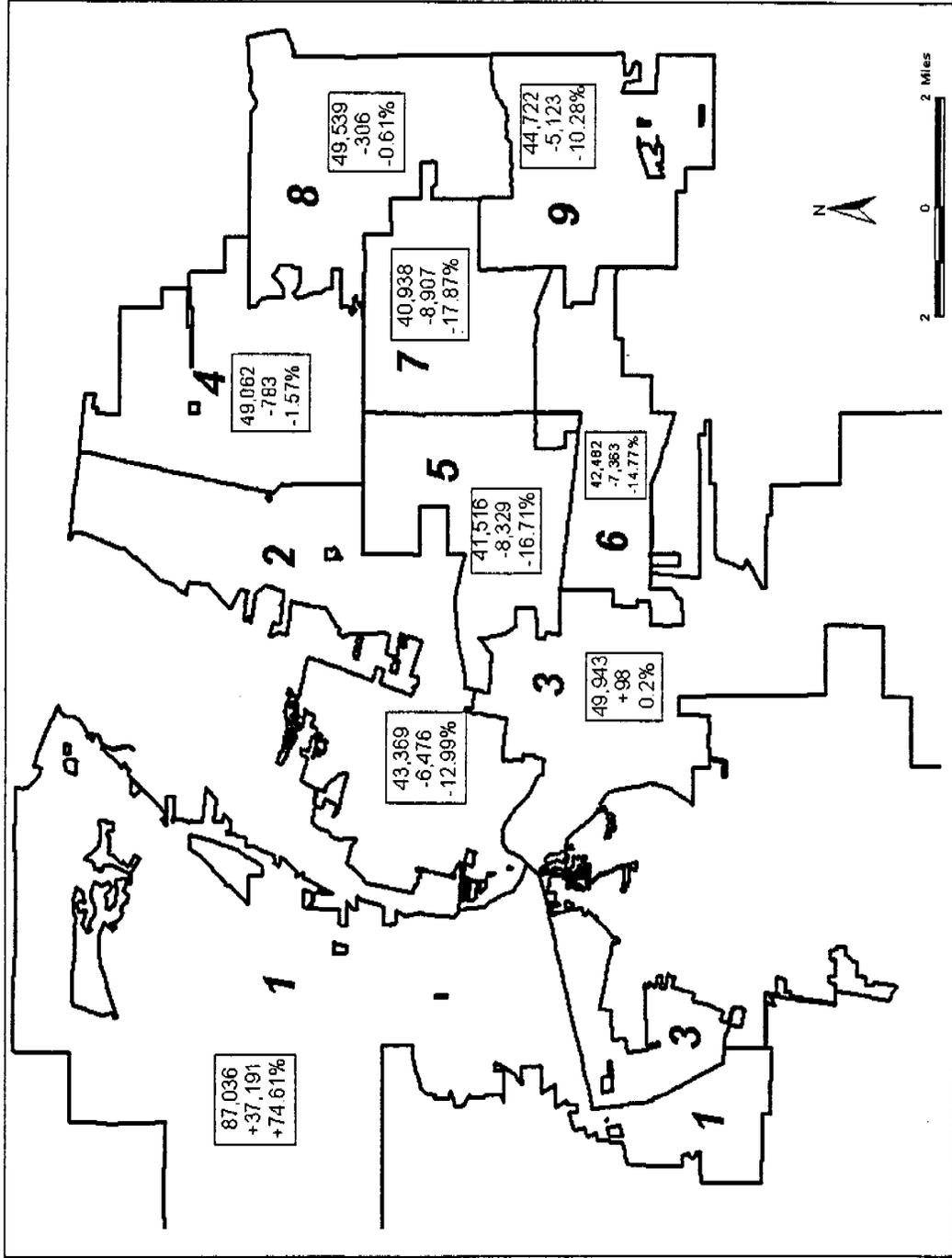
New Mexico State House Districts Total Population (2000 Census) (continued)

Dist	Total Pop	Deviation from Ideal Population*	Hispanic	Non-Hispanic Origin						Asian and Other Races	2 or More Races			
				White	Native American	Black	Black	Black	Black					
37	26,990	1,004	10,137	37.6%	14,527	53.8%	304	1.1%	669	2.5%	908	3.4%	445	1.6%
38	25,865	-121	8,647	33.4%	16,365	63.3%	232	0.9%	153	0.6%	144	0.6%	324	1.3%
39	24,369	-1,617	14,281	58.6%	9,555	39.2%	161	0.7%	76	0.3%	91	0.4%	205	0.8%
40	26,006	20	20,423	78.5%	3,737	14.4%	1,445	5.6%	78	0.3%	99	0.4%	224	0.9%
41	25,268	-718	18,397	72.8%	4,905	19.4%	1,590	6.3%	51	0.2%	99	0.4%	226	0.9%
42	27,223	1,237	15,545	57.1%	9,395	34.5%	1,610	5.9%	78	0.3%	200	0.7%	395	1.5%
43	23,096	-2,890	3,625	15.7%	17,562	76.0%	707	3.1%	75	0.3%	771	3.3%	356	1.5%
44	31,935	5,949	10,836	33.9%	18,860	59.1%	665	2.1%	571	1.8%	487	1.5%	516	1.6%
45	32,532	6,546	22,434	69.0%	8,586	26.4%	563	1.7%	193	0.6%	354	1.1%	402	1.2%
46	25,718	-268	12,119	47.1%	11,248	43.7%	1,689	6.6%	110	0.4%	209	0.8%	343	1.3%
47	30,747	4,761	9,939	32.3%	19,384	63.0%	409	1.3%	196	0.6%	371	1.2%	448	1.5%
48	21,318	-4,668	10,780	50.6%	9,386	44.0%	374	1.8%	98	0.5%	315	1.5%	365	1.7%
49	29,135	3,149	12,637	43.4%	13,610	46.7%	2,011	6.9%	145	0.5%	317	1.1%	415	1.4%
50	38,773	12,787	14,294	36.9%	22,740	58.6%	470	1.2%	336	0.9%	298	0.8%	635	1.6%
51	21,420	-4,566	7,271	33.9%	11,924	55.7%	191	0.9%	1,168	5.5%	406	1.9%	460	2.1%
52	32,938	6,952	21,137	64.2%	10,545	32.0%	169	0.5%	437	1.3%	257	0.8%	393	1.2%
53	29,563	3,577	9,387	31.8%	17,933	60.7%	150	0.5%	1,079	3.6%	406	1.4%	608	2.1%
54	21,571	-4,415	10,777	50.0%	9,805	45.5%	179	0.8%	506	2.3%	97	0.4%	207	1.0%
55	22,750	-3,236	6,956	30.6%	15,114	66.4%	147	0.6%	142	0.6%	154	0.7%	237	1.0%
56	30,933	4,947	8,386	27.1%	18,789	60.7%	3,131	10.1%	85	0.3%	138	0.4%	404	1.3%
57	23,391	-2,595	5,867	25.1%	16,876	72.1%	134	0.6%	151	0.6%	145	0.6%	218	0.9%
58	23,384	-2,602	14,753	63.1%	7,754	33.2%	139	0.6%	466	2.0%	64	0.3%	208	0.9%
59	22,202	-3,784	8,639	38.9%	12,422	55.9%	191	0.9%	494	2.2%	150	0.7%	306	1.4%
60	28,680	2,694	8,951	31.2%	17,461	60.9%	621	2.2%	689	2.4%	401	1.4%	557	1.9%
61	20,561	-5,425	10,897	53.0%	7,900	38.4%	130	0.6%	1,355	6.6%	72	0.4%	207	1.0%
62	23,610	-2,376	6,345	26.9%	15,930	67.5%	173	0.7%	738	3.1%	142	0.6%	282	1.2%
63	21,351	-4,635	10,343	48.4%	8,627	40.4%	155	0.7%	1,615	7.6%	259	1.2%	352	1.6%
64	25,426	-560	5,427	21.3%	17,408	68.5%	131	0.5%	1,347	5.3%	633	2.5%	480	1.9%
65	29,869	3,883	5,435	18.2%	6,586	22.0%	17,135	57.4%	191	0.6%	212	0.7%	310	1.0%
66	24,307	-1,679	8,205	33.8%	15,092	62.1%	153	0.6%	484	2.0%	132	0.5%	241	1.0%
67	20,232	-5,754	6,851	33.9%	12,827	63.4%	123	0.6%	92	0.5%	132	0.7%	207	1.0%
68	24,271	-1,715	14,668	60.4%	9,000	37.1%	186	0.8%	104	0.4%	111	0.5%	202	0.8%
69	27,597	1,611	4,275	15.5%	4,776	17.3%	17,964	65.1%	161	0.6%	110	0.4%	311	1.1%
70	22,968	-3,018	18,708	81.5%	3,526	15.4%	241	1.0%	151	0.7%	122	0.5%	220	1.0%

1917074

*Ideal Population=25,986

Albuquerque City Council Current Districts



1917075

PL 94-171 Census Data (For Redistricting Purposes)

- Total population;
 - Numbers of persons of Spanish origin;
 - Numbers of non-Spanish White persons;
 - Numbers of non-Spanish Black persons;
 - Numbers of non-Spanish Native Americans;
 - Numbers of non-Spanish Asian persons;
 - Numbers of people of other racial backgrounds;
 - Numbers of multi-racial backgrounds; and,
 - Voting age population counts for each of these racial and ethnic groupings.
-

Multi-Racial Background

For the first time, people were able to choose (on the Census form) more than one racial category.

1917077

1990 Census Undercount

New Mexico was the most undercounted state in the nation (%)

Most Undercounted Groups (Nationally)

- Native Americans 12.2%
- Hispanics 5.0%
- African Americans 4.4%

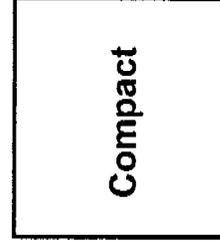
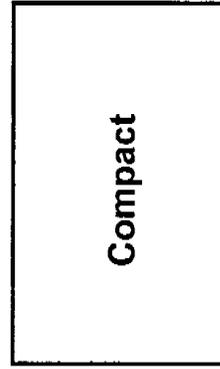
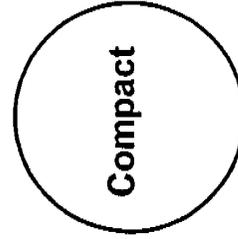
Adjusted Population (Statistical Sampling) Vs. Actual Headcount

Federal government has chosen not to release adjusted figures

1917078

Five Principles of Districting

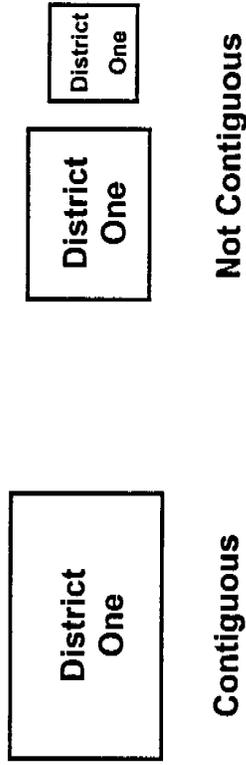
- Equal population among districts
 - Congressional Districts: Must be “as nearly equal as practicable,” which, with modern technology, means virtually EQUAL
 - Legislative Districts: Must demonstrate “substantial equality of population” (no more than \pm 5% deviation from the ideal)
- Do not dilute voting strength of ethnic/language minority groups
 - Native Americans
 - African Americans
 - Hispanics
- Compact districts
 - Minimize circumference of district



1917079

Five Principles of Districting

- Contiguous precincts within districts
- No separate "islands" with a district



- Community interests
 - Neighborhoods
 - Cultural/historical traditions
 - Geographic features (mountains, rivers, etc.)
 - High growth rate areas
 - Urban/rural
 - Politics (residency of incumbents)

1917080

1917081

564

Laws of 2000
Chapter 81

Chap. 81

1 AN ACT
2 RELATING TO THE ELECTION CODE; TEMPORARILY FREEZING PRECINCT
3 BOUNDARIES FOR REDISTRICTING PURPOSES; PROVIDING FOR DELAYED
4 REPEAL; DECLARING AN EMERGENCY.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. SUSPENSION OF CERTAIN REQUIREMENTS--PRECINCT
8 BOUNDARY FREEZE--EXCEPTIONS.--

9 A. For the purpose of legislative and
10 congressional redistricting, the authority of boards of county
11 commissioners to create new precincts or combine precincts and
12 to alter their boundaries pursuant to Section 1-3-2, 1-3-3 or
13 4-38-21 NMSA 1978 is suspended until January 31, 2002, and all
14 precinct boundaries are frozen until January 31, 2002, except
15 those precinct boundaries not in compliance with the
16 provisions of the Precinct Boundary Adjustment Act.

17 B. The secretary of state may authorize a board of
18 county commissioners to adjust precinct boundaries in
19 accordance with the Precinct Boundary Adjustment Act and shall
20 notify the legislative council service of any adjustments.

21 Section 2. DELAYED REPEAL.--This act is repealed
22 effective January 31, 2002.

23 Section 3. EMERGENCY.--It is necessary for the public
24 peace, health and safety that this act take effect
25 immediately.

House Bill 480, w/ec
Approved March 7, 2000

obtainable in the precinct, considering the purpose for which it is to be used pursuant to the Election Code [this chapter].

D. If no public building or public school building is available in the precinct and if there is no other suitable place obtainable in the precinct, the board of county commissioners may designate as a polling place for the precinct the most convenient and suitable building or public school building nearest that precinct that can be obtained. Provided, no polling place shall be designated outside the boundaries of the precinct as provided in this subsection until such designated polling place is approved by written order of the district court of the county in which the precinct is located.

E. Upon application of the board of county commissioners, the governing board of any school district shall permit the use of any school building or a part thereof for registration purposes and the conduct of any election; provided, however, that the building or the part used for the election complies with the standards set out in the federal Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435).

F. Public schools may be closed for elections at the discretion of local school boards.

1-3-7.1. Additional polling places.

In the interest of the convenience of the voters and providing accessibility to the polling place, the board of county commissioners may create additional polling places within the precinct upon their own action or upon receipt of a petition signed by at least ten percent of the registered voters of the precinct so requesting.

1-3-8. Precinct changes; notice and publication.

Upon the adoption of any resolution, or upon the final action of any district court upon a petition creating, abolishing, dividing or consolidating any precinct, or changing any precinct boundary or changing any designated polling place, the board of county commissioners shall:

A. send a certified copy of the resolution or court order to the secretary of state and to the county chairman of each of the major political parties; and

B. publish once the resolution in a newspaper as provided in the Election Code [this chapter].

1-3-9. Precincts; exclusions.

As used in Chapter 1, Article 3 NMSA 1978, "precinct" shall not include absent voter precinct.

1-3-10. Short title.

Sections 1-3-10 through 1-3-14 NMSA 1978 may be cited as the "Precinct Boundary Adjustment Act".

1-3-11. Purpose.

The purpose of the Precinct Boundary Adjustment Act [1-3-10 to 1-3-14 NMSA 1978] is to comply with the criteria established pursuant to the provisions of Subsection (c) of Section 141 of Title 13 of the United States Code in order to obtain an enumeration of the populations of election precincts by the bureau of the census in the federal decennial census and in order to provide such enumeration data to the New Mexico legislature for purposes of legislative reapportionment.

1-3-12. Adjusting precinct boundaries.

A. Before each federal decennial census, every precinct boundary shall be adjusted to coincide with a numbered or named street or road or with a visible terrain feature that is:

- (1) shown on the standard base maps developed pursuant to Subsection B of this section;
- (2) a designated census block boundary on the federal PL 94-171 2000 census block maps; or

(3) approved by the secretary of state and the bureau of the census.

B. Prior to commencement of the federal decennial census, the secretary of state shall have prepared and furnish to each county clerk standard base maps of the county. The standard base map for nonurban areas of the county shall, as nearly as practical, show:

- (1) all state and federal highways;
- (2) all numbered and named county roads that have been certified to the state highway and transportation department;
- (3) all military installation boundaries and federal and state prison boundaries;
- (4) all major railroad lines; and
- (5) other major terrain features such as flowing rivers and streams, arroyos, powerlines, pipelines and ridgelines and other acceptable census block boundaries.

C. The board of county commissioners and the county clerks, upon receipt of the standard base maps from the secretary of state, shall:

- (1) adjust all urban precinct boundaries to coincide with numbered or named street boundaries;
- (2) adjust all nonurban precinct boundaries to coincide with suitable visible terrain features shown on the standard base map; provided that in order to make an adjustment, two or more existing precincts may be consolidated without consolidating existing polling places; and provided further that the precincts shall be composed of contiguous and compact areas, and state, county and municipal boundary lines may serve as precinct boundaries; and

(3) upon the completion of the precinct boundary adjustments as required in this section, indicate on the standard base maps the boundaries for both urban and nonurban precincts and, together with a written description of the precincts, shall send four copies of the precinct maps to the secretary of state for approval.

D. The precincts shown upon the standard base maps submitted pursuant to the provisions of this section and as revised and approved by the secretary of state pursuant to the Precinct Boundary Adjustment Act [1-3-10 to 1-3-14 NMSA 1978] shall become the official precincts of each county for the 2001 redistricting. For the 2002 and subsequent primary and general elections, changes in precincts shall be made in accordance with the provisions of Chapter 1, Article 3 NMSA 1978.

1-3-13. Secretary of state powers and duties.

A. The secretary of state shall review all county precinct maps submitted pursuant to Section 1-3-12 NMSA 1978 for compliance with the provisions of the Precinct Boundary Adjustment Act [1-3-10 to 1-3-14 NMSA 1978]. Those county precinct maps determined not to be in compliance with the precinct boundary criteria set forth in Subsection A of Section 1-3-12 NMSA 1978 shall be rejected and returned to the appropriate county clerk with a written statement setting forth those instances where the map does not comply. The county clerk and the board of county commissioners shall make the required adjustments and resubmit one copy of the corrected county precinct map within thirty days after receiving notice of noncompliance.

B. Prior to January 1, 2002, if any precinct boundary adjustments are necessary to meet the legal and constitutional requirements of legislative reapportionment, the secretary of state shall notify any county of those boundary adjustments that are necessary in that county. Upon review and certification of the adjusted precinct boundaries, the county shall submit the certified precinct changes to the secretary of state for final approval of the precincts for the 2002 primary and general elections.

1-3-14. Standard base map required.

All precinct maps prepared by the county clerk as required in the Precinct Boundary Adjustment Act [1-3-10 to 1-3-14 NMSA 1978] shall be on a standard base map as prescribed by the secretary of state in order to achieve as nearly as practicable uniformity of size and scale.

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)

April 30, 2001 - 10:00 a.m.

*Recessed
Agenda*

(The April 24, 2001, meeting has been recessed and will reconvene on Monday, April 30, 2001)

Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- V. Approval of Minutes
- VI. Consent Calendar:
 - A. Resolution No. 2001-52 A Resolution Requesting Increases to the Section 8 Voucher and Certificate Funds (227 and 228) to Realign the Fiscal Year 2001 Budget with the Revised Budget Approved by the US Department of Housing and Urban Development (Community, Health & Economic Development Department)
 - B. Resolution No. 2001-53 A Resolution Requesting an Increase to the Housing Enterprise Fund (517) to Budget Cash Balance for Expenditure in Fiscal Year 2001 (Community, Health & Economic Development Department)
 - C. Resolution No. 2001-54 A Resolution Requesting a Transfer from the Special Appropriations Fund (318) to the Public Safety Facility Bond Fund (370) and a Budget Increase to the Public Safety Facility Bond Fund for Expenditure in Fiscal Year 2001 (Community, Health & Economic Development Department)
 - Approved* D. Resolution No. 2001-56 A Resolution Requesting an Increase to the General Fund (101) County Sheriff's Department from Various Sources for Expenditure in Fiscal Year 2001 (County Sheriff's Office)
 - Approved* E. Resolution No. 2001-57 A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Fire Impact Fees for Expenditure in Fiscal Year 2001 (Fire Department)
 - 4-1* F. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #21-36, for the Construction of the Santa Fe County Public Safety Complex (Community, Health & Economic Development Department)
 - Approved* G. Request Approval of the CDWI Grant Application (Community, Health & Economic Development Department)
 - Approved* H. Request Authorization to Enter into a Participating Agreement with U.S. Forest Service, Southwestern Region, and Santa Fe National Forest, to be Reimbursed for Support Costs for Wildland Fire Non-Emergency Responses (Fire Department)

I. Request Authorization to Enter into the following Change Orders:

- approved* 1. Number Two (Final) with D&H Pump Service, Inc., for the Santa Fe County Fueling Station
- approved* 2. Number Three with J.R. Hale Contracting Company, Inc., for the County Road 62, Alamo Lane and San Isidro Drainage, Paving and Sewer Improvement Projects

J. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:

- 1. CDRC CASE # Z 00-5760, Rancho Encantando (Approved)
- 2. CDRC CASE # V 01-5030, Las Campanas (Approved)
- 3. CDRC CASE # A/V 00-5951, Alan Weiss (Denied)
- 4. CDRC CASE # V 01-5090, Santa Fe County Public Safety Building (Approved)

VII. Presentations and Awards:

- A. Presentation by Federal Lobbyist, O'Conner & Hannon, Regarding Legislative Priorities
- B. Presentation by Dr. John Shomaker Regarding the Results of the "Groundwater Flow Model" for the Eldorado Area Water & Sanitation District
- C. Presentation by Las Campanas Regarding its Plan for Surface Water Diversion

VIII. Administrative Items:

A. Committee Expirations/Resignations/Vacancies:

- Amend* 1. County Open Lands and Trails Planning Advisory Committee (COLTPAC)

B. Committee Appointments:

- amend* 1. Health Planning Commission
- 2. Labor Management Relations Board - *Manuel Burgos*

IX. Staff Report

- A. Report by the Fire Department

X. Staff and Elected Officials' Items:

A. County Clerk

- approved* 1. Appointment of Registration Board
- 2. Resolution No. 2001-58 A Resolution Designating the Precincts in Santa Fe County, New Mexico

B. Community, Health and Economic Development Department

- approved* 1. Resolution No. 2001-59 A Resolution Approving the Santa Fe County Housing Authority's Pet Policy
- 2. Request Authorization to Enter into a Project Agreement with the State Highway and Transportation Department, Traffic Safety Bureau, for a Media Literacy Project Aimed at Reducing Underage Drinking in Santa Fe County
- 3. Request Approval to Apply for a Grant Extension with the Department of Health for the Smart Moves Substance Abuse Prevention Program
- Approved* 4. Request Authorization to Enter into an Agreement with the County Extension Service for Smart Moves Program

C. Finance Department

- approved* 1. Request Authorization to Accept and Award a Professional Service Agreement to the Highest Qualified Respondent, RFP #21-44, for the Surveying of the La Cienega Traditional Community Boundary (Land Use Department)

D. Fire Department

- 1. Request Authorization to Enter into a Joint Powers Agreement with the New Mexico Public Regulation Commission, Insurance Division, Fire Marshal's Office, for the Waste Isolation Pilot Project to Support the Hazardous Materials Response Program
- 2. Request Authorization to Enter into a Participating Agreement with U.S. Forest Service, Southwestern Region and Santa Fe National Forest to Locate a Staffed Seasonal Wildland Fire Engine and Crew at the Hondo Fire Station #2
- 3. Request Authorization to Enter into a Purchase Agreement with Linda Mylonas to Purchase Land in the Thunder Mountain Area to Construct a Fire Substation
- 4. Request Authorization to Enter into a Joint Powers Agreement with the City of Santa Fe for Emergency Services in Fiscal Year 2002
- 5. Discussion of Proposed Joint Powers Agreement with the City of Santa Fe to Create a Regional Emergency Communications Center (RECC)

Misc do by Fire Dept

Approved

Approved

Approved

Approved

E. Land Use Department

- 1. Resolution No. 2001-⁶⁰A Resolution Amending Resolution No. 2001-50 to Further Modify the Boundaries of the Airport Development District to Include the Santa Fe Metro Area Highway Corridor Redevelopment District and Other Designated Properties
- 2. Resolution No. 2001-⁶¹A Resolution Establishing Minimum Appraiser Qualifications for Properties Purchased Under the County's Wildlife, Mountains, Trails and Historic Places Program
- 3. Request Authorization to Enter into (a) a Water Rights Purchase Agreement with Public Service Company of New Mexico, Inc. and Santa Fe Horse Park, LLC, to Purchase Water Rights, the Well and Real Property Associated with the Hagerman Well (RG-590); (b) a Well Sharing and Use Agreement with Santa Fe Horse Park, LLC; and (c) an Option and Buy-Back Agreement with Santa Fe Horse Park, LLC

Approved

Approved

F. Public Works Department

- Request Authorization to Enter into a Professional Services Agreement with Tierra Engineering Consultants for Surveying, Engineering and Design of the La Puebla Detention Basin Project

Approved

G. Matters from the County Manager, Samuel O. Montoya

- 1. Update on the Proposed Edgewood Annexation of the Campbell Ranch
- 2. Resolution No. 2001-55 A Resolution Authorizing the Issuance and Sale of Santa Fe County, New Mexico General Obligation Bonds, Series 2001, in the Aggregate Principal Amount of \$8,500,000, Payable from Ad Valorem Taxes Levied on all Taxable Property Within the County Levied Without Limit as to Rate or Amount; Providing for the Form, Terms and Conditions of the Bonds, the Manner of their Execution, and the Method of, and Security for, Payment; and Providing for Other Details Concerning the Bonds

H. Matters of Public Concern - NON-ACTION ITEMS

I. Matters from the Commission

- 1. Discussion Regarding County Road Improvements Plan and Strategy
- 2. Request Authorization to Publish the Title and a General Summary of an Ordinance to Amend Ordinance No. 1998-5, "The Community Planning Process," to Include a Provision that all Community Plans Shall Demonstrate that they Achieve a Benefit to the Greater Public Good for all Citizens of Santa Fe County
- 3. Resolution No. 2001 ⁶²A Resolution Establishing a Local Development Review Committee for the Santa Fe Community College District

Tabled
amend

J. Matters from the County Attorney, Steven Kopelman

- 1. Resolution No. 2001- A Resolution Repealing Resolution No. 1996-37 and Establishing Procedures Under the New Mexico Inspection of Public Records Act
- 2. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

XI. Public Hearings:

add
recm

- A. Ordinance No. 2001-⁰⁶ An Ordinance Replacing Ordinance No. 1999-6, "Comprehensive Solid Waste Management" (One Public Hearing Required)

XII. 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).

Note: Items in red will be heard on April 30, 2001

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING

(Administrative Items)

April 24, 2001 - 1:30 p.m.

(The meeting has been rescheduled from 10:00 a.m. to 1:30 p.m.)

Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
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 - B. Tabled or Withdrawn Items
- V. Approval of Minutes
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 - F. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #21-36, for the Construction of the Santa Fe County Public Safety Complex (Community, Health & Economic Development Department)
 - G. Request Approval of the CDWI Grant Application (Community, Health & Economic Development Department)
 - H. Request Authorization to Enter into a Participating Agreement with U.S. Forest Service, Southwestern Region, and Santa Fe National Forest, to be Reimbursed for Support Costs for Wildland Fire Non-Emergency Responses (Fire Department)

- I. Request Authorization to Enter into the following Change Orders:
 1. Number Two (Final) with D&H Pump Service, Inc., for the Santa Fe County Fueling Station
 2. Number Three with J.R. Hale Contracting Company, Inc., for the County Road 62, Alamo Lane and San Isidro Drainage, Paving and Sewer Improvement Projects
- J. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:
 1. CDRC CASE # Z 00-5760, Rancho Encantando (Approved)
 2. CDRC CASE # V 01-5030, Las Campanas (Approved)
 3. CDRC CASE # A/V 00-5951, Alan Weiss (Denied)
 4. CDRC CASE # V 01-5090, Santa Fe County Public Safety Building (Approved)

VII. Presentations and Awards:

- A. Presentation by Federal Lobbyist, O'Conner & Hannon, Regarding Legislative Priorities
- B. Presentation by Dr. John Shomaker Regarding the Results of the "Groundwater Flow Model" for the Eldorado Area Water & Sanitation District
- C. Presentation by Las Campanas Regarding its Plan for Surface Water Diversion

VIII. Administrative Items:

- A. Committee Expirations/Resignations/Vacancies:
 1. County Open Lands and Trails Planning Advisory Committee (COLTPAC)
- B. Committee Appointments:
 1. Health Planning Commission
 2. Labor Management Relations Board

IX. Staff Report

- A. Report by the Fire Department

X. Staff and Elected Officials' Items:

- A. County Clerk
 1. Appointment of Registration Board
 2. Resolution No. 2001- A Resolution Designating the Precincts in Santa Fe County, New Mexico
- B. Community, Health and Economic Development Department
 1. Resolution No. 2001- A Resolution Approving the Santa Fe County Housing Authority's Pet Policy
 2. Request Authorization to Enter into a Project Agreement with the State Highway and Transportation Department, Traffic Safety Bureau, for a Media Literacy Project Aimed at Reducing Underage Drinking in Santa Fe County
 3. Request Approval to Apply for a Grant Extension with the Department of Health for the Smart Moves Substance Abuse Prevention Program
 4. Request Authorization to Enter into an Agreement with the County Extension Service for Smart Moves Program
- C. Finance Department
 1. Request Authorization to Accept and Award a Professional Service Agreement to the Highest Qualified Respondent, RFP #21-44, for the Surveying of the La Cienega Traditional Community Boundary (Land Use Department)

D. Fire Department

1. Request Authorization to Enter into a Joint Powers Agreement with the New Mexico Public Regulation Commission, Insurance Division, Fire Marshal's Office, for the Waste Isolation Pilot Project to Support the Hazardous Materials Response Program
2. Request Authorization to Enter into a Participating Agreement with U.S. Forest Service, Southwestern Region and Santa Fe National Forest to Locate a Staffed Seasonal Wildland Fire Engine and Crew at the Hondo Fire Station #2
3. Request Authorization to Enter into a Purchase Agreement with Linda Mylonas to Purchase Land in the Thunder Mountain Area to Construct a Fire Substation
4. Request Authorization to Enter into a Joint Powers Agreement with the City of Santa Fe for Emergency Services in Fiscal Year 2002
5. Discussion of Proposed Joint Powers Agreement with the City of Santa Fe to Create a Regional Emergency Communications Center (RECC)

E. Land Use Department

1. Resolution No. 2001- A Resolution Amending Resolution No. 2001-50 to Further Modify the Boundaries of the Airport Development District to Include the Santa Fe Metro Area Highway Corridor Redevelopment District and Other Designated Properties
2. Resolution No. 2001- A Resolution Establishing Minimum Appraiser Qualifications for Properties Purchased Under the County's Wildlife, Mountains, Trails and Historic Places Program
3. Request Authorization to Enter into (a) a Water Rights Purchase Agreement with Public Service Company of New Mexico, Inc. and Santa Fe Horse Park, LLC, to Purchase Water Rights, the Well and Real Property Associated with the Hagerman Well (RG-590); (b) a Well Sharing and Use Agreement with Santa Fe Horse Park, LLC; and (c) an Option and Buy-Back Agreement with Santa Fe Horse Park, LLC

F. Public Works Department

1. Request Authorization to Enter into a Professional Services Agreement with Tierra Engineering Consultants for Surveying, Engineering and Design of the La Puebla Detention Basin Project

G. Matters from the County Manager, Samuel O. Montoya

1. Update on the Proposed Edgewood Annexation of the Campbell Ranch
2. Resolution No. 2001- A Resolution Authorizing the Issuance and Sale of Santa Fe County, New Mexico General Obligation Bonds, Series 2001, in the Aggregate Principal Amount of \$8,500,000, Payable from Ad Valorem Taxes Levied on all Taxable Property Within the County Levied Without Limit as to Rate or Amount; Providing for the Form, Terms and Conditions of the Bonds, the Manner of their Execution, and the Method of, and Security for, Payment; and Providing for Other Details Concerning the Bonds

H. Matters of Public Concern - NON-ACTION ITEMS

I. Matters from the Commission

1. Discussion Regarding County Road Improvements Plan and Strategy
2. Request Authorization to Publish the Title and a General Summary of an Ordinance to Amend Ordinance No. 1998-5, "The Community Planning Process," to Include a Provision that all Community Plans Shall Demonstrate that they Achieve a Benefit to the Greater Public Good for all Citizens of Santa Fe County
3. Resolution No. 2001 - A Resolution Establishing a Local Development Review Committee for the Santa Fe Community College District

J. Matters from the County Attorney, Steven Kopelman

1. Resolution No. 2001- A Resolution Repealing Resolution No. 1996-37 and Establishing Procedures Under the New Mexico Inspection of Public Records Act
2. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

XI. Public Hearings:

- A. Ordinance No. 2001- An Ordinance Replacing Ordinance No. 1999-6, "Comprehensive Solid Waste Management" (One Public Hearing Required)

XII. 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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MR. MONTOYA: Mr. Chairman, I think that would be appropriate because there's no action being taken and it's being recorded just for informational purposes. I understand that's what Commissioner Sullivan would like to have.

CHAIRMAN DURAN: How would you provide those minutes to us? Obviously, you don't have a problem with being able to do that. You would just say Meeting's adjourned and continue the minutes?

MS. BUSTAMANTE: Yes, we would be able to do that.

CHAIRMAN DURAN: So we'll do that.

COMMISSIONER SULLIVAN: All right. Good. I'm sorry. I've got a medical emergency that I've got to attend to but I want to hear or at least read the rest of Dr. Shomaker's presentation. So I would move that the meeting be recessed and be continued until 10:00 a.m. Monday, April 30, 2001.

COMMISSIONER CAMPOS: Second.

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

RECESS

The Commission recessed at 2:45 p.m.

Exhibit 1 contains a verbatim transcript of the presentations made after recessing.

* * *

PRESENTATION BY DR. JOHN SCHOMAKER

1916950

DR. SHOMAKER: Mr. Chairman, Commissioners, thank you very much. The question is always, Is there enough water? It's a very simple question to ask but it has to be answered in various contexts. One of those is the physical presence of water, whether the water is actually there or not, and another really vital one is whether water is available legally and administratively. The report that we have prepared for the Eldorado Area Water and Sanitation District, particularly relating to the groundwater itself in the Eldorado area, presents computer model-based predictions of the effects of future pumping from Eldorado Utilities and by other appropriators. It attempts to answer both of those questions and I will try to make the answers as clear as I possibly can for you today, because I know this is a subject that's been much discussed over the years.

It's important to remember several things about this groundwater flow model that we have completed. One is that a groundwater model is always a work in progress. It's never complete and it will always be relying on new data to modify it and to reinterpret its predictions. The model that we've prepared is designed to account for all of the hydrology of the groundwater system, the recharge to it, the discharge from it under natural conditions and by pumping. It is important to think of it also in terms of what it doesn't do. It's not a day-to-day management tool for Eldorado's water system. It's not a well field model. And it will not take the place of specific studies that might be related to applications that would come before the State Engineer later on.

I think for the sake of brevity I'll skip over a lot of the hydrologic detail that perhaps would be of interest to Commissioner Sullivan, but would be rather boring to most of us, including myself sometimes. Let me say that this model is calibrated in the sense that it can repeat or approximate the conditions as they were before groundwater development began in the Eldorado area and the changes that have been observed since. It's certainly not perfect in doing that and there are many uncertainties, some of which I'll discuss a little bit further. For example, there are many approximations, many assumptions made. The model deals with averages, annual averages. Sometimes even longer periods. So many of the small scale details are lost in a groundwater flow model.

[The presentation continues after the Commission recesses.]

The modeling was designed to describe four scenarios of how things might unfold in the future. One of those was a limited expansion of the existing Eldorado Utilities. The first of these scenarios that we examined was a small expansion of the utility system in terms of deepening some wells, replacing some wells. It includes pumping it pretty close to the reported capacities of most of the wells that are in the existing system now. It includes the assumption that there has been some approval by the State Engineer of these additions to the system, some deepening and replacement of wells, and that of course, as I will say again, depends on a demonstration by the applicant, which in this case would presumably be the utility company to the State Engineer for these changes in the system for additional depths of wells, replacement

wells and so forth. In any such case, an application would have to be accompanied by proof that no existing water right would be impaired.

The second scenario that we examined was one that I call the existing condition with a drought. And in this case no changes in the existing system would occur. The assumption is that the system as it exists now would continue to be operated with no new wells, no deepening of wells, etc. It assumes that well that go dry would be taken out of service as they cease to be able to produce. This situation or this scenario also assumes a two-year drought would occur. And I say it assumes that; I'm not predicting a two-year drought or any other kind of a drought. The drought that we simulated as an example occurs in the years 2009 and 2010, but that drought could very well begin this summer. We just don't know. The only thing we do know, that I am confident of is that a drought will occur and it may be longer and worse than I have simulated.

In this case, the well known as Well #9, which is near Lamy and which produces from the shallow streambed deposits in Galisteo Creek, would not be producible during much of that drought period because that well produces essentially from the surface water flows in Galisteo Creek. This situation would represent the current situation, the current reality, but it is the only one that doesn't represent any need for applications to be examined and approved by the State Engineer.

Two other scenarios with increasing amounts of water available were also examined. The fourth one, the largest one, leads to pumping of about 1000 acre-feet a year, which is twice the approximate production now. This would serve full build-out of the system at 4,000 connections, 4,000 households and it assumes a little bit higher per capita use at .25 acre-feet per year per connection. So for this fourth scenario, pumping for the system would rise from the 1999 rate of 502 acre-feet and the 2000 rate, I think it was 486, ultimately to 1000 acre-feet by 2010 and it would continue at that rate thereafter.

Well, in the second scenario, the one that is the current situation, the model predicts that the Eldorado system would not be able to meet demand for a very long period. The total capacity of the system as it exists now is estimated to be about 666 acre-feet in 2008, which may or may not meet the demand but it would meet today's demand probably, but not future growth. But the capability of the system declines in time and during the drought period that I have hypothesized, the system's capabilities would only be 469 acre-feet. Or, sorry about that, it would be 603 and then in about 2028, it would drop to 469. So in 28 years, if a drought occurs in the interim, which seems very likely to me, the capability of the system to supply the demand at the present rate would be very seriously questioned.

If the system can find some new sufficiently capable wells in the future and deepen and/or replace some of the other wells, it could meet the demand at the future rate, the catch is that to do that, to have additional capacity and additional wells would require not just the physical presence of water, which is the one context that we need to discuss, but also requires the legal availability and the administrative availability of water. And since development began in the Eldorado area there have been a great many individual wells, a tremendous number of single household wells, and there have

been other wells too. And the State Engineer has the obligation to protect those water rights that have been established by those wells.

It would be up to the utility company to make application to the State Engineer for what additional wells it needs, really whether they be supplemental wells under the existing water rights, or new appropriations of water and having made those applications, it would be necessary for the utility to prove to the State Engineer that no existing water right would be impaired.

The modeling that we have done was not designed to make that proof and it is the obligation of the applicant to make the proof. I've already discussed the issue of Well #9 and the question of its capability in times of drought and that comes into play in another way in that the system has to meet not only average annual demand but also peak demands in the summertime when demands are high. And if that well is not available during the summer season in the future, then it may be necessary that the system have an additional amount of well capacity to take its place, which still would require application to the State Engineer and demonstration of a lack of impairment of existing rights before a permit could be approved.

I also would like to make the point that we made in the original strategic plan that was prepared for the Eldorado Area Water and Sanitation District, which is that the resource in the aquifers that supplies the system is not perpetually available. The great majority of the water that's been withdrawn to date has been mined in the sense that it's been withdrawn from storage in the system. The only major exception to that is Well #9 which essentially taps Galisteo Creek. And I suggested in the master plan, or the strategic plan study that Eldorado needs a renewable supply, which means a surface water supply for the indefinite future and to me that implies conjunctive use between groundwater and stream flow, which in this case I think means the Rio Grande. So I had hoped that there would be progress toward a regional water system that would allow surface water from the Rio Grande, from water rights held in the Rio Grande to be distributed as far as Eldorado.

So I'd like to summarize by saying that this question of how much water do we have and is there enough water is really as much legal and administrative as it is hydrologic. And while the physical presence of water with the acceptance of some assumptions can be predicted, it's certainly not proven the ability to add to water supplies by deepening wells, has not been proved well at all, although the suggestions are perhaps favorable, but the legal and administrative side is really where the issues lie at this time. The State Engineer reviews applications and puts all these applications open to protest subject to the public hearing process and the issues are fairly broad, not only the physical presence of water but the degree of impairment of existing rights by drawing down water levels in other wells, the effects on streams, and also conservation, water use that's consistent with conservation and issues related to the public welfare are all taken up by the State Engineer.

The success of the application and hearing process is not assured. It's up to the applicant to do his or her best to succeed. I think that another issue we should talk

PRESENTATION BY O'CONNOR AND HANNON

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CHAIRMAN DURAN: The last item for the day is a presentation by our federal lobbyists, O'Connor and Hannon, LLP, and just so you know, Commissioner Campos, Commissioner Sullivan and I met with our lobbyists and the Mayor last night to talk about how we can work together on our water concerns here and give our lobbyists direction that will allow them to go to Washington to Senator Domenici's and Senator Bingaman's office and try and get the funds to do this based on a commitment that the Mayor and I have made to one another that the City and the County will work together in this effort. That was the gist of the meeting last night. Sam.

MR. MONTOYA: Mr. Chairman, thank you for the opportunity to bring the firm before you that represents us in Washington. Mr. Chairman, we, as you alluded to earlier, had an excellent meeting yesterday afternoon and also last evening with the Mayor and the City Manager trying to determine which regional projects would be most conducive to the funding stream from the Congressional delegation.

Mr. Chairman, we're very fortunate to have O'Connor and Hannon representing us and I think they bring with them a wealth of experience on the hill and will help us to put together our program and to be our mouthpiece on Capitol Hill forging ahead on some projects that I think will do the valley a lot of good. So with that, Mr. Chairman, I'd like to defer to the representatives, to Craig and Tim, to make their presentation.

TIM JENKINS: Good afternoon. My name is Tim Jenkins. I'm a partner in the firm of O'Connor and Hannon, and Craig Potter is also here today as a partner of mine. In view of the fact that this is a late hour and some of the Commissioners could not stay on, we'll try to make this relatively brief for you. What we're going to do is talk first about the process by which we on behalf of the County and the City and the regional efforts will go ahead and try to obtain some federal funding for a variety of projects. And then Craig will actually focus on the projects themselves and overview the five projects we have initially targeted for funding via Congressman Udall.

We were retained on March 1 of this year specifically by the County to secure federal appropriations. The authorization appropriations process is not really something that state and local government have parallel tracks on so I thought we would give you a little bit of an overview so you understand the framework within which we're going to be working. First what we did within about a week or so of being retained was begin the process of talking to your delegation. We met with Representatives Udall and Skeen. Obviously, Congressman Udall is your Congressman. Mr. Skeen represents down south but is an important player and we'll see that a little bit in our handouts.

But the goal was to initiate the requests in the House. The House is on a slightly accelerated timetable and we wanted to basically put in play or get our markers down on the various general programs that we will be pursuing. Since then, we've

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been meeting extensively with the staff of Senators Domenici and Bingaman to both initiate the process in the Senate but also to begin the process of customizing the request. There's a wealth of experience and history in those offices, again because they are extremely well situated in the authorization and appropriations arenas, particularly as it relates to water and natural resources.

So we have sat down with them, talked a little bit about the initial request and worked with them to assure that the requests are going to be made to agencies and to selected pots of money, whether they are straight appropriations or grants, matching type grants, which best meet the program we're talking about.

Now the first thing is the authorization appropriation interface. Last night we spent a lot of time, and yesterday afternoon spent a lot of time explaining and justifying why we're going ahead on our big water management project, WMRS, seeking an authorization instead of just getting an earmarked appropriation. And essentially, the basis for or the benefit of it is that the authorization lays the foundation for a more ambitious infrastructure kind of project, and ultimately, whether it's a Buckman diversion or some of the other alternatives that have been kicked around, the County is going to be talking about substantial funding for construction for infrastructure. We're talking about tens of millions of dollars.

And the authorization, albeit for more modest sums to continue the feasibility, to continue to fine-tune which option is best, also provides for construction but it lays the foundation as a general matter, irrespective of the members who are introducing the authorization, to then move forward with the more ambitious construction requests. In the case of Senators Bingaman and Domenici, it really empowers them. Senator Bingaman is the ranking member on the Authorizing Committee in the Senate. Senator Domenici is on the Appropriations Committee, is on the Authorizing Committee and is the Chairman on the sub-committee on appropriations for the program where this is going to be funded.

So if they have an authorization bill that's out there, essentially they have announced to the world that this is a program we intend to carry through on. And it does not preclude you all getting appropriations. In fact, we're going to seek to get the remainder of the \$3.5 million that was requested for authorization last year, to get that appropriated and earmarked. But this is what I would characterize as a building block.

The other thing it does, which goes to last night's focus, is it assures regional coordinated effort. And there's a copy of the bill in the materials I've handed out to you and if you look at it, it talks in terms of coordinated projects. It doesn't stipulate the City, the County, any of the tribes actually being the custodian of the funding. It doesn't stipulate or parse out or allocate the amount to one group or the other group. It's all about a regional effort. And this too is critical to your delegation in terms of assuring that they perceive it to be a win-win-win for constituencies. If this is earmarked for the County and the City would be either an ancillary beneficiary or might get ignored in the process, the City's not going to be happy. Your Senators are not going to take on a project that pits two constituencies against one another.

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Likewise if the tribes are not included in the process—now they may not be specifically dealt with in a Buckman diversion, for example, but it needs to be clear from the authorization that they're going to be part of the overall solution going forward, even if Buckman is phase one and you have a more ambitious phase two that deals with the tribal areas up north. So I can't overemphasize that this is really as much a strategic thing as it is actually a legal condition precedent. It's really more about framing this so that our champions are going to feel really empowered.

Now the House deadlines, we've also given you a handout on that, we have submitted to Congressman Udall these requests, the requests that relate to Interior had to be in last week, so we got those to Congressman Udall's office on Friday of last week. We will continue to fine-tune these requests and they can update them but what they call supplementals. But the bottom line is this marker is in with the House.

In the Senate, our most compelling deadline is this Friday for the WMRS language and we're going to work closely with your staff to make sure that the language is flexible enough to allow for any of your options to be chosen and also broad enough to achieve the purpose which I talked about earlier, which is they see this as a regional effort. So the language again, it's not going to be the last iteration and what is adopted could be dramatically different after we work with the staff. But this will be our sort of first shot at getting that in.

The other one is the open space, and I spent a large portion of yesterday traveling about, particularly I guess south and east, at some of the proposed acquisition spots and some of the spots where you're looking for some management type of funding. I think that deadline will slip. If it doesn't slip, I'm prepared to have those materials into those offices on time. For your other request, the deadline in the Senate is the end of May.

Now the delegation, I've talked a little bit about how key they are and how well positioned they are and last night I pointed out we shouldn't take for granted that we have a Domenici and a Bingaman in particular, and a Skeen to a lesser degree, in terms of their seniority and the fact that they are positioned tremendously to help New Mexico generally but also Santa Fe. They're not necessarily going to serve forever, and when they step down, the challenger, an open-seat challenger will come in and you're going to lose that seniority. And you'll probably lose the seat on Appropriations that Senator Domenici has. So we need to move quickly to fully avail ourselves of the fact that these gentlemen, just through the happenstance, the seniority process, are really very senior members on committees that are crucial to your interests.

Congressman Udall sits on the appropriate authorization committee, and while he's more junior and he's in the minority, being a Democrat in the House, it's still important to get Congressman Udall really fired up for our requests because the individual member requests are granted a great deal of deference by the authorizing and appropriating committees. We want to make sure that some of ours are at the top of Congressman Udall's overall priorities. We talked about the cooperation to empower the delegation. Again, I think we're in a good position to make some things happen. We've got to just keep a positive, affirmative approach and not take steps back and we

work forward to working with you. Craig is now going to walk through a little bit the specific items on our agenda and obviously, we'd be pleased to answer any questions. Thank you.

CRAIG POTTER: Thank you. I am Craig Potter and also am a partner in the firm of O'Connor and Hannon. The way I'm going to approach this. We have essentially five requests and Tim's already given you a sense of the approach on the water projects. There really are two very different kinds of requests here. The first is for the authorization that he's briefly described and I've spent the last day and a half on the ground looking at a lot of the water infrastructure. Tim went out with us today and saw some of it this morning, particularly up by Otawi, San Ildefonso, that area. Yesterday, I spent a good bit of time in the south county area but all over the county really looking at the whole water system. Tim spent time looking at the open space location and at the transfer station locations.

So he's more up to speed on the actual, on-the-ground aspects of that. I'm more up to speed on the aspects of the water projects and we may turn it back to Tim if you have specific things on open space or the transfer stations.

But what I'd like to do is summarize the actual content of each request a little bit, talk about some of the key points about each one of those requests and why we've targeted some of the accounts that we've targeted for those requests. With respect to the authorization itself, Tim's given you a sense of the importance of regional cooperation and the aspect of working together regionally. That's already been clearly described in the WMRS strategic planning effort. The authorization that we're working from was actually introduced last year, but we're talking about tailoring this authorization and targeting it at Bureau of Reclamation, an agency that has long experience in providing large infrastructure budget needs for projects like this.

We may end up, you do have a copy of the authorization bill that was introduced last year. We may end up, in fact I predict we will end up trying to tailor that a little bit. For example, you'll notice that on the construction portion there is authorization on there for construction, but if you look at it, there's only a 25 percent federal share. This is based on the 1992 Bureau of Reclamation authorization bill for Title 16 and it may be, in fact I think it is very likely you may be able to improve that share but we'll work on those kind of things.

One of the things that I wanted to mention a little bit is the timing. We need to get this introduced this week and hopefully have hearings scheduled soon in the Senate and the House and according to Senator Bingaman, the target would try to get the bill out some time in June so that we can actually get it on both sides and get it passed into law if possible. The issue of interconnection with the tribes is an important one that's been mentioned repeatedly and that's something that we want to focus on in this legislation as is already focused on.

Back up for a second. This authorization I think is an excellent way of linking the feasibility effort that's already been undertaken with actual construction if possible at Buckman or whatever. And also linking Buckman to possible needs down the road at San Ildefonso. We've tried to spend a lot of time understanding your real needs here

and we're trying to cover all those needs in an authorization that is probably somewhat broader than is necessary, but it is the marker for all of that.

I think that's it on the authorization, and if I may, I'll move on to the community water systems. All of these things are described in the materials that we've given you. We're requesting—and to just summarize, we're asking for \$2.3 million for the authorization to complete the feasibility work, and if it's possible to do some construction work, use some of that money for that. The other four requests total about \$6.5 million, and to just summarize, they include \$1.5 million for the community water system effort, \$1.6 for open space funding, slightly over two million for public works transfer stations and then \$1.2 million for the after-school program.

We're not quite as familiar with the latter program as we are with the first three, but we put the community water system request in second for a reason. It's complementary to the overall needs of the County as they relate to water infrastructure. It is a good way of showing, I think that the County intends to deal with small community needs in surrounding areas and it makes a lot of sense to try to seek that funding. We did increase the amount of the request, that was at the advise of some of the people that we talked to on the Hill. We had been asked to ask for half a million. We're asking for a million and a half.

That money, you will need to think about how that money is to be allocated, if we're to get it, and how it's to be actually delivered to those communities. One thing that we have learned is that there is matching money in several cases, already available through state legislation. We have also been able to learn that there may be the possibility of other federal money for matching purposes. So we're trying to anticipate the matching needs there. To clarify a fundamental point is that request is a STAG grant request, State and Tribal Assistance Grant program request, so it is a matching program. That's where we're targeting this money to be coming from and that is part of the IA HUD, Independent Agencies bill, appropriations bill on the Hill.

The third request is for open space protection and Tim visited three locations yesterday. We feel pretty comfortable with the justification for this effort. Most of those sites, if not all of them, are adjacent to federal land and BLM land I believe. The New Mexico State Land Office is involved in some of these efforts and this is a very strong program showing dedicated effort to try to satisfy local needs. In a sort of unique twist here we targeted the Land and Water Conservation Fund account in the Interior bill as an area where we may look for funding because there is now a major new effort in this administration to try to fund these type efforts. We're just learning about that because that budget just went over from the administration to the Hill, so we're in the midst of trying to figure out if that's where we should actually seek this funding. But we think that that's a good source of money for this request.

The transfer stations, the need there is a very serious need based on Tim's description to me of what he saw yesterday with Alina. I haven't seen it first hand but the issue I think, the only issue that I want to mention there is we're somewhat unclear about the source of funding for that at this point. So we're suggesting that we seek possibly EDI money, STAG grant money, or some similar matching program for that

funding. It's a solid waste program. It's not exactly the same as community needs as described in the water request, but it may fit that criteria.

The after-school program is not a program I'm very familiar with. We are building on what the County has already done with respect to that request and I guess the only thing I can say about that is we are trying to—we just got that one at the last minute and we are coming up to speed as quickly as we can on that program. It looks to be a strong program that can be justified.

So that's it for the actual requests themselves. If you have any questions or Tim, if you want to add anything as far as open space or transfer stations are concerned.

MR. JENKINS: Well, the only thing on the open space is the three [inaudible] in Chimayo. In every instance we'd be acquiring contiguous land to that the County already has and two of the three instances there's a federal component to it which suggests that there's certainly a compelling preservation need there and in all three, the developmental component, which your acquisition of the land to preserve the land would moderate the development. The Thornton Ranch is an example where they're already trying to sell the lots and by acquiring this additional property we would really be preserving, perhaps the integrity of the majority of acreage. So we would lay that out in those terms and those are the kinds of justification that the Congress is looking for.

CHAIRMAN DURAN: I have a question for Alina. Are these properties that we have already approved as acquisitions?

ALINA BOKDE: Mr. Chairman, these properties that Tim was talking about are properties that are being considered under phase 3 by COLTPAC at this time and these are properties that are adjacent to existing properties that we've already acquired as either part of phase 1 or phase 2 acquisitions, that the Board has already approved. So we're looking at properties that can build on the existing open space system that we have and COLTPAC's recommendations will be coming before the Board in June for further consideration.

CHAIRMAN DURAN: I guess my question, my concern is that this Commission hasn't had the opportunity to review the merits of these properties and it seems like the decision has already been made to buy them.

MS. BOKDE: Mr. Chairman, the request that was made for matching funds would be for the \$8 million bonds that will be issued next year. And these requests, if the funds come forward, these are the three properties that I've used for examples, based on the criteria that the lobbyists have asked. In speaking with COLTPAC, these are properties that they're looking at favorably that will come to the Board but the Board will still have the final decision. If the Board decides not to approve a favorable recommendation by COLTPAC then those funds can maybe be re-appropriated to another property.

The intent is to be able to utilize the process at the federal level to be able to garner matching funds for properties that come forward that would stretch the \$8 million bonds farther and that was direction that staff and the committee had received

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from the Board when consideration of the second bond came up, for us to try to find matching funds and what I've done is to give an example to the lobbyists of properties that I think will come forward with some favorable recommendations from COLTPAC, but also for properties that meet the kind of criteria that they're looking for. because the recommendations are coming soon, we can have further clarification but I've assumed that matching funds could be used for properties that the Board approves ultimately. The Board does retain final approval of all properties that we acquire.

CHAIRMAN DURAN: So, Tim, the open space money that you're going for, is it specific to these properties?

MR. JENKINS: No, it would not be. I should have made that clear. I apologize.

CHAIRMAN DURAN: Okay. That's fine. You've answered my question.

MR. JENKINS: The three are just basically illustrative of the kinds of properties. If they need justifications, these would be three good models.

CHAIRMAN DURAN: Okay. Good. Thank you very much. I don't have any other questions. Do you have any questions?

COMMISSIONER CAMPOS: I have no questions. I want to thank you very much though. It was a great presentation. I look forward to the results soon.

CHAIRMAN DURAN: Thank you very much.

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SANTA FE
BOARD OF COUNTY COMMISSIONERS

CONTINUATION OF
April 24, 2001 Regular Meeting
APRIL 30, 2001

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

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

April 30, 2001

This continuation of the April 24th regular meeting of the Santa Fe Board of County Commissioners was reconvened at approximately 10:15 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

None

I. APPROVAL OF THE AGENDA

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

SAM MONTOYA (County Manager): Mr. Chairman, if you'll look at today's agenda. we would start back again on item VI. D, and all of the items in red, Mr. Chairman, are the issues that were not discussed at the prior meeting last week.

CHAIRMAN DURAN: Okay. You made it easy on us.

MR. MONTOYA: Try to, Mr. Chairman.

CHAIRMAN DURAN: Then moving right along, we'll go to item VI. the Consent Calendar, D.

VI. CONSENT CALENDAR

C. Resolution No. 2001-56. A resolution requesting an increase to the general fund (101)/County Sheriff's Department from various sources for expenditure in fiscal year 2001

KATHERINE MILLER (Finance Director): This is the budget transfer that we talked about, probably about two months ago, to address the shortages in the Sheriff's budget concerning overtime and the increased costs in fuel. It also has an additional item in there for a—I don't know if you knew that we had the Department of Labor here and they reviewed our last two years of payments for essentially all employees, but one of the areas that they found where we had been paying incorrectly was in the Sheriff's overtime on shift differential. When they work mid-shifts or an evening shift, they actually receive, the dispatchers and that receive a different base rate. They have a shift differential. And when we were paying overtime, they were using the day base and not the shift differential. So the Department of Labor calculated we actually owed employees about \$28,000 over the last two years in the shift differential. They gave us a determination and asked us to pay them by May 18th. So that's also included in budget adjustment so that we can get in compliance with the Department of Labor finally.

CHAIRMAN DURAN: Is that it, Katherine?

MS. MILLER: That I believe is everything that's in that budget adjustment. It's fairly long but that was all the things that are in it.

CHAIRMAN DURAN: Any questions of Katherine?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Katherine, in the monthly financial report that you distributed to the Commissioners a few days ago, and you mentioned just now travel, I see that the Sheriff's Department is over in its travel budget by 12 percent over its annual budget, whereas at this point in time, it should be about 75 percent of its annual budget instead of 112 percent. Do you know what the reason for that is?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, I actually don't have that in front of me, but I would believe that that has to do with the extraditions. They have quite a bit—they have to travel in state and out of state to cover. We have overtime on that as well and it's to take the prisoner transports mainly, for extradition. And that's out of the Sheriff's Department control. We're just ordered to do that. So it's always an estimate as to what that would be.

COMMISSIONER SULLIVAN: Is there some reimbursement to the County for that?

MS. MILLER: No, we do not receive any reimbursement at this time.

COMMISSIONER SULLIVAN: And this wage determination that the County was required to pay on top of the salaries. Is that reflected in the budget that you just put out? The monthly budget through, I think the end of March?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, we have not paid that

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yet. We would like to pay it this Friday. That it would be calculated in the next pay period and the adjustment money that's going in to the Sheriff's budget in this budget adjustment so that we could pay it out.

COMMISSIONER SULLIVAN: So once that happens, then they'll also be over on their salary as well, in addition to travel.

MS. MILLER: We'll be putting that money into their budget, then paying it almost directly out, but we have that figured in through—the adjustment that we're making here for the entire category of salaries and overtime and benefits incorporates what it's going to cost us to get through the end of the year.

COMMISSIONER SULLIVAN: Right. So the department has overrun on salaries and it's overrun on travel. Then my question is, I know it shows in here, could you explain where we're getting the money to pay for this.

MS. MILLER: In the budget adjustment, if you look on the first sheet, we have money from last year when we did the fire, the Cerro Grande fire, we received in this year a \$55,000 reimbursement for our overtime that we expended last year and then also the state grant and this operating transfer in as DWI money for work that the Sheriff's Department does do on DWI and then the rest of it is coming from our current year budget in contingency and savings in the legal department on our insurance, because our law enforcement insurance was also less than anticipated this year and also some savings in finance for when we calculated three percent across the County we had some money left from that. So that's where we're moving all of the money to cover these increased expenses.

COMMISSIONER SULLIVAN: Okay. Thank you. So in general, this is an increase of about a quarter million dollars, which we're getting from seven different categories. We're just essentially scraping up wherever we can find it.

MS. MILLER: That's correct.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Katherine, by transferring these monies around, what's the impact on the other departments, because we have services to render in the road department, in solid waste and things like that. Does it impact those in a disparate, in a negative way?

MS. MILLER: Mr. Chairman, Commissioner Trujillo, this budget adjustment, we're not taking any money from departments that they had set out for expenditures. It's actually from savings in our insurance and savings in our cost of living increase that we estimated. Also in receiving revenues for reimbursements for last year that we had not budgeted, so we're not actually taking any money out of expense line items in any other department that they would need to get through the rest of the year. I would like to say that we probably still have to do some adjustments in Public Works because of the disaster relief. We initially have been told that we're not going to receive reimbursement on that and so we're working also to adjust that budget to cover it but we still have to work with DFA on that.

COMMISSIONER TRUJILLO: What does this do to our emergency

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contingency fund? For example, if another department runs into an emergency and needs an augmentation in monies, what does it do to that possibility? Do we still have contingency monies available to other departments in case of emergencies?

MS. MILLER: Mr. Chairman, Commissioner Trujillo, yes we do. We have actually very good contingency fund right now, I believe. We start out the year with \$1.1 million and I would say we probably still have about \$900,000 in that fund. We've worked really hard to try not to hit the contingency fund if we have savings in other areas, because contingency is basically cash and especially in a situation like this where this is an operating expense that goes on every year over time and that kind of thing. We try to absorb that in recurring revenues and recurring areas in the budget where we'd already built it.

When we can't do that then we use the contingency. So we have actually a very healthy contingency in that respect this year, probably better than we've had in the past years.

CHAIRMAN DURAN: Katherine, how does this overtime request, or this overtime increase compare to last year's overtime?

MS. MILLER: Mr. Chairman, the overtime in the Sheriff's Department for the last three years has actually been, or four years, it went from about \$300,000 to \$500,000. We're estimating somewhere close to \$500,000 this year, \$450,000 to \$500,000. One of the things, when the Sheriff has a lot of vacancies, which he's had in the past, there's been seven or eight vacancies, that has overset the overtime when you don't have someone in a position at all, you have that \$12 to \$15 an hour to offset somebody else making \$18 an hour on overtime. Then you only have to have five or six dollars an hour to cover their overtime.

Because we actually gave the compensation package this year with the idea of filling those vacancies so we didn't have such loss of deputies, we have stayed at a higher rate of full positions in the Sheriff's Department. And when they have court dates and things like that, those are all on overtime. They're not part of the regularly scheduled hours. So it does increase the overtime hit, but it allows them to be where they're supposed to be during regular hours. It's also not that big of an increase year to year. If you look, it's been about a \$50,000 increase per year in overtime, but we've not budgeted it. It's always just been absorbed with vacancy savings.

Next year we actually, in the 2002 budget, we are trying to put in a more realistic number for overtime. But the overtime has always been there. It's just not been something that the County has been able to cover with the regular budget process.

CHAIRMAN DURAN: Isn't there a way of re-evaluating the job description for the deputies and have these overtime duties included in their base pay?

MS. MILLER: Mr. Chairman, we've talked to the Sheriff and the Under Sheriff about this at great length and probably Ray would be the best one to address that. He was in the building. But there are some issues that, it's just very difficult to not have the deputies on overtime. We are looking at contracting for somebody to look at our scheduling of overtime and tie it to the financial impact of it as well. We're bringing in a contractor who worked in the City of Denver and saved them \$4 million in overtime by setting up a program like that and we've talked to Ray.

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CHAIRMAN DURAN: We have someone coming in to do that?

MS. MILLER: Yes, we hope to have them for this month to at least just look at whether they believe we can benefit from their services.

CHAIRMAN DURAN: Then the last question, the vacancy savings, are they used vacancy savings to offset the overtime deficiency?

MS. MILLER: Yes we do, and actually up through March, essentially that's what's happened. But now we don't have any vacancy savings left to cover the overtime through the rest of the year and that's why we need to move more money.

RAY SISNEROS (Sheriff): Mr. Chairman, members of the Commission, regarding the overtime, there's quite a bit of it that is beyond our control. If we're given a transport order or an extradition, we have a choice of either sending off-duty deputies to go handle the prisoner or take a deputy off the street, which means we don't have the deputies then to cover calls for service. I'm not going to take the deputies off the street unless it's an emergency. So in essence, we have to pull deputies either that just get off shift or on their days off to go handle the transport.

The other problem beyond our control is the court appearances. If we have deputies that are working graveyard and they're called in to 9:00, 10:00 a.m. court appearances, that's on their time. That's where we have to pay the overtime. That's also part of the labor contract. The other language in the contract, if I'm not mistaken, maybe the attorney can correct me, is there's language in there that states that we cannot arbitrarily adjust shift schedules for the single purpose of avoiding overtime. Am I correct on that, Steve?

STEVE KOPELMAN (County Attorney): I believe so, yes.

SHERIFF SISNEROS: So there are some things that are beyond my control on the overtime itself. I would welcome if this Commission or someone here would be able to give both the judges at district court and magistrate court to work with us on the scheduling of the cases, but I think that's a mission impossible that nobody can accomplish.

CHAIRMAN DURAN: What would scheduling the cases do?

SHERIFF SISNEROS: Well, if you schedule the cases on the deputies' on-duty time, except when they're on graveyard as an example, then you're not paying overtime, because then they're already there on duty. But many, many, many times, that deputy is attending court or motor vehicle hearings on their day off or their off time. That's where a lot of that overtime comes in.

CHAIRMAN DURAN: Well maybe this person that's coming in can help us analyze that and come up with—

SHERIFF SISNEROS: I hope so.

CHAIRMAN DURAN: When does the contract come up for renegotiation? The union contract?

SHERIFF SISNEROS: This time next year, Mr. Chairman. We still have roughly about a year and a half left on the contract.

CHAIRMAN DURAN: Do you think it's possible—and I'm just trying to think of ways of reducing the budget request for increase for overtime, couldn't there be a way of

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working out, restructuring the job description so that maybe they get paid a little bit more so that they're available for these overtime duties and maybe that would be less than having to pay them overtime.

SHERIFF SISNEROS: Mr. Chairman, I don't know whether that would be in the job description. That might be an issue for the contract, but I don't know if that would be amenable.

CHAIRMAN DURAN: The only reason I bring it up is that a half a million dollar increase in overtime is something I think we need to look at.

SHERIFF SISNEROS: Mr. Chairman, I want to make this comment now. We, at last year's budget, we agreed to hold three positions open for the entire budget year to get the salary savings for that compensation package that the Commission approved, if you recall. But also at the time, our request for our overtime budget and our gas and oil was cut quite a bit at the time of the budget hearings last year and had—and I'm not saying, again, Monday morning quarterbacking, but the request today would not be as high. As an example, one of the things that was beyond the manager's control was the fuel. Supposedly the pumps were going to be available at the warehouse August 1 of last year when in reality, they weren't available till I believe it was December.

All County employees still had to use the cards at their regular gas stations. That was a huge impact not only on my department but all the others. Just an example.

CHAIRMAN DURAN: How about in this year's budget request. Do you feel pretty confident that that's going to take care of—do you think that next year you'll be coming forward with another budget increase?

SHERIFF SISNEROS: I hope not. I hope in this next budget year we don't have another Cerro Grande fire or some type of emergency like that that really burns our overtime, but we're hopeful that it will be sufficient for this coming budget year.

CHAIRMAN DURAN: So the fire took up a lot of that overtime?

SHERIFF SISNEROS: That was in the previous year's budget but the reimbursement from FEMA, I believe, came in after July 1, and that's part of the money that Katherine is using to offset this cost now.

CHAIRMAN DURAN: Oh, okay. Any other questions?

COMMISSIONER TRUJILLO: Yes, for Steve. Under the Fair Labor Standards Act, Steve, what is the overtime issue? How does it affect law enforcement? Is it still a 40-hour work week? Or 50-hour work week; or what is it?

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, that was the point I was going to bring up that I believe that for officers it's an 80-hour stretch, but there's no real discretion in whether you give overtime or not. You're legally obligated to, and overtime for an officer is time and a half as you know. So there's no way really to cut that requirement. We're legally, under federal law obligated to pay it after a certain point.

COMMISSIONER TRUJILLO: For an extended work week though, can't we implement a differential schedule for the Sheriff's Department? For example, ten percent for on-call, as on-call pay? A ten percent differential rather than paying time and a half, it would

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save the County copious monies if that could be implemented on a continuous basis, some sort of differential.

MR. KOPELMAN: Mr. Chairman, Commissioner, I think the way the federal government looks at and the case law is that if you're working you're entitled to the overtime pay. If you are not formally working and there's been—there's quite a bit of case law as to whether being on call is, what being on call actually is. But I think what would make a lot of sense is when this consultant comes in to really work with the consultant and see if we can come up with a way of trying to cut the overtime budget. And we'll work also with that consultant.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Sheriff, in your analysis of the overtime, is it a result of insufficient manpower? Or is it a result of unexpected occurrences like the Cerro Grande and court hearings on days off? What does it relate to?

SHERIFF SISNEROS: Mr. Chairman, Commissioner Gonzales, it's not—this current budget year really is not the Cerro Grande fire. That was in the last budget year. But again, we were here a year ago, doing the same thing because of the overtime, not only from my department but for all the departments that were involved in Los Alamos. But it's somewhat the openings that we had, because we averaged for the entire year last year about eight to nine openings all year long, including the three that I held open as part of the agreement.

This year, once the salary and the compensation package was implemented, we were able to fill all the positions and until recently, they were at 100 percent for the first time in about six years. And then we recently had two openings which those will be, I believe those people start in two or three weeks. They're already coming on board, so those are already filled.

The increase in the overtime and the big jump that we've seen has been ever since they opened the Hobbes Penitentiary. We're having to make trips to Hobbes that in years before you only made out to State Road 14. But we're bringing prisoners back and forth from Hobbes. There isn't a week goes by that we're not doing two or three or more trips to Hobbes.

COMMISSIONER GONZALES: Is there a way that you can use the same program that you put together in providing court security, using retired professionals that on your reserve to do the transport?

SHERIFF SISNEROS: Ninety percent of those transports are those people. And they're the ones that are getting the overtime.

COMMISSIONER GONZALES: The reserves are?

SHERIFF SISNEROS: They're getting the overtime, but they're handling 90 percent of those. The other part that we have, the number of prisoners that are being brought into district court for arraignment dates, as an example, usually Mondays and Fridays, but we're averaging no less than 35, up to 63 in one day. And with our vehicles, we're having the two 15-passenger vans plus three police cars full of prisoners going to district court and those holding cells over there are not conducive to the public health of that many prisoners. We've already had fights in there and some other assaults occur, but when we have that type of a

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docket, on Mondays we have the luxury of having, the way the schedule is, our dayshift is on what's called the common day, so there's extra people on day shift patrol that we'll pull off the street to help transports. But again, that's another reason we asked for three additional positions in court security this year. It's unbelievable they way it's increased.

COMMISSIONER GONZALES: That goes to my point maybe to ask for some direction from yourself, the Finance Director and the Manager in terms of would it be more appropriate to hire more personnel that are solely focused on the transport and be able to capture the costs up front as opposed to having this continuous unknown out there. Is it more expensive to be paying time and a half for hundreds of hours of overtime, than to hire additional personnel that could meet the gap that exists? I don't know if that analysis has been done or if we believe that this is the most efficient way for the County to meet some of these needs that are occurring in the Sheriff's Department through just having a budget available for the overtime to use as we need it, or to basically shift some of that money into some FTE positions and pay them regular time, as opposed to having to continuously pay our people time and a half.

It's not only about the time and a half. I would imagine that there's some concern on your part when you're working six-day weeks or seven-day weeks, some of your deputies. Maybe the pay's good but the burn-out may result in something or there may be an issue where we're requiring our people to work enormous amounts of time and not giving them a lot of time off or away from home. I don't know if that analysis has been done or if you guys have considered that or if it's really not an option but it might be helpful to look at hiring more staff for you to meet some of these shortcomings.

SHERIFF SISNEROS: Mr. Chairman, Commissioner Gonzales, that was part of our reasoning for the additional staff requests in transports.

COMMISSIONER GONZALES: Great. So that's coming up now?

SHERIFF SISNEROS: That decision's not mine. That's up to you guys, I guess.

COMMISSIONER GONZALES: Thank you.

SHERIFF SISNEROS: Thank you.

CHAIRMAN DURAN: Sam, did you want to say something?

MR. MONTOYA: Mr. Chairman, I just simply wanted to the Board that we are talking to some transport companies that provide this type of service asking them to give us a proposal to determine the cost that would be related to transporting these individuals from institution to institution or from a jail to the judicial complex. So we will be analyzing those requests. We've secondly also been pursuing other alternatives. I think the Sheriff has been working to possibly look at providing a vehicle or several vehicles for transport issues so that several people can be moved at once and these are new experiences for us so we're walking gingerly in this area but we are studying those two proposals and I just wanted to share that with the Commission.

CHAIRMAN DURAN: Maybe it would be cheaper to take a taxi.

MR. MONTOYA: Highly doubtful.

MS. MILLER: Mr. Chairman, I just wanted to address one of the things that Commissioner Gonzales said and that is whether we've looked at more staff, less overtime. And we have discussed that with the Sheriff and in some cases, that does work, with the right type of position like the security and that. Now with deputies, the more deputies you have the more overtime you have because you still have the issue of 40 hours a week, then court appearances and anything else that they do is on overtime, because you still have to work them 40 hours a week by contract.

So there is kind of a balance. What we did find as they filled more positions and don't have those vacancies, we have more overtime. So that's why we're asking the contractor to come in and look at our scheduling, see if there's a way to do it better. That's their specialty. We're hoping that they can point out some things that we haven't been able to see. We've gone through several discussions with the Sheriff about possible alternatives like the transport contractors and things like that to see where we can reduce the cost next year. As we have the budget right now, we are looking at recommending additional overtime in the base budget but also some additional FTEs to see if we can't get the overall overtime costs down and find the balance between FTEs and overtime.

With all of that said, or just asking for approval of this budget adjustment to resolve the issues that we have for fiscal year 2001 and hopeful bring us to the end of the year, barring no other natural disasters or big overtime hits between now and the end of June.

CHAIRMAN DURAN: Okay, if there's no other questions, what's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve Resolution 2001-56. Is there a second?

COMMISSIONER CAMPOS: Second.

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

MS. MILLER: Thank you.

CHAIRMAN DURAN: Thank you.

VI. E. Resolution No. 2001-57. A resolution requesting an increase to the fire protection fund (209)/various fire districts, to budget fire impact fees for expenditure in fiscal year 2001

MS. MILLER: Mr. Chairman, Commissioners, this budget request is to pay for the impact fee study. We're asking, I believe it's Southwest Planning to do a fire impact fee study, and the cost of that would be spread out over all the fire districts. This budget adjustment is to budget the impact fees to pay for that study.

CHAIRMAN DURAN: This seems pretty easy. Does anybody have any questions?

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COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Okay. There's a motion and a second to approve Resolution 2001-57. Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, I have a question.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Katherine, I recall one other budget adjustment I asked when we had impact fees to increase our budget. We didn't budget those because we didn't know how much was coming in each year. And when we do that, I just want to get a clarification, because it kind of works in reverse in this case. The impact fees go back to the particular district. Is that correct?

MS. MILLER: Mr. Chairman, Commissioner, yes. They essentially are spread out to the districts. Yes.

COMMISSIONER SULLIVAN: But they're spread out in accordance with where the impact fees come from. If the impact fee comes from Cundiyo it goes to the north and if it comes from Edgewood, it goes to the south.

MS. MILLER: Yes.

COMMISSIONER SULLIVAN: So there are some districts that are substantially larger than others in terms of construction occurring, just logically, Edgewood being one I think. There's a lot of building going on. Every single building requires a fire impact fee of I think somewhere on the order of around \$600 per building. Is that about right for a 2,000 square foot building? I'm just trying to get in the ballpark.

MS. MILLER: It's based upon the square footage.

COMMISSIONER SULLIVAN: Would a 2,000 square foot building be about \$600? Am I in the right ballpark? Okay. So I think it's a good idea to study the impact fees and how we do that although the biggest impact fee right now in the county is for, is the fire impact fee. I believe the solid waste fee is very minimal, like \$30 or something, isn't it?

MS. MILLER: Yes. It's very small revenue. I think \$20,000 a year at best.

COMMISSIONER SULLIVAN: All right. This gets me then to my question. All of these departments, these aren't fire districts, are they? They're fiscal departments? Where are the increases coming? The 465, 380. everything adding up to the \$18,200?

MS. MILLER: Each one of these, if you look in the department division, the second group of numbers, those four numbers, those are the districts and they're set up, each district is given a number, and they're a cost center.

COMMISSIONER SULLIVAN: Okay, so each district. So like District 0840 is paying \$2,337 of this study. Correct?

MS. MILLER: Correct.

COMMISSIONER SULLIVAN: And what district is that?

MS. MILLER: Off the top of my head I don't know. I can get it.

COMMISSIONER SULLIVAN: That's okay. Is the allocation of this by the size of the district?

STAN HOLDEN (Fire Chief): Mr. Chairman, Commissioner Sullivan, it's a percentage of the overall collections and that's the only way we felt we could make it fair, a fair distribution among all the fire districts.

COMMISSIONER SULLIVAN: Okay.

CHIEF HOLDEN: So we took a percentage of whatever they had collected to allocate it toward this fire impact fee program.

COMMISSIONER SULLIVAN: Towards this \$18,200 study. That's what I wanted to be clear, because it would seem like the larger district which has more building activity has a greater stake in this impact fee study and should pay more of it, and it appears that that—I just want to clarify that that is what you are doing. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Okay, if there are no other questions, those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

VI. F. Request authorization to accept and award a construction agreement to the lowest responsive bidder IFB #21-36, for the construction of the Santa Fe County Public Safety Complex

CHAIRMAN DURAN: Didn't we have some discussion about this last meeting?

MS. MILLER: Yes, we tabled this. Mr. Chairman, we requested that this contract be awarded to Gerald Martin, Ltd., and Commissioner Sullivan had a question on how we selected the bid alternates and because they did not go in order, he had the question as whether they were, if there was a problem with that statutorily. What we did is we requested that it be tabled so that we could come back and bring you the information as to how we selected the alternates based upon priority and that it is not statutory that they be selected be in order.

What it states, the statute states that we make it clear how we are going to select, what are the criteria, and the bid documents stated that the criteria were that we would select what we had budget for. I believe, so what we did is went back and did a kind of a summary for you as to what those bid alternates were and what we, as a committee. And the committee was the actual users plus the procurement division, the users of the facility and what was the most important alternate in the alternates that we had because we knew, to get everything we would not have sufficient budget.

So what was selected by the committee, essentially, was the base bid, plus the regional dispatch and the clock tower and associated controls. The clock tower contains the antenna for the regional dispatch. The items that were taken out were the exterior, like a brick fascia, and also a secondary communications feed, and additional landscaping. And with that, the low bid was the \$4,062,000, which when we had the meeting last week, we scraped together the money to get to that amount with a small contingency so that we could complete the construction of the Public Safety—so we're asking that we be able to award the contract to Gerald Martin with the

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base bid and the two alternates, the clock tower and the regional dispatch center.

CHAIRMAN DURAN: Any questions of Katherine?

COMMISSIONER TRUJILLO: Katherine, it looks like the difference between the lowest bid and the highest bid is about \$300,000 out of a total bid price of \$4 million. That's not very much. What do the criteria say regarding the selection of the contractor?

MS. MILLER: The criteria said that if a contract is to be awarded, it will be awarded to the lowest responsive bidder whose evaluation indicates to the County that the award will be in the best interests of the project and the County. The award will be made based upon the base bid and any alternatives that are within available budget. As it turns out, the base bid, when we initially received the base bid, we had enough just for the base bid but we also had enough for the clock tower and if we made the budget adjustment that we made last week, we could do the regional dispatch as well.

All the users who have been involved in this for the last two years trying to put this project together felt it was very important to try to incorporate the regional dispatch. And all of them are here as well to explain how they came to that desire to get the funding and award at least the regional dispatch, the clock tower and the base bid. And the other items they felt that they could go without, brick fascia, without the landscaping to the degree that it was in the bid package and without the communications feed, that those were things that they could forego if they could get the regional dispatch and the clock tower.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I guess, let me understand, Katherine. Our bid documents said that we would award based on the lowest base bid plus any alternates that you all selected within the available budget. As of last week, the available budget didn't include the regional dispatch. So as of last week, the available budget was, I assume, what? About \$3.5 million or so.

MS. MILLER: Three point six million.

COMMISSIONER SULLIVAN: So as of the time of the submission of the bids, the available budget was \$3.6 million. It wasn't until we took action last Tuesday that the available budget suddenly changed to \$4.062 million. So I'm still concerned that, because we know from what was indicated last Tuesday that this particular proposer, Gerald Martin, Ltd. was not low on the base bid. So the question is, would that individual be low on the alternates that we had money for, would this individual be low based on the budget that we had in place at the time of the bidding, which was \$3.6 million?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, it would not have been. What I'd like to state is they would not have been the low; it would have been another one, and if we did alternate one, it would have been another one. If we did alternate one and two, it probably would have been another one and so on. We checked with the State Purchasing and also what we are trying to do is award a contract in the best interest of the County with our available budget. If we award all six alternates, it will be about \$100,000

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more and it will probably be another bidder. We could give you a scenario where it would be a different one probably in every situation.

But there is a sound basis by the committee as to why they want those bid alternates and if we have the money and could find the money within the bond, which from a finance perspective, I would like to see that money spent, since it's been sitting in the County for four years trying to get this project going and we have an obligation to spend that money as a tax-exempt bond. If there was anything that could have been replaced with additional money, we would do as much as we could with the items that were the most important and the most benefit to Santa Fe County, meaning the regional dispatch, based upon all the efforts that the Sheriff and the Fire Department have done and essentially, all that was was the regional dispatch with the clock tower, the antenna. The other items, they felt the brick fascia, things like that were an additional expense to the County that could be foregone if we could come up with the funds to do those items. In no way did anybody look to manipulate the outcome of the bid.

CHAIRMAN DURAN: Commissioner Sullivan, I'd like to know what is your point, where are you taking this and what are you worried about?

COMMISSIONER SULLIVAN: Mr. Chairman, what I'm concerned about— I'm not concerned if we have the money to do the regional dispatch wing, I think that's fine. I think it's needed and I think we've seen testimony for that. What I'm concerned about is in how we designated the low bidder. Now, we could designate the low bidder on the base bid plus the alternates that we had the money for at the time of the bid, and then if we determined we had additional money, \$469,000 for the regional dispatch wing, we would add that to the project. But we might have a different base bidder.

So I'm not questioning the need for the items that the staff has selected, I'm questioning our selection of the low bidder by virtue of not only cherry-picking alternates, but also increasing the budget, which clearly this budget didn't exist at the time of the bid.

CHAIRMAN DURAN: Okay, well I'm not going to allow this discussion to occur anymore. You have checked with the state to make sure you have not violated the Procurement Code. Our legal department has checked it. We're going to move on, Commissioner Sullivan. If you want to change the laws or the guidelines that are Finance Department follows in this type of process, why don't you get together with them and figure it out, but we're moving on. I'm sorry. They have done everything that the state requires and our legal department has looked at it and for you to nit-pick this thing for the rest of the day is not acceptable.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I would like to hear the rest of the comments. I don't think there are going to be many more. We have to have a policy if we're going to have add-ons and number one is our highest priority.

CHAIRMAN DURAN: They spent the last 15 minutes explaining it. How much more do you want them to explain it?

COMMISSIONER CAMPOS: Well, I'm just saying for the future, our highest

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priority should be, one, two, three, let the bidders know up front and that's probably the fairest way to do it. And I think it's a good suggestion that the Commissioner is making about this.

MS. MILLER: Mr. Chairman, one of the things that I'd like to state, the method of saying one, two, three, four, you may not have money for alternate one, but you have it for alternate two. If you restrict the County's ability to make a selection based upon saying, well, if we don't take one, we can't take two, but we have the money for two. We've just shot ourselves in the foot, to get the most that we can for the money that we have available.

The reason that we set up our bid packages this way is to try and get the most for the County and what's in the best interest of the County. We don't manipulate them. We make it very clear that these are our alternates and that we're selecting them based upon what is in the best interest and what we have the money for. We have, as I said, checked with legal. This is a common way of doing this. Some places do say, one, two three, four, five, six, and then they restrict themselves from having the flexibility of selecting other items that they do have money for.

What we said is what we have available budget for and what is in the best interest of the County. If it isn't in the best interest to award the regional dispatch and the clock tower, then so be it. We won't and we'll spend the money somewhere else, but we have come forward because it's been our understanding that is, as staff, what the Commission priority as well as staff priority is. We have found the money to do that.

CHAIRMAN DURAN: Katherine, that's fine.

MS. MILLER: And I think that that's what we're trying to do.

CHAIRMAN DURAN: I want to move forward on this. I need two more votes to make the decision.

COMMISSIONER GONZALES: That's fine, Mr. Chairman.

CHAIRMAN DURAN: I'll entertain a motion right now.

COMMISSIONER GONZALES: Move for approval to request authorization to accept and award agreement to the lowest responsive bidder, IFB 21-36.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

The motion passed by majority [4-1] voice vote: Commissioners Gonzales, Trujillo, Campos and Duran voted in favor and Commissioner Sullivan voted against.

CHAIRMAN DURAN: Commissioner Sullivan, I'd just like to say that if you have some ideas that you would like for the Finance Department to follow, please feel free to meet with them.

VI. G. Request approval of the CDWI grant application

ROBERT ANAYA (CHEDD Director): Mr. Chairman, Commissioners, this is the annual application for community DWI funds from the State Highway and Transportation Department Traffic Safety Bureau. Mr. David Sims and I stand for questions.

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

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Robert, I had two questions. One was, in the scope of work it talks about, and this is listed under enforcement under the program performance goals, the state goals. It talks about reducing alcohol-involved fatalities from 44 percent of total traffic fatalities in 1997 to 43 percent in 1999. Now that's statewide. Do you know, did we do that? Did that happen?

DAVID SIMS: I don't believe, Commissioner Sullivan, that the '99 numbers have become available yet. If so, it's just been very recently.

COMMISSIONER SULLIVAN: Okay, my second question goes back to one that will be coming up in the future and that is that we have different numbers, it appears, in specific, I'm looking at what will be coming up later under X. B. 4, which is the Smart Moves program. And we seem to be dealing with different numbers and I just wanted some clarification of that. Let me find those numbers.

I'm sorry for the delay here, but it has to do with the reduction goals of the same item, which is the reduction of fatalities in teenage drinking are different in this program than they are in Smart Moves program. I had them highlighted, but I'm having difficulty finding them. Do you recall anything like that?

CHAIRMAN DURAN: Again, Commissioner Sullivan, what are you worried about on this? I don't see the point to a lot of what you're doing today.

COMMISSIONER SULLIVAN: Well, I'm trying not to nit-pick. What I'm trying to get across is that we need in all of these contracts, particularly the DWI ones and any of our community health contracts, we need measurable goals and we need measurable outcomes. And I'm seeing an arithmetical difference in these goals and I'm wondering how we can have a good measure of outcomes unless our goals, our statistics are comparable. That's, Mr. Chairman, where my concerns are.

MR. ANAYA: Mr. Chairman, I think I have a brief, concise response that could address that. Mr. Chairman, Commissioner Sullivan, I do not disagree with you that there is a variation between the numbers from the Smart Moves program for similar goals, as opposed to the DWI program. In many cases with most of the projects that we have, there are various different funding sources and various different databases which is the key to those statistics. So for every database of information that you're getting on drug and alcohol abuse you're going to get varying statistics. One of them, DWI, comes mainly from the court system

and the Smart Moves project that you've referenced comes from the Department of Health. But as a department, we'd be happy to work with the Health Planning commission and the DWI Council to figure out a way internally to try and correlate that data better to give the Commission a better picture of what is truly going on. It is something that would take some time because they are different databases, Mr. Chairman, Commissioner Sullivan.

CHAIRMAN DURAN: The question is, do you want to approve the request, to approve the application, or do you want to deny the request for the application. The rest of it is something you can again discuss with Robert at a later date but we're here to either approve or disapprove the application.

COMMISSIONER SULLIVAN: Mr. Chairman, my request was for some information on those goals but I can't find my comments. I would say also, Robert, that in this I found it confusing under the measures. Again, these are part of the lingo, I guess of the application. If you look under prevention and measures, we just have a.1,1,1,1, b.1, 1,1,1,. I really wasn't able to figure out what that meant. I guess maybe since time is limited you can bring me up to date on that later, since the other Commissioners obviously understand that.

CHAIRMAN DURAN: I don't know if we understand it as well as we should, but perhaps if you asked some questions with the way the program is implemented, once we get the funds, maybe you could sit down with Robert and figure out what would be an appropriate or more effective way of using the money. Does that sound?

COMMISSIONER SULLIVAN: That's fine, Mr. Chairman.

CHAIRMAN DURAN: Any other questions of Robert?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

I'm going to ask the Commission if they would mind if we move to the County Clerk's item here. Denise Lamb from the Secretary of State's office is here, and rather than keep her here till tonight, maybe we could move forward on this one. I'd like to entertain a motion to bring that item up.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

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X. STAFF AND ELECTED OFFICIALS' ITEMS

A. County Clerk

2. Resolution No. 2001-58. A resolution designating the precincts in Santa Fe County, New Mexico

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, members of the Commission, first I'd like to make some comments regarding the last meeting. I think our chairman will agree that several times in the last few months, probably month and a half, I made calls to him asking him if I could possibly meet with him to discuss a special meeting. Unfortunately, his schedule in getting a special meeting and a quorum for the Commissioners was not possible. I would also like to say that I was elected by the people of Santa Fe County. I think that I have done a very competent job. I believe that they re-elected me again. I had opposition. They re-elected me. If you look at the votes I got, I got the most votes of anybody in Santa Fe County. I think that that is a reflection on the job that I do for Santa Fe County.

I have made a mistake. I am a very professional, competent person and when I make a mistake I have honed up to it. I take responsibility in my office and I think that is a very good reflection of a good public official. I—last week there were several questions referred to me about why, etc., prior to coming into the meeting, I was told that we didn't have a quorum. That they were going to approve my particular request. I said that this was a time-sensitive matter, that I needed it to be heard. Reluctantly, our County Manager left it on. I felt that I needed to come before you and let you know how time-sensitive it was.

I felt, when I was here last week that there seems to be a feeling among, and I speak for myself but I know the feeling around this County is that there's a feeling that somebody is going to be looking stupid every week. I just assumed it was my turn to be the one to wear the scarlet letter of being stupid. I assure you that I'm not. I assure you I've done my job and I've brought you the information in accordance with the law. A question was asked, well, why are you bringing this and I did say the Secretary of State's office. I was told that also—after my presentation, I was told it was going to be tabled. I was told that it would, that I was supposed to find out the information in regard to why the Secretary would state that.

Within a half hour of my leaving here, I pulled the law. I immediately tried coming up back here to see if any of you were. I stayed till six o'clock because I assumed you would be here for the EZA meeting and when I got here at six I saw there was a note that said you were no longer here and I pulled the information from the law. I did not speak to the Secretary of State personally, but—and I copied the law, which is public law 94-171-2000, and the Section of the law is 13-11, which says we need, before a census can be done, that we need to do the precincts and send them over to the Secretary of State.

Before I left that day, I requested exactly what needed to be done, what you wanted. I was told that you wanted me to bring the precinct maps, which we have. I asked if there were any other specific question you wanted of me. I was not given any specific questions. I was, through a passing, I was informed that the Secretary of State had been called and that she would be here or her staff, or Mr. Frescas would be here to answer questions. I take exception. I

don't take exception that the Secretary of State's office is here, I take exception that questions would be asked without having the courtesy of request those questions to me. I am an elected official. I feel that if there are questions they should be asked to me. If I'm not able to answer, I think that I would be happy to bring people here also but not to have the courtesy as an elected official to let me know what the questions are and to immediately call, I think is very disrespectful of my position as a County Clerk, because I believe that we have followed the law and we have worked very hard in regard to meeting the law.

The Secretary of State—and I do apologize that maybe I should have given you a lot more information. And I apologize for that. I guess my assumption is that I respect you as elected officials and I would hope that you would respect us as elected officials and that we do know our job and that if you have specific questions you will ask us beforehand. I certainly would do that to you. And maybe I should have given you a lot more information but I would assume that if you get your packets on Thursday that you could call me. You have access to get my home number. Any time you want to get me I would be happy to meet with you.

But I think that's very important that I say that for the record. Now I have my staff here. Oh, I also would like to comment on one other thing in regard to redistricting. I have volunteered, I had asked to help you with redistricting and I'm most happy to do that. However, I don't think that my request has been really taken seriously. I know what I have to do in regard to redistricting in my office and that is to get these precincts to the Secretary of State's office so they can start looking at them, make sure that we have met all the requirements of the law.

The Secretary of State's office sent out a bid and they hired Research and Polling, Inc. and maybe some of you don't know who that is, that's Brian Sanderoff's group. They have worked with all of the County Clerks in the state of New Mexico. They came in and worked with us. I believe we started last June or July working very diligently with them in looking at our precinct maps, looking at the census block, which is required in the information that I have provided to you. We worked with MIS, Mr. Erle Wright, very closely. He can attest to the fact. Mr. Mariano used to work here also. We worked with him very closely because there might not have been the right road names, etc.

So it isn't just something that I just whipped up the night, on Monday, the 23rd and brought before you. We have been working very hard with everybody for the past year to meet the requirements of the law. We have before you today from the Center for Legal Education, information on redistricting, which I will pass out to you in regard to your role in redistricting, but I'm here today to ask you to—to answer any of your questions regarding our precinct maps. The staff will bring up the maps as you requested and we'll stand for questions.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Just a couple of questions to the Clerk concerning the issues of precincts, and I apologize, Madame Clerk, for not being here last week when this was before the Board. What is the—I'm assuming that in most cases, there's a federal statute that requires the state to do something, and then a state statute that requires local

125,000 people. So now as you look at your redistricting of the five Commission seats, you will now have to take into consideration that population shift.

COMMISSIONER GONZALES: And I guess my question now is opposed to November and the need to do it now, is it because the law requires us to adjust the precincts prior to redistricting?

MS. BUSTAMANTE: Yes, Mr. Chairman, and it's—

COMMISSIONER GONZALES: Whereas if it was in November it would occur after redistricting.

MS. BUSTAMANTE: Mr. Chairman, we can't do it in a centennial year. We have to do it before the redistricting. I mean in a census year.

COMMISSIONER GONZALES: In a census year.

MS. BUSTAMANTE: And that is 1-3-11.

COMMISSIONER GONZALES: Is that the reason why this resolution 2001-58 is before this Board because the precincts need to be established—

MS. BUSTAMANTE: And approved by the Secretary of State. We need to send them over to the Secretary of State.

COMMISSIONER GONZALES: Prior to redistricting?

MS. BUSTAMANTE: Yes.

COMMISSIONER GONZALES: And you noted for the record, and I don't know how to state this, 4-171-2000 as being the state reference.

MS. BUSTAMANTE: The law says new precincts and the precinct adjustments were necessary to meet the requirements, public law 94-171-2000, that precincts be designated in such a way that the Bureau of Census will approve. They want it to be around census tracts.

COMMISSIONER GONZALES: Okay. Well you answered, in the long way you answered my question and that is the law says, and the reason why we're doing it now as opposed to November that the precincts should be established prior to any redistricting efforts.

MS. BUSTAMANTE: Mr. Chairman, yes, and members of the Commission.

COMMISSIONER GONZALES: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Becky, for the record, I'd just like to state that this item, the decision to table this item was made at the meeting. It wasn't made before the meeting.

MS. BUSTAMANTE: No, I'm sorry if I misstated that. You're right.

CHAIRMAN DURAN: And this really has nothing to do with whether I respect you and you respect me, because I do respect you and I'm sure you respect me and all we're really trying to do is, if you recall at the last meeting, it kind of came out of the blue. It just caught us off guard that we were changing the boundaries of the precinct and not really having any visuals to look at to see how that's really going to—it just makes more sense to see it, rather than read it on a piece of paper and that was—

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, I have absolutely no problem with wanting to see that. I did not—I do have a problem in that if you had questions, why you didn't ask me the questions. I would very happily gotten you the

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answers. I would have called the Secretary of State if you wanted to.

CHAIRMAN DURAN: I don't know what kind of questions you're talking about but I got a call from the Secretary of State's office advising me how important it was for these precinct boundaries to be approved. One of the questions you think I had or any of us had, I have no idea. But the conversations that I had with the Secretary of State was how critical it is to have these precinct boundaries approved and we're here to do that today so why don't we move forward.

MS. BUSTAMANTE: Okay.

COMMISSIONER CAMPOS: If I might add—

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: The reason for the hurry is that on May 7, the legislative redistricting meets for the first time. They would like to have this data as soon as possible.

MS. BUSTAMANTE: Would you want us to put the maps up, how do you want us to do this? We stand at your—we've given you a description and if you look at your packets—

CHAIRMAN DURAN: You know what I'd like is I'd like those precinct maps to be put right in front of me so I can see them, and if anybody in the audience would like to come look at them, they can come and stand in front of them. But I can't see them from where I am.

MS. BUSTAMANTE: If you look at your packet, we indicated to you the precincts. And in the back we gave you more detail of the changes we've made on some of them. As I indicated to you at the last meeting, those that we have in bold are the ones that we've made changes. Now do you want us to go by each change individually, or do you want to single out a question? I'm not sure what you'd like me to do.

CHAIRMAN DURAN: One moment please.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Just a question for the Clerk. So the cause for the adjustments in the boundaries are driven by, you said more than 800 registered voters showing up at that precinct, which forced you—

MS. BUSTAMANTE: If a particular precinct, like say in the general election we did have, we had more than 800 people who physically, physically went to vote in a precinct, by law we need to divide the precinct.

COMMISSIONER GONZALES: So that's what we're seeing in these changes then?

MS. BUSTAMANTE: There's a few.

COMMISSIONER GONZALES: Like I'm looking at Atalaya Elementary where you've adjusted the boundary.

MS. BUSTAMANTE: It was just a boundary change.

COMMISSIONER GONZALES: The new polling place, like Pojoaque

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Pueblo?

MS. BUSTAMANTE: The Pueblo has requested that they have a polling place in the Pueblo.

COMMISSIONER GONZALES: So what would cause you to adjust the boundary?

MS. BUSTAMANTE: In 1990, they did not use a census block area that the public law I just read you is requiring.

COMMISSIONER GONZALES: Okay. So you're saying that in some of these precincts, for instance, Precinct 55, the Elk's BPOE 460 Lodge, there's an adjustment to the boundary. Are you saying that's reflective of new census numbers?

MS. BUSTAMANTE: No, Mr. Chairman. It's reflective of the request by the Census Bureau to do the boundary along a census block. In other words, the last one wasn't done along a census tract.

COMMISSIONER GONZALES: Okay. So these mirror the census blocks more so than anything else.

MS. BUSTAMANTE: On the adjustments. We did create—and you were not here, present at the last Commission meeting, we had some situations up in Las Campanas area, the SNAC area where those people were just having to go all the way to Gonzales, which is very inconvenient for them, so we have made a new precinct in that area. We have, if you visualize going straight down St. Francis Road, all the way down St. Francis past where you go into the freeway, there's a place called the Tapia Estates. Those people are having to go vote at Turquoise Trail, which is very inconvenient for them, so we have created a new polling place, which will be closer for them. So we try to take into consideration some of the areas that some people are just having too far to go to. We want to make it easier for people to be able to vote and so in my first four years we had some concerns and we've taken all those into consideration.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, during the last redistricting or adjustment of boundaries at the Bennie J. Chavez Community Center there was some people that were required to go vote in La Puebla and you very diligently addressed that problem. Does this rectify that problem in perpetuity or do we still have that problem of people having to go vote in La Puebla and they live in Chimayo?

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, that is the concern. We have, we were not able to address that problem because of the—we have to divide it somewhere and we do have some concerns that some people say, well, my neighbor votes across the street at a closer place and I have to go somewhere. Unfortunately, we do have to divide the precincts somewhere and we are going to hit some of those people. So I guess to say there wasn't enough people in order for us to be able to make that change.

COMMISSIONER TRUJILLO: So we can't designate a precinct around Chimayo so that the people from Chimayo vote at the Bennie J. Chavez Community Center and those that live in La Puebla would vote at the Sombrillo Elementary School?

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MS. BUSTAMANTE: The way, Mr. Chairman, one of the ways we can look at that area is to see if we can get another polling place in that area with the same precinct, and we're happy to do that.

COMMISSIONER TRUJILLO: Okay.

CHAIRMAN DURAN: So this is all census-based? The changes that you're—

MS. BUSTAMANTE: Except—yes. And then also based on the law that if we have more than 800 people we are doing a new polling place.

COMMISSIONER CAMPOS: Ms. Bustamante, I'm looking at New Mexico State Statute 1-3-3.1a. It says basically that the authority of the County Commission to create new precincts is suspended until January 31, 2002 and that they're all frozen until January 31, 2002, except those precincts not in compliance with the provisions of the Precinct Boundary Adjustment Act, 1-3-10 to 1-3-14. So essentially, as I understand it, we can make adjustments basically to come up to the census block maps, which involve physical features, highways, other things like that. I think that is our only authority at this point if I look at 1-3-12 and 1-3-3-1.

MS. BUSTAMANTE: Mr. Chairman, I'll go ahead and ask Denise Lamb, but we were told to just go ahead and try to make all the changes. Ms. Lamb, is that a correct interpretation? It certainly wasn't our interpretation when we were working with Research and Polling.

DENISE LAMB: [Director of Elections]: Chairman Duran, Commissioners, while it's true that you do have to make changes to comply with the Precinct Block Boundary Adjustment Act, you also have to make changes where you have more than 800 voters in a precinct. And the reason for this is is that when you are reapportioning districts, you need the smallest building blocks possible in order to accomplish that. If you have a number of building blocks that are over the 800 level it makes it very difficult to accomplish reapportionment, both at the County level and at the state level for redistricting purposes. Does that answer your question, Mr. Campos?

COMMISSIONER CAMPOS: Mr. Chairman, I'm just asking about the statute. Do we have any authority until January 31, 2002 as stated in the statute to do anything except comply with the Boundary Readjustment Act? It says we don't. I'm just wondering.

MS. LAMB: That is correct. However, it does say under this laws of 2000 Chapter 81. Is that what you were referring to?

COMMISSIONER CAMPOS: I'm looking at statutory numbers, not session laws. If you'd like to look at this.

MS. LAMB: Yes. That's the same law that I'm looking at. It says that the Secretary of State may authorize the Board of County Commissioners to adjust precinct boundaries in accordance with the Precinct Boundary Adjustment Act and shall notify the Legislative Council Service of any adjustments. And that's what we are doing now. That is what this process has been in all the counties in terms of trying to comply, come up with the smallest block boundaries for the reapportionment and also to tie all of these boundaries to topographical features as approved by the Census Bureau.

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CHAIRMAN DURAN: Well Denise, I have a question. Are you through? Are you sure?

COMMISSIONER CAMPOS: Yes.

CHAIRMAN DURAN: If you need to follow up, that's fine. At the last meeting, we asked the Clerk if when it comes before us to make the decision on how to change the district lines for the Commission districts, how do those changes occur, and she said that they typically follow the precinct boundaries. Do you remember telling me that, Becky?

MS. BUSTAMANTE: Yes.

CHAIRMAN DURAN: Okay. So my question is when we start talking about or discussing changing the Commission district boundaries and we decide at that point that the precinct boundary needs to be changed, do we have the option of changing that precinct boundary at the same time we change the district boundary?

MS. LAMB: Mr. Chairman, Commissioners, no, that's not correct. Once you create these precincts here, everything is frozen until reapportionment is complete. So you must use the precincts that you are creating now to create your new Commission districts as well.

CHAIRMAN DURAN: See, that's the problem that I have is that I was only asked to look at this stuff last week and I had no idea that we were going to be faced with making the decision on where those Commission districts—basically, that's what we're doing right now is we're going to pretty much designate the Commission districts if we approve these precinct changes.

MS. LAMB: Mr. Chairman, Commissioners, not exactly.

CHAIRMAN DURAN: Not exactly but—

MS. LAMB: No. What you will be approving are precinct boundaries, which are the building blocks that you will be using for your Commission districts when you create them.

CHAIRMAN DURAN: Right.

MS. LAMB: You are not approving your Commission districts. That will be something that you will do at some point in the near future.

CHAIRMAN DURAN: But if we approve them now, the boundaries now, and after going through a further analysis of the district boundaries we decide that approving these precinct boundaries has kind of pre-empted our ability to change the district lines for the Commission districts, we can't change them. We've basically done some of the work that we're going to do. We're doing some of the work that we're going to do in the next few months today without having the ability to actually analyze how this is going to impact the decision we're going to make further down the road. So we're making decisions today that we haven't had any time to really consider or analyze. That's the only concern I have.

MS. LAMB: Mr. Chairman, Commissioners, you are correct. The decisions that you make today or next week on these particular precincts will impact your reapportionment process or redistricting process. That's one of the reasons why you want to have smaller precincts, because it makes it easier to come up with districts that are equal in

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population, contiguous, preserve a sense of neighborhood, analysis of voting patterns and things of that nature, which is the consideration at the legislative level and I'm sure it will be at yours as well.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Ms. Lamb, thanks for being here. Just to continue that question and what the chair was asking in terms of accepting these precinct boundaries without a lot of further dialogue, from what I understand from our Clerk is that basically the adjustments that are being made are moving to track the census blocks. Is that correct? And it's through those census blocks that we're going to begin to develop the analysis for the new districts. Is that right?

MS. LAMB: Yes. Mr. Chairman—

COMMISSIONER GONZALES: So there's going to be a point where we really don't spend a lot of time. This is basically just one step that's preparing us to have a little bit easier time developing our own individual districts based on boundaries that are in line with the census tracts. Is that correct?

MS. LAMB: Yes, Mr. Chairman, Commissioner Gonzales, that's absolutely correct.

COMMISSIONER GONZALES: Thank you. Then it seems to me, Mr. Chairman, and I understand your concern about moving forward and making decisions on these adjustments to the precinct boundaries without a lot of input and discussion. However, it seems like this first step is a step that brings us in line for matching with where the census tracts are going to me and from there we go for where our individual district boundaries based on those changes.

CHAIRMAN DURAN: I think have it figured out. Let me just ask you one quick question. The boundaries that we're changing within the precincts are all within the existing boundaries of the districts.

MS. BUSTAMANTE: Right.

CHAIRMAN DURAN: So we're really not going—none of these changes actually go outside the boundary of the district.

MS. BUSTAMANTE: Mr. Chairman, if I would answer that question also. There's only four in the Commission districts and we'll go ahead and change it. There's only four precincts that are affected and they're very minor, just little changes based on the census block. Do you want to give me those, Eric?

MARK RODRIGUEZ: Okay, on those districts, you're looking right in this little area of 11 and 82 was extended. And then right here, 80 is a new precinct. That had to be created. This will affect the boundary line a little bit right in here.

CHAIRMAN DURAN: What's the northern boundary of 80? Just looking on the map, where's 599? Just so I can get my bearings.

MR. RODRIGUEZ: You're looking right in here, following down the -11 all the way down.

CHAIRMAN DURAN: So is 80 kind of Las Campanas and—

MR. RODRIGUEZ: The southern part of Las Campanas and going out toward like where the new baseball fields and everything are at.

CHAIRMAN DURAN: So it's really not a highly populated area, right?

MR. RODRIGUEZ: Not in the northern part out here. There is a little bit down in the southern part.

CHAIRMAN DURAN: Okay.

MR. RODRIGUEZ: And then also 12. Eleven used to come all the way around, so this was all 11 and now 12 is going to take over this portion.

CHAIRMAN DURAN: And that's all within Commission District 1?

MR. RODRIGUEZ: Yes. This will be one. Three will be taking over this outer part right here. This little section right in here, it's going to become part of 12 and then this section is going to be 80. Eleven was cut back.

COMMISSIONER TRUJILLO: Okay.

CHAIRMAN DURAN: And 80 was in District 1.

MR. RODRIGUEZ: Eight is going to actually be in three. It's all going to be this little section right in here.

COMMISSIONER TRUJILLO: It's going to be in three.

MR. RODRIGUEZ: Basically, 11 was cut, so precinct 11 was the basic cut right in here and we combined it with 12.

CHAIRMAN DURAN: Okay.

MR. RODRIGUEZ: And then also precinct 14 was expanded a little bit, right up in the northern part going into 70, and then also going down into 72. So 14 is actually going to cut up a little bit up here into District Five from three and then down below will also stay the same. So we just have the little northern section right here. Okay, one more that we have is precinct 81, this is a brand new precinct that was created for the Tapia Estates that the County Clerk referred to earlier. And that there is cutting, it's this little section right in here, which is going to cut part of four and five. And those are the only ones that will cut over a little bit.

CHAIRMAN DURAN: That's your district, right? Comes out of your district? Okay. Are there any other questions?

COMMISSIONER GONZALES: Mr. Chairman, I'd like to thank the Clerk for the work that she's done on this and thank the Secretary of State's office for taking time out of their day and with that, move for approval of Resolution 2001-58 as presented by the County Clerk's Office.

COMMISSIONER GONZALES: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second for discussion. I'd just like to say, Becky, thanks for bringing these maps. It was more a matter of understanding it and I understand it now. Thank you.

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, I have no problem in bringing it. I just had a problem in making me feel I didn't know my job. Thank

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you.

CHAIRMAN DURAN: Well, I apologize if that's the message that you got. It sure didn't come from me. Any other questions of Becky?

COMMISSIONER SULLIVAN: Mr. Chairman, I just wanted to clarify and following up on Commissioner Campos' question and according to what Ms. Lamb has said, because we don't know what is going into each one of these adjustments per se, but I assume, for example, in the Eldorado, you have adjustments to two of the districts and you have a change to one. Those adjustments for example, in Eldorado are all census tract adjustments?

MS. BUSTAMANTE: Census tract and also people vote, yes.

COMMISSIONER SULLIVAN: Over the 800 number.

MS. BUSTAMANTE: Correct.

COMMISSIONER SULLIVAN: And that, according to Ms. Lamb, those two types of adjustments comply with 1-3-31, the requirements of the Precinct Boundary Adjustment Act. Is that correct?

MS. BUSTAMANTE: Mr. Chairman, Commissioner Sullivan, are you asking me or are you asking Ms. Lamb?

COMMISSIONER SULLIVAN: Well, I'm asking you because she's been consulting with—

MS. BUSTAMANTE: I believe so. Yes.

COMMISSIONER SULLIVAN: I just want to be sure that we're staying within the statute. Thank you.

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

Thank you very much.

MS. BUSTAMANTE: Thank you.

CHAIRMAN DURAN: Thank you, Denise.

VI. H. Request authorization to enter into a participating agreement with the US Forest Service, Southwestern Region, and Santa Fe National Forest to be reimbursed for support costs for wildland fire non-emergency responses

HANK BLACKWELL (Fire Marshal): Commissioner Duran, Commissioners, briefly, this is just a formal agreement between the Forest Service which allows them to reimburse the County Fire Department, their districts and their volunteers for non-emergency wildland responses that are not covered in our joint powers agreement with the state, such as prescribed burns or standbys. It just allows us to get reimbursed for costs in time and equipment for those events.

CHAIRMAN DURAN: Any questions of Hank?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

COMMISSIONER SULLIVAN: Just one quick question, Hank. Similar to one, a cooperative agreement we had before and that was on liability. Does this fall under the same situation where we're cooperating with the USDA Forest Service that we do not become liable? We discussed that in some greater length last time. Are we under that same umbrella in this agreement?

MR. BLACKWELL: Mr. Chairman, Commissioner Sullivan, yes sir. We are. This is a standard agreement which basically, they would have to request our resources under their umbrella, USDA and we would respond in essence as a contractor, if you will. Formally, that's not a really good term but again, it just allows them to reimburse us for equipment or gasoline and some of our volunteer costs. Yes, sir.

COMMISSIONER SULLIVAN: So we have that same overarching umbrella liability that was described to us before when we do go on to federal lands and provide services for the federal government.

MR. BLACKWELL: Chairman Duran, Commissioner Sullivan, yes sir. We also still carry the same umbrella in terms of self-insurance as a County fire department because it's still within our response or our fire service area as well. So we also have that to protect our personnel as well.

COMMISSIONER SULLIVAN: Thank you.

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

Thank you very much. I just want to know, to ask the Commission, do we have executive session? How about if we order some sandwiches and then went into executive session during lunch. Or do you all just want to work through the lunch?

COMMISSIONER CAMPOS: I'd like to work through lunch and then after we finish the body of this, before we go to executive perhaps have a lunch.

COMMISSIONER GONZALES: Can we bring lunch into executive though, so we stay working through, or did you want to—

COMMISSIONER CAMPOS: It's up to you.

COMMISSIONER TRUJILLO: Yes, we can do that.

COMMISSIONER SULLIVAN: I thought we set up an executive session for next Friday or something. Haven't we set up—

MR. MONTOYA: Mr. Chairman, we had set up an executive session for today at 3:00 and at the time, we had no idea that we were going to be continuing this meeting from the last regularly scheduled meeting. So it's a bit compounded today, but that was the intention.

COMMISSIONER TRUJILLO: So the executive session for water will take place—

MR. MONTOYA: Mr. Chairman, the executive session can happen at any point that the chairman and the members desire at this point.

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CHAIRMAN DURAN: Well why don't we agree on a place where we'll order sandwiches. How about the Noon Whistle?

COMMISSIONER TRUJILLO: That's fine.

CHAIRMAN DURAN: They have everything you can think of?

COMMISSIONER SULLIVAN: You want to go the Noon Whistle? Are you buying?

CHAIRMAN DURAN: We'll just order from there.

COMMISSIONER SULLIVAN: Oh I see, just ordering.

COMMISSIONER TRUJILLO: We'll do a collection.

CHAIRMAN DURAN: So why don't we just work as far as we can, I guess. When we think we're approaching executive session we'll order the sandwiches.

MR. MONTOYA: Mr. Chairman, we're going to attempt to get a menu then pass it up to the members and then order it and we'll call it when you're ready.

CHAIRMAN DURAN: This is all new to us, you know.

VI. I. Request authorization to enter into the following change orders:

1. Number two (final) with D & H Pump Service, Inc. for the Santa Fe County Fueling station

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, the Public Works Department requests approval of project change order #2 in the amount of \$7,770.21 to close out and make final payment on this project.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Robert, I'm not familiar with this. It obviously started before January but I noticed that as a part of this change order, we have assessed the contractor \$12,500 in liquidated damages for failure to complete the work within the time period stipulated. What happened?

MR. MARTINEZ: Well, Mr. Chairman, Commissioner Sullivan, this has been a project that had many surprises. When the contractor first started with the project, there were problems obtaining a permit from the City for the canopy. That was the first problem. Another delay was when the contractor went to excavate for the underground storage tanks, there were two underground storage tanks that were found that we were unaware of. So there were several things that compounded to the delay. Those two instances and also Public Works requested change orders to upgrade the system that was originally bid out.

For example, the leak detection system, it was a manual leak detection system and it was brought to our attention that the New Mexico Environment Department was going to be raising the leak detection standards come the first of the year. So we went ahead and increased or change-ordered to upgrade that system. Another change was the card reader that each

individual gets to obtain fuel. From our understanding, the system that was bid out was a system that was only capable of handling 100 transactions. So after 100 transactions, the system would shut down. So we increased or we improved the system to handle or hold a system that would hold numerous transactions and not shut it down. It would automatically hold after say, 100 transactions and it would not shut down the system.

COMMISSIONER SULLIVAN: Robert, again, I'm not familiar with the contract, but all those things that you just enumerated, changes in the scope and the problem of getting a permit from the City, at least on the surface to me don't sound like they're the contractor's responsibility. It sounded like we changed some things and made a better project and this is the result and that happens of course all the time so I'm still curious as to what in those things were the contractor's fault that caused him to be assessed these liquidated damages.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, obtaining the permit for the canopy was his responsibility, not the County's. And he did not ask for an extension when he found out that the permit process was taking longer than normal.

COMMISSIONER SULLIVAN: So the sole basis for the liquidated damages then was the time it took to get the permit from the City?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is true. Also, the contractor ordered the wrong tank for the job, so that was part of the decision in the liquidated damages.

COMMISSIONER SULLIVAN: Looks like someone else wants to add to your—

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner, that was the issue on that also. The tank.

COMMISSIONER SULLIVAN: Ordering the wrong tank and the liquidated damages was how much? \$500 per day?

MR. MARTINEZ: In the contract, it read \$600 per day, and what was negotiated was \$12,500.

COMMISSIONER SULLIVAN: So this represents a negotiated amount. You obviously felt perhaps that it was more than this.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: So this is amount that was agreeable to the contractor also.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER TRUJILLO: Mr. Chairman, move for approval.

CHAIRMAN DURAN: There's a motion to approve.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Seconded by Commissioner Campos. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed?

Motion carries. [Commissioner Gonzales was not present for this action.]

VI. I. 2. Number Three with J.R. Hale Contracting Company, Inc. for the County Road 62, Alamo Lane and San Isidro drainage, paving and sewer improvement project

MR. LUJAN: Yes, this change order is in the amount of \$52,347 and it's a change order that was taking place, this was prior to my being here at the County so I will yield to Marcos. He has the details on it if there are any questions on it.

CHAIRMAN DURAN: We've been working on this thing for a long time. I don't have any questions. Do you have any questions.

COMMISSIONER TRUJILLO: I don't have any questions either.

CHAIRMAN DURAN: Any questions, Commissioner Sullivan, Campos?

COMMISSIONER SULLIVAN: My only question, Mr. Chairman, is that it says in James' cover memorandum that a normal guideline is 10 percent and this one is about 12 percent change. And so my request is are we within—my question is are we within the budget or has this already been subject to a budget adjustment or is this subject to one that will be coming up?

MARCOS MENDIOLA: Mr. Chairman, Commissioner Sullivan, actually, we do have budget to cover this change order. Most of the change order was a result of the Commission's directive to go ahead and make changes at the intersection of County Road 62 and Agua Fria. We had to actually redesign a little portion of that project and then also we had to install a wall on County Road 62, which led to a little bit higher cost for the project.

COMMISSIONER SULLIVAN: So that budget adjustment's already been made as a result of prior Commission action.

MR. MENDIOLA: Yes sir.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question. As to the change for additional material of \$123,000, what material? Are those materials related to the redesign of the project?

MR. MENDIOLA: Yes sir. Basically, what happened is we do have some deductions if you look through on County Road 62 with building this wall that was required by us from obtaining property from Mr. Baca. We had to go ahead and import quite a few materials and also take out a lot of materials that were spec'ed out in the project. Some of them were deletions and some of them were additions.

COMMISSIONER CAMPOS: Do you feel—the \$123,000 of new materials is pretty well—did you review that pretty carefully?

MR. MENDIOLA: Yes. We actually sat down with our project manager about four or five times to go ahead and get this final. This isn't the final change order. We've still got one more left that should be coming up for your approval next month and I believe it should

close out the project and I believe it's about \$5,000 sir.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The last question I had, James or whoever.
I'm sorry. I didn't get your name.

MR. MENDIOLA: My name is Marcos Mendiola. I work for Public Works.

COMMISSIONER SULLIVAN: Thank you, Marcos. I noticed that one of the
change orders, item 53, was due to a suspension of the project from August 23 to November
13, and so we had to pay the contractor additional money to remobilize. What was the—about
\$20,000. What was the cause of that suspension?

MR. MENDIOLA: There was two causes that I brought up earlier. One was
caused because the Commission asked us to redesign that County Road 62 and Agua Fria
intersection. So we had to delay the project there. And then also we delayed the project due to
acquiring the easement from Mr. Baca when we had to build the wall on County Road 62, sir.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve item VI. I. 2. Is there a
second?

COMMISSIONER CAMPOS: Second.

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

VII. ADMINISTRATIVE ITEMS

A. Committee expirations/resignations/vacancies

1. County Open Lands and Trails Advisory Committee

ALINA BOKDE (Planner): Thank you, Mr. Chairman, members of the
Commission. Mr. Dale Lewis, a member of COLTPAC has missed more than three meetings
since January 1, 2001 and as a result has submitted a letter of resignation, which is in your
packet. Mr. Lewis has served on COLTPAC since the committee's establishment in 1998 and
represents the community of Stanley in the southern part of the county.

The COLTPAC Resolution 2001-1 includes a requirement to ensure regional
representation of committee members. This resolution states that at least three members shall
be from the area of the county south of Township 13 North including the Estancia Basin. With
Mr. Lewis' resignation the Board will need to appoint a new committee member who resides in
the southern part of the county in order to meet the requirement for regional representation.

Staff recommends advertising the COLTPAC opening in the *East Mountain Telegraph* and soliciting letters of interest from volunteers. And then with direction from the Board, staff will present a list of interested volunteers at a future meeting for possible committee appointment. Are there any questions?

CHAIRMAN DURAN: And he is from what part of the county? South?

MS. BOKDE: Mr. Chairman, that's correct. The southern part of the county, which generally includes the Estancia basin area.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Alina, the only suggestion I would make to your recommendation is that the advertising also occur in the *Independent*. I think the *East Mountain Telegraph*, they're both good periodicals. *East Mountain Telegraph* is a subscription paper, the *Independent* is a weekly free publication and I think that would get us the maximum coverage to get the applications.

MS. BOKDE: Commissioner Sullivan, I will go ahead and also advertise that in the *Independent*.

CHAIRMAN DURAN: You don't have anyone in mind? That's your district.

COMMISSIONER SULLIVAN: Not immediately. I really feel that if we get the word out—maybe we better advertise in Cedar Crest too, if we suddenly get Campbell Ranch on board. I don't know, but for now I think that will give us good coverage and I would like to see as many new faces as possible. It is difficult for people in that area to have to drive an hour and a quarter up here to the meetings and I don't know if anyone has ever suggested occasionally either having a meeting half way in between or perhaps at our new Public Safety Complex once it's build or somewhere in between in Edgewood, occasionally so the public could see what the COLTPAC committee has done.

For example many of them aren't aware of that acquisition right next to the wildlife park that the County has made and it's just something to think about.

CHAIRMAN DURAN: Well, thanks Mr. Lewis for the time he did dedicate.

MS. BOKDE: Okay. Staff will come back with a list of names after we've had an opportunity to advertise the opening. Thank you.

VIII. B. Committee appointments
1. Health Planning Commission

VIRGINIA VIGIL (Policy Analyst): Mr. Chairman, members of the Commission, the Health Planning Commission, to whom you have designated the authority to address the health issues throughout Santa Fe County, identify health gaps and create resources. Those term limits are up March of this year is the time that those term limits were up. Each member of the committee has served for two years. Out of the current eleven members, three of the members will not be returning. Based on the Board of County Commissioners' direction

to advertise for the new positions there were three advertisements that were sent two to the *New Mexican* and one to the *Albuquerque Journal*.

The nominating committee for the Health Planning Commission has a nomination slate for your consideration and appointment today. That also includes the expansion of the Health Planning, Commission, which by Resolution 2001-30 created three new positions to the Commission. One to represent the physician's community, the other to represent Edgewood community and the third to include representation from I believe the Santa Fe County Public Health Office, which was not previously represented.

Mr. Chairman, members of the Commission, the resumes of each one of the applicants are in your packets. Some of them are extensive, some of them are brief. The appointee from the physicians' community is Dr. Cleveland Pardue; from the Maternal Child & Health, Ron Hale; from the Edgewood Community, Donna Lockridge; from the Health Care Union, Jack White; from the DWI Planning Council, Glenn Wierenga; from the City of Santa Fe, Fred Sandoval; the Santa Fe Public Health Office, Valerie Henderson; from the Community Health Center from La Familia, Richard Taafe, the director of La Familia Medical Center; St. Vincent's Community Network's nominee is Dr. Arturo Gonzales; and for your consideration, appointments from each one of you. Commissioner Gonzales, Kevin Henson has been recommended from the Santa Fe County Fire Department; the recommendation from Commissioner Duran is Rebecca Frenkel from the League of Women Voters; recommendation for appointment for Commissioner Campos is Jaime Estremera-Fitzgerald, returning Health Planning Commissioner; and recommendation by Commissioner Sullivan is Brad Hill, the executive director of community housing from Edgewood; the recommendation from Commissioner Marcos Trujillo is Larry Martinez, director of Behavioral Health Services for Presbyterian Medical Health Services. I stand for questions.

CHAIRMAN DURAN: Any questions of Virginia?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Not so much a question, so much of the recommended appointments but Virginia, the Commission created this Health Planning Commission to help address some of the, obviously some of the health care concerns in Santa Fe County and rural parts of Santa Fe County, looking at ways where we can seek more collaborative efforts among its providers, close the gap that exists in terms of access to health care. I know that they filed a strategic plan, but I guess what I'm asking is I think that we—I think it would be a healthy move for the Commission and for the Health Planning Commission to do an assessment as to if this body that we have appointed and are dedicating resources to are accomplishing some of the goals that we've set forth.

And I'm not sure, I know that, I think that this is important that we make sure that we're achieving some of the milestones and the objectives that we've set out a couple of years ago to achieve. And what I would like to ask you, it doesn't have to be a formal presentation, but I'd like something coming from the staff to the Commission letting us know, is this working? Is it accomplishing the objective that the Commission wants accomplished in terms

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of health care services, the collaboration between community providers, creating more access in rural communities in Santa Fe County? Are they functioning well? Is this a good thing to stay committed to? Things of that nature. I think we need to have that analysis over the next couple of months so that, certainly for the benefit of myself and the new Commissioners that are coming on board or that are on board that, we fully understand how is this benefiting our citizens and what are some of the things that we can point to that this Health Planning Commission has done to increase the level of health care in this community.

So I don't want an answer now, but I think we need to have some formal report that either validates their existence and the work that they're doing or says we need to do more or maybe it's not the tool that we had envisioned it to be when we were talking about creating a Health Planning Commission for the members of this community.

MS. VIGIL: Mr. Chairman, Commissioner Gonzales, what are you're asking for is a comprehensive analysis based on the work product and the projects that they have been involved in and I would be happy to provide that for you.

COMMISSIONER GONZALES: I'm asking for that, but I'm also asking to see what we've done, right? Not so much I want to see something tangible and one, is it continuing to be effective? Is it turning out to be the type of commission that we wanted it to be? Is it accomplishing the things that we wanted it to accomplish? And I know that basically, when the Commission created this, we left a lot of the processes and the direction amongst the committee members and it's been kind of quiet. So I want to see if it's working and if it's something that we should obviously stay committed to. And I hope it is, because I think that it's something that's important to our community, but I just haven't heard where we made the gains that we weren't making prior to the creation of this Commission.

MS. VIGIL: Mr. Chairman, Commissioner Gonzales, my preliminary response is yes, many gains have been made. But I think to really do a fair and accurate representation of what the Health Planning Commission has actually done, we do need sort of a final report. One of the pieces of where they've gained, I will be presenting later on with some of the memorandums of agreement that we've entered into and their substance abuse initiative and how they've been able to collaborate forces through Los Alamos National Labs and the Department of Health to gather grant monies for addressing substance abuse prevention.

In addition, there were a couple of summary reports that were brought before the Board of County Commissioners, one in December that addressed the adolescent sub-committee's policy recommendations for the Health Planning Commission. That executive summary is available but there are more assets that I do believe your request really does need to address and that is more of a comprehensive pieced together analysis of what impact the Health Planning Commission has made.

COMMISSIONER GONZALES: That's good news. Thank you. Thank you, Mr. Chairman.

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

COMMISSIONER GONZALES: Move for approval of the recommendations

as submitted by the Health Planning Commission.

COMMISSIONER CAMPOS: Second.

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

Thank you, Virginia.

VIII. B. 2. Labor Management Relations Board

VINCENT OJINAGA (Acting HR Director): Mr. Chairman, Commissioners, as per County Ordinance 1999-11 relating to the collective bargaining for Santa Fe County, there shall be a Labor Management Board created. The board shall be composed of three members, one member shall be appointed by the County Commission, one member shall be appointed on the recommendation of the union, and the third member shall be appointed on the recommendation of the first two appointees. The board members' terms serve for a one-year period. The duties of the board are to disseminate rules and regulations and perform its functions and duties as established in the ordinance.

Mr. Chairman, Commissioners, since we have not received any formal names submitted, I would recommend the County Commission bring forward names to represent management and the employees representing labor also forward names. Once we have these nominations from management and labor, we will come back to the Board to have the Board appoint and create the labor board. We have some members of AFSCME if you have any questions of them. Thank you.

CHAIRMAN DURAN: Corky, I spoke to you last week. Wasn't there someone that was interested in representing us, had submitted a name.

MR. OJINAGA: Mr. Chairman, we didn't get any kind of formal submittal so we didn't take—

CHAIRMAN DURAN: What kind of background should this individual have that we appoint?

MR. OJINAGA: I believe that some of the background needs to be somebody experienced in labor negotiations for one. There's some criteria that spells out what that board member can be part of. He can't be part of a union, not be a public employee, cannot run for any political office and so forth. So it could be an attorney, but it doesn't have to be.

CHAIRMAN DURAN: Okay. Any questions of Corky?

COMMISSIONER TRUJILLO: The board, Corky, will be comprised of four individuals?

MR. OJINAGA: No, this Labor Management Board will be comprised of three members. The committee appointments that staff sits on for negotiation consists of four members.

CHAIRMAN DURAN: So what is your request today, Corky?

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MR. OJINAGA: That the County Commission come up with some names or a name for the Labor Management on the Management side.

CHAIRMAN DURAN: So since we don't really have a name, we should table it till we all agree on one? Is that what we need to do?

COMMISSIONER TRUJILLO: And this would be a representative from management?

MR. OJINAGA: That's correct.

COMMISSIONER GONZALES: Can we just, Mr. Chairman, appoint the Manager or their designee to fill that—

CHAIRMAN DURAN: Sure. That's fine with me.

MR. OJINAGA: Again, Mr. Chairman, Commissioners, I believe, it says during the term of the appointment, no labor board member shall hold or seek any political office or public employment or be an employee of a union or an organization representing public employees or public employers.

COMMISSIONER GONZALES: Mr. Chairman, I move as a representative of the Commission to appoint the Manager or his designee to fill our spot on this board.

CHAIRMAN DURAN: Okay. To be our appointee.

MR. MONTOYA: Mr. Chairman, I can't be the appointee myself but to allow me to find a member that represents management.

CHAIRMAN DURAN: I think that might be fine, provided that we get to, as a Board approve that individual.

MR. MONTOYA: Mr. Chairman, I would definitely seek nominations from the members. Or the chairman can.

COMMISSIONER GONZALES: Why don't we just give you the ability, Mr. Chairman, to review whatever request comes up and you approve for the Board.

CHAIRMAN DURAN: I don't care. Commissioner Campos.

COMMISSIONER CAMPOS: I would suggest that the Manager come up with names, several names to the entire Board for consideration at the next meeting.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, the only thing is it puts us in a position of if we go to the point of several names, why would we pick one manager over the other? Can we ask the manager to consult with them possibly that could come up with a name that he's consulted with us prior to bringing up.

COMMISSIONER CAMPOS: At the meeting we could talk to each other, we could ask questions. We could look at resumes, whatever you want.

COMMISSIONER GONZALES: Because it's just among the managers, right? Or can it be people outside of management?

MR. MONTOYA: No, Mr. Chairman, it can be anyone from the community.

COMMISSIONER GONZALES: That seems appropriate.

FRANK GALLEGOS: Mr. Chairman, members of the Board. My name is Frank Gallegos. I'm the vice president of the state of New Mexico AFSCME Council 18. I'm here in support of having this Labor Board structure. The ordinance is specific. The County

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Commissioners select an individual that will be the neutral party on this Labor Board as well as the management team will also select their candidate as well as the union will select our candidate. What we will do will be submitting the names of our candidate to you as well as the administration as well as we will request the administration submit their proposals of their candidate to us as well as well as we would like to see the recommendations that the Board would select.

And the reason for that, there are specifications within the ordinance, is that the County Commission will select the neutral and that management will choose their side as well as the union will pick their side in order to have a neutral party. So when we go to a Labor Board, it will be an issue where it has to pertain a representation. One, that union will have theirs, management will have theirs and then we will have a neutral. So with that, Mr. Chairman, members of the Board, we're in support of you expediting this board. This board has not been in session for over a year that I believe and we would like to move with it if possible as soon as we can.

COMMISSIONER GONZALES: Mr. Chairman, I agree with Commissioner Campos. He's right. We should have a collection of names brought forward for review. I apologize. I was under the impression that it was going to be a management appointment by us and I'm sorry for not understanding it was a neutral position. Maybe we could send that direction to have some names brought up to us that would be neutral in this aspect for consideration at the next meeting.

COMMISSIONER CAMPOS: Mr. Chairman, I don't believe we're going to select a neutral member. The two shall select a neutral member. We shall select the labor management member. Is that right?

COMMISSIONER GONZALES: Oh okay. We'll get this eventually. Thank you.

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Sir, on behalf of the County's unions, do you anticipate any need—are you saying there's a need to have some action taken by this board in the near future?

MR. GALLEGOS: Excuse me, sir?

COMMISSIONER CAMPOS: Are you saying that the union is anticipating that this board will have to meet in the near future to take any action?

MR. GALLEGOS: Yes sir.

COMMISSIONER CAMPOS: Are there items coming up?

MR. GALLEGOS: We are currently right now an internal organization. Mr. Montoya's been really supportive. I've spoken with him on occasion on some issues that AFSCME Local 1782 has, as well as we are in the process of a labor management committee being put in place as well. And Mr. Montoya's been really helpful with that. The reason why we come today, Commissioners, is that we believe that there are a couple of few items that we would like to bring to a hearing and hopefully, prior to the hearing, working with Mr. Montoya

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and with the local, I'm hoping that we would resolve these issues but as it stands right now, there are a few members that believe that they deserve a hearing and they would like to go forward.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Okay. Thank you very much. So the pleasure of the Board is to—the direction is to have the County Manager bring names forward for us to consider for this appointment? Okay. Thank you.

VIII. STAFF REPORT

A. Report by the Fire Department

STAN HOLDEN: Mr. Chairman, if you'll indulge us just a second here, we're going to check this to make sure it's working since it's been setting for so long. And while we're waiting, as we informed the Commission at the last meeting, we have some invitations to the Pojoaque Fire Station grand opening. You'll see on the invitation, on the invitation it says it's a wet down. It's a traditional term where community fire trucks come to the grand opening and they douse the fire station with water.

COMMISSIONER TRUJILLO: And all the people around it?

CHIEF HOLDEN: If you can't move fast enough.

COMMISSIONER SULLIVAN: I assume that's to check for roof leaks. Is that correct, Chief Holden?

CHIEF HOLDEN: That could be one of the requested actions if you so wish, Commissioner. Okay, it looks like we're good to go. We appreciate the opportunity to give this presentation to you. Can all the Commissioners see the screen well enough? First of all, I'd like to talk about expectations and specifically the expectations have to do with the expectations of the public. Today, when someone calls for 911, they expect a fast response. And they expect that that help will arrive in minutes. They expect a trained 911 operator will provide the telephone assistance while they're waiting for that assistance to arrive. This is a national standard now that has been made popular by many TV shows including Rescue 911, where it is demonstrated time after time that 911 operators play a pivotal role in emergency response, especially on medical emergencies.

It looks like we're locked up, which looks like it's a good time since the Commission needs to order their lunch.

They expect that the people who arrive will be well equipped and well trained to prepare whatever emergency that they have and they expect the fire department to save their baby from drowning, their brother from entrapment in an auto accident, their father from a heart attack, their home from fire and their community from disaster. So it's a pretty wide range of services that your fire department is expected to provide in our community.

We are your largest department within Santa Fe County government. This is not something that's discussed very often and I would venture to guess that the two newest

Commissioners may not have known this. But if you look at our roster we have 396 personnel, 286 of those are volunteer firefighters and EMTs, 72 are volunteer auxiliary and support staff, and 38 are career personnel. We're the third largest fire department in New Mexico, 15 fire districts, 30 stations and 141 vehicles.

Our personnel are experienced and trained in vehicle extrication. This is an incident that happened on I-25. They're experienced with fire rescue and rescue training. They have specialized response teams. We really do. This is the high-angle team. This is the confined space and trench rescue team, to give you an idea of the specialized capabilities of your fire department. This is the swift water team. And this last slide, if you don't recognize it, is Cerro Grande. That was our wildland strike force team.

This is an organizational chart—

COMMISSIONER TRUJILLO: In this special area, do we have capabilities to respond to hazardous materials, emergencies—we see that on the screen.

CHIEF HOLDEN: Mr. Chairman, Commissioner Trujillo, yes we do. And we'll cover that a little bit more in depth when we get to the divisions under Hank Blackwell, but we do have some specialists in that area as well.

The important thing to point out here is that we have three specific divisions that are headed by three individuals who are very high quality individuals that Santa Fe County was lucky to get to head up these divisions and they do an excellent job. They're here with us today. Kevin Henson is the assistant chief of EMS, Jeff Saunders is the assistant chief of fire operations and training and Hank Blackwell is the assistant chief of fire prevention and special operations. He's also our Fire Marshal.

If you look right here, these make up the backbone of your fire department, and those are the 15 fire districts that are manned by volunteers. Jeff, why don't you stand up so they can see you just to make sure they'll recognize your face. He's the tallest guy in the auditorium. Jeff is responsible for facility maintenance. That's the 30 fire stations, five regional training facilities and our one current admin building. He's also responsible for fleet maintenance. We currently have two emergency vehicle technicians to cover 141 vehicles. Suffice to say that is not sufficient for the workload. He's also responsible for road rescue, swift water rescue, confined space rescue, trench rescue divisions and communications and dispatch areas, your regional emergency communications center coordination. He's our City fire dispatch liaison. He's responsible for doing the CAD maintenance on the fire side for the County, and he's also the representative for the County Commission to the Española 911 Board.

The fire rescue training division also is responsible for fire training for all personnel. That includes all the volunteers. Rescue training for those same personnel. And coordinating training with outside agencies when we either co-sponsor or bring in outside agencies to either assist us or we provide the training to them.

The next is fire prevention and special operations division. Most of you recognize and know Assistant Chief Blackwell. You saw him a couple of Commission meetings ago when he was presenting his Wildland-Urban Interface Ordinance. He's responsible for master plan reviews, subdivision reviews and commercial development reviews under the fire prevention

division, the wildland strike team, the urban-wildland interface, fire-wise community planning, fire inspections throughout the county, fire investigations for any fire that happens in the county, hazardous materials, weapons of mass destruction and emergency planning. There's also a small component that has to do with disaster management planning that ties in fairly closely and public information and education.

Next we have the EMS division. Chief Henson is also in the audience. Kevin, why don't you stand up? Kevin, it sounds like was just appointed to the Commission's health development team. And he's responsible for all emergency medical services that are provided in the fire department. He's also responsible for the regional crews, and that's the 24-hour/seven crews that are in the north, south, east and west that supplement and support our volunteers in those areas. He's responsible for EMS training, continuing education, EMS medical direction coordination. And that's county-wide, by the way. That also includes the City of Santa Fe and the private provider, Rocky Mountain here in town. Continuous quality improvement program, the northern New Mexico E-track Trauma Committee chair and he also is responsible for special EMS events like the recent Santuario walk which we just completed.

In May of 2000, as a result of the Commission's support and help in putting together the regional response teams, the National Association of Counties awarded the County Fire Department an award for its regional paramedic program that was implemented county-wide and was completed in 2000. That was a significant step for the County because before that we had no support in any of the four regions for any of our volunteers. And now in each of those four regions we have paid, 24-hour a day, seven-day a week paramedic firefighters in each of those four regions. And for that program, the National Association of Counties gave us this award. In addition, I might point out that now, Dona Ana County and San Juan County are requesting information and are looking to follow our lead for what we've done there and they're requesting more information so they can do the same thing in their county.

I thought it was important that the Commission understand the value of the volunteers in Santa Fe County. Because of the services that they provide we save \$2.5 million a year, and that's derived from the number of fire rescue EMS calls in the county. It includes that the district chief officer of each of the 15 districts put in, and it includes the training's and the meetings that they're required to attend, it's \$2.5 million and that's a significant cost savings that we receive that the public benefits from as a result of their volunteering. If you look nationwide, the value of volunteers is in the billions. It would cost US taxpayers over \$36.8 billion to provide those services with paid personnel. Volunteers comprise 70 percent of all firefighters in the US, and that's down from 75 percent just a couple years ago. And that follows a national trend in volunteer organizations, not just in the fire service. Volunteerism is down in the United States. The majority of the fire departments are of course volunteer-based. We could not be successful without all of our volunteers because they are our backbone.

So we have to continue to do whatever we can to support our volunteers, both in the field and administratively. The biggest complaint that we get from our volunteer district chiefs is the amount of paperwork that is required to run their district, and that's not counting mandated paperwork; that's paperwork that's mandated by the federal and state government.

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The average cost to train a firefighter is \$4,500. It cost \$7,300 to equip them. It's \$30,000 just to train a paramedic. A fire tanker fully equipped is \$140,000. And engine-pumper, fully equipped is \$220,000. A main station for a fire district is half a million dollars, and a regional fire station is \$650,000.

These are the major accomplishments that—

COMMISSIONER SULLIVAN: Stan, just one question. In your district chiefs, each of the 15 districts has a volunteer chief. Is that correct?

CHIEF HOLDEN: Yes sir, that's correct.

COMMISSIONER SULLIVAN: What are their responsibilities? Don't go into detail. I know they've got 1001 things to do, but I'm trying to get a feel, and I'd like the public to get a feel of how they interact with you. Do you boss them around or do they boss you around? That type of thing.

CHIEF HOLDEN: Well we hope neither happens, because ultimately the Commission is responsible and ultimately the Commission has the authority. Through 1997-11, a Santa Fe County ordinance, the Commission, through the Fire Chief administers all the 15 fire districts in the county. As a result, the 15 fire districts who are volunteers report to me, and then ultimately of course to the Commission. They're responsible for everything that happens within their fire district, especially when it has to do with individual calls, rescue calls, fire calls, EMS calls, that occur within their fire district. They're responsible for conducting their meetings, conducting their trainings. They're responsible for attending a monthly meeting with the fire administration staff, so we convey information back and forth and from an operational standpoint, they're responsible for operating their fire district and overseeing their volunteers.

COMMISSIONER SULLIVAN: Is there some mechanism, if someone calls a fire station and it's not a 911 call, it's an administrative call. Maybe someone has a complaint or loud card playing, whatever it might be. Is there a central place where those calls would go if that fire station can't respond to them or do they just sit on the answering machine?

CHIEF HOLDEN: We try to direct all administrative calls to fire admin because we have the paid staff there at fire admin to answer the telephones and address those issues as they come in. If you were to call a fire district phone number, the majority of time during the day, unless it was on a night that they were having training or a meeting, there would be no one there to answer the telephone. It would go directly to a voice mail or a message machine. And if it's something that the fire district chief believes he can handle then he returns the phone call. If he believes it's something the fire administration should handle, he ups the phone call and refers it to fire admin.

COMMISSIONER SULLIVAN: The reason I ask is that I'm thinking of just citizen service, just routine questions, whether they have to do with the fire life ordinance or anything. Because I recall during the campaign recently last year, I talked with you on several occasions and I called all of the fire districts in District Five. I forget how many of them there are; I think there's four or five. The only one that ever responded to me was Edgewood. So I wondered if there was a mechanical mechanism there that was a problem or if there's a protocol

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for a log sheet so that when a citizen calls, someone responds to them. How is that handled?

CHIEF HOLDEN: Well, to be quite honest with you, Commissioner Sullivan, we had not addressed it to that level yet. When we started three years ago we basically had 15 independent districts running completely along without direction from the County, including from the County Commission. So our biggest role for these last three years has been to try to establish some form of administrative order and organization to the Fire Department and we have focused primarily on safety-sensitive tasks, those things that may lead to an injury or death for one of our firefighters. So that's what our focus has been on. Ultimately, yes, we would like the organization to get to a point where we have specific policies and procedures to address every detail of how the department should be operated but currently, the answer is no, we do not.

COMMISSIONER SULLIVAN: I've been to the trainings, I've seen some of the training sessions in Eldorado, the CPR sessions and so forth and there's a great outreach there and obviously from the size of your organization and also from the size of your budget, you look to be one of the few County operations that's making money here. We could perhaps do more of this and I see your projected income is about \$500,000 more than you're budgeted income. So this is what we like to hear. But I just think that as we get somewhat more sophisticated administratively we need to think about public relations and response to the community in day to day issues. I think we did real well on that in the ordinance. Most people who came forward said Mr. Blackwell has consulted us. We've gotten copies of the drafts. So I think that, people were appreciative of that. But certainly, from the standpoint of the telephone you say to yourself, Gosh, if the fire department doesn't get back to me, what happens if it's an emergency. And of course in emergency you call 911. I understand that. But nonetheless, if we could develop some protocol for that I think it would be useful.

CHIEF HOLDEN: Certainly and I agree. I would like to point out specific to the ordinance issue, the Wildland-Urban Interface Ordinance, Chief Blackwell returned all those phone calls individually and it was because the people were instructed to call the office and specifically his phone number. The Fire Department has no administrative staff support as far as secretaries or administrative assistants on staff. So the four of us basically answer our own telephones and we do all our correspondence as individuals. So if we're out of the office, then it's obviously incumbent upon us to return those telephone calls once we get back to the office, since we have nobody coordinating the effort.

But on the volunteer side, it's very difficult because at any time, you don't know if it's going to be the most junior rookie firefighter in the Eldorado fire district that picks up the phone or plays the message and then fails to deliver the message to the district chief may be in the station at the time the phone call comes in. So I understand your concern and certainly customer support and service is a big issue for me, and we will address it over time. It's just we've been focusing on some bigger issues.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: I think you said a little bit ago that the reason that you're successful is because of the volunteers out in the county. I'd just like to see that

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they feel that the reason that they're successful is because of the support that all of you provide. The morale in the volunteer infrastructure in Santa Fe County is at an all-time high. I was just talking to the fire chief in Pojoaque last week and they're completely ecstatic. This department is a shining star of Santa Fe County and I want to commend you guys.

CHIEF HOLDEN: Mr. Chairman, Commissioner Trujillo, I appreciate those comments. We definitely try. As far as admin, we have a goal that we treat each of our fire districts just like they're our customer and we operate in that fashion. So we hope that's the response that you would get from any of the 15 districts if you were to talk with them in general.

The major accomplishments—Mr. Chairman, I know that we're running a little bit long here, but the major accomplishments, first of all, I think it's very important that we point out the reorganization and restructuring of the 15 fire districts into the Santa Fe County Fire Department. That was Santa Fe County Ordinance 1997-11. The reason that has to be the focus is that we would not have been able to accomplish many of the things that we've done so far as the fire department without that ordinance in place. There was a great deal of groundwork that had gone into preparation for that ordinance before I even got here. The Commission working with Chief Saunders when he was the president of the Chiefs Association and others basically put us on the right track to get that ordinance approved and passed by the Commission and it has been an excellent instrument to organize and administer your County Fire Department.

This is the same instrument that Dona Ana County and San Juan County are interested in copying. At the same time, the development of the County Fire Department administrative staff has been significant in accomplishments. With Chief Henson, Saunders and Blackwell we would not have been able to make many of these accomplishments in the very short time period we've accomplished them. We've mentioned the NACo Achievement Award previously, the adoption and implementation and completion of the first five-year plan, which was approved by the Commission about three and a half years ago, we are in the final year of that. We're in year four and we'll be finished a year early.

We've implemented a funding plan that includes the '98 revenue bond that was funded with a quarter cent gross receipts tax from fire protection. The '99 GO bond, the voter referendum on the third 1/8 gross receipts tax, which was the redirection on the Indigent care fund toward funding the paramedics in the four regions.

We've constructed the Pojoaque Fire Station, which is their main station but which is also the northern region headquarters for Chimayo, La Puebla, Pojoaque and Tesuque. We've adopted county-wide EMS protocols. That means that any EMT or paramedic in any part of the county, if they respond to your house are all operating under the same set of medical protocols. They will treat you the same whether you're in Edgewood or Cundiyo. Adoption of county-wide policy procedures, directives and guidelines has been one of the major accomplishments, trying to get 15 fire districts that were at one time independent and operated as such, and basically, were going different directions to agree and move forward in adopting these policies, has been a huge accomplishment.

We also have a single, county-wide medical director, consulting pharmacist. We've adopted the current UFC and FPA fire and life safety codes. County-wide special operations capability, as we referred to, obviously, earlier, and we've established a state-wide wildlands strike team which was the first in the state to cooperatively enter into an agreement with the New Mexico Resource Mobilization plan with the State Forestry Division.

CHAIRMAN DURAN: Thank you very much Stan.

CHIEF HOLDEN: Quickly, we'll end here. There's our current admin building and with your approval today of the Public Safety Building, this is what we hope to be in within a year's time. Thank you very much, Commissioners.

CHAIRMAN DURAN: Great.

COMMISSIONER SULLIVAN: Stan, by the way, the green grass in that picture got deleted as one of those alternates that we were debating very vigorously earlier on.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, we all about had a heart attack when the architect delivered that drawing with all the green grass, Commission, thank you for your time.

CHAIRMAN DURAN: Thank you, Stan and thank your staff. You have really brought this department to an unbelievable level. Thank you.

VII. PRESENTATIONS AND AWARDS

C. Presentation by Las Campanas regarding its plan for surface water diversion

GARRIT CORMANY: Thank you, Mr. Chairman. I'd like to introduce Sue Umshler who is with Long Planning Resource Associates and is our consultant on this project. Sue will give you an overview of some of the work that we have done to date and some of the information that we either have developed or are in the process of developing. As a matter of introduction, Sue's background is in several technical areas. First of all, she is an attorney by training. She's also a professional engineer by training and has considerable amount of experience and timeserving in the EPA. So we are going to ask her to give an overview of our alternatives and then we'd be more than happy to respond to any questions that you might have.

CHAIRMAN DURAN: I'm sorry sir. Could you please state your name for the record. Commissioner Campos wasn't here.

MR. CORMANY: Yes, thank you. I apologize. My name's Garrit Cormany and I'm the executive vice president and general manager of Las Campanas. I also have copies of these diagrams that I'd be happy to distribute to the Commission if you would like to have a set of those each yourselves.

SUE UMSHLER: Good afternoon, Mr. Chairman, members of the Commission. Thank you very much for having us today. Las Campanas is proceeding with a project to divert water from the Rio Grande River at the end of Buckman Road. They are doing this in conformance with the agreement with yourselves, with the May 1994 agreement

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with the Santa Fe County that required them to develop a replacement water system for the development. There are several alternatives for the replacement facility that they could develop, but it was always anticipated that going down to the Rio Grande River and actually diverting water at that point and bring it out to the project, it was always one of the contemplated options.

So they are proceeding on a track to complete that diversion by the date they have agreed to with you, 2004. In order to meet that date, we have to obtain a series of federal permits. The actual structure would be located in the river and that will require a Corps of Engineers permit. The land right along, adjacent to the river is Forest Service property and that will require a special use permit to actually construct facilities there. And the land that the pipeline would be on to bring the water up the hill and two of the booster stations is on Bureau of Land Management property, and they will be issuing us a right-of-way.

All of those permits also require a National Environmental Policy Act analysis, which is either an environmental assessment or an environmental impact statement. Las Campanas has sent a letter of invitation to the County, to yourselves, inviting you to join in this project. There are many reasons for trying to ascertain the scope of the project, one of them is this NEPA process. We are having a meeting tomorrow with the federal agencies and they want to know how large, what the scope of this project will be, and for that reason we wanted to have this discussion with you as well as with the City to determine how much disturbance and how large the facilities would actually be.

In any event, Las Campanas is proceeding with the basic project, which would bring out the 1800 acre-feet that they need for their development purposes, and that in itself is a benefit to the area because your agreement with them has required that they got off of the Buckman well system, and once this project is completed, they will be able to release that lease and that groundwater will then be available for the region.

What I'd like to do at this point is step to the posters and talk about the three different alternatives and I am willing to take questions at any time, so you can interrupt me any time.

CHAIRMAN DURAN: Well, I have one. You realize we are working towards a summit with the City to discuss how we're going to go to the river collectively. And I think that's in June? May 16. How does that date tie into the time constraints you're working under?

MS. UMSHLER: Mr. Chairman, that would be very timely for us. What we are proposing to the federal agencies tomorrow is that we would like to start the NEPA process in June, and so if we have sort of defined the project's scope by the first of June we will be able to embark on either the environmental assessment or the environmental impact statement. So that's very timely. If we can have that discussion with the City and determine if this is the appropriate time for joinder.

We are also working very hard to plan this project in a way that the County and/or the City can join at a later date and to structure it so that will be a feasible alternative because we know that you have to go through your own public processes before you could make firm commitments. So we are not asking for a firm commitment. What we are seeking at this point

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is just a level of interest so that we can report to the federal agencies whether or not they can expect that this will be larger than the Las Campanas project only.

CHAIRMAN DURAN: Okay. Any other questions? Thank you.

MS. UMSHLER: My name is Sue Umshler. And I'm with Law and Resource Planning Associates. The first alternative that we are examining, and I will mention with all of these alternatives there are two things that we consider a given. One of them is that you will have to have a pipeline that brings the water from the facilities at the river up to the hill, so there will be about 12 miles of pipeline, and there will be at least two booster stations that are required to get the water to the top of the hill.

The second similarity that all of them will share is that this water will be raw river water and it will not meet Safe Drinking Water Act standards, so it will require treatment before it can be introduced into the potable system. The proposal that Las Campanas has at this time is to place a treatment facility at the top of the hill on their property, and that is where the water will be treated for the potable use. Any water that is diverted for irrigation on the golf courses will not be treated and that will bypass the treatment plan.

COMMISSIONER TRUJILLO: Mr. Chairman, as part of the NEPA process, are you required to submit information regarding the quantity and quality of the water that exists in that area? Are you doing studies or analysis in that regard?

MS. UMSHLER: Yes, Mr. Chairman and Commissioner Trujillo. That is required. We are going to have to examine all of the impacts at the river itself and the land construction, and in order to do that we will have to evaluate what the water quality is at that particular point in the river. We will also need that information in order to design the treatment plant, because we will need to understand the chemistry of the water so that we can then effectuate meeting the Safe Drinking Water Act requirement.

COMMISSIONER SULLIVAN: Sue, a question also. In the first infiltration gallery alternative, I take it then that this alternative is not a Ranney well.

MS. UMSHLER: No. Commissioner, this is not a Ranney well. A Ranney facility will not work in this particular—our geohydrologists have told us that we cannot construct a Ranney facility at this point. We do not have the right geologic strata underneath the river.

COMMISSIONER SULLIVAN: Because as I recall, one of the benefits, I believe stated in the Boyle report for the Ranney wells was that, if they work and produce adequate flow a water treatment plant is not required other than chlorination. And we can mix waters with the current well supplies.

MS. UMSHLER: Yes, Mr. Chairman, Commissioner Sullivan, that would be true, however, you would have to comply with the New Mexico Environment Department regulations and water from either a Ranney facility or an infiltration gallery is classified as groundwater under the influence of surface water. That's what they call it. And you have to go through a very rigorous testing program to prove that you do not have to meet the treatment standards for a surface water system. So I think anyone who put in a Ranney facility would have to go through that testing procedure at some length before they could absolutely say they

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did not require treatment.

COMMISSIONER SULLIVAN: But if your geologists then feel that a Ranney well would work, this is similar to a Ranney well in this particular alternative with the perforated pipe and essentially a horizontal well-type configuration.

MS. UMSHLER: That's correct.

COMMISSIONER SULLIVAN: What makes you think that would work?

MS. UMSHLER: Well actually, we think that this option has a lot of problems.

We definitely think that we would have to treat this water. We do not anticipate that any water we would divert would not require treatment, so we are not operating under that planning assumption. But the difficulty with the infiltration gallery is that it is about 2,000 feet of pipe that's perforated and it will be buried about 30 feet deep. The difficulty with that is that you must disturb approximately a half a mile of riverfront to install the facility, and because an infiltration gallery will clog, will collect the sediment and the other debris that occurs in river water, eventually, you will have to go in and replace it. The maintenance is to essentially replace it because you would have to clean out all of the clogged material. So every few years we would have to go in and completely redo that half-mile of vegetation disruption.

The other difficulty is that an infiltration gallery will de-water the riparian area, so we would probably be killing all of the trees in that half-mile stretch. But probably the biggest difficulty we have with the infiltration gallery is that it will only bring up 1800 acre-feet of water. Our geo-hydrologists think that that would be a maximum yield. That would only accommodate the needs of Las Campanas. There would not be any way for additional water to be brought up through this facility for either the County or the City. And there is no way to really increase the yield for an infiltration gallery except to install much more pipe. And so even then, you may not be able to increase the yield.

So we believe the infiltration gallery does have some technical problems and some delivery problems. It is certainly not compatible with a regional solution. It's kind of a one-party deal. One group would be able to use it and that would be it.

There are some advantages, of course. An infiltration gallery will be beneath the ground and it will not be seen and it will not be subject to vandalism and other types of security measures, but the difficulty with not being able to turn it on and off is that you take the water that you get and if you're not getting water, then you're going to have to go and replace that facility. So we have identified quite a few problems with an infiltration gallery, and that's why we went to option #2.

Option #2 is a facility that CH2 Hill, the design engineers that we're working with, have identified as a type of facility that is constructed quite frequently in the Pacific Northwest and it is an intake structure that actually has a pipe that allow the water to flow over it and by gravity go into a sump pump area, and then the water can be pumped up to the sedimentation basin. This option does require that we have sedimentation basins fairly early in the system because it doesn't have the filtering activity that goes on in an infiltration gallery. So we will just be bringing up raw water that will be loaded with sediment and sand, and we want to be able to remove that sand before we pump the water further up the hill for the treatment plant.

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But this option has a lot of advantages. One of the advantages that you can see immediately is that it has a much smaller footprint. It will only be disturbing about 40 feet to maybe 100 feet on the river's edge and it will only be out in the river probably about ten to 15 feet. So it is not going to have the significant disruption that an infiltration gallery would have. The second major benefit that we've identified is it has the capacity to bring up much more water. We have estimated that for Las Campanas only, we only need about two screens across this structure. If we added the County's additional San Juan-Chama allocation and the water rights that the County might be able to bring up from the river, that would only add one screen. And if we added the entire San Juan-Chama allocation that the City and County have together, the 5600 acre-feet, that would only require installing approximately eight screens.

So we think that this facility would have the capacity to mesh with a regional solution in allowing all of the entities in this area to access the water supply that they need to match their water rights.

The engineers have currently said that they think this facility will go up to about 12,000 acre-feet without modification. If we go much higher than that, then you definitely have to go to option #3. So there are some constraints on this system in terms of what it will deliver. The other constraints are that this system requires a very stable river bank. So we're in the process of doing some geomorphology studies at this time to determine if we have a stable bank and that the structure will not be compromised by large floods. We believe that is the case because the river has been constrained by dams and reservoirs upstream, so we believe that it will be quite stable and that this section of the river has not moved.

The other thing that we require for this option is flowing water, because you are depending on the water to flow over the screens into the sump. We have been analyzing the Otawi Gauge records and we have indications that this stretch of the river has never dropped below 200 cfs since 1964. We think that's probably a function of the dams upstream as well, because you have regulated flow and you have the San Juan-Chama demand for contractors south of this area, so there's always water flowing past this stretch of river. So we think that this facility will work in this area and will be a dependable supply of water.

CHAIRMAN DURAN: Excuse me, Sue. How many drought years have we had since 1964?

MS. UMSHLER: Mr. Chairman, I could get the graphs for you, but there have been some significant drought periods. There have been two or three-year periods when we've had very dry conditions. That 200 is the minimum number that occurred in those time periods. The average flow of the river in this section is about 1500 cfs and peak flows have gone as high as 10,000.

CHAIRMAN DURAN: And at what flow does this facility cease to work?

MS. UMSHLER: It would cease to work if we had zero flow, if we completely dried out the screens, which means it would have to drop significantly. This photograph was taken in December when we had very low flows. This would be very characteristic of a low-flow time period and this is about 500 cfs. So if we put the screens, if we can place them below that water surface, this facility should always work.

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MR. MONTOYA: Mr. Chairman.

CHAIRMAN DURAN: Sam.

MR. MONTOYA: Mr. Chairman, could I ask a question. Could you tell us what the cost would be between alternate one and two? Construction costs?

MS. UMSHLER: Yes, Mr. Montoya, we do not have the actual costs ascertained at this time because it would be a violation of NEPA for us to have pre-selected any alternative or made actual designs. But our preliminary numbers indicate that the facility in number two would cost about \$11.5 to \$12 million for Las Campanas only. If we added 1000 acre-feet capacity for the County, it would raise the price to about \$15 to \$15.5 million. Option #1 would cost more than that, primarily because of the increased disruption to the river, the complications in the construction. It's going to be much harder to build that infiltration gallery. And then the higher maintenance cost long term. So we think that alternative one would be more expensive, but we haven't put as much thought to its price because it's not our preferred option.

MR. MONTOYA: It's not reliable, basically.

MS. UMSHLER: Right.

MR. MONTOYA: Thank you.

CHAIRMAN DURAN: So just to finish my question, at what level of cfs—is that what it is?

MS. UMSHLER: Cubic feet per second.

CHAIRMAN DURAN: Does this method cease to work?

MS. UMSHLER: It would have to drop to zero. We would really just have to have zero flow in the river. In comparison, if we have 200 cfs as the lowest we could project even in a really drought year, Las Campanas only needs to bring up an average of 2.5 cfs, five in a peak time period in the summer. To add the City's and the County's entire San Juan-Chama water we would only have to increase the flow to 20 cfs. So that's a very small percentage of what we think the very lowest flow in this stretch of the flow in the river will be.

CHAIRMAN DURAN: And the lowest recorded flow is 500, did you say?

MS. UMSHLER: Two hundred. Since 1964.

CHAIRMAN DURAN: So in that year, if we had this thing in place at that time, we'd have dropped the river to 180. Is that correct?

MS. UMSHLER: Right. The river would have dropped to 180 in a peak demand time period in the summer.

CHAIRMAN DURAN: Okay. Thank you.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Just to ask you some general questions about the river itself and how it relates to the rest of New Mexico. Currently, as we know, along the Rio Grande there's lots of claims to Rio Grande water and San Juan-Chama is part of those claims but when you look at the actual reality of the water, when you have drought years, when you actually are at the 200 cfs level, do other factors come into play into trying to determine

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how much water we can actually pull out of the Rio Grande? If it's running low up here, I'm assuming it's running low down in Dona Ana and down in Socorro. Are there going to be challenges when we try and access the water on low years? Or is that all going to be addressed up front through this process, who has the right to the challenges for that water when you have the low flows.

MS. UMSHLER: Mr. Chairman and Commissioner Gonzales, actually, that would be more a function of state water law, because that's where we would wind up in the priority system and when you're in a dry year, then the senior water rights will get their water.

And if the junior water rights, if you're trying to pull out junior water rights upstream, you will not be allowed to do that. However, the big difference for this particular stretch of the river is the San Juan-Chama, which is an inner basin diversion. You're very fortunate in your position here because the San Juan-Chama contractors are basically downstream. So when they demand their water, that water is going to be flowing by. You are also a San Juan-Chama contractor so you are on equal priority basis with all of those contractors. So there should be no challenge to the ability of a San Juan-Chama allocation to be taken out of the river.

Las Campanas' water rights, they have in addition to a lease with the City of Albuquerque for San Juan-Chama, they have 600 acre-feet of native river water rights that they have purchased, and that water would be based on the priority system. The priority date that they have for their water rights would be compared to other priority date users in allocating that water.

COMMISSIONER GONZALES: So assuming Las Campanas is fully allocated on their San Juan-Chama lease and they're having to rely on those river water rights, if the river is at such a point that there's other priority water rights that claim it, does this system have the capability of determining what can go in and what can't?

MS. UMSHLER: The state water law would.

COMMISSIONER GONZALES: Right. But is the system going to—there may be a point where you have to cut off how much is coming in, I'm assuming.

MS. UMSHLER: That's exactly right, Commissioner, and that's why this option is better than option #1 because we can turn this on and off.

COMMISSIONER GONZALES: You can regulate the flow in.

MS. UMSHLER: Right. We can valve it, and that's a very beneficial thing for the peak requirements as well, because in the winter time, you're not going to need as much water flow. In the summertime is when you need your peak water flows, so that's why you're going to have an average draw over the year, but you may take five cfs in the summer and one of a half a cfs in the winter, or none.

COMMISSIONER GONZALES: Is there a storage component to this? Do you want to take advantage of very heavy peak seasons when you have a huge runoff, you want to get the water when you can. Can you do it in this system and then store it over a period of time somewhere?

MS. UMSHLER: Commissioner Gonzales, that would be an excellent addition to this project because what this is doing is just actually getting to the river and diverting the

water. Once it's brought up the hill and treated, then there have to be some decisions about storing it, saving it for peak, using it for aquifer recharge, which is a possibility. And in the infiltration gallery option, you have to have storage, because it would be the only way to meet your peak. That's one of the reasons why that alternative becomes more expensive is because you have to have tanks, you have to have some type of storage system.

For the option #2, the storage system could be based on your needs and your planning objectives and not a requirement of making your deliveries.

COMMISSIONER GONZALES: One final question, Mr. Chairman, in terms of the water flow. Based on what we know of the history of the Rio Grande and how much water is being taken through it, is there a reasonable chance that we may not have enough water to exercise everyone's rights to it?

MS. UMSHLER: Mr. Chairman, Commissioner Gonzales, I think there's always a chance of that in New Mexico. We are in a desert western state. But the river is a more sustainable supply in that if you have a low-flow year, everybody is facing a shortage. The difficulty that the Santa Fe region has right now is that you're dependent on aquifers that are depleting. The Buckman aquifer is dropping seven to ten feet a year. Some of the reports I've seen. The reason why the yield in that well field has dropped is because there has been more withdrawal than recharge and some of the screens are actually above the water table. So you can't physically go to the Buckman and get water as a back-up.

If your surface water system over in the Santa Fe disappears, for instance if you had a forest fire or if you had a no snow flow there—

COMMISSIONER GONZALES: You're talking about the watershed?

MS. UMSHLER: The watershed. Then your plan B is a well field that is depleting and this option gets you down to the river where there is another alternative, so that you can manage what resources you rely on. It is the way for you to assure that you've maintained access to your San Juan-Chama rights, because there is some question about whether the Buckman field is actually being recharged by the river, and if that water is not offsetting your depletion of the Buckman, or you can't take all of the water out of the Buckman well field, then you need another place to find the wet water.

COMMISSIONER GONZALES: Yes. And I guess my point was, I understand the point of the San Juan-Chama having priority rights, being able to move it through the diversion system. Other water rights that we may purchase that—and my question more so as to the flow of the river and the quantity of water that's moving through, based on what we know, are we going to be limited to only San Juan-Chama? Is there enough quantity flowing through that river that we could access other water rights up there that we could take through the diversion system?

And I understand your point. There's always the threat but we can also do some analysis and understand what's happening and through some of the weather patterns and some of the additional uses that are going to the river. My point is will our community, will Santa Fe be able to use a diversion alternative two and affect the river for thing, other water rights outside of the San Juan-Chama or are we just going to be building this system to access the San

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Juan-Chama and only the San Juan-Chama, based on the quantity of water that's moving through the river and who have access to that water all the way up and down the Rio Grande.

MS. UMSHLER: Mr. Chairman and Commissioner Gonzales, you will be able to use this for other water rights. It only requires that you have designated that as the place of diversion for those water rights. And then you're just in line with all of the other priority users. If you have a senior water right with a very early priority date, you probably will never be cut off and you will be able to always use this system to be able to bring up that water.

The way the Rio Grande is regulated at this time with the dams, I think it's very unlikely that this particular region is going to have a dry stretch of river. The concerns about the river drying up happen much further south, particularly with the San Juan-Chama because it passes by you and that keeps—and you're also at a higher elevation. You have less evaporation, less loss to carriage, and so I think your water rights are actually much more secure than downstream San Juan-Chama users who have to bear the cost of that carriage loss and evaporation loss and it has to get down to them, which is quite a far distance.

COMMISSIONER GONZALES: Thank you for your answers. That was very helpful. Thank you, Mr. Chairman.

MS. UMSHLER: Well, in the third alternative, which can be added. If you build alternative #2, at some point if your water quantity requirements get very high, then alternative #3 can be constructed. For the NEPA process we have to analyze alternative #3 at this time, but the quantities of water that would be brought up with this facility are not necessary for Las Campanas at this date. It would never be, because Las Campanas is only going to be taking 1800 acre-feet, that's their total amount that they will require at build-out and won't be asking for more.

But this has the d-word in it. It does require that the dam be constructed across the river and the proposal that we've put forward is one that has an inflatable dam, a dam that can be lowered and raised. When you need the extra capacity you can raise the dam, and during times of floods and other period, you can lower it. But you also have to have the same type of facility. You have to have alternative #2 or some other type of pumping system to get the water up the hill, so this is of course the most expensive alternative because you would have to be constructing and maintaining the dam in addition to the other delivery facilities.

So if you're ranking these alternatives in terms of cost, we think that alternative #2 is the least expensive, alternative #1 would be the medium priced alternative and alternative #3 would be the most expensive. And as you know, with the NEPA process, there's one other alternative that we have to analyze and we call that the blank board alternative. We also have to look at the no-action alternative, and that would require leaving everything at the status quo and potentially just renegotiating the lease of the Buckman facility.

So are there any other questions that I can answer for you? One of the things that we are trying to take to the federal agencies are any concerns that we hear, and Commissioner Gonzales, we will be writing down your questions to present them as the public concerns that have come up during the process. We are also doing a whole series of pre-scoping meetings. We are trying to go to as many public groups as we can to talk to them about the project and to

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gather their concerns and each potential alternative that they might identify that we have not, so that it can be put into our NEPA process.

COMMISSIONER GONZALES: Mr. Chairman, from an environmental standpoint, have you identified environmental barriers that exist out there. I know we hear about the silvery minnow and endangered species along the Rio Grande. Does the NEPA process identify and also in terms of the routes, across BLM and Forestry land, are there cultural sites? Once you determine or once we've selected it, we need to determine what method we're going to pursue. That would have to be part of the process of identifying endangered species.

MS. UMSHLER: Yes, Mr. Chairman, Commissioner Gonzales. We will have to analyze all of that in the NEPA process. If you look at this site map, we are going to have to be identifying any and all endangered species that might be affected by the project. We are going to have to an archeological clearance for any and all areas that would be disturbed. If they are encountered during construction, we must stop and re-evaluate the archeological clearance. So all of that would be ongoing during the process.

NEPA requires that we up front identify all of those issues and work to mitigate any impacts to the maximum extent possible. It may require realigning the pipeline route if we have to go around a historic site. We do know that the minnow does not live this far north so we know that we don't have the minnow in the river here because the waters are too cold for that particular fish. But as Commissioner Gonzales has noted, the river is an interconnected thing, and so we think that people downstream are going to be very interested in this project because of its potential impacts to the minnow downstream.

So we are trying to meet with those groups as well to address their concerns if we can.

COMMISSIONER GONZALES: One final question. The time line for when you reasonably expect the federal government to review this request.

MS. UMSHLER: Mr. Chairman, Commissioner Gonzales, we are very hopeful—I will put it that way—we are trying to work with the federal agencies to try to start the NEPA process in June. We would like to have our permits approved by the end of this year and begin construction in 2003, after the final design is done, and have water flowing in 2004. But of course we are subject to the federal agencies and they may extend that schedule but that is what we are currently trying to shoot for.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo and then Commissioner Sullivan.

COMMISSIONER TRUJILLO: You stated that it looks like, because of the mining of the water table, the aquifer and things like that that the river will be possibly the only sustainable source of water for the community. As more entities tap into the river—Española is going to need more water rights, there's rampant growth going on upstream of the diversion point here—you don't anticipate that there will be a zero flow of water, zero cfs through the river there? On top of that, what do you think the impact on the traditional usage of water is,

because the acequias up north are dependent on the river to fill with water. So that tells me it could potentially, because of the growth and not wanting to compromise additional usage of water, therefore there being more zero cfs downstream.

MS. UMSHLER: Mr. Chairman, Commissioner Trujillo, the engineers and myself do not think that there will ever be a way to zero the flow here because the San Juan-Chama water is not related to this basin. It's water that's coming out of the Colorado River Basin and being brought over into the Rio Grande Basin. Those waters do not affect any of the traditional uses or the priority water rights of the users in the Rio Grande system. That is additional new water, and it has to flow by this section of the river to get to contractors downstream who have a much larger volume of the San Juan-Chama water.

So we do not think it's possible to zero the flow of the river because you have so many large demands downstream that have their water going to them. And Commissioner Trujillo, the water rights system in New Mexico, the state law is there to protect the traditional users and the priority water right holders, and that system is where that sorts itself out. In New Mexico, you cannot go down and just grab water. You have to have a water right to do it, and that water right is set up in a priority based system to protect those senior water rights. So I do not think that there is going to be any impairment or damage to them, because the water rights that are being diverted here are in that system and they must be subject to impairment review.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Do you anticipate that this will require an environmental assessment or an environmental impact statement?

MS. UMSHLER: Mr. Chairman, Commissioner Sullivan, we pray that it's an EA and it may be an EIS. We have already spoken to all three federal agencies and they agree that technically, this project does not come up to an environmental impact statement level, but that depends on who joins, which is the reason that we are here talking to you and we really want to participate in the water summit, because if the City does join, the City will have to have a much larger treatment facility, and that would undoubtedly be an environmental impact statement. But we think that if it is just the Las Campanas and the County only as the initial project proponents moving forward, that it would stay at an environmental assessment level.

COMMISSIONER SULLIVAN: If an EIS were necessary, how would that change your time schedule?

MS. UMSHLER: It would add at least two years. An environmental impact statement would take, the earliest would probably be three years for that to turn around, so it would add about two years to our schedule before our permits would be approved.

COMMISSIONER SULLIVAN: So what you're saying then is you're really not encouraging the City's participation at that point because it would add two years to your process and that would put you beyond your 2004 deadline.

MS. UMSHLER: And then we would be back here talking to you, because we think that if the City did join us, it does create that time difficulty. It will take longer, but in order to effectuate a regional solution, the federal agencies would very much like for all of the parties to be working together. And if that were a way to facilitate that, by doing an

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environmental impact statement and have all of the parties join, that would be a positive thing for the region, and that is not something to be discouraged when we just have to recognize the additional time that that would require.

CHAIRMAN DURAN: We would just have to extend our agreement with you.

MS. UMSHLER: Yes. We would have to have an extension to that agreement, because I don't think we would be able to have water flowing by 2004.

COMMISSIONER SULLIVAN: And then in terms of your additional outreach, you're talking about doing presentations like this to other groups, what coordination are you proposing with the City? The City as you know has just recently hired a contractor, an engineer to evaluate several alternatives, this being one, and to focus on the diversion as a priority path, and they're just about to hire a NEPA contractor. I believe the proposals for that were due in April 27, just three days ago, to do, I assume, essentially some of the same NEPA work that you will be doing, at least on that routing which they also feel is a priority in their study.

So on the surface here it seems like we have two groups doing the same thing, or am I wrong on that?

MS. UMSHLER: Mr. Chairman, Commissioner Sullivan, it does appear that way and so we actually are meeting with the Bureau of Reclamation representatives who are coordinating that environmental impact statement with the City. We are meeting with them tomorrow to try to find out if that is the case, or if we have two really separate projects. Because the City may be—I believe that their study encompasses evaluating many alternatives for the location of the diversion, including the Ranney system at San Ildefonso and something down at Peña Blanca. And we aren't sure that at the end of their EIS they will have permits in hand. And we actually intend to have a permit in hand when we complete our NEPA study.

So if that EIS is not going to generate permits, we are doing separate projects. If that environmental impact statement does anticipate generating permits, then we very much want to coordinate that with the City and not overlap and do a study in the same area. That is more information that we will obtain tomorrow.

COMMISSIONER SULLIVAN: My understanding from talking to the City Hydrologist is that they have a two-pronged approach and one is the diversion, the Buckman diversion, and that they anticipate, even with storage, and are hoping as you are that it's an environmental assessment and if the contractor is to move forward on that on one phase, and then to evaluate reclamation and reuse alternatives and the NEPA process in the other areas as another fork of the two-pronged approach. So I got the impression that they too are open for an EA and that they too are studying the same site and they too are studying the same routing or a similar routing which includes Buckman rights-of-way wherever possible, Buckman Road rights-of-way. So there would seem to be some mutuality here that we could capitalize on.

MS. UMSHLER: Mr. Chairman, Commissioner Sullivan, you're right and we have sent a letter of invitation to the City saying that we would like to work with them and join with them because it does make sense that if we were going to be doing the same thing in the same place that we work together and capitalize our resources so that we can get the maximum

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benefit for everyone. So we have asked to sit down with them, have the same kind of discussion and presentation. We very much want to work with them in any way that we can.

COMMISSIONER SULLIVAN: The last think that I would suggest that you also should talk with the Bureau of Reclamation people about the regional concept. We've had a presentation in our water summit about the funds that Senator Domenci is working on, the \$1.5 million that I understand has been committed to study the regional water system which I see more of a northern arm which ultimately would connect into the Santa Fe system but nonetheless would provide San Ildefonso and Pojoaque and Española with water where they have not only a water quantity problem, they have a water quality problem.

Again, my understanding is that for federal funds, for this to be available at the federal level, we have to have a regional system. Now, one could say in effect, if we need to, that this is the first step of a regional system. I don't know but I think the maps and the boards have to go further north and begin to look at what is going on up there, even though understanding that is not Las Campanas' responsibility, but as a part of this total regional construct we've had it beat into us pretty heavily that federal funding is going to rely heavily on us not undertaking this on a piecemeal basis.

MS. UMSHLER: Mr. Chairman, Commissioner Sullivan, I think that any time you have federal funds, you're going to have NEPA attached to it and you're going to have those kinds of requirements. But it's also very important for the region to have as many alternatives as possible, because you have domestic needs that require that you meet public health and safety requirements in your communities. So you don't want to restrict yourself to any one alternative. But the thing that we really like about option #2 is that if Las Campanas is able to proceed with their project, we will not interfere with that regional program. We may even be able to help facilitate it by having a structure that the City and the County can attach to later.

We can construct it for eight screens and leave them blank until such time as they're ready to be constructed. And so option #2 allows everyone to go down to the river and get their water at the point in time that it's appropriate for them. And so we think that is the most amenable to a regional solution and is not in any way interfering if our plans have to take separate paths.

CHAIRMAN DURAN: Great. Thank you, Sue.

MS. UMSHLER: Thank you very much.

CHAIRMAN DURAN: So do you plan on being at the summit with the City and the County? Has that been set up?

MR. MONTOYA: Mr. Chairman, it's been set up for May 16th.

CHAIRMAN DURAN: Is Las Campanas going to be there to make a presentation?

MR. MONTOYA: Mr. Chairman, we're still working on the agenda items but I don't see that this would be something that would not fit. I think it's real important to it.

CHAIRMAN DURAN: I think it's critical that it's actually presented at the beginning of the meeting because we need to make some decisions.

MR. MONTOYA: So most definitely we'd add this to the agenda, Mr. Chairman.

MR. CORMANY: We have been notified of the May 16th date and we do have it on our planning calendar to be there if it works out that we are on the agenda and we are invited to make a presentation.

CHAIRMAN DURAN: Did the County notify you or the City?

MR. CORMANY: I believe that it was the County that told us that that is the tentative date and then in a discussion with the Mayor I believe he alluded to it as well, but wasn't sure about what the date was.

CHAIRMAN DURAN: Good.

MR. MONTOYA: Mr. Chairman, we were waiting for your direction today but it's pretty clear that you'd like it on.

COMMISSIONER GONZALES: Absolutely.

CHAIRMAN DURAN: Okay. Great. Thank you very much.

MR. CORMANY: Thank you for the opportunity to present.

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

[The Commission met in executive session from 1:35 to 2:45.]

Commissioner Trujillo moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Sullivan seconded. The motion passed by unanimous voice vote.

X. B. Community Health & Economic Development Department

- 1. Resolution No. 2001-59. A resolution approving the Santa Fe County Housing Authority's pet policy**

MR. ANAYA: Mr. Chairman, Commissioners, this resolution allows

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Housing Authority residents the opportunity to have pets in their residence, which they currently, only elderly and handicapped and disabled individuals have this. This will bring us in compliance with the federal regulations and myself and Dodi Salazar stand for questions.

COMMISSIONER TRUJILLO: Why did we have this policy before?

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, there was a problem in the past at the Housing Authority prior to even my working at the Housing Authority with large animals, liability issues are always a concern with dog bites, other associated damage to the unit. That is the best explanation I have, Mr. Chairman, Commissioner Trujillo, for while the Housing Authority had a policy against animals.

COMMISSIONER TRUJILLO: So we're in a better light now from a liability perspective or is it just to comply with the federal standard?

MR. ANAYA: Mr. Chairman, Commissioner Trujillo, I think it's both. We do have to comply with the federal regulations, but I do think that we have better management on-site and our housing managers spend more time at the individual housing sites and we have better tenants that we're screening and don't have as many tenants that are posing as many problems as we've had in the past.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: Robert, I don't see anything in here—first of all, how big is 20 pounds?

MR. ANAYA: Mr. Chairman.

COMMISSIONER TRUJILLO: A mean rottweiler.

CHAIRMAN DURAN: That's what I was alluding to. I don't see anything in here that mentions any kind of a vicious dog or do you have anything in here that deals with that?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Yes.

COMMISSIONER SULLIVAN: I think attachment A-17 mentions that.

CHAIRMAN DURAN: Oh, okay. Number 17? I don't have a 17.

COMMISSIONER SULLIVAN: It says it gives the Authority the right to reserve or remove any pet for disturbance and it defines disturbing as noise, odor, allergic reactions, barking, biting, scratching and fighting.

DODI SALAZAR (Housing Specialist Supervisor): Chairman Duran, when we originally wrote the policy and we sent it down to the County Attorney to review we had that language in there but his opinion was that any animal under 20 pounds would not be vicious like a pit bull or something like that, so we took it out.

CHAIRMAN DURAN: And then it says in here that Housing Authority can require the removal of any pet for reasons of neglect or abuse and for disturbing or threatening persons other than the owners. So it's okay if they disturb the person that owns it? Or bites it?

MS. SALAZAR: Then it will be up to them to get rid of it.

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COMMISSIONER TRUJILLO: So you're expecting, Mr. Chairman, that somebody might get an animal under 20 pounds and if they get bigger than 20 pounds then they get rid of them, even after they've essentially bonded and possibly the pet had become an integral member of the family. So there is some alienation there between owner and pet.

CHAIRMAN DURAN: Enter it in Jenny Craig. Either get rid of it or get it on Jenny Craig.

MR. ANAYA: Mr. Chairman, Commissioners, I think that's a valid point and at your direction we'd be happy to revisit that portion. We would ask that we have this adopted and then maybe we can put some language in there and revisit that so that we don't have a family that could potentially fit that criteria with children with a dog and them tell them we have to take it away.

The intent is to make sure we don't have large dogs, very large dogs that could damage the unit and/or hurt other people in the community. But we can revisit that, Mr. Chairman, Commissioner Trujillo.

COMMISSIONER TRUJILLO: You need some discretion as far as that goes.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

X. B. 2. Request authorization to enter into a project agreement with the State Highway and Transportation Department, Traffic Safety Bureau for a media literacy project aimed at reducing underage drinking in Santa Fe County

MR. ANAYA: Mr. Chairman, Commissioners, at your direction a couple months ago, we asked for some additional monies to do a project aimed at reducing underage drinking. This is the project agreement for that revenue and I will defer to our DWI Coordinator, Mr. Sims for any questions.

CHAIRMAN DURAN: Any questions of Mr. Sims?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Motion and a second for discussion. Any discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This is the one I was searching for and I want to, just the other, earlier in the meeting, and I just want to point this out so you can see if you can resolve this administratively. In the scope of work in this project, which is about the fifth or sixth page in, it says what we're trying to accomplish here, our performance goal is to reduce alcohol-involved fatal crashes among adolescents 15 to 19 age from 47 percent of adolescent crash deaths in 1999 to 45 percent in 2000, and 43 percent in 2005.

Those numbers in and of themselves are staggering, let alone the arithmetic. And so we obviously want to see some action, some results in that direction. That seemed to conflict to the goals in the earlier agreement that we passed this morning, one of which, the local goal was to reduce the percentage of teenage crashes involving alcohol from 44 percent in 1998 to 40 percent in 2002. So in one contract we're saying the problem isn't quite as bad. It's only 44 percent and we're going to bring it down to 40 percent and in the other contract we're saying the problem is worse; it's 47 percent and we're going to bring it down to 43 percent.

I'd really like to get a handle on what the issue is now, whether it's as was previously mentioned, a database issue. It seems like we should be on the same track here.

MR. SIMS: Thank you, Mr. Chairman, Commissioner Sullivan. Those, the goal that's stated in this agreement that is before you is actually the state goal that is information from the Department of Transportation. In the scope of work that we discussed this morning—now I understand what you're talking about. In the scope of work this morning also at the top of each category are the state goals, which obviously, even the Department of Transportation, since they gave us the framework in which to apply for the general CDWI grant, and the time when this goal was printed, obviously even in the their documentation they have changed their goals and updated their goals and so perhaps that's the reason for the discrepancy.

COMMISSIONER SULLIVAN: So let me understand then. In the document that we're considering right now, this performance goal is a state goal?

MR. SIMS: And what the deal is is that we are working in tandem with the Department of Transportation to try to achieve these goals.

COMMISSIONER SULLIVAN: Okay. Then if you would compare that to the state goal in the agreement that we approved this morning. The state goal—I read you the local goal. The state goal is to reduce alcohol-involved fatal crashes among adolescents 15 to 19 from 42 percent of adolescent crash deaths in 1997 to 40 percent in '99, 38 percent in 2000 and 35 percent—that sounds a lot better than 43 percent, in 2005. That's an eight percent difference. So those two state goals are way apart.

MR. SIMS: I agree and part of the difficult in all of this is the lag time in when we actually get data. It seems that we are at least one year behind all the time and often as much as two years behind in actually getting numbers. And when the state sets their goals, for instance, obviously in the CDWI grant format that was presented to us to

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put in our local goals, the state goals, their most recent numbers when they gave us this material to submit the grant that we're just now submitting, their latest numbers at that time was in '97. So that's why they gave that as the starting point.

So I agree that we just have a difficulty in getting up to date data.

COMMISSIONER SULLIVAN: I don't want to belabor this. It's just these numbers are not even close to each other in these two grants. And I know you have to put in numbers to get grants and that's what the grant-approving entities like, but I'm hopeful that you can come back to the Commission with some real numbers. These percentages don't mean anything to me when they're just all over, varying between 35 and 47 percent. If you can come up with a system of tracking performance, whether it's in human lives, that would be good. Whether it's in any form other than these really difficult to interpret and obviously conflicting statistics. That sure would be appreciated.

CHAIRMAN DURAN: Any other questions? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for the vote.]

X. B. 3. Request approval to apply for a grant extension with the Department of Health for the Smart Moves substance abuse prevention program

MR. ANAYA: Mr. Chairman, Commissioners, items 3 and 4 are associated with one another and I will defer to Virginia who negotiated the extension of this agreement to next fiscal year.

CHAIRMAN DURAN: So Virginia, should be both of them at the same time?

MS. VIGIL: I think you can consider them separately, Mr. Chairman, however, they are interrelated. But just going by the procedure of the agenda, I'll start with the request for your authorization to enter into an agreement, and I'm really happy to be here on this agenda item because over a year ago I was before the Board of County Commission, this is one of the items that we talked about earlier this morning in terms of what the Health Planning Commission has done to collaborate and do outreach to the community.

About a year ago I came before you and informed you that Los Alamos National Laboratory, had through their grant writing program provided a grant writer for Santa Fe County to enter into a competitive RFP to the Department of Health for substance abuse prevention. Through Robert Anaya's department and the coordination that he made with the County Extension Office and the Santa Fe Boys and Girls Club, we were able to draft that RFP and design it to enter into an agreement with the Boys Club and the County Extension Service to implement the Smart Moves program.

Those of you who may have seen a really nice article that Elena Vasquez from the *New Mexican* did about two Sundays ago in the front page of the *El Norte New Mexican*. We did get some really nice publicity as a result of that. This year has been the first year that Santa Fe

County has entered into an initiative for substance abuse prevention with the schools, with the Boys Club and with the County Extension Service. It does have a strong evaluation component. You will look at I think Appendix A or Appendix B in your packet that identifies the quarterly evaluation report and there's some staggering results.

These results are evaluations from the participants in the program. There was close to 113 boys and girls from three school sites, Alameda, Ortiz Elementary, and one other school, Capshaw Junior High, where we recruited participants. In addition to the recruitment of the participants who were between 12 and 17 years old, there is a Smart Parent component that is underway right now. We have gone through evaluations through the department. I have coordinated services with them. This last month, they informed us that our program was considered for refunding next year.

So they submitted a mini-RFP that asks some specific questions about our progress and asked for an update on all the evaluation and draft information that is required by them. Actually, this item was intended to go before you at your last BCC, so in between that time and today, I have actually entered in negotiations and the Department of Health has granted us an additional \$25,000 to continue to implement this program. So that the new agreement that we're entering into would be for \$150,000 and that agreement has already been signed by the Department of Health and I am before you to ask that you grant us permission to enter into this agreement and grant our County Manager the authority to sign the agreement. It is over the amount that's required for the BCC, so that I'm you delegate that authority to the County Manager.

The amount that the Department of Health has granted us is \$150,000. The final results of the evaluation component of the program will be done by June of this year. The money that we requested for next year are intended to do Smart Moves in the Santa Cruz, Camino Jacobo and Valle Vista Boys and Girls Clubs sites. In addition we want to recruit parents from those sites to participate in the Smart Parent component, and in addition, the money should be able to fund another program. We should be able to allocate new school sites. We're looking at Turquoise Trail, Pojoaque and Pecos perhaps, to implement these programs, depending on how well we coordinate and collaborate the services with the Boys and Girls Club and the County Extension Service.

Just to touch on the next item, the County Extension Service did participate in most of the training and preliminary meetings. However, there was a delay in entering into an agreement with them, so that they have not implemented their portion of the program for the 4-H'ers. That agreement is the next item on the agenda and we're asking for your authority to enter into an agreement with them. Part of the delay with that agreement was preliminarily, we thought we could enter into a memorandum of understanding with the County Extension Service, only to learn that we actually had to process a full-blown agreement through New Mexico State University.

Another delay in getting that agreement in their program implemented was my two-month stunt at the legislature, which created a further delay for that. But they have participated in some preliminary meetings. They have identified a prevention specialist. They have also

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begun doing some of the outreach through their newsletter, *Substance Abuse Prevention Information*, and they did do some recruitment activities. So I think once we can enter into that memorandum of agreement, we can get their program implemented.

In addition, one of the coordination of services that we really want to work out is to allow those participants from the Boys and Girls Club to take advantage of the curriculum available to them through the County Extension Service. The County Extension Service has over 110 areas of curriculum and adult volunteers that they can team up with the Smart Moves participant to discover alternative activities and implement the substance abuse prevention alternative aspect of this. I stand for any questions.

COMMISSIONER TRUJILLO: Thank you, Virginia. Any questions of Virginia?

COMMISSIONER GONZALES: No, other than congratulations. I think this is a nice testament to what the Health Planning Commission and what the efforts of the County have been. I think we need to keep in mind that two years ago, or even two and a half years ago, the County wasn't even talking about programs like this. It wasn't even on our radar screen. So I think that this is a real testament to the County, the Health Planning Commission, to the community, to be able to receive this kind of funding and to be involved in this area.

I didn't get a chance to read Ms. Vasquez' article but I was getting a chance to move through some of the program elements and it's amazing. This whole shift in how we try and educate and develop skills amongst our youth so they can say no to drugs and halt alcohol and all the other things that affect their lives. They can say no for the right reasons and through developing skills that help them make some good judgement. I think that's good. So I'm pleased. I think it's great that the County is able to be involved in this area.

People question why the County would move into the health care business or the business or trying to promote a healthy community when that really isn't part of the normal things that we do but you can point to programs like this and the success rate that you've just talked about and see why it's important that all of us be involved in this area and we can make a lasting difference on the youth in this community. And I want to applaud the Boys and Girls Club for their efforts and everyone else who's been involved in this. What I'd like is to see if you can send maybe a thank you note from the chair or from the Commissioners to the Boys Club and Girls Club and the other people that have been participating in this on behalf of the County Commission stating that we fully recognize and compliment what they're doing for the youth of our communities. So I think it's great.

COMMISSIONER TRUJILLO: Ditto to your comment, Commissioner Gonzales. Any other questions?

MR. ANAYA: Mr. Chairman, I'd like to just make a brief comment to thank the Commission. Many times articles are written. This was a good article for the County, but it did focus 90 percent on the Boys and Girls Club. And the bottom line for the record is that from your direction, Mr. Chairman, Commissioner Gonzales and the entire Commission, we took this project forward, then we went out and found the contractors to help administer the program. But it was based on the Manager and the Commission and the Health Planning

Commission's direction that the project was funded at all.

COMMISSIONER TRUJILLO: Thank you, Robert. What is the desire of the Commission?

COMMISSIONER GONZALES: Move for approval of the request as presented by the staff.

COMMISSIONER TRUJILLO: We've got a motion.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: Second. All those in favor? [Unanimous]

[Chair Duran was not present for this action.]

X. B. 4. Request authorization to enter into an agreement with the County Extension Service for Smart Moves program

COMMISSIONER TRUJILLO: I think we've already heard from Virginia on that.

MS. VIGIL: That's correct.

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Any other questions?

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: There's a motion, second. All those in favor?

[Unanimous] [Chairman Duran was not present for this action.]

Okay, thank you, Virginia.

MS. VIGIL: Thank you, Mr. Chairman. If I may just add just a little piece of information that I think probably should be announced at this point in time. Based on all the previous work we've been doing. I think Mr. Chairman and Commissioners, you should also know that the Health Planning Commission has received a Kellogg grant, from the Kellogg Foundation and we have finally negotiated an agreement with Shaning and Associates, and Shaning and Associates are going to help Santa Fe County in developing an inventory of health services, doing a needs assessment, helping with the Santa Fe Cares Network, helping with the health plan and so we're moving forward and that's just one of many other areas that the Health Planning Commission has tapped into for resources. Thank you

COMMISSIONER TRUJILLO: Thank you, Virginia, and good job.

X. C. Finance Department

1. Request authorization to accept and award a professional services agreement to the highest qualified respondent, RFP #21-44, for the surveying of La Cienega traditional community boundary

MR. FLORES: Mr. Chairman, members of the Commission, the Land Use Department in conjunction with the Purchasing Division prepared a solicitation for surveying

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services, which by statute falls under a qualification-based proposal. Proposals were received by six firms. They were scored on written evaluations. The evaluation committee at that time determined it was best to interview the top three rated firms. As a result of the written and the interview evaluations, we are before you today requesting authorization to enter into an agreement with Red Mountain Engineers.

COMMISSIONER TRUJILLO: Any questions?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: Got a motion and a second. All those in favor? [Unanimous] [Chairman Duran was not present for this action.]

X. D. Fire Department

I. Request authorization to enter into a joint powers agreement with the New Mexico Public Regulation Commission, Insurance Division, Fire Marshal's Office for the Waste Isolation Pilot Project to support the hazardous materials response program

MR. BLACKWELL: Commissioner Trujillo, members of the Commission, basically, what this agreement does is every year there's a certain amount of funding through the WIPP Isolation Pilot Project Department of Energy grant, and these grant monies are available to fire department emergency services departments that are along the WIPP route. And this supports not only WIPP or radiation training, but also any other hazardous materials training or exercise. And what this does, it allows us to have some funding to support for training materials, for training of some of our instructional staff as well as some reimbursements for some of the large scale drills and exercises we have to conduct with other agencies.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Gonzales.

COMMISSIONER GONZALES: Hank, I'm assuming that this is yearly funding subject to appropriation. So this \$15,000, we're using it for training, or we would be using it for training?

MR. BLACKWELL: Mr. Chairman, Commissioner Gonzales, yes sir. The money's earmarked not only for training but also to support some of the other costs involved in training and readiness which may be hazardous materials, response tools, if you will, also instructional materials to support the training: text books, videos, those kinds of things as well.

COMMISSIONER GONZALES: Yes, and I guess my only point is that we want to be careful, and I know Katherine is really watchful of this that these grants—we make them a part of our operational budget and then they go away and then all of a sudden we're caught holding the bag. And I appreciate the fact that this \$15,000 is going to go toward training our crews on hazardous waste and all those programs that are going to be very

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beneficial. But we need to recognize that this is subject to annual appropriation and if next year it's not appropriated we may not have money in the budget to do these types of training.

MR. BLACKWELL: Chairman Trujillo, Commissioner Gonzales, you're absolutely right, and that's why we come before you each time. This is a yearly occurrence. We'll fill out the application and again, if the funds are available and if we receive notification that we're not only eligible that the funds have been approved, only at that time do we come before you and say we've got this agreement we want to sign because there's money available for one more year.

COMMISSIONER GONZALES: Do you use this money and this training for the volunteer departments that are closest to the WIPP routes, or is this available to our volunteers? And is the funding enough?

MR. BLACKWELL: Chairman Trujillo, Commissioner Gonzales, it's a mixed question. We use this funding county-wide, in terms of trying to promote the readiness and the availability of people to respond to hazardous materials events county-wide. However, the focus is always particularly on those departments that are along the WIPP route as well and along some of the busier thoroughfares. But it is county-wide.

The answer to your second question is it's really not sufficient in terms of funding, but again, it's still a windfall of \$15,000 that will greatly help us out in our budget that's specific to hazardous materials that we can actually focus that money on that training and that readiness.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER TRUJILLO: Any other questions of Hank?

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a brief one, Hank. To clarify what Commissioner Gonzales was asking. This will be for training of both full time and volunteer personnel?

MR. BLACKWELL: Mr. Chairman, Commissioner Sullivan, yes sir.

COMMISSIONER SULLIVAN: And it includes, you said, tools and instructional materials as needed. Do we have the equipment needed, the protective clothing and so forth for this type of training?

MR. BLACKWELL: Mr. Chairman, Commissioner Sullivan, in our—right now the County of Santa Fe is what we call purely defensive. We have a certain level of training where we respond in a defensive fashion. In other words, we don't—we call upon both the laboratory haz-mat team and the City haz-mat team if we actually have to get in touch with the product or the spill. And they're what they call a technician or specialist team. They actually have the Level-A protective clothing to actually do offensive measures to dam and dike and plug and do the things we need to do to mitigate and take out the material. What we do is identify it, we set up a command system. We notify all the proper authorities and response agencies and basically set up the structure such that we can organize and manage that event with all the incoming agencies.

Given that, there is still a small amount of material in terms of absorbents, in terms of

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spark-proof tools, spark-proof batteries that we may need for hazardous materials that may be explosive in nature, and this grant will help us add to that cache of specific hazardous materials equipment if you will. The rest of it will go for training, and that's training not only in terms of on the ground training of our volunteer and our career staff, but it will also go toward getting more of our people, both career and volunteer, their instructor certification so we have a larger cadre of people to teach, given the fact that we've got such a large and diverse fire department.

COMMISSIONER SULLIVAN: So we're not trying, Hank, to go to a Level-A response team here?

MR. BLACKWELL: Mr. Chairman, Commissioner Sullivan, no sir. We're not. We rely on both the LANL HazMat team, which we have an excellent working relationship with, both training and response as well as the City haz-mat team. Again, it's a very expensive endeavor. What we've done with the City, for instance, is we've tried to do that in terms of resource management. A lot of the, as Chief Holden showed you in our presentation, a lot of our technical expertise in confined space, high angle rescue, swift water rescue—we provide those services even for the City. But in trade, the City basically has the advanced hazardous materials team and they're the ones that come in to help if it's so needed.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: Thank you. What is the desire of the Commission?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Got a motion, seconded. All those in favor? [Unanimous] Opposed? [Chairman Duran was not present for this action.]

X. D. 2. Request authorization to enter into a participating agreement with the US Forest Service, Southwest Region, and Santa Fe National Forest to locate a staffed seasonal wildland fire engine and crew at the Hondo Fire Station #2

MR. BLACKWELL: Chairman Trujillo, members of the Commission, as you can see this format is virtually identical to the participating agreement that was approved earlier under the Consent Calendar. The standard agreement form from the US Forest Service, this one particularly. What we've done in the last year is try to work very hard at cooperative agreements and relationships with other agencies in the wildland area. We have a very good relationship with the Santa Fe National Forest, and as a result of the wildfire cooperators, some of the interface code development that we're working on now and some other issues, this is one of the things that is a product of those interagency groups.

What we've been able to do is, the Española Ranger district has been able to find seasonal funding for an additional wildland engine and a full time crew for this fire season. It will probably go through October of this year. So basically, 99 percent, almost 100 percent of

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all the cost for this engine crew is borne by the US Forest Service. What our part of the bargain is is to actually be able to house them and their engine in one of our stations, and the one that's most strategically located to the watershed, to the Glorieta Mesa and what have you is our Hondo Station #2, which is at the intersection of US 285 and I-25. And that's also where our full time eastern regional crews are housed.

What we're doing is actually adding to our resources greatly by having a fully trained and qualified Forest Service wildland engine crew stationed at one of our facilities to respond into the county for any wildland fire event. When they're not responding, they're also going to work cooperatively with us in terms of joint training, in terms of public education, and neighborhood education days and what have you. So again, I think we're really grateful to the Forest Service and again, what we're doing is putting a bay in one of our stations to make sure that their engine has a place out of the weather for the rest of the fire season.

Other than that, that's really our major contribution but it adds four people full time through October to help us in wildland fire.

COMMISSIONER TRUJILLO: And Hank, they're available to cover the whole county, but they're strategically located in Hondo because that's where the forest is easily accessible, right?

MR. BLACKWELL: Yes, sir. Chairman Trujillo, one of the reasons that the Forest Service in the Española District, which includes the watershed and actually even includes the Hondo station, one of the reasons they got this additional funding through the Forest Service this year had to do with the fact that the watershed of course is one of those very critical areas in terms of risk, in terms of hazard. And consequently, this was probably the most appropriate station to get them fairly clear access, not only to the watershed, but also to both the west and east side of the slopes there. So it was strategically placed but it also met their needs in terms of having an engine closer than Española and their headquarters there closer to the watershed. So once they looked at our stations and we presented those options to them, they felt very grateful that that Hondo station was so strategically located.

COMMISSIONER TRUJILLO: For emergencies in the Española area, Cundiyo, the Española crew will respond to those fire emergencies there, right?

MR. BLACKWELL: Chairman Trujillo, that's right. They have other engines, seasonal and full time as well in the Española Ranger district that are available as well. As do we with our strike force. So this does not take away from any of the fire protection or fire prevention activities from the other side of the Española District.

COMMISSIONER TRUJILLO: And the liability to Santa Fe County is nothing as far as insurance for people getting hurt? We're covered under the federal government liability insurance?

MR. BLACKWELL: Commissioner Trujillo, that's correct. And again, that's part of why we really want this participating agreement, to clarify roles and responsibilities and the working relationships so legally, we've got that document. It's clear in terms of the relationship and also the responsibilities. Yes sir.

COMMISSIONER TRUJILLO: Thank you. Any other questions of Hank?

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COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Hank, let me just be clear on a couple things.

Your agreement first page says the Forest Service will staff a fire engine available. I take that to mean from what you've just said that the Forest Service will provide a fire engine and will staff it. Is that correct?

MR. BLACKWELL: Chairman Trujillo, Commissioner Sullivan, yes sir. That is correct.

COMMISSIONER SULLIVAN: So we're not having to provide the fire engine?

MR. BLACKWELL: No sir.

COMMISSIONER SULLIVAN: Second question was will they respond to fires not on Forest Service lands?

MR. BLACKWELL: Chairman Trujillo, Commissioner Sullivan, under this agreement, their primary responsibility of Forest Service land, but again, if there's another wildland fire in that area, part of this participating agreement means that again, they would respond with our personnel to those wildland fires, even if it was outside of their area, their participating area.

In the last few years, the Forest Service has been given authority, if you will, by Congress, to actually respond outside of federal lands to adjoining lands where wildfires may indeed pose a threat to Forest Service property. Consequently, they do have that ability to respond with us in the county as another wildland engine.

COMMISSIONER SULLIVAN: Excuse me, but they would have to be adjoining lands to Forest Service lands for them to respond.

MR. BLACKWELL: Commissioner Trujillo and Commissioner Sullivan, adjoining meaning, again, as long as there's a threat posed for wildland fire, the extension of that fire. It doesn't mean that the boundaries have to touch. In other words if it's three or four or five miles in one of our districts, and they're not on an active fire call, they indeed can respond with out personnel. Yes sir.

COMMISSIONER SULLIVAN: And my last question was it seems to contemplate, this is apparently for about a five-year period, this contract. The placing of a mobile facility at the Hondo station and obviously, some additional equipment and activity and traffic there. Should this, or does this require and should it have some land use approval?

MR. BLACKWELL: Chairman Duran, Commissioner Sullivan, in terms of the mobile facility. First of all, I guess the answer to your first question, the reason this agreement would be in effect for five years is that hopefully, with the potential that next year for fire mitigation monies through the Forest Service that we could also have the benefit of another engine staged in one of our County facilities so that we could benefit from this again. So that's the reason for the five-year, which is a standard agreement with the Forest Service.

The second part of that question, what we're looking at now is a temporary facility, so in terms of that, it would be a temporary, leased three-month building that the Forest Service

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could have their office and their base station in. So given that, again, we will be working with Land Use. But because it's a temporary facility it would probably be a 20-foot long trailer that would stay, it wouldn't even be on a foundation. Basically it would be a temporary office like we have in construction sites, so that again, the Forest Service crew just had room to do their paperwork and what have you, and/or maybe again, to house a couple of the crew members overnight, after hours, depending on their shifts.

COMMISSIONER SULLIVAN: And after three months this trailer would go away?

MR. BLACKWELL: Correct.

COMMISSIONER SULLIVAN: And then where would the staff go?

MR. BLACKWELL: Chairman Duran, Commissioner Sullivan, the staff— again, this is a temporary contract and this is seasonal fire money so that by the end of October this seasonal crew would go away. In other words, this is just a seasonal fire crew which is common throughout the United States. They beef up their crews during fire season. This would be a three to four-month crew. Once that's done then those crews would be reassigned somewhere else in the United States and we'd be out of our fire season.

COMMISSIONER SULLIVAN: The reason I ask is that we've had questions and concerns raised by residents in this general area about, for example, the bringing in of just extra trailers and equipment at transfer stations. And I don't know whether the appearance of a trailer, whether temporary or not might also be a concern for the residents of the area. Do we typically go to Land Use for these decisions on expanding County facilities? We did on the Public Works facility. We came to the BCC and requested a variance of the tower. I'm unclear on that. Maybe legal counsel can help me out on that.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I don't think that area itself is really residential. I think the state stockpiles minerals and gravel and sand there, so I don't think that should raise an issue at all because I know I drive past there everyday and it's just not an area that I think would cause that concern in all likelihood.

COMMISSIONER SULLIVAN: So typically, we as a County would bring our own projects to Land Use if we felt there were a concern. There's not a policy on this, I'm sensing.

MR. KOPELMAN: Mr. Chairman, Commissioner, I don't think it's a formal policy. For a temporary use, I think often I think the Land Use Administrator is able to sign off on that, because it's only a temporary use for several months.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

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X. D. 3. Request authorization to enter into a purchase agreement with Linda Mylonas to purchase land in the Thunder Mountain area to construct a fire substation

CHIEF HOLDEN: Mr. Chairman, members of the Commission, we're coming before you today to request this authorization to purchase a one-acre piece of land in the Edgewood area. It's in the Thunder Mountain area to be more specific, off of West Dinkle Road. In your packets you should have the materials from a legal description including the appraisal, which was conducted by an outside agency, specifying the appraisal in excess of our purchase price. This particular piece of land has been approved by the State Fire Marshal's Office for funding, which is a critical step in the process. Obviously, we don't want to construct a substation anywhere without receiving the appropriate funding from the State Fire Marshal's Office. And we also have those letters in your packet as well.

So specifically, the action that we're requesting today is an approval of the purchase agreement with Ms. Mylonas who is the trustee of the family trust that owns the property in southern Santa Fe County. And I stand for any questions.

COMMISSIONER TRUJILLO: I am looking for the appraised value. Is it \$180,000?

CHAIRMAN DURAN: No, \$30,000.

COMMISSIONER TRUJILLO: Where is that?

CHAIRMAN DURAN: The bottom of that page.

COMMISSIONER TRUJILLO: Okay. \$30,000 an acre.

CHAIRMAN DURAN: Stan, all these comparables are two miles away, three miles away, the other ones three miles away. There were no lot sales—it looks like this was in a platted subdivision. Is that correct?

CHIEF HOLDEN: Mr. Chairman, I'm not real familiar with how land use or property divisions are conducted but according to what has been prepared by the appraiser, that's what it looks like to me. There are properties directly across the street. There are homeowners on the north side of Dinkle Road. But on the south side of Dinkle Road there are no homes that are currently constructed within about a mile and a half. And the majority of that land has been subdivided by Mr. Oden, who has a large subdivision just a little east of this particular piece of property.

CHAIRMAN DURAN: And do you know what the qualifications of the appraiser are?

CHIEF HOLDEN: Mr. Chairman, I do not. This appraisal was conducted prior to the Commission's action regarding the appraiser.

CHAIRMAN DURAN: Who ordered the appraisal?

CHIEF HOLDEN: I did.

CHAIRMAN DURAN: So you call up Quintana, the appraiser?

CHIEF HOLDEN: No, Mr. Chairman, what I did was I called the Purchasing Department and asked for referrals and they gave me a list of appraisers and we sent out a

request and Ms. Quintana was under \$500 if I remember correctly, to conduct the appraisal.

CHAIRMAN DURAN: And she's a certified residential appraiser?

CHIEF HOLDEN: I believe so, Mr. Chairman. On page 5 of her document is her signature.

CHAIRMAN DURAN: Any questions of Stan?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Stan, let me understand. This is part of the request from Representative King that we move into a new substation and we move out of the community center with the rest of the equipment that you have over there. Is that correct?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that is correct. So once we get the new station, then there'll be more room in the senior center there, the eastern end where you have the equipment stored now will become part of the senior center?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: It seems like Edgewood is well covered with substations and facilities. My last question is when do we get one in the Community College District?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, we are actually planning that now. We have had some talks with Rancho Viejo for over a year now and we're planning on building a substation for the La Cienega Fire District in the Rancho Viejo area. The reason that this one is going forward before Rancho Viejo is that this particular project was part of our five-year plan and we're trying to get this one done before we move on to our next five-year plan.

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

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Okay.

COMMISSIONER CAMPOS: Chief, this is close to Edgewood. How close?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, it's about a mile to the town limits of Edgewood.

COMMISSIONER CAMPOS: Is this being affected in any way by the proposed annexation, the Campbell Ranch annexation? Alongside the road?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, no. This particular area is not part of the Campbell Ranch proposed annexation. That is north of Edgewood approximately 20 miles. The Campbell Ranch annexation will certainly have an impact, a negative impact on the fire department and as a result, may have a negative impact on our current joint powers agreement with the town of Edgewood if they were to proceed with that annexation. And at the appropriate time, with direction from the Commission and with counsel from legal, we would probably need to intervene and make sure that the town council was aware that such action of annexing areas in an adjoining county which would negatively impact the fire department may negatively impact the current joint powers agreement with the town of Edgewood.

COMMISSIONER CAMPOS: Could you comment on Commissioner Sullivan's idea that this perhaps is not a necessary site, that it's well covered?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, the insurance service organization looks at areas based on density. The more homes that you have in a particular area, the more it drives the need for a fire station. This particular area has been identified for over five years and has been included in numerous plans before I got here, but it has only been recently that we focused our time and energy with the State Fire Marshal's Office and with Representative King to try to get this station put in. It will have a positive impact on the ISO rating for the Edgewood Fire District. And as a result, the people that live within a five-mile radius of this substation will see a reduction in their ISO premium.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, Stan, usually land for these sorts of things are donated. La Puebla Fire Station is located on BLM land. Pojoaque's between Pojoaque Pueblo and the Santa Fe County. Is this a unique situation that we have to purchase a piece of land for the construction of a substation there? Is there any BLM land that's available or any other land that we can utilize?

CHIEF HOLDEN: Mr. Chairman, Commissioner Trujillo, actually that's a very good question and you're correct. The majority of the time that's exactly what we try to do. As a matter of fact, the neighborhood association for Thunder Mountain had identified a piece of property of the size of a half acre that was in the Thunder Mountain Subdivision. Unfortunately, the access would not be approved by the State Fire Marshal's Office once we went down and did the evaluation with the State Fire Marshal's Office. It was basically tucked away in the very back of the Thunder Mountain Subdivision and there was one road in and one road out and there was no way to cover a large area very quickly.

With the State Fire Marshal's Office with us, we went and did a tour of the area to try to find property that would be suitable to the State Marshal for funding and access, and this is the piece of property that they approved. So we did do that. We did some due diligence trying to find another location that we could either negotiate with the property owner or have them donate it and this was the best we could come up with.

COMMISSIONER SULLIVAN: Mr. Chairman, one final question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: Is this in the town of Edgewood?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, this is just outside the current town boundaries about a mile.

COMMISSIONER SULLIVAN: Okay. So it won't require planning and zoning or town zoning approval?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, it should not. From what I understand, we do not have an existing agreement with the town of Edgewood regarding the EZ. But I would defer to counsel.

MR. KOPELMAN: Mr. Chairman, Commissioner, the Chief is correct. There is no agreement at this time and the zoning is subject to the County Land Development Code.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER SULLIVAN: Second.

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

X. D. 4. Request authorization to enter into a joint powers agreement with the City of Santa Fe for emergency services in fiscal year 2002

CHIEF HOLDEN: Mr. Chairman, this is simply a request to enter into an updated agreement that we currently have with the City of Santa Fe to provide emergency services. Those services include of course dispatch services but they also allow for joint services between the City and County. The primary focus being commissioned that we try to provide services within the city and the county without regard to jurisdictional boundaries, specifically if a city resident is closer to a County fire station, we want to send the County resources to that fire and then be supported by City resources. Exactly the opposite happens in other areas of the county where the fire may be in a county residence but the City has closer response services so we utilize those services.

The whole idea being that we try to provide the quickest, most reliable service to the people at the time of the emergency without regard to jurisdictional boundaries. The amount of the agreement has not changed. It's \$100,000 and there are no proposed changes to the joint powers agreement other than replacing Chief Curtis Lardy for Chief DiLuzio. I stand for questions.

CHAIRMAN DURAN: Any questions of Stan?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Stan, this is for two years, and as I understand it, right now the City mans the primary safety access point and also houses the individuals when our new Public Safety Complex is completed, this will be located in that, is that correct?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that will be done at the direction of this Commission with joint approval by the City Council. We are proposing that. That is a recommendation that the committee, which encompasses myself, Chief Lardy, from the Fire Department of the City of Santa Fe, Chief Denko and Sheriff Ray Sisneros. That's the recommendation that we're making to you at a later time. Certainly we're going to discuss it, I hope, as the next agenda item, but the answer to your question is Yes, that's the direction we would like to go.

COMMISSIONER SULLIVAN: And when that happens, so this \$100,000 is for heat, light and rent as well as for personnel. I would imagine that the emergency complex

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would be staffed with still all City personnel and with the County providing the building or haven't we gotten that far yet in the discussion.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, we have broached those issues and we can cover them in depth on the next agenda item. But this item is simply to renew the current agreement which pays the City \$100,000, primarily for personnel. Once the regional emergency communications center has been constructed and we move in, this agreement would go away. So the answer I think to your question is we would no longer pay the City \$100,000 for these services.

COMMISSIONER SULLIVAN: Okay. So it's a two-year agreement but we can opt out at any time.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Any other questions of Stan?

COMMISSIONER CAMPOS: Question, Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Contract, scope of agreement, sub-part E. I don't have a page number but I think it's page 3. Fire/Rescue Impact Fees. Could you explain that to me a little bit?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, as a result of the Fire/Rescue Impact Fee Ordinance, which the Commission adopted about five years ago, the County can collect fire/rescue impact fees on any construction property that's within the county. Within the EZ, we collect those impact fees, and then, according to that ordinance, we distribute the impact fees that are collected to the agency that responds to the emergency. So if it's a City station that is responding to that area, then the City would receive those impact fees. If it's a County unit, then the County Fire District receives those impact fees. Overall, the vast majority of impact fees that are collected go to Santa Fe County Fire Districts and very little goes to the City of Santa Fe.

COMMISSIONER CAMPOS: How much to the County and how much to the City in impact fees?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, I could not answer that question at this time. When we're finished with the impact fee review that is currently being conducted, we will be able to answer that question.

COMMISSIONER CAMPOS: You're saying that this agreement to distribute the fee is by EZ ordinance or by JPA or what is it?

CHIEF HOLDEN: Well, the Developmental Fee Act, which is a state act, requires that in the EZ area that there be a joint powers agreement that allows for the collection of impact fees in the EZ. This joint powers agreement addresses that issues under the Developmental Fee Act so that we can collect those impact fees.

COMMISSIONER CAMPOS: Thank you.

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

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COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

X. D. 5. Discussion of proposed joint powers agreement with the City of Santa Fe to create a regional emergency communications center (RECC)

CHIEF HOLDEN: Mr. Chairman, Commissioners, this item is for discussion purposes only. We're requesting no action at this time. Because a similar document is moving forward through the City process, we felt it was prudent that we bring this before the Commission to address any issues or receive direction regarding the proposed direction from your committee. Specifically, if you'll refer to the document that's the executive summary—

CHAIRMAN DURAN: Stan, if there's no action on this, we have 45 minutes to finish the agenda on this, so could you kind of give us the two-minute drill on it.

CHIEF HOLDEN: Mr. Chairman, I will certainly attempt to.

CHAIRMAN DURAN: Well, then how about if we just do this at the next meeting?

CHIEF HOLDEN: Mr. Chairman, that's certainly fine with me at your direction.

CHAIRMAN DURAN: I mean I'll take the two-minute drill or go to the next meeting.

CHIEF HOLDEN: Could we do both?

CHAIRMAN DURAN: Sure.

CHIEF HOLDEN: Mr. Chairman, the reason being it's obviously a very critical step. It requires some infusion of cash and I think we need to discuss that and really understand what the fiscal impact is to the County before we request any action from the Commission. The two-minute drill, if you will refer to the executive summary, I think that basically points out the highlights. This group was originally formed at the direction of both the Commission and the City Council by resolution. The direction from both committees was simply that we look at consolidating our dispatch services for emergency services into one center. We have done that. That process has been ongoing for over two years now. We believe that what we're recommending to you is in the best interest of the public and I would certainly hope that the Commission would spend a considerable amount of time reviewing the fiscal impact report that has been prepared so that they can understand the potential fiscal impact to Santa Fe County over the long term.

I certainly understand that we're a year away at least from occupying and operating this regional dispatch center, but we need to be up to speed as quickly as possible so that I and

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Sheriff Sisneros are not operating without firm direction from the Commission and we want to make sure that we're taking action that has been blessed by the Commission. And I stand for any questions.

CHAIRMAN DURAN: Stan, is this what we were going to talk about this morning that got cancelled?

CHIEF HOLDEN: Mr. Chairman, that's correct.

CHAIRMAN DURAN: Okay. I'm more than willing to meet with you again. I'm sorry I had to cancel this morning but I agree, we need to be as familiar as possible with this. I think there's a lot of community support for this. What's the process at the City then? This is going before the City Council for their review?

CHIEF HOLDEN: Mr. Chairman, the document has gone before their Public Safety Committee and has received its blessing and is now going before the Finance Committee. After the Finance Committee reviews it, then we'll go before the City Council.

CHAIRMAN DURAN: And when does this become an action item for this Commission?

CHIEF HOLDEN: Mr. Chairman, at this pace, probably at the next administrative meeting of the Commission.

CHAIRMAN DURAN: So the reason for not doing it today was because we hadn't had an opportunity to review it or—why didn't we act on it today?

CHIEF HOLDEN: Mr. Chairman, simply because we did not want to set the Commission out in front of the City Council too far without having some firm direction from the Commission. We wanted to make sure the Commissioners understood, because it is such a big item. They understood the fiscal impact, the operational impacts and we had a chance to answer any questions before we ask you to take action.

CHAIRMAN DURAN: Okay, I'll get familiar with the document and have more questions for you at the next meeting. Or even before then.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Stan, just a few quick things to be thinking about and I guess also when we discuss it next time, some questions that I had. One was you talk in the document about consolidation saving 20 percent in personnel, yet I see in the budget the same 51 employees that currently man it, so I didn't see the savings in personnel there.

The second big item seems to be we're creating an entirely new district here that has separate powers and its employees are not employees of the County and they're not employees of the City. As you've indicated, that is a big decision and we need to read this joint powers agreement very carefully I think. It's got some substantive impacts that we need to determine. There's discussion of a transition team. That seemed to be a bit cumbersome to me. I question that. When we have time we can talk about that. And then there was also some language added as a last condition, I noticed having to do with collective bargaining. I also questioned whether we were going to write into this joint powers agreement, the power to collective bargain.

There are laws about collective bargaining. I'd have some question about mandating it

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in this joint powers agreement. So those are a few of the questions that came to my mind when I looked this over.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, I certainly appreciate those questions. I think we have answers for a majority of them but I appreciate the heads-up and we will prepare our answer for you at the next meeting.

CHAIRMAN DURAN: Commissioner Campos, do you have any questions? Okay, thank you Stan.

X. E. Land Use Department

1. **Resolution No. 2001-60. A resolution amending Resolution 2001-50 to further modify the boundaries of the Airport Development District to include the Santa Fe Metro Area Highway Corridor Redevelopment District and other designated properties**

JACK KOLKMEYER (Planning Director): Thank you, Mr. Chairman, Commissioners. Good afternoon. Jack Kolkmeier, Planning Director of Santa Fe County. On May 10, at the request of Commissioner Gonzales, you approved Resolution 2001-50, modifying the boundaries of the Airport Development District and establishing an Airport Development District planning committee. At that time, at that meeting, we discussed the possibility of also including the Redevelopment District of the Highway Corridor, and also a couple of other pieces of property that are in that vicinity to also become a part of this overall district planning area.

With the help of Erle Wright and Jim Gallegos from our GIS, we've prepared what we hope now is an official map, and I'd like to take just a brief minute and explain to you what it is now and it's real clear and we have then a new resolution which was -60. I'm sorry, is that what you said? So we would ask you to approve that basically says, under the Now, therefore, be it resolved, the Airport Development District boundaries are hereby further amended to include portions of the Santa Fe Metro Area Highway Corridor Redevelopment District and other designated properties. It's a little bit confusing because we're really starting to overlap quite a few planning areas now, but let me just make sure that we all understand what we have here.

What you adopted on the 10th was a new boundary for the Airport Development District which followed the original boundary but then went Airport Road over here and then came around the Redevelopment District back up there, so essentially, it's this piece right here. The original Airport Development District boundary also included the airport over to the highway. We decided to take that out of this planning effort. Then you suggested that we include the Redevelopment District of the Highway Corridor area and that's this piece right here, the pink piece. We've made a couple little changes to that, one change being to stay outside of the EZA, so this project will remain a County project and we don't have to at this point flip back and forth between EZA and the Board of County Commissioners, and that was fairly simple to

do because the properties that followed along this road right here actually orient themselves to the highway this way, and then into the Southwest Planning area. So actually that ended up making quite a bit of good sense to do it that way.

Then there is another piece of property, actually two pieces of property just south of the Redevelopment District that were in the original Airport Development District that would have gotten cut off and had no planning occurring for them, so we have added these two properties in this little segment right here. So now the boundaries for the Airport Development District planning area are, they go, they follow this blue dashed line all the way around like that. It actually turns out to be a really good planning area boundary, we think. So that's what we'd be asking you to approve by resolution this afternoon.

COMMISSIONER GONZALES: Mr. Chairman, move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman, for discussion.

CHAIRMAN DURAN: There's a motion and there's a second for discussion.

COMMISSIONER TRUJILLO: Jack, the reason, I conjecture that you took away the EZ area is because it convolutes the regulation of the process. So what's going to happen in that area regarding the planning, adjacent and contiguous with the designated development districts?

MR. KOLKMEYER: Commissioner Trujillo, as I mentioned, the way that worked out, the EZ—here's the two-mile boundary that goes just down here like that. So actually, as part of the original Redevelopment District, there were these little pieces of property that were originally in the Redevelopment District. But it actually makes more sense to plan them as part of the Southwest Planning area, the joint plan that we're doing with the City, because that then involves the City and the EZA. So it actually puts them into that project, which would get City and EZA consideration and approval. Because it is convoluted. And we're trying in the work that we're doing with the Regional Planning Authority and with joint City Planning is trying to simplify things, is creating new layers so we thought we'd just try to make it as clear and as simple as we could and not to intentionally make it convoluted.

COMMISSIONER TRUJILLO: So it won't go into a black hole. The planning process will continue in that area?

MR. KOLKMEYER: And both sides do get planning. Yes sir.

CHAIRMAN DURAN: Any other questions of Jack?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jack, the area also designated in red as the south Santa Fe urban growth area. That's not a part of this resolution.

MR. KOLKMEYER: No sir. It's not.

COMMISSIONER SULLIVAN: My other question was in the Whereas, one of the whereases says that the Airport Development District includes lands owned by the City of Santa Fe, which include the Santa Fe Municipal Airport and adjacent lands, but we've taken out the municipal airport, right?

MR. KOLKMEYER: Yes sir. That's correct.

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COMMISSIONER SULLIVAN: And are there any other City of Santa Fe lands in the proposed Airport Development District planning area?

MR. KOLKMEYER: Commissioner Sullivan, we think that there are a couple of places where the airport area goes up and cuts across Airport Road, but we may have to refine that piece. See, there's a little piece right here, and I believe that there's another little piece right in here. We can either snip those out or simply leave them in depending on how critical they are to the airport master planning process. But we wanted, for simplicity for the moment just to follow along the road there. But it appears that there may be a few places where it crosses the road. There's also the sewage treatment plant.

COMMISSIONER SULLIVAN: So is it appropriate to leave this whereas in, or is this whereas have to do with the way it was before and now we're changing it, or is this where, which is in the middle of the second page, something that indicates what the district is now.

MR. KOLKMEYER: Commissioner Sullivan, could you point out exactly which whereas it is?

COMMISSIONER SULLIVAN: It's the fourth whereas on the second page.

MR. KOLKMEYER: I believe that is simply a statement of what the original Airport Development District in our—our original general plan includes all those areas. And we're modifying what we did with 2001-50 is we modified that boundary. We've kept the same whereas from the previous resolution.

COMMISSIONER SULLIVAN: Are you okay with that, Steve? That fourth whereas is okay?

MR. KOPELMAN: Mr. Chairman, Commissioner, I looked at that. I don't think that's a problem. Again, as Jack had indicated, whether the land to the north of Airport Road is included is something that can always be changed down the road if it presents a problem. But I don't see that as a problem per se.

COMMISSIONER SULLIVAN: Thank you.

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

MR. KOLKMEYER: Thank you, sir.

CHAIRMAN DURAN: Thank you, Jack.

X. E. 2. Resolution No. 2001-61. A resolution establishing minimum appraiser qualifications for properties purchased under the County's Wildlife, Mountains, Trails and Historic Places Program

CHAIRMAN DURAN: Alina, if you would allow me to kind of make an introduction on this thing so we can kind of move quickly on it. Alina approached me a while back about the qualifications that—well, there are no qualifications on how we select an

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appraiser. And I think in my discussion with you we decided it would probably be in the best interest of the County, since we're going to be expending County funds to acquire these properties that we get the most qualified individual to do the appraisals for us. So I believe that what Alina's here for today is to ask us to give her some direction, and my thought at that time was that we just go ahead and have a policy where an MAI is hired to do the appraisals for us. So is that pretty much it in a nutshell?

MS. BOKDE: Mr. Chairman, you did the majority of my presentation for me. Yes, in a nutshell, basically the policy would be that for properties that contain significant archeological, historical, cultural or natural resources, or are zoned other than vacant residential land for lots of four or less, lots that we would have an MAI designated appraiser do the appraisal.

COMMISSIONER TRUJILLO: Which is most of the land that we're looking for for open space, if not all of it.

MS. BOKDE: Commissioner Trujillo, that's correct. The majority of the properties that are brought forward to the Board and then recommended by the Board to move forward do have very significant resources on them and as part of the negotiation process what staff has learned is that the MAI designated appraiser has probably the most training to be able to try to provide a value for an archeological site, provide a value for a floodplain area. So they receive training that allows them to be able to make that determination where a lower designation doesn't necessarily provide that kind of training or understanding on the process.

As the chairman stated, a MAI designated appraiser, I think, can best bring forward the information necessary to make a determination as to why they're giving the property a certain fair market value.

COMMISSIONER TRUJILLO: Does that mean that the appraisals are going to come in higher, because now traditional and cultural idiosyncrasies are being taken into consideration, or will the appraisals stay the same?

MS. BOKDE: Mr. Chairman, Commissioner Trujillo, I don't anticipate that the appraisals will automatically come out higher. I think what this will allow, what this will allow the process to be is that the appraiser will be able to look at certain assumptions and be able to make certain determinations based on the training that they've had rather than just looking at vacant residential properties as comps. So what's—and I would like to state that about 85 to 90 percent of the appraisals that have been done to date are MAI designated appraisals. So we're not bringing in a new standard. It's basically an existing standard. I don't anticipate that the appraisals will come out higher. It's just being able to—it's more of a methodology and approach that an MAI designated appraiser can bring forward, rather than another certified appraiser.

COMMISSIONER TRUJILLO: We're using MAI appraisers anyway, so this is just making it official.

MS. BOKDE: Mr. Chairman, Commissioner Trujillo, that is correct. This is something that the staff has instituted that would like to come to the Board for direction.

CHAIRMAN DURAN: It's basically to prevent property owners from hiring

their own appraisers who are not MAI designated and claim that their appraiser, their appraisal indicated a higher value and that the standards for appraising, their standards of appraising aren't as—they have different levels of professionalism that they bring to the table and a residential appraiser doesn't have the credentials that an MAI appraiser has. So we were just trying to make sure that we wouldn't run into any conflict where a property owner could say that their residential appraiser indicates that it's worth X, which is a lot more than our MAI appraiser indicated.

MS. BOKDE: Correct, Mr. Chairman.

COMMISSIONER GONZALES: Mr. Chairman, move for approval.

COMMISSIONER GONZALES: Second, Mr. Chairman.

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

X. F. Public Works Department

1. **Request authorization to enter into a professional services agreement with Tierra Engineering Consultants for surveying, engineering and design of the La Puebla detention basin project**

MR. LUJAN: Mr. Chairman, members of the Commission, we're requesting that the Public Works seek acceptance of response for request of quotes to Tierra Engineering for the design of La Puebla detention basin project in the amount of \$15,224.

CHAIRMAN DURAN: Any questions of James?

COMMISSIONER TRUJILLO: This is a flood control project, James? Just for the record.

MR. LUJAN: Yes, it's a flood control project for the acequia in La Puebla.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: James, how many firms did you contact?

MR. LUJAN: We contacted three in Exhibit A. One was a no-response, Dennis Engineering.

COMMISSIONER SULLIVAN: I just offer a suggestion in the future. I know three is the minimum that usually the Code looks at for services under \$25,000. But if you don't get response there are certainly a number of other firms out there. I encourage you to get at least three responses. There are plenty of firms. I don't know if they'd be lesser or more but it seems like we could have a little bit more effort on that.

MR. LUJAN: We will make that effort, Commissioner.

CHAIRMAN DURAN: Okay, any other questions?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Lujan, where's the money coming from?
Is it general fund money?

MR. LUJAN: No, this is a project that the acequias went out to get. \$46,000 from a BLM grant, and then they got a \$19,000 legislative appropriation in the year 2000, so it's not County monies at all.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

X. G. Matters from the County Manager

1. Update on the proposed Edgewood annexation of the Campbell Ranch

MR. MONTOYA: Mr. Chairman, in the interests of time, we have a memorandum that was prepared by Ann Lovely who is our assistant County Attorney that was sent over to myself and to the Board of County Commissioners, giving you an update on the most recent meeting that took place relative to the Campbell Ranch annexation by the governing board of Edgewood. Mr. Chairman, I think the memorandum is self-explanatory and have provided it to the members for your information.

In a nutshell, Mr. Chairman, the room where the meeting was held, it was approximately 300 people plus and most of those individuals were against this annexation and the reasoning is prepared for you in the memorandum. But I wanted to point out that the public sentiment does not favor this annexation much, however, the governing board still has not made a decision.

Another thing I wanted to bring up, Mr. Chairman, is the water summit between the City and the County has been placed on the calendar for both governing bodies for May 16th from 8:30 to 4:30 approximately.

CHAIRMAN DURAN: Eight thirty in the morning?

MR. MONTOYA: Yes sir, Mr. Chairman.

CHAIRMAN DURAN: What day is that?

MR. MONTOYA: The 16th, Wednesday is what I understand, Mr. Chairman.

And it's been set aside for seven-plus hours in case we need that much. If we get our business done earlier obviously we can adjourn at an earlier time.

CHAIRMAN DURAN: Great. Okay, I have a question on the Campbell Ranch. Does the Commission have any—are we involved at all in approving or disapproving an annexation of, such a large annexation.

MR. MONTOYA: Mr. Chairman, I'll defer to counsel.

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MR. KOPELMAN: Mr. Chairman, members of the Commission, technically, the matter would not come before this body, but depending on how things develop, there's nothing that says that the Commission can't actually intervene in this manner.

CHAIRMAN DURAN: We could oppose it if we decided to, right?

MR. KOPELMAN: That's true, Mr. Chairman. They're not really at a point where they're ready to bring forward the annexation formally. They're still gathering information and getting generally public feedback at this stage.

CHAIRMAN DURAN: What does that do to our tax base?

MR. KOPELMAN: Mr. Chairman, I don't think it would affect the County tax base hardly at all. Very, very little of the ranch is in Santa Fe County. Virtually all of it is in Bernalillo County and all of the part that's proposed to be developed is in Bernalillo.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: There is one imminent and immediate issue on that annexation and that is that—I've never seen it but I understand that the town has formally submitted to the County a request for its approval of annexation of Entranosa Road. Entranosa Road is a three-mile road that provides the entrance, the shoestring annexation entrance into Campbell Ranch. I haven't seen it as I said, but I understand a response has been made to the town that the County is in favor of that provided that they extend the 2 ½ mile annexation to three miles, which would bring it to the Bernalillo County borders. So I think something is moving forward here that we may not be aware of.

Now this has a secondary ramification that goes on to the Public Works Department and that is that the Road Advisory Committee, which I attended a month or so ago, approved \$86,000 for graveling Entranosa Road. And that I think was an appropriate approval because last year, Edgewood area didn't get any graveling projects. Now there were other gravel projects proposed in the area and we could move to those other projects if we had to, but Entranosa Road had a number of petitioners who asked for that road to be graveled. So the Public Works Department apparently has a June 1 deadline to get matters over to Finance to do their purchasing for the year so it's done in this calendar year and we're now kind of caught between a rock and a hard place, here to know whether we're going to be graveling the Campbell Ranch entrance road or not.

I spoke to the Mayor about this, and by the way, the Mayor's read is that the council is pretty well split half and half on this so this can go either way, just as easily in favor as not. But I told him I had a problem personally, or as District Five representative, with graveling Entranosa Road if it was going to be the town of Edgewood's road and if it was going to be the entrance to Campbell Ranch. I felt they probably had that obligation, rather than the County. He understood that and said he felt that they could have a decision on this by June 1. In Edgewood, the Mayor does not vote unless it's a tie, which in this case it might well be, two to two. And the Mayor favors the Campbell Ranch project.

So we have a little immediate problem here in how to deal with Entranosa Road and maybe Robert can enlighten us on it.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I think I've got a solution for that problem. I believe what I will do at the next Road Advisory Committee meeting, which is May 9th, ask them to revise the list and exclude Entranosa off of this year's basecourse program in the event that the annexation does not take place, we will have next year's money that will be available after July 1 and then at that time, we can address Entranosa's problems with next year's money.

COMMISSIONER SULLIVAN: I think that's probably the only way we can go. Two comments on that. Number one is that we're putting out or proposing about \$86,000 of the \$125,000 in graveling to go on Entranosa Road, so would the balance, would that money then go other Edgewood road projects, or Edgewood area projects?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, it's up to the Road Advisory Committee. They toured all of the requests in Santa Fe County, but I believe there were some other roads that the representative from Edgewood had on her list.

COMMISSIONER SULLIVAN: Oh, Rita had about seven, I think.

MR. MARTINEZ: Correct.

COMMISSIONER SULLIVAN: She had plenty in that area. I just wanted to keep them in that area. Now, the other comment I had is I think we need to notify all of the residents. There were a number of residents and names and addresses on that petition that they brought to me requesting that Entranosa Road be paved and as you know, there were two residents that came all the way up to Santa Fe the Road Advisory Committee meeting, which is a fairly rate undertaking in and of itself. So if we're going to yank that funding, and I don't see any alternate course right at this point, I would ask—tell me if it's a problem—that we send out letters to each of those residents.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, we can do that. We have the petition with the addresses.

COMMISSIONER SULLIVAN: Explain that we're not forgetting them, but by the same token we can't jump into the middle of this Campbell Ranch debate and can't take action until it's resolved by the town of Edgewood.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, we can do that.

COMMISSIONER SULLIVAN: Thank you.

MR. MONTOYA: Mr. Chairman, just for the record, I wanted to point out that we did receive a letter from Edgewood talking about Entranosa Road and their interest in taking it over and asked us for an opinion. We've sent that over to the Public Works Department for an opinion. We've not communicated back to Edgewood officially yet. So I appreciate the direction. Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman, Sam, I think before that letter goes back down to Edgewood, we certainly as a Commission should see it.

MR. MONTOYA: Mr. Chairman, we will provide that to the members in their baskets and would also like to have an idea of how to proceed with that relative to discarding the road and turning it over to them or rejecting the request. So we'll place it as an action item, probably at the next meeting, prior to the June 1 meeting.

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COMMISSIONER TRUJILLO: James, a question on the basecourse program. Do we have an idea of what roads have been designated throughout the county by district for enhancement with basecourse?

MR. LUJAN: Mr. Chairman, Commissioner Trujillo, I don't have that information but I can defer to Robert.

COMMISSIONER TRUJILLO: It would be nice to get a copy of that by district.

MR. LUJAN: Are you asking for this next year's program or the current program?

COMMISSIONER TRUJILLO: The current program.

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, I believe the majority of the money, there was \$125,000 available, and approximately \$85,000 was for the Edgewood area. I believe there was one road in your district, two roads in your district: County Road 72A in Tesuque, and County Road 84D from 502 to 84 that were on those lists from your area. There were a couple other roads, I believe one in Commissioner Campos' district in the Seaton Village Subdivision.

COMMISSIONER TRUJILLO: So the bulk of the monies went to the southern district.

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, that is true. The last couple of years we did not have a supplier for basecourse down in the southern part of the county, so the southern part of the county did not receive any basecourse in the last couple years.

COMMISSIONER TRUJILLO: How is it going to look for the upcoming year?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, we had requested for the basecourse program funding to be increased back to \$200,000, what it was originally, but I believe we were cut to \$125,000.

COMMISSIONER TRUJILLO: And the Road Advisory Committee will prioritize the program, the roads that are going to be basecoursed?

Mr. Chairman, Commissioner Trujillo, yes, they will.

COMMISSIONER TRUJILLO: Can we get a copy of the priorities when they're finalized?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, you can. I will forward those to you.

COMMISSIONER TRUJILLO: Okay, we're still in Matters from the County Manager?

MR. MONTOYA: Mr. Chairman, I had one last item and that was that the working group to continue the efforts on the tribal summit initiative, we were hoping to reconvene the second meeting on May 18th, which I believe is a Friday. Now, I realize that we're loading the Commissioners up with several meetings and there's a lot of conflicting schedules and I wanted to put that data out in front of you to see if that would work. If it

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doesn't we could postpone a week or two and possibly find a working date that would be able to bring all of the Commissioners to the table, because it's going to be a very important meeting with the governor types from the tribes and we'd certainly like to have leadership to leadership at the table. So it's very imperative that we schedule a meeting when the Commissioners are actually available and have some time.

Our intent is to start approximately 8:30, 9:00 and go only through lunch, so that we condense our efforts within a three to four hour period and release people in the afternoon to do other business. So Mr. Chairman, we're hoping for the 18th and we're looking at the Quail Run here in town and we're hoping that that works for the Commissioners. If you would please get in contact with myself or with Deborah to let us know if that date's going to work at your earliest possible convenience so we can begin to get the word out to all the tribal governors.

COMMISSIONER TRUJILLO: Sam, why don't we look at something about a week or two after the 18th because I think the Commission is getting inundated with meetings for the month of May. So if we focus on something the week, or a couple of weeks after the 18th I think that will be, free time will be available then.

MR. MONTOYA: Very good. Shall do.

COMMISSIONER GONZALES: Preferably two weeks, Sam, because I'm gone then.

MR. MONTOYA: Two weeks. Very good. Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: Is that it, Sam?

MR. MONTOYA: Yes sir. Thank you. Oh, excuse me, Mr. Chairman. One last item. I'm sorry. We're also going to have to come to you to schedule the final budget hearings for the final budget adoption and that is very, very important, Mr. Chairman. We would figure that that would take probably a good six hours and hopefully, we could streamline the presentation and also provide information to you prior to the meeting and hopefully, answer a lot of the questions prior to the meeting but most certainly give you a quick brief and field any questions that the Commission might have.

At this point in time, I'm not sure exactly what particular day we're looking at but we were hoping that you might be available on May 8th. That would be right after the regular scheduled meeting, prior to the next regular scheduled meeting. So Mr. Chairman, we lay that one in front of you with some real expectation that we can come up with a date that will work for everyone.

COMMISSIONER TRUJILLO: And May 8th is the regular meeting of the County Commission, right?

MR. MONTOYA: Yes, Mr. Chairman, that starts at 4:00 so we were thinking if we could get you in early that day do the budget hearing in the morning and roll into the Commission meeting, which I believe you would be here already but that makes for a very long day. I understand that.

COMMISSIONER SULLIVAN: That makes too long a day for me, Sam. Particularly after six hours of budget and then to go into the public hearings. The first meeting

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of the month is a public hearing.

CHAIRMAN DURAN: You may not have another job, but I do.

COMMISSIONER GONZALES: Mr. Chairman, Sam, what's the budget deadline? When do we have to have it submitted?

MR. MONTOYA: Mr. Chairman, we'd like to get it in probably by the third week of May into DFA with all the appropriate adjustments and the clean up. Mr. Chairman, we have done lots of cutting and almost—and I say almost—we need one more meeting, and we're going to do that tomorrow but we will come to you with as close to a balanced budget as we can get. So our initiative is to bring you that kind of a budget.

So Mr. Chairman, we've incorporated a lot of the comments we've had from the Commissioners and from the department heads as we've gone. We've done a very thorough job of cutting to the most important issues that the Commissioners have pointed out to us and quite frankly, we might not need a six-hour meeting, Mr. Chairman, but we're giving it enough time just to cover all the bases in case we need that much time. If the 8th is not possible, Mr. Chairman, I would ask that the Commissioners please give us a date on that week so that we can plan on it and announce it to the public. I heard our recorder's getting rich these days.

I think we should have three meetings a month.

COMMISSIONER TRUJILLO: Wait till June 2002.

CHAIRMAN DURAN: Is that it?

MR. MONTOYA: Sorry, Mr. Chairman. Could you consider May 10th?
Would that be possible?

COMMISSIONER TRUJILLO: That will be possible for me.

MR. MONTOYA: Mr. Chairman, we'll provide you a memorandum with some possible dates and see if we can get a consensus. The calendar's just so heavy, everybody's overbooked.

CHAIRMAN DURAN: What time would you want that on the tenth?

MR. MONTOYA: Mr. Chairman, I've just been told that we have a meeting in Gallup that we have to be at that day, so the tenth is not available really.

COMMISSIONER GONZALES: How about the 9th?

COMMISSIONER TRUJILLO: That's the day after the long meeting.

MR. MONTOYA: The ninth would work.

COMMISSIONER GONZALES: The afternoon of the ninth.

COMMISSIONER CAMPOS: How about Saturday.

CHAIRMAN DURAN: Let's do it on Saturday.

COMMISSIONER GONZALES: Saturday's fine by me.

MR. MONTOYA: The ninth would work or Saturday would work.

COMMISSIONER TRUJILLO: The ninth would be better.

COMMISSIONER CAMPOS: The ninth and tenth I'm going to be in a conference with PNM on energy. It's going to be all day, two days. I won't be able to be here either the ninth or tenth.

COMMISSIONER GONZALES: What's the 11th? Friday?

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MR. MONTOYA: The 11th is Friday.

CHAIRMAN DURAN: Friday looks good.

MR. MONTOYA: Friday the 11th?

COMMISSIONER TRUJILLO: Yes.

CHAIRMAN DURAN: Why don't we do it the next week?

MR. MONTOYA: Well, because you're going into an RPA on the 15th and you're going into the water summit on the 16th, and—

CHAIRMAN DURAN: What are we doing on the 15th?

MR. MONTOYA: RPA.

COMMISSIONER GONZALES: No, that's not till Tuesday.

CHAIRMAN DURAN: That's the 15th.

MR. MONTOYA: That is a Tuesday.

COMMISSIONER GONZALES: Oh. Then what about the 14th?

MR. MONTOYA: Fourteenth is a Monday. It would work on Monday the 14th. Maybe about 10:00 a.m.

COMMISSIONER GONZALES: Actually, maybe in the interest of Commissioner Campos and Commissioner Sullivan, can we rather than wiping out the day—I'm not opposed to an afternoon meeting, like at 4:00, bringing us in. I know it's a long day for the staff but everyone has to work on their regular jobs.

CHAIRMAN DURAN: Why don't you let staff come in late?

MR. MONTOYA: Four o'clock on the 14th? Is that—okay. We'll book that.

COMMISSIONER GONZALES: Does that work for Commissioner Campos and Commissioner Sullivan?

CHAIRMAN DURAN: That's great. So the 14th at 4:00?

MR. MONTOYA: Right. Thank you very much.

X. H. Matters of Public Concern – NON-ACTION ITEMS

CHAIRMAN DURAN: Is there anyone out there that would like to address the Commission on any issue? Erle?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: For Mr. Montoya. Can we get some kind of agenda, a draft agenda for the tribal summit at some point when it gets fairly concrete?

MR. MONTOYA: Yes, Mr. Chairman, Commissioner Campos, we do have the potential agenda that we've been working on for the 18th. We can provide that to the Commissioners this week.

COMMISSIONER CAMPOS: I'd appreciate it.

MR. MONTOYA: Yes sir. Thank you.

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X. I. Matters from the Commission

1. Discussion regarding County road improvements plan and strategy

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I asked that this be placed on the agenda and I can summarize it very briefly. A couple of months ago we talked about possible ways to implement a County road plan and strategy with various taxing alternatives that the Commission authorized Ms. Vigil and me to look into. Since then, there has been legislation passed that allows the counties to adopt up to a quarter percent gross receipts tax upon referendum in sixteenths increments. There is also gas tax possibilities. I feel very strongly that we spend a lot of time and good time on a number of public issues but we sometimes forget some basic services that we need to provide in the county and roads is certainly one of them.

So what I'm asking for in this discussion is not a lengthy discussion today but rather some direction that the staff could be directed to go back and look at some alternatives, look at the tax implications, look at the number of miles of road we have. I know we have over 500 miles of County-designated roads. I know we have more than double that in private roads. I know we have issues of not being able to spend County money on private roads because of the anti-donation clause, but nonetheless, we need to find a mechanism to address the road problems. I wanted to give the staff the first whack at that and see if they could come up with some alternatives for us to develop a long-term strategy.

We've been focusing on water and so many imminent issues that I think we need to consider also some of our basic services as well.

COMMISSIONER GONZALES: Mr. Chairman, I agree with Commissioner Sullivan's call, in fact I think we had talked about this a couple of months ago, the frustrating phone calls that we all have when our constituents give us a call. They live on non-County roads and they're in need of some help. And then there's those County roads that are in need of continuous maintenance. So I think that, what seems to me what would be appropriate, Commissioner Sullivan, I'm not sure if you're asking, or what method or what form you want to see it but many some type of strategic plan with some objectives that would address some of the non-County roads and some of the financing options available to get some assistance to them, or are you looking at some formal County plan that addresses some of these non-County roads with methods of how we can get some assistance. Because it is a very huge, pressing need.

COMMISSIONER SULLIVAN: And there's two areas. One of course is we need to improve our own County roads, (a).

COMMISSIONER GONZALES: Right.

COMMISSIONER SULLIVAN: And we need to look at the costs per mile and (b) we need to take a look at what we can do on private roads. Perhaps if we gave some incentive that we would accept the roads if they brought them up to a certain standard, which maybe was 50 percent, and then they would become County roads and eligible for the 50

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percent funding and maintenance. Once we did that, we would need to be sure we had the money for that ongoing maintenance. And that's why we would need to look very closely at either gas tax or this gross receipts tax addition.

COMMISSIONER GONZALES: So, Commissioner Sullivan, would it be like an operation plan that we would be adopting that would address County and non-County with all the financing mechanisms available?

COMMISSIONER SULLIVAN: Correct.

COMMISSIONER GONZALES: Okay. That'd be great.

COMMISSIONER SULLIVAN: A comprehensive plan, and I say, start with some suggestions thrown out by staff for us to drag in to investigate.

COMMISSIONER GONZALES: I'd support that. I think that's a very timely and needy issue.

COMMISSIONER TRUJILLO: I think in this area we need, Mr. Chairman, to take into consideration the impact on the finances and the existing work force in the County. In my district, we have 120 miles of dirt or roads that are maintained by poor people. And I'm sure that there's 120 miles of private roads that want to be dedicated to the County so we still have poor people to address, to maintain, now 240 miles of road. So we need to take that into consideration and hopefully staff will give us some recommendations in that regard. Because if we start absorbing and maintaining private roads or public access roads, that's going to have an impact on our equipment, on our finances and on our work force.

MR. MONTOYA: Mr. Chairman, just for clarity's sake on the scope of this project, I understand the intention to improve County roads that are either already paved and/or the ones that are dirt to pavement. Where I am not very clear is what exactly do you want us to do with the private roads because that is a huge number of miles. Do you have a special sector you want us to look at, or the entire county? This scope could be huge and I just need to know exactly where you want us to focus because I don't want to disappoint you with findings and I'd like a little more clarity about exactly what you want us to look at.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Chairman, Sam, it seems to me in my mind, I know that yes, in fact we need to address how efficient we are, or an operational plan and how efficient we are in terms of our current demand, and an operational plan on how we work to increasing the support for taking care of existing County roads. So I think that that's one need that I would like to see coming from the staff, rather than just on an annual basis saying we need two more people or we need three more people. I think it's important that we have an operational plan knowing what the current demand is, what our current capability is for meeting that demand, and what we need to close that gap—one. Two, we all know that there are a lot of private roads in this county that many county people use and are very dangerous in times of winter and extreme rainy seasons, that need some County assistance or they need some assistance.

We know that there's a law that prevents the County from being able to assist these people who use these private roads. Well, actually, they're public roads in their minds. In our

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minds, they're private. But if the public's using it, they see it as a public road. So I think if I hear what Commissioner Sullivan is talking about is what's the operational plan to address, or at least what I'm thinking in my mind, what's the operational plan and what kind of operational plan can we develop that would address making those roads safer, either through some County and private area participation or relationship. So let's say as Commissioner Sullivan indicated, we send out some incentives for communities that are using these public roads to choose to tax themselves so that we can bring it up to standards.

And we have enough history under our belt. We tried doing this with the Silverado Subdivision, and man, that fell apart. And we could probably look for ways that we made some mistakes and figure out how we can do a better job, but it seems to me that are probably a lot of people in this community who live on these public roads that aren't County-maintained that may be willing to step up and put some money out of their pocket to get them up to a standard where the County will consider taking them.

Then that throws us into another gamut. What does it mean to accept these roads and what does it do to us and our work force? So there are all these questions in my mind, that I have, that I've never really been able to fully comprehend how the County is going to approach all these challenging issues as to how they deal with roads. When I heard Commissioner Sullivan talking about this, right away, I felt that this operational plan would help me address those things in my mind, and, when we're talking to our communities, what we're going to do to try and address some of their needs. I think this is important because one of the primary reasons why we all exist and it's easy to forget with all the issues facing us is to take care of roads in the county. That's why county commissioners exist all across this country is to take care of roads.

So I think it would be a very helpful document to have that talks about all these issues from County-maintained roads, what the demand is, what the need is, what our capacity is to meet that demand to non-County roads that are highly used by the public that present serious and dangerous situations and then moving into the step what the County can do in assisting the community to help bring some of those of those private roads up to a capacity that the County would be willing to take over and rolling that out. And identifying some of these areas. I think that we need to go out there and see what some of these dangerous road situations are and seeing what we can do to bring some awareness to the community on how they can make these roads safer roads.

I know there's a lot of communities that during the flood season can't cross many roads because they've got the low-water crossing and they can't get through it and the County can't go in to help. I guess that's what I was thinking in my mind, Mr. Chairman and Sam. Maybe Commissioner Sullivan can offer some clarification, but there's a lot of questions that I have in my mind as to how we deal with not only existing roads but those roads that are going to be coming on line and those roads that need to come on line.

MR. MONTAYA: Mr. Chairman, what I would like to recommend is that we put together a kind of a scope of work for this initiative and then share it with the Commissioners to make sure that that's going to hit the red part of the target and then when we

get some concurrence from you we'll pursue that. Is that all right, Commissioner Sullivan?

COMMISSIONER SULLIVAN: That's fine. We've got to look at the income. We've got to look at as Commissioner Trujillo said, maintenance. What would all that additional maintenance cost. We need to look at revenue sources, what could we achieve from gross receipts tax? What could we achieve from fuel tax? And we need to look at a road acceptance policy as well. So all of those issue and an outlined scope would be very useful before we jumped in feet first.

MR. MONTOYA: Right. Very good. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a brief comment. I think the project as outlined is really huge. I think we need to focus perhaps on arterials and maybe if we get lucky we could get that far. Trying to go into subdivisions and do roads, that seems like a huge task burden and this summer people are predicting that gasoline is going to be at \$2 a gallon and they're paying a lot of taxes. I'm not sure if they're going to want to pay that much more.

COMMISSIONER GONZALES: My focus, Commissioner Campos, wasn't necessarily on every County road but exactly doing that, identifying some of the major arterial roads that people are using, whether they're County roads or non-County roads, that we really take a look at it and make some of these areas safe roads.

MR. MONTOYA: Very good. Thank you.

- X. I. 2. Request authorization to publish the title and a general summary of an ordinance to amend Ordinance 1998-5, "The Community Planning Process" to include a provision that all community plans shall demonstrate that they achieve a benefit to the greater public good for all citizens of Santa Fe County**

CHAIRMAN DURAN: Who's was that?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This was a suggestion that I wanted to place before the Commission. I felt in reviewing the community planning process, there were two things that were omitted, and particularly I saw that come forward in the San Pedro plan. And number one was a statement some place, direction, that these plans have to have at the outset and as an overriding factor that they do provide a community benefit to Santa Fe citizens as a whole, as opposed to simply being a lock the gate behind me or an enclave type of plan. So I think we need to start out giving a community that direction.

And as I look at Eldorado starting doing a community plan, I want to be sure they have that direction, that this is not a protective plan. This is a plan that's got to demonstrate to the Board of County Commissioners that it's for the benefit of all the citizens of Santa Fe County.

The other issue that I felt was important that I think the staff should look at is in the

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ordinance, there's a listing of "shalls." The plan "shall" include. And there's a whole additional listing of some ten or so items that the plan "may" include. And those "may" items are quite important. Identification of any historical structures is under "may." Preparation of an open space trails plan is a "may." There's six or seven items there in those "may" categories that really, I think need to be in a community plan and should have been "shall" items. Have the staff take a look at those "may" items now that we've gone through several of these plans and see what their recommendations would be to make them into "shall" items. I think without too much difficulty they could become a better plan that way.

That's what I hope the ordinance would look like when staff puts it together.

COMMISSIONER GONZALES: Move for approval.

CHAIRMAN DURAN: Second. Any further discussion?

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to hear something from staff. I agree with Commissioner Sullivan's motion. I think we have to have a public element to any of these special areas that are developed, but I'd like to hear from the staff, a report from the staff as what they think, how they would handle this as opposed to going to ordinance right away.

MR. KOLKMEYER: Mr. Chairman, Commissioner Campos, I understand Commissioner Sullivan's—the content of his concern. First of all, a community plan has to conform to the County Growth Management Plan, the general plan. It's the County general plan that outlines the vision and in Commissioner Sullivan's phrase, the good of the county. So in order for a community to go forward with a community plan and a plan to be approved by you, the Commission, it has to, by right, conform to the general plan. So if you go back and you look at the general plan, all those concerns are fairly clearly articulated in the Growth Management Plan.

Secondly, in terms of exclusionary plans, staff wouldn't propose even going forward with one. If Eldorado came in, for example, wanting to do a community plan for the subdivision only at this point, where we're at with that right now. We haven't seen how they're going to come back to us, staff would not recommend going forward with a plan like that, because it would be exclusionary. That was built in to the ordinance. So those things are already there.

The "shalls" and the "mays" actually, got quite a bit of debate when we adopted that plan. A comment has been made a couple of times in the budgetary process that once we do a plan, then we're finished with it. But that's not the case. The plan is just the road map. Some communities may not want to do a trails plan as part of their community plan. They may want to do some other elements that come out of the community plan. San Pedro was an example of that. They didn't have the time, the wherewithal, the money to undertake it at that point, but they do want to do a trails plan. Out of the community plan comes element plans that we then continue to go forward with. We don't just do a community plan and then leave it sit. We intend to work with those communities for however long they need that.

On the other hand, there may be a few things in there that we would want to look at again that should be required. If you go back and you read the Community Planning Ordinance

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again, the basic premise of the community plan is problem solving. So if a community wanted to undertake a plan to do what they felt were to solve two problems, for example, we wouldn't want them to have to spend two years to discuss a whole wide range of other things that they didn't feel were necessary for them, because it's the community that comes forward that articulates to us what problems they want to solve and how they would like to go about it.

So we'd be open to sitting down with Commissioner Sullivan and looking at these things in some more detail. But in terms of doing an ordinance for that, I think I'd need a little bit more clarity and direction at this point.

CHAIRMAN DURAN: Is it an ordinance or just an addition, an amendment to the ordinance? I think this is just a policy statement that we're trying to make. Isn't that what you were trying to—or a vision statement, I should say.

COMMISSIONER SULLIVAN: A policy statement that's in the ordinance, so it has some weight, and then a relook at some of the "may" and "shall" items and I had a few—I didn't bring the document with me, but there's several in that item and we can pull out the ordinance if you want that seemed to be pretty basic to any community plan, that some community plans that we've done have in them. I'm not saying they all exclude those. Some of them just ended up having them in anyway, but I think we need to rethink those "may" items and obviously we want the input of the Planning Department to do that.

But it would be an amendment to the ordinance. It wouldn't be a major one, but I think it's a fine-tuning as we proceed down the road on this.

COMMISSIONER GONZALES: I think, Mr. Chairman, that's the way I see it is that it would be a fine-tuning process where we could bring back the vision statement and make sure—I know this was an issue that we talked about quite a bit when we went through the general plan process was that we made the commitment to the County that any community plans that would come forward would benefit—we had elements in there that would benefit the County as a whole, and we left it flexible enough so that communities can carve out their own individuality and it would be reflected in their community plan, who they were and what they represented and the values that they have, so that if the community of San Pedro came forward with a community plan, Cerrillos came forward, Tesuque came forward, La Cienega—there would be some core requirements for the public good, like making sure the preservation of groundwater resources, issue of proper transportation network, community building, all those things are fundamental in every plan that are consistent.

But then there would also be enough flexibility so that that community plan could reflect and represent the character of those communities and the values they believed in. I think it's important that we continuously revisit to make sure that the general plan is allowing for that to happen and that that is taking place. And also, as Commissioner Sullivan indicated, the "mays" and the "shalls" I've forgotten and not reviewed those in a while and I think that as we've gone down and we have some history under our belt, and we have some community plans under our belt, it's okay to review what the "mays" and the "shalls" are for some of these community plans and either reaffirm or modify or fine-tune it.

I guess that's what I saw the value of this being. Is the method that it's coming

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forward, will that allow us to do it? Because it seems like it's an amendment and will allow us to make those modifications or to affirm them, or is this not the same path that I've just described? I'm looking at Steve, I guess.

CHAIRMAN DURAN: I think Steve wants to respond.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I don't think that this caption is really exactly what it sounds like the Commission is wanting us to do, and if I could suggest that rather than take this forward, that maybe Planning and Legal and Commissioner Sullivan, maybe could sit down and discuss it a little more. And maybe the next time we can come up with specific sections and have a little more specificity. Because I think all this would do would allow you to amend the ordinance to allow you to put in a policy statement, and it wouldn't really allow you to get into the specifics. I think the caption doesn't really allow for that.

COMMISSIONER TRUJILLO: I look at this amendment as being redundant. I look at the general plan and community planning, the essence being what we're saying here. The community planning process to include provisions about the overall quality of life. That's already in the ordinance. This amendment is not taking the ordinance to the next level. We can revisit and see what we need to change, but it's already there. I see it as being redundant. I don't see any added value to amending an ordinance that's already serving its purpose.

CHAIRMAN DURAN: Jack, why don't we do this? Why don't we just bring the whole—I don't have any problem with you discussing it with Commissioner Sullivan but I think it's more important that this Commission discuss the entire ordinance. If we're going to rehash it, let's do it at a public meeting and have it at the next land use meeting, and have the public out there to be able, available to comment on it. And then if this Commission thinks that we need to publish for a new ordinance, then we would do that.

MR. KOLKMEYER: Mr. Chairman, in our opinion, the Community Planning Ordinance is working pretty well. So if there are problems with it, I think it would be really helpful for us to be able to sit down with Commissioner Sullivan and the attorney because quite frankly, I don't know what I'd come back to you with. I can bring back a list of the "mays" and the "shalls" and say that maybe one or two of them out to change but—

CHAIRMAN DURAN: And I don't want you to do that either. I want to have an open public hearing about it.

MR. KOLKMEYER: About the Community Planning Ordinance? As it exists.

CHAIRMAN DURAN: About what Commissioner Sullivan has the concern with. What's wrong with that?

COMMISSIONER GONZALES: I think the only—what I hear the staff asking is, I think they're still needing some clarification from Commissioner Sullivan as to what the ordinance will actually be amended to reflect. Is that what I hear?

MR. KOLKMEYER: Yes, because I wouldn't know how to sit down and write what he's asking for to amend an ordinance, the ordinance right now. We'd need some direction to look at specific things that you would want to change. I don't know what those would be right now. We'd be happy to go through it, because as we know, any ordinance that

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we have needs tinkering but I'm kind of confused as to what exactly, what amendment you would want from us.

CHAIRMAN DURAN: I'm not sure that we know what the amendment is and that's why I thought if we all sat together—I wouldn't want you to sit down with Commissioner Sullivan and then decide, okay, yes, we'll make some changes without discussing it with the rest of us.

COMMISSIONER TRUJILLO: What are we trying to do? Fix something that's not broken? What's the added value here? I don't think that the ordinance now that we have in place for community planning is broken. It's working. What are we going to discuss?

CHAIRMAN DURAN: The caption says the community planning process—he wants to amend the ordinance the community planning process to include the provision that all community plans shall demonstrate that they achieve a benefit to the greater public good for all citizens of Santa Fe County. Does it say that in the ordinance right now? Does it specifically say that?

MR. KOLKMEYER: I'd have to go back and look at the ordinance, but I believe that what it says is that the ordinance has to concur with the general plan.

CHAIRMAN DURAN: So it doesn't say.

MR. KOLKMEYER: It probably doesn't say that specifically.

CHAIRMAN DURAN: Okay, what we're here to discuss today is Commissioner Sullivan's desire to have the community planning process have that statement in it.

MR. KOLKMEYER: So the amendment would be one statement.

CHAIRMAN DURAN: Well, that's what it says.

MR. KOLKMEYER: We'd be happy to write an ordinance that said one statement. That would be no problem for us.

MR. MONTROYA: Mr. Chairman.

CHAIRMAN DURAN: How about if I entertain a motion to table this?

COMMISSIONER CAMPOS: So moved.

COMMISSIONER GONZALES: Second.

The motion to table passed by majority [4-1] voice vote with Commissioner Sullivan voting against.

X. I. 3. Resolution No. 2001- 62 A resolution establishing a local development review committee for the Santa Fe Community College District

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: As you know, we've been trying for the

better part of four months to see how we could establish a local development review district for the Community College District. We've been to the Regional Planning Authority three times and really, were unable to come up with any mechanism the City, at least informally would buy into. We looked at changing the boundaries of the EZA. We suggested moving them in. They suggested moving them out. I think ultimately we should just leave them alone.

So we came up with a mechanism which is simply to develop a local development review committee that has a function in the area of the Community College District, which is outside the EZ. It serves the function that it's allowed by ordinance now, which is a recommendatory body in lieu of the CDRC. Inside the EZ it serves as an advisory to the EZC. And I think that's important.

We looked at a number of issues that—and ways, we talked about having an early notification program that the City does on some parcels. We talked about, like I said before, changing the two-mile zones, which we can do jointly with the City, and ultimately I think what we want to do, we have developments that are coming on line now and are starting up through the process and we need a committee of local persons who are active, many of whom were active in the Community College District formation to continue that level of activity and I think it isn't a perfect mechanism but I think it would work.

CHAIRMAN DURAN: Move for approval.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: Any further discussion?

MR. ABEYTA: Mr. Chairman, if I may just add, we handed out a fiscal impact report for the Commission to take a look at. This is the third committee that you've added to our staff this year. In response to that we're requesting an FTE with our new budget to help offset the impact of these development review committees that keep being added. So I just wanted for the record to add this fiscal impact report.

CHAIRMAN DURAN: So when it comes time for budget time, we don't slash your budget, right?

MR. ABEYTA: Right.

COMMISSIONER SULLIVAN: Mr. Chairman, let me make a clarification to Roman's statement. You're not requesting an FTE for the Community College District?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, not just for the Community College District, but for the other, to also help us staff the other committees that we're created this past year.

COMMISSIONER SULLIVAN: Because you're estimating the staffing to cost about \$4,200 a year to provide support services to that. That's far and away from a, that's about one-tenth of an FTE.

CHAIRMAN DURAN: I think it says on the second page.

MR. ABEYTA: Right. And again, Mr. Chairman, Commissioner Sullivan, this is just in addition to the two other committees that were added earlier this year.

CHAIRMAN DURAN: And then we're going to add another one you know, when we finally put together the Airport Development District, right?

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COMMISSIONER GONZALES: That's right.

CHAIRMAN DURAN: This means then that we are not going to agree to change the boundaries of the EZA?

COMMISSIONER SULLIVAN: Correct. We will certainly enter into those discussions at any time if the City wanted to do that, and actually, it would be advantageous to the process if they eventually came around to that, but from this point now, no. This would solely be a County action. It would be a County committee and when the City comes on board, then we'll accommodate them too, but we need to move forward here and allow the public to have some input in the Community College District developments.

CHAIRMAN DURAN: We're in the middle of a motion, but Steve, I'll go ahead and—

STEVE BURSTEN (RPA Director): Mr. Chairman, if I may, the RPA still hasn't really discussed this, as Commissioner Sullivan has mentioned. It's informally been discussed but it was postponed at the last meeting, and it should be heard at the May 15th, still to consider what to do with the LDRC and what to do with the two-mile EZ boundary. So this obviously pertains to it. It may not preclude that option of still taking some kind of an action at the RPA level to look at changing the two-mile boundary.

CHAIRMAN DURAN: Well, it sounds to me like we made a decision.

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, it seems to me that this LDRC process is just taking up a lot of staff time and if we keep doing this, it's going to cost a lot of money. Is there any better way of handling these issues?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, staff has had discussions amongst ourselves. One option would be to create a committee, a local development review committee that would have a member from each of these different committees on one. For example, you can combine Agua Fria, Tesuque, La Cienega, and make one committee with members from those different communities to review their projects. But we haven't—

I don't know what kind of support there would be from the Commission on that, because I know at one time there was a commitment to these different communities that they would have their own local review committees. So in response to that, we're going to bring forward these fiscal impact reports to the Board and we're going to request staff come budget time to help us deal with these additional committees.

COMMISSIONER CAMPOS: I'd like to have some further discussion some time down the road with staff about this LDRC. It is expensive. It's cumbersome. It's overloading the Land Use Department. I don't think it's fair to have people driving around all night, meeting several times a month when there's a more efficient way of handling this. I don't know how anybody else feels about that on the Commission, but I think it's a very expensive process. I'm not sure it's that effective.

CHAIRMAN DURAN: I don't think there's any other way of doing it. This is

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essentially allowing representatives from the community to decide their own fate.

COMMISSIONER CAMPOS: I understand the general concept but I'm not sure if it's the most effective way of doing it.

CHAIRMAN DURAN: We could have another meeting and we could decide.

MR. ABEYTA: Mr. Chairman, if the Board likes, we could bring forward options to the Board to consider.

CHAIRMAN DURAN: Okay, why don't you do that. Whatever they might be.

The motion to approve Resolution 2001-62, passed by unanimous voice vote.

COMMISSIONER TRUJILLO: We're not done with Matters from the Commission yet, are we? I've got one. I understand we are close to coming to conclusion with some of the Native American tribes and the renaming of some roads in Santa Fe County. Sam, that's correct? We also have in place an ordinance 1996-14, item #3, that states that a road cannot be changed for a period of ten years. I would like to direct staff to bring forward an amendment to this ordinance in which it would allow the County Commissioners to change the name of a road that has been named by the Rural Addressing Department.

In this particular issue, especially in the Pojoaque Valley and its surrounding areas, the Native Americans have named certain roads with no input from families who have used and lived around those roads for generations. In some cases it is still questionable as to whether the Native Americans own the road easement or not. So if staff would come forward next meeting to publish title and general summary regarding this issue, I would appreciate it.

MR. MONTOYA: Thank you, Mr. Chairman. Duly noted.

CHAIRMAN DURAN: Anything else from the Commission?

[audio difficulties: the following is from the reporter's notes]

Commissioner Sullivan expressed concern that staff distributed a fiscal impact report regarding the local development review committee during the meeting. He asked that staff prepare documents in advance and include them within the packets.

- X. J. Matters from the County Attorney
1. **Resolution No. 2001-62. A resolution repealing Resolution 1996-37 and establishing procedures under the New Mexico Inspection of Public Records Act**
[Audio difficulties]

Mr. Kopelman explained that this resolution designates the County Attorney as the custodian of public records. It also contemplates that each department or office shall designate

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a rdepartmental records liaison.

Commissioner Gonzales moved approval of Resolution 2001-62. His motion was seconded by Commissioner Campos and passed by unanimous voice vote.

PUBLIC HEARINGS:

- A. **Ordinance No. 2001-__ . An ordinance replacing Ordinance 1999-6, "Comprehensive Solid Waste Management" (one public hearing required)**

Jill Holbert, County Landfill Coordinator, reviewed the proposed amendments regarding the Comprehensive Solid Waste Management Ordinance.

CHAIRMAN DURAN:...Do they punch it? Is that how they are?

MS. HOLBERT: Commissioner, yes they do. Right now, there's actually little squares and each month has two squares at this time.

COMMISSIONER TRUJILLO: I guess I don't understand what the issue is when, if we plan the right way. We've got an infrastructure that ostensibly will be used by the community for the purpose of getting rid of and containing solid waste. The purpose of that is to get away from throwing solid waste in the arroyos and on top of hills and things like that. This infrastructure should be available to the community. I've got my solid waste card here. I've used one, two, three, four punches up to now. And this is since July of last year. I don't understand why I can't use all of those punches, and I'm not going to use them all by the end of the year. By no stretch of the imagination will I use them all.

Why do I have to go to the solid waste facility April 31 with a pick-up full of trash and be turned back home because I've exhausted my two punches. And that, I'm going to take it back home. Other people are going to go to the nearest arroyo, or they're going to go to a river bed, or they're going to go on top of the hill. Why don't we make our citizenship accountable and give them the opportunity to decide when they're going to take their solid waste to the transfer station and at the same time, protect our aesthetics, our quality of life.

MS. HOLBERT: Commissioner Trujillo, Mr. Chairman, I don't disagree with you. I'm just trying to explain that at this point, the County has basically made promises that we don't have the staff or the resources to keep. We issue more punches per year that we can actually accept, if that were the case, if they all would come in, because we don't have the trucks, we don't have the staff and we don't have the dollar amount to pay the tip fee at Caja del Rio. For the total number of punches that we actually issue. We pretty much promise more than we can deliver at this point. Now, if we would like to deliver the increased flexibility that you're proposing, I am basically pointing out that yes, we can do that. I need that FTE in the budget to be approved. I need an additional \$246,000 a year to be approved and then I believe, yes, we can increase our resources to provide those services as you've described.

COMMISSIONER TRUJILLO: Can't we get creative and work outside of a

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box and see how we can utilize existing resources to make this infrastructure the best that we can make it for the community?

MS. HOLBERT: Commissioner Trujillo, I'd ask you to look on the back page.

CHAIRMAN DURAN: I have an idea. Why don't we get the Solid Waste Management Agency to divvy up the extra money that we have in that—

MR. MONTOYA: The reserve fund.

CHAIRMAN DURAN: The reserve fund and transfer it over to the County and lets use that money for this. Good idea. Take that. That's a go.

MR. MONTOYA: Mr. Chairman, that's a good idea for this year, and next year we'll have a recurring hit for the same amount.

CHAIRMAN DURAN: But we've been consistently operating at a profit at the other facility.

MR. MONTOYA: Mr. Chairman, I understand exactly where Commissioner Trujillo wants to go and I don't disagree that we need to provide a user-friendly system. I think that's what he's looking for and it annoys a lot of people to wait in line and then not to be able to unload their loads and have to take them back, and we've been working really hard at trying to avoid that, but just this morning we had another problem with that same issue. However, we are building our fleet. We are hopefully going to be able to deliver material to Caja del Rio on Sundays, which has been a major problem because Saturday through Monday, we can't even get in the door on Monday morning. So there has to be Sunday delivery, Sunday pick up and clean up and that is going to be key.

I thank the chairman for helping us with SWAMA to get that approval. Now, I think we should channel some money there to make sure that we do have people working overtime on Sundays to pick up cans and to deliver them to Caja del Rio and to keep the process flowing at least. If not, every Monday morning we're going to have a bottleneck and we're going to have a lot of irate people. And we need to get away from that.

So I would say that we do need to make that investment and I would agree with the chairman that we should tap some of that money, although maybe not all of it, because there are some capital improvements at Caja del Rio that are going to be necessary in the future and some of that money is being kind of saved in abeyance for that. But if we could take a certain amount of it to take care of Sundays and OT for maybe some additional cans as well to make sure that we keep our flow steady, that might work. I don't know. Maybe Mr. Lujan and Jill have some other recommendations.

CHAIRMAN DURAN: My feeling is that this is a problem that we need to correct and we need to make adjustments. I think that it's ridiculous that they can only go twice a year, or twice a month and we need to change it. And I think that that prevents people from dumping their trash in the arroyos. And if we have to adjust, lets adjust. Our lobbyist is also trying to get us some money for our solid waste program.

MR. MONTOYA: Yes, Mr. Chairman.

CHAIRMAN DURAN: So we're pro-active. I don't think we should be afraid to offer the services that the community expects and needs.

MR. MONTOYA: Mr. Chairman, one other item that I don't know that the staff has brought up yet but—and I know it's a sensitive issue but we charge people \$3 a year for a permit these days and the revenues generated from that \$3 is not even enough to pay for the postage. So we were going to ask the Commissioners to at least taking that up to \$6 to cover the postage costs, which is minimal operating expense. It's tough to run in the red, just basically operating, and then much less—

COMMISSIONER TRUJILLO: But Sam, we've got a $\frac{3}{4}$ mill tax on our taxes specifically for the purpose of running the solid waste facility. So they're being hit. They're paying for the operation of the facility. It's not the \$3 that's in question. They're paying for that operation.

MR. MONTOYA: Well, Mr. Chairman, and I know that debate. I understand exactly what you're saying. I basically put that in front of you for consideration. If that's not going to work, I leave that up to you but clearly it's our responsibility to bring that to your attention as well. So thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Could we incrementalize at this point? I understand one of the problems is that people have a general habit of waiting until the last minute to do things. And we're all that way and at the last minute, suddenly, the end of the year, here comes all the trash. And we are limited to 120 cubic yards of waste at each site and that's the reason that people get turned back. Would a quarterly system work? We're doing monthly now and according to Commissioner Trujillo that seems to cause some inconvenience to some people. Would a quarterly system work and see if that creates more back-ups and problems.

You understand what I mean by a quarterly system, allowing them to accumulate up to six within a quarter instead of two per month.

COMMISSIONER GONZALES: Couldn't we, Mr. Chairman, that seems reasonable, but couldn't we table it and ask to find—it seems to me that the Commission as a whole is wanting to move to the direction that Commissioner Trujillo is advocating for where there's more flexibility designed in the program, but also so that staff feels somewhat comfortable that we can manage our costs. I agree with what Commissioner Trujillo has indicated. We, just real briefly, Mr. Chairman, we increased taxes for the purpose of this. It's our responsibility to manage this fund within that tax rate. And it's not the point of three more dollars being a big hit it's just the principal of the matter, the commitment that we made to the community. If we're going to tax you then we're going to deliver a system that was more customer friendly and able to handle these needs and as Commissioner Sullivan is suggesting, it seems to me that through some more creative thinking that there might be a way, and through looking at the recommendations that the chairman has brought up, there might be a way to find somewhere from where the staff is, somewhere where Commissioner Trujillo is and find that medium, whether it's quarterly or some combination of issues that will allow for maximum flexibility.

1917067

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So rather than trying to figure it out here, would it be appropriate to table this, Mr. Chairman, and send that direction to come back next month with some more flexibility built in and a little bit more options?

COMMISSIONER CAMPOS: Yes. I'll move to table.

COMMISSIONER GONZALES: Second.

MS. HOLBERT: Can I make a point on that? If we table it to next month we won't have permits issued in July. So the permits will actually expire before we've come up with a new permit for the next year.

COMMISSIONER GONZALES: Well, can you bring it back at the next County Commission meeting, which will be May 8th.

MS. HOLBERT: We've already missed the deadline for advertising for a public hearing for May 8th.

MR. MONTOYA: Mr. Chairman, can't it be continued? Can't the public hearing be continued from today?

CHAIRMAN DURAN: Yes, let's do that.

COMMISSIONER GONZALES: So we'll just recess this hearing then until May 8th?

MR. MONTOYA: Right.

COMMISSIONER GONZALES: Did you understand the direction, Jill?

MS. HOLBERT: No, I did not.

COMMISSIONER GONZALES: Well the direction is, Commissioner Sullivan seemed to have offered, at least he was starting to go to an area that would create more flexibility, possibly quarterly if you're given six visits a quarter, that you can use those six visits at any time during that quarter as opposed to just two a month and that would be it and it seems to me that that sounds really reasonable and you can manage the time with that quarterly when all the trash may be coming in or the solid waste may be coming in to the certain areas.

It seems to me that that seems a reasonable approach. There might be some other options that you think about in between, but to me, I want to support an ordinance that has the most customer-friendly type aspect to it. It's a heartache on everybody. It's a heartache on our constituents, it's a heartache on you, but I'd rather us bear the burden than for the constituents to bear that burden. So however we get to that point, I hope we can resolve it, because today I was prepared to support what Commissioner Trujillo was asking for. But if we can find some medium, as Commissioner Sullivan has advocated, that seems to make sense.

MS. HOLBERT: Okay.

CHAIRMAN DURAN: Great.

1917068

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 5:25 p.m.

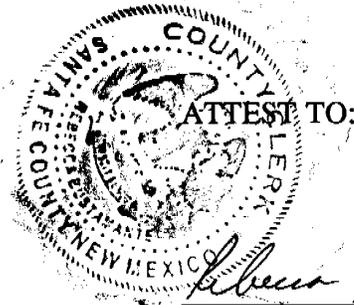
Approved by:



Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

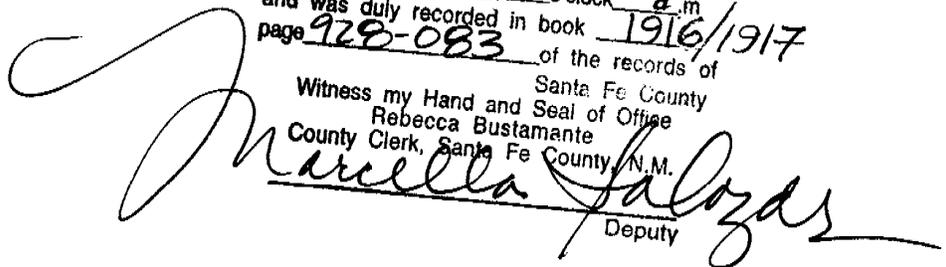


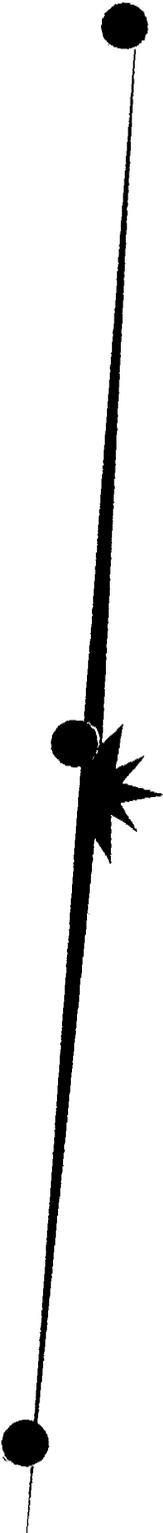
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1158 874
COUNTY OF SANTA FE
STATE OF NEW MEXICO } SS
I hereby certify that this instrument was filed
for record on the 5 day of June A.D.
20 01 at 8:14 o'clock a.m.
and was duly recorded in book 1916/1917
page 928-083 of the records of

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Deputy



Center For Legal Education
Redistricting

April 2001

Research & Polling, Inc.



1917069



SFC CLERK RECORDING 08/13/2004

Redistricting

Elected Body	Districts	Authority to Redistrict
U.S. House of Representatives	3	State Legislature/ Governor
New Mexico Legislature <ul style="list-style-type: none"> • State House • State Senate 	70	State Legislature/Governor
State School Board	42	State Legislature/Governor
State School Board	10	State Legislature/Governor
Public Regulation Commission	5	State Legislature/Governor
County Commission	3/5	County Commission
City Council	4 to 9	City Council
Local School Board	5/7	Local School Board

1917070

Census County Population & Population Change
Ranked By Highest Percent Population Change

County (Largest City)	2000 Population	1990 Population	Numeric Population Change 1990-2000	Percent Population Change 1990-2000
Torrance County (Moriarty)	16,911	10,285	6,626	64.4%
Lincoln County (Ruidoso)	19,411	12,219	7,192	58.9%
Valencia County (Belen)	66,152	45,235	20,917	46.2%
Sandoval County (Rio Rancho)	89,908	63,319	26,589	42.0%
Catron County (Reserve)	3,543	2,563	980	38.2%
Luna County (Deming)	25,016	18,110	6,906	38.1%
Sierra County (T or C)	13,270	9,912	3,358	33.9%
Santa Fe County (Santa Fe)	129,292	98,928	30,364	30.7%
Taos County (Taos)	29,979	23,118	6,861	29.7%
Doña Ana County (Las Cruces)	174,682	135,510	39,172	28.9%
San Juan County (Farmington)	113,801	91,605	22,196	24.2%
McKinley County (Gallup)	74,798	60,686	14,112	23.3%
Socorro County (Socorro)	18,078	14,764	3,314	22.4%
Mora County (Wagon Mound)	5,180	4,264	916	21.5%
Otero County (Alamogordo)	62,298	51,928	10,370	20.0%
Rio Arriba County (Española)	41,190	34,365	6,825	19.9%
San Miguel County (Las Vegas)	30,126	25,743	4,383	17.0%
Bernalillo County (Albuquerque)	556,678	480,577	76,101	15.8%
Guadalupe County (Santa Rosa)	4,680	4,156	524	12.6%
Grant County (Silver City)	31,002	27,676	3,326	12.0%
Colfax County (Raton)	14,189	12,925	1,264	9.8%
Roosevelt County (Portales)	18,018	16,702	1,316	7.9%
Cibola County (Grants)	25,595	23,794	1,801	7.6%
Curry County (Clovis)	45,044	42,207	2,837	6.7%
Eddy County (Carlsbad)	51,658	48,605	3,053	6.3%
Chaves County (Roswell)	61,382	57,849	3,533	6.1%
Los Alamos County (Los Alamos)	18,343	18,115	228	1.3%
Union County (Clayton)	4,174	4,124	50	1.2%
Hidalgo County (Lordsburg)	5,932	5,958	-26	-0.4%
DeBaca County (Fort Sumner)	2,240	2,252	-12	-0.5%
Lea County (Hobbs)	55,511	55,765	-254	-0.5%
Quay County (Tucumcari)	10,155	10,823	-668	-6.2%
Harding County (Roy)	810	987	-177	-17.9%
New Mexico	1,819,046	1,515,069	303,977	20.1%

Ideal Population of a Legislative District

	1990	2000	Net Increase Per District
House	21,644	25,986	+4,342
Senate	36,073	43,311	+7,237

1917072

New Mexico State House Districts Total Population (2000 Census)

Dist	Total Pop	Deviation from Ideal Population*	Hispanic					Non-Hispanic Origin					Asian and Other Races	2 or More Races	
			White	Native American	Black	Asian and Other Races	2 or More Races	White	Native American	Black	Asian and Other Races	2 or More Races			
1	23,163	-2,823	-10.9%	3,532	15.2%	15,590	67.3%	3,346	14.4%	162	0.7%	141	0.6%	392	1.7%
2	26,038	52	0.2%	5,508	21.2%	16,079	61.8%	3,666	14.1%	173	0.7%	125	0.5%	487	1.9%
3	29,866	3,880	14.9%	6,941	23.2%	17,140	57.4%	5,147	17.2%	50	0.2%	97	0.3%	491	1.6%
4	27,546	1,560	6.0%	1,293	4.7%	4,097	14.9%	21,761	79.0%	42	0.2%	42	0.2%	311	1.1%
5	24,324	-1,662	-6.4%	7,757	31.9%	5,838	24.0%	9,408	38.7%	224	0.9%	326	1.3%	771	3.2%
6	26,349	363	1.4%	3,876	14.7%	3,383	12.8%	18,680	70.9%	66	0.3%	73	0.3%	271	1.0%
7	33,675	7,689	29.6%	17,292	51.3%	14,838	44.1%	512	1.5%	323	1.0%	181	0.5%	529	1.6%
8	28,068	2,082	8.0%	16,711	59.5%	9,981	35.6%	566	2.0%	334	1.2%	113	0.4%	363	1.3%
9	26,652	666	2.6%	693	2.6%	834	3.1%	24,894	93.4%	23	0.1%	25	0.1%	183	0.7%
10	21,716	-4,270	-16.4%	11,686	53.8%	5,628	25.9%	2,758	12.7%	1,039	4.8%	235	1.1%	370	1.7%
11	20,824	-5,162	-19.9%	12,501	60.0%	6,781	32.6%	668	3.2%	412	2.0%	166	0.8%	296	1.4%
12	24,429	-1,557	-6.0%	18,344	75.1%	5,090	20.8%	387	1.6%	303	1.2%	85	0.3%	220	0.9%
13	33,091	7,105	27.3%	26,563	80.3%	4,362	13.2%	847	2.6%	837	2.5%	158	0.5%	324	1.0%
14	21,959	-4,027	-15.5%	16,693	76.0%	3,851	17.5%	517	2.4%	546	2.5%	133	0.6%	219	1.0%
15	23,494	-2,492	-9.6%	11,110	47.3%	11,038	47.0%	528	2.2%	212	0.9%	267	1.1%	339	1.4%
16	36,659	10,673	41.1%	22,278	60.8%	11,040	30.1%	1,183	3.2%	1,226	3.3%	400	1.1%	532	1.5%
17	20,920	-5,066	-19.5%	12,489	59.7%	6,911	33.0%	735	3.5%	327	1.6%	178	0.9%	280	1.3%
18	20,415	-5,571	-21.4%	5,230	25.6%	12,118	59.4%	847	4.1%	521	2.6%	1,139	5.6%	560	2.7%
19	19,745	-6,241	-24.0%	6,341	32.1%	10,418	52.8%	1,172	5.9%	850	4.3%	525	2.7%	439	2.2%
20	24,353	-1,633	-6.3%	7,434	30.5%	13,434	55.2%	1,055	4.3%	1,028	4.2%	853	3.5%	549	2.3%
21	20,847	-5,139	-19.8%	7,426	35.6%	11,154	53.5%	665	3.2%	694	3.3%	523	2.5%	385	1.8%
22	26,607	621	2.4%	5,808	21.8%	18,780	70.6%	478	1.8%	351	1.3%	717	2.7%	473	1.8%
23	30,774	4,788	18.4%	5,229	17.0%	23,230	75.5%	314	1.0%	427	1.4%	1,090	3.5%	484	1.6%
24	21,816	-4,170	-16.0%	4,898	22.5%	14,870	68.2%	464	2.1%	443	2.0%	756	3.5%	385	1.8%
25	20,653	-5,333	-20.5%	7,759	37.6%	10,664	51.6%	923	4.5%	443	2.1%	497	2.4%	367	1.8%
26	23,190	-2,796	-10.8%	12,125	52.3%	7,858	33.9%	1,361	5.9%	791	3.4%	663	2.9%	392	1.7%
27	20,452	-5,534	-21.3%	5,743	28.1%	12,523	61.2%	781	3.8%	524	2.6%	530	2.6%	351	1.7%
28	21,061	-4,925	-19.0%	5,798	27.5%	13,546	64.3%	430	2.0%	501	2.4%	441	2.1%	345	1.6%
29	47,009	21,023	80.9%	16,106	34.3%	26,357	56.1%	1,642	3.5%	1,193	2.5%	831	1.8%	880	1.9%
30	21,438	-4,548	-17.5%	6,431	30.0%	12,871	60.0%	782	3.6%	568	2.6%	393	1.8%	393	1.8%
31	30,056	4,070	15.7%	4,472	14.9%	23,373	77.8%	358	1.2%	448	1.5%	922	3.1%	483	1.6%
32	30,486	4,500	17.3%	18,116	59.4%	11,660	38.2%	144	0.5%	220	0.7%	114	0.4%	232	0.8%
33	24,659	-1,327	-5.1%	15,203	61.7%	8,125	32.9%	311	1.3%	342	1.4%	331	1.3%	347	1.4%
34	34,870	8,884	34.2%	30,193	86.6%	4,257	12.2%	95	0.3%	124	0.4%	88	0.3%	113	0.3%
35	19,744	-6,242	-24.0%	13,283	67.3%	5,457	27.6%	199	1.0%	407	2.1%	165	0.8%	233	1.2%
36	26,099	113	0.4%	15,152	58.1%	10,164	38.9%	163	0.6%	196	0.8%	129	0.5%	295	1.1%

1917073

New Mexico State House Districts Total Population (2000 Census) (continued)

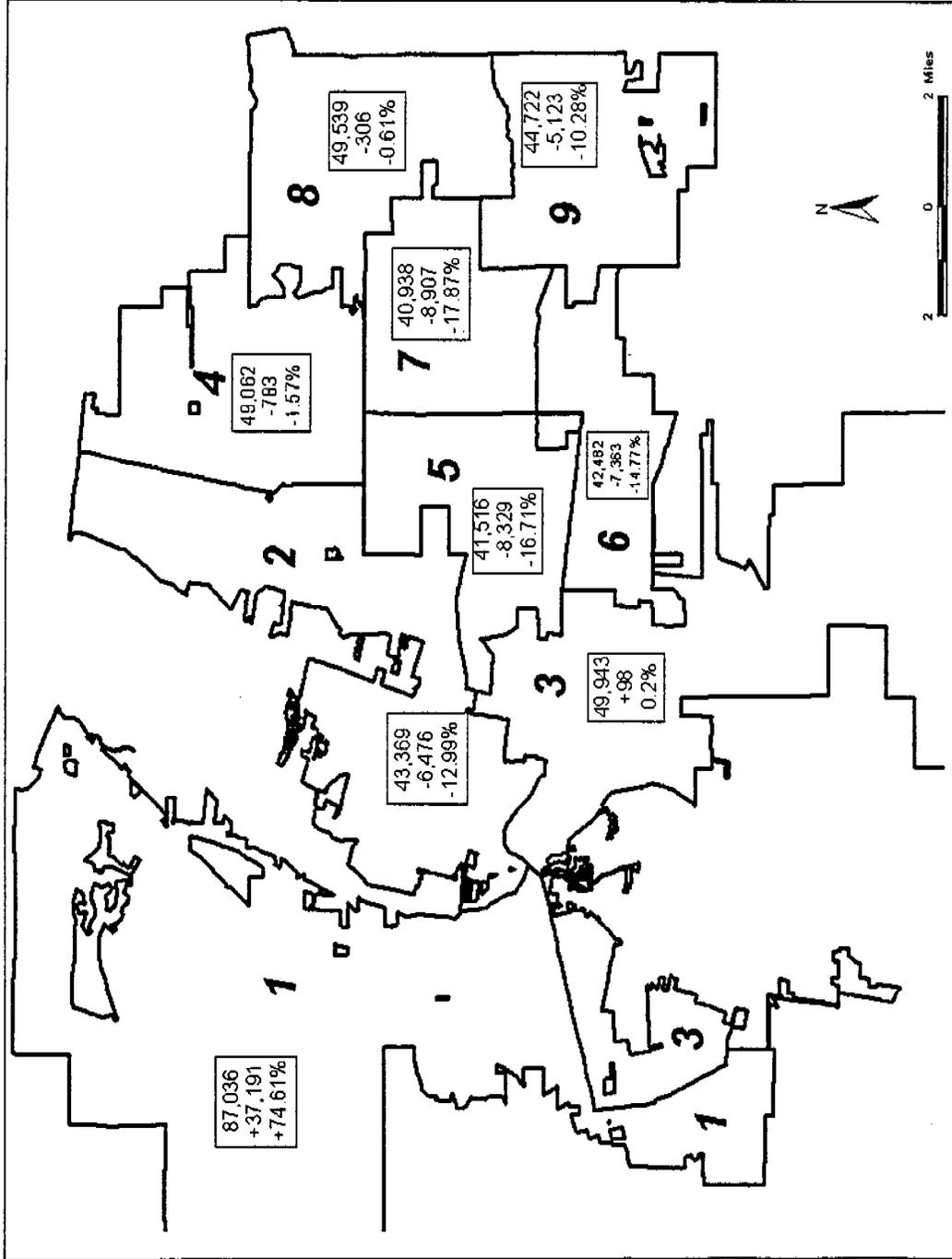
Dist	Total Pop	Deviation from Ideal Population*	Non-Hispanic Origin						2 or More Races			
			Hispanic	White	Native American	Black	Asian and Other Races					
37	26,990	1,004	10,137	14,527	304	1.1%	669	2.5%	908	3.4%	445	1.6%
38	25,865	-121	8,647	16,365	232	0.9%	153	0.6%	144	0.6%	324	1.3%
39	24,369	-1,617	14,281	9,555	161	0.7%	76	0.3%	91	0.4%	205	0.8%
40	26,006	20	20,423	3,737	1,445	5.6%	78	0.3%	99	0.4%	224	0.9%
41	25,268	-718	18,397	4,905	1,590	6.3%	51	0.2%	99	0.4%	226	0.9%
42	27,223	1,237	15,545	9,395	1,610	5.9%	78	0.3%	200	0.7%	395	1.5%
43	23,096	-2,890	3,625	17,562	707	3.1%	75	0.3%	771	3.3%	356	1.5%
44	31,935	5,949	10,836	18,860	665	2.1%	571	1.8%	487	1.5%	516	1.6%
45	32,532	6,546	22,434	8,586	563	1.7%	193	0.6%	354	1.1%	402	1.2%
46	25,718	-268	12,119	11,248	1,689	6.6%	110	0.4%	209	0.8%	343	1.3%
47	30,747	4,761	9,939	19,384	409	1.3%	196	0.6%	371	1.2%	448	1.5%
48	21,318	-4,668	10,780	9,386	374	1.8%	98	0.5%	315	1.5%	365	1.7%
49	29,135	3,149	12,637	13,610	2,011	6.9%	145	0.5%	317	1.1%	415	1.4%
50	38,773	12,787	14,294	22,740	470	1.2%	336	0.9%	298	0.8%	635	1.6%
51	21,420	-4,566	7,271	11,924	191	0.9%	1,168	5.5%	406	1.9%	460	2.1%
52	32,938	6,952	21,137	10,545	169	0.5%	437	1.3%	257	0.8%	393	1.2%
53	29,563	3,577	9,387	17,933	150	0.5%	1,079	3.6%	406	1.4%	608	2.1%
54	21,571	-4,415	10,777	9,805	179	0.8%	506	2.3%	97	0.4%	207	1.0%
55	22,750	-3,236	6,956	15,114	147	0.6%	142	0.6%	154	0.7%	237	1.0%
56	30,933	4,947	8,386	18,789	3,131	10.1%	85	0.3%	138	0.4%	404	1.3%
57	23,391	-2,595	5,867	16,876	134	0.6%	151	0.6%	145	0.6%	218	0.9%
58	23,384	-2,602	14,753	7,754	139	0.6%	466	2.0%	64	0.3%	208	0.9%
59	22,202	-3,784	8,639	12,422	191	0.9%	494	2.2%	150	0.7%	306	1.4%
60	28,680	2,694	8,951	17,461	621	2.2%	689	2.4%	401	1.4%	557	1.9%
61	20,561	-5,425	10,897	7,900	130	0.6%	1,355	6.6%	72	0.4%	207	1.0%
62	23,610	-2,376	6,345	15,930	173	0.7%	738	3.1%	142	0.6%	282	1.2%
63	21,351	-4,635	10,343	8,627	155	0.7%	1,615	7.6%	259	1.2%	352	1.6%
64	25,426	-560	5,427	17,408	131	0.5%	1,347	5.3%	633	2.5%	480	1.9%
65	29,869	3,883	5,435	6,586	17,135	57.4%	191	0.6%	212	0.7%	310	1.0%
66	24,307	-1,679	8,205	15,092	153	0.6%	484	2.0%	132	0.5%	241	1.0%
67	20,232	-5,754	6,851	12,827	123	0.6%	92	0.5%	132	0.7%	207	1.0%
68	24,271	-1,715	14,668	9,000	186	0.8%	104	0.4%	111	0.5%	202	0.8%
69	27,597	1,611	4,275	4,776	17,964	65.1%	161	0.6%	110	0.4%	311	1.1%
70	22,988	-3,018	18,708	3,526	241	1.0%	151	0.7%	122	0.5%	220	1.0%

1917074

*Ideal Population=25,986

Albuquerque City Council Current Districts

1917075



Race/Spanish Origin (2000) By NM Counties

Ranked By Highest Percentage Hispanic

County (Largest City)	Non-Hispanic				
	Hispanic	White	African American	Native American	Asian And Other
Mora County (Wagon Mound)	81.6%	16.9%	0.1%	0.8%	0.1%
Guadalupe County (Santa Rosa)	81.2%	15.5%	1.3%	0.7%	0.6%
San Miguel County (Las Vegas)	78.0%	18.9%	0.6%	1.0%	0.6%
Rio Arriba County (Española)	72.9%	13.6%	0.2%	12.1%	0.3%
Dofia Ana County (Las Cruces)	63.4%	32.5%	1.3%	0.7%	1.1%
Taos County (Taos)	57.9%	33.8%	0.3%	5.9%	0.7%
Luna County (Deming)	57.7%	39.7%	0.7%	0.6%	0.4%
Hidalgo County (Lordsburg)	56.0%	42.7%	0.3%	0.2%	0.2%
Valencia County (Belen/Los Lunas)	55.0%	39.4%	1.1%	2.6%	0.5%
Santa Fe County (Santa Fe)	49.0%	45.5%	0.5%	2.5%	1.1%
Grant County (Silver City)	48.8%	48.5%	0.4%	0.7%	0.5%
Socorro County (Socorro)	48.7%	37.6%	0.5%	10.3%	1.5%
Colfax County (Raton)	47.5%	49.9%	0.3%	0.8%	0.5%
Harding County (Roy)	44.9%	52.8%	0.4%	0.5%	0.0%
Chaves County (Roswell)	43.8%	52.1%	1.8%	0.7%	0.6%
Bernalillo County (Albuquerque)	42.0%	48.3%	2.5%	3.6%	2.1%
Lea County (Hobbs)	39.6%	54.0%	4.2%	0.6%	0.4%
Statewide Totals	42.1%	44.7%	1.7%	8.9%	1.2%

County (Largest City)	Non-Hispanic				
	Hispanic	White	African American	Native American	Asian And Other
Eddy County (Carlsbad)	38.8%	57.7%	1.3%	0.7%	0.5%
Quay County (Tucumcari)	38.0%	58.6%	0.8%	0.8%	0.9%
Torrance County (Moriarty)	37.2%	57.2%	1.5%	1.6%	0.8%
DeBaca County (Fort Sumner)	35.3%	62.8%	0.0%	0.6%	0.3%
Union County (Clayton)	35.1%	62.7%	0.0%	0.3%	0.7%
Cibola County (Grants)	33.4%	24.7%	0.9%	39.0%	0.6%
Roosevelt County (Portales)	33.3%	62.7%	1.5%	0.8%	0.7%
Otero County (Alamogordo)	32.2%	55.7%	3.7%	5.1%	1.4%
Curry County (Clovis)	30.4%	58.7%	6.5%	0.6%	2.0%
Sandoval County (Rio Rancho)	29.4%	50.3%	1.6%	15.8%	1.3%
Sierra County (T or C)	26.3%	70.5%	0.4%	1.2%	0.3%
Lincoln County (Ruidoso)	25.6%	70.9%	0.2%	1.6%	0.4%
Catron County (Reserve)	19.1%	75.8%	0.3%	1.9%	0.9%
San Juan County (Farmington)	15.0%	46.5%	0.4%	36.3%	0.4%
McKinley County (Gallup)	12.4%	11.9%	0.4%	73.2%	0.5%
Los Alamos County (Los Alamos)	11.7%	82.1%	0.3%	0.5%	3.9%

1917076

**PL 94-171 Census Data
(For Redistricting Purposes)**

- Total population;
 - Numbers of persons of Spanish origin;
 - Numbers of non-Spanish White persons;
 - Numbers of non-Spanish Black persons;
 - Numbers of non-Spanish Native Americans;
 - Numbers of non-Spanish Asian persons;
 - Numbers of people of other racial backgrounds;
 - Numbers of multi-racial backgrounds; and,
 - Voting age population counts for each of these racial and ethnic groupings.
-

Multi-Racial Background

For the first time, people were able to choose (on the Census form) more than one racial category.

1917077

1990 Census Undercount

New Mexico was the most undercounted state in the nation (%)

Most Undercounted Groups (Nationally)	
■ Native Americans	12.2%
■ Hispanics	5.0%
■ African Americans	4.4%

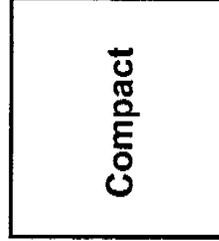
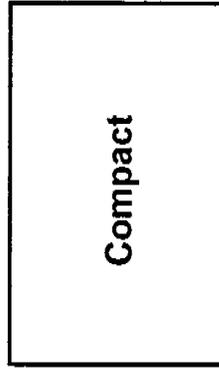
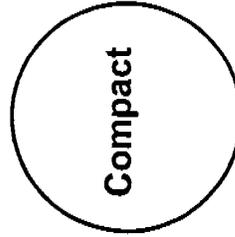
Adjusted Population (Statistical Sampling) Vs. Actual Headcount

Federal government has chosen not to release adjusted figures

1917078

Five Principles of Districting

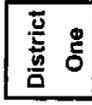
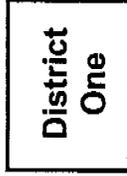
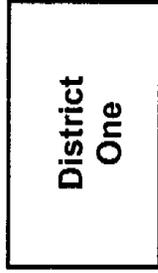
- Equal population among districts
 - Congressional Districts: Must be “as nearly equal as practicable,” which, with modern technology, means virtually EQUAL
 - Legislative Districts: Must demonstrate “substantial equality of population” (no more than $\pm 5\%$ deviation from the ideal)
- Do not dilute voting strength of ethnic/language minority groups
 - Native Americans
 - African Americans
 - Hispanics
- Compact districts
 - Minimize circumference of district



1917079

Five Principles of Districting

- Contiguous precincts within districts
- No separate "islands" with a district



Contiguous

Not Contiguous

- Community interests
 - Neighborhoods
 - Cultural/historical traditions
 - Geographic features (mountains, rivers, etc.)
 - High growth rate areas
 - Urban/rural
 - Politics (residency of incumbents)

1917080

1917081

564

Laws of 2000

Chap. 81

Chapter 81

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AN ACT

RELATING TO THE ELECTION CODE; TEMPORARILY FREEZING PRECINCT BOUNDARIES FOR REDISTRICTING PURPOSES; PROVIDING FOR DELAYED REPEAL; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SUSPENSION OF CERTAIN REQUIREMENTS--PRECINCT BOUNDARY FREEZE--EXCEPTIONS.--

A. For the purpose of legislative and congressional redistricting, the authority of boards of county commissioners to create new precincts or combine precincts and to alter their boundaries pursuant to Section 1-3-2, 1-3-3 or 4-38-21 NMSA 1978 is suspended until January 31, 2002, and all precinct boundaries are frozen until January 31, 2002, except those precinct boundaries not in compliance with the provisions of the Precinct Boundary Adjustment Act.

B. The secretary of state may authorize a board of county commissioners to adjust precinct boundaries in accordance with the Precinct Boundary Adjustment Act and shall notify the legislative council service of any adjustments.

Section 2. DELAYED REPEAL.--This act is repealed effective January 31, 2002.

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 480, w/ec
Approved March 7, 2000

obtainable in the precinct, considering the purpose for which it is to be used pursuant to the Election Code [this chapter].

D. If no public building or public school building is available in the precinct and if there is no other suitable place obtainable in the precinct, the board of county commissioners may designate as a polling place for the precinct the most convenient and suitable building or public school building nearest to that precinct that can be obtained. Provided, no polling place shall be designated outside the boundary of the precinct as provided in this subsection until such designated polling place is approved by written order of the district court of the county in which the precinct is located.

E. Upon application of the board of county commissioners, the governing board of any school district shall permit the use of any school building or a part thereof for registration purposes and the conduct of any election; provided, however, that the building or the part used for the election complies with the standards set out in the federal Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435).

F. Public schools may be closed for elections at the discretion of local school boards.

1-3-7.1. Additional polling places.

In the interest of the convenience of the voters and providing accessibility to the polling place, the board of county commissioners may create additional polling places within the precinct upon their own action or upon receipt of a petition signed by at least ten percent of the registered voters of the precinct so requesting.

1-3-8. Precinct changes; notice and publication.

Upon the adoption of any resolution, or upon the final action of any district court upon a petition creating, abolishing, dividing or consolidating any precinct, or changing any precinct boundary or changing any designated polling place, the board of county commissioners shall:

- A. send a certified copy of the resolution or court order to the secretary of state and to the county chairman of each of the major political parties; and
- B. publish once the resolution in a newspaper as provided in the Election Code [this chapter].

1-3-9. Precincts; exclusions.

As used in Chapter 1, Article 3 NMSA 1978, "precinct" shall not include absent voter precinct.

1-3-10. Short title.

Sections 1-3-10 through 1-3-14 NMSA 1978 may be cited as the "Precinct Boundary Adjustment Act".

1-3-11. Purpose.

The purpose of the Precinct Boundary Adjustment Act [1-3-10 to 1-3-14 NMSA 1978] is to comply with the criteria established pursuant to the provisions of Subsection (c) of Section 141 of Title 13 of the United States Code in order to obtain an enumeration of the populations of election precincts by the bureau of the census in the federal decennial census and in order to provide such enumeration data to the New Mexico legislature for purposes of legislative reapportionment.

1-3-12. Adjusting precinct boundaries.

A. Before each federal decennial census, every precinct boundary shall be adjusted to coincide with a numbered or named street or road or with a visible terrain feature that is:

- (1) shown on the standard base maps developed pursuant to Subsection B of this section;
- (2) a designated census block boundary on the federal PL 94-171 2000 census block maps; or

(3) approved by the secretary of state and the bureau of the census.

B. Prior to commencement of the federal decennial census, the secretary of state shall have prepared and furnish to each county clerk standard base maps of the county. The standard base map for nonurban areas of the county shall, as nearly as practical, show:

- (1) all state and federal highways;
- (2) all numbered and named county roads that have been certified to the state highway and transportation department;
- (3) all military installation boundaries and federal and state prison boundaries;
- (4) all major railroad lines; and
- (5) other major terrain features such as flowing rivers and streams, arroyos, powerlines, pipelines and ridgelines and other acceptable census block boundaries.

C. The board of county commissioners and the county clerks, upon receipt of the standard base maps from the secretary of state, shall:

- (1) adjust all urban precinct boundaries to coincide with numbered or named street boundaries;
- (2) adjust all nonurban precinct boundaries to coincide with suitable visible terrain features shown on the standard base map; provided that in order to make an adjustment, two or more existing precincts may be consolidated without consolidating existing polling places; and provided further that the precincts shall be composed of contiguous and compact areas, and state, county and municipal boundary lines may serve as precinct boundaries; and

(3) upon the completion of the precinct boundary adjustments as required in this section, indicate on the standard base maps the boundaries for both urban and nonurban precincts and, together with a written description of the precincts, shall send four copies of the precinct maps to the secretary of state for approval.

D. The precincts shown upon the standard base maps submitted pursuant to the provisions of this section and as revised and approved by the secretary of state pursuant to the Precinct Boundary Adjustment Act [1-3-10 to 1-3-14 NMSA 1978] shall become the official precincts of each county for the 2001 redistricting. For the 2002 and subsequent primary and general elections, changes in precincts shall be made in accordance with the provisions of Chapter 1, Article 3 NMSA 1978.

1-3-13. Secretary of state powers and duties.

A. The secretary of state shall review all county precinct maps submitted pursuant to Section 1-3-12 NMSA 1978 for compliance with the provisions of the Precinct Boundary Adjustment Act [1-3-10 to 1-3-14 NMSA 1978]. Those county precinct maps determined not to be in compliance with the precinct boundary criteria set forth in Subsection A of Section 1-3-12 NMSA 1978 shall be rejected and returned to the appropriate county clerk with a written statement setting forth those instances where the map does not comply. The county clerk and the board of county commissioners shall make the required adjustments and resubmit one copy of the corrected county precinct map within thirty days after receiving notice of noncompliance.

B. Prior to January 1, 2002, if any precinct boundary adjustments are necessary to meet the legal and constitutional requirements of legislative reapportionment, the secretary of state shall notify any county of those boundary adjustments that are necessary in that county. Upon review and certification of the adjusted precinct boundaries, the county shall submit the certified precinct changes to the secretary of state for final approval of the precincts for the 2002 primary and general elections.

1-3-14. Standard base map required.

All precinct maps prepared by the county clerk as required in the Precinct Boundary Adjustment Act [1-3-10 to 1-3-14 NMSA 1978] shall be on a standard base map as prescribed by the secretary of state in order to achieve as nearly as practicable uniformity of size and scale.

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)

April 30, 2001 - 10:00 a.m.

*Recessed
Agenda*

(The April 24, 2001, meeting has been recessed and will reconvene on Monday, April 30, 2001)

Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- V. Approval of Minutes
- VI. Consent Calendar:
 - A. Resolution No. 2001-52 A Resolution Requesting Increases to the Section 8 Voucher and Certificate Funds (227 and 228) to Realign the Fiscal Year 2001 Budget with the Revised Budget Approved by the US Department of Housing and Urban Development (Community, Health & Economic Development Department)
 - B. Resolution No. 2001-53 A Resolution Requesting an Increase to the Housing Enterprise Fund (517) to Budget Cash Balance for Expenditure in Fiscal Year 2001 (Community, Health & Economic Development Department)
 - C. Resolution No. 2001-54 A Resolution Requesting a Transfer from the Special Appropriations Fund (318) to the Public Safety Facility Bond Fund (370) and a Budget Increase to the Public Safety Facility Bond Fund for Expenditure in Fiscal Year 2001 (Community, Health & Economic Development Department)
 - D. Resolution No. 2001-56 A Resolution Requesting an Increase to the General Fund (101) County Sheriff's Department from Various Sources for Expenditure in Fiscal Year 2001 (County Sheriff's Office)
 - E. Resolution No. 2001-57 A Resolution Requesting an Increase to the Fire Protection Fund (209)/Various Fire Districts to Budget Fire Impact Fees for Expenditure in Fiscal Year 2001 (Fire Department)
 - F. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #21-36, for the Construction of the Santa Fe County Public Safety Complex (Community, Health & Economic Development Department)
 - G. Request Approval of the CDWI Grant Application (Community, Health & Economic Development Department)
 - H. Request Authorization to Enter into a Participating Agreement with U.S. Forest Service, Southwestern Region, and Santa Fe National Forest, to be Reimbursed for Support Costs for Wildland Fire Non-Emergency Responses (Fire Department)

Approved

Approved

4-1

Approved

Approved

I. Request Authorization to Enter into the following Change Orders:

- approved* 1. Number Two (Final) with D&H Pump Service, Inc., for the Santa Fe County Fueling Station
- approved* 2. Number Three with J.R. Hale Contracting Company, Inc., for the County Road 62, Alamo Lane and San Isidro Drainage, Paving and Sewer Improvement Projects

J. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:

- 1. CDRC CASE # Z 00-5760, Rancho Encantando (Approved)
- 2. CDRC CASE # V 01-5030, Las Campanas (Approved)
- 3. CDRC CASE # A/V 00-5951, Alan Weiss (Denied)
- 4. CDRC CASE # V 01-5090, Santa Fe County Public Safety Building (Approved)

VII. Presentations and Awards:

- A. Presentation by Federal Lobbyist, O'Conner & Hannon, Regarding Legislative Priorities
- B. Presentation by Dr. John Shomaker Regarding the Results of the "Groundwater Flow Model" for the Eldorado Area Water & Sanitation District
- C. Presentation by Las Campanas Regarding its Plan for Surface Water Diversion

VIII. Administrative Items:

A. Committee Expirations/Resignations/Vacancies:

- approved* 1. County Open Lands and Trails Planning Advisory Committee (COLTPAC)

B. Committee Appointments:

- approved* 1. Health Planning Commission
- 2. Labor Management Relations Board - *Manuel Burgos removed*

IX. Staff Report

- A. Report by the Fire Department

X. Staff and Elected Officials' Items:

A. County Clerk

- approved* 1. Appointment of Registration Board
- 2. Resolution No. 2001-58 A Resolution Designating the Precincts in Santa Fe County, New Mexico

B. Community, Health and Economic Development Department

- approved* 1. Resolution No. 2001-59 A Resolution Approving the Santa Fe County Housing Authority's Pet Policy
- 2. Request Authorization to Enter into a Project Agreement with the State Highway and Transportation Department, Traffic Safety Bureau, for a Media Literacy Project Aimed at Reducing Underage Drinking in Santa Fe County
- 3. Request Approval to Apply for a Grant Extension with the Department of Health for the Smart Moves Substance Abuse Prevention Program
- Approved* 4. Request Authorization to Enter into an Agreement with the County Extension Service for Smart Moves Program

C. Finance Department

- approved* 1. Request Authorization to Accept and Award a Professional Service Agreement to the Highest Qualified Respondent, RFP #21-44, for the Surveying of the La Cienega Traditional Community Boundary (Land Use Department)

D. Fire Department

1. Request Authorization to Enter into a Joint Powers Agreement with the New Mexico Public Regulation Commission, Insurance Division, Fire Marshal's Office, for the Waste Isolation Pilot Project to Support the Hazardous Materials Response Program
2. Request Authorization to Enter into a Participating Agreement with U.S. Forest Service, Southwestern Region and Santa Fe National Forest to Locate a Staffed Seasonal Wildland Fire Engine and Crew at the Hondo Fire Station #2
3. Request Authorization to Enter into a Purchase Agreement with Linda Mylonas to Purchase Land in the Thunder Mountain Area to Construct a Fire Substation
4. Request Authorization to Enter into a Joint Powers Agreement with the City of Santa Fe for Emergency Services in Fiscal Year 2002
5. Discussion of Proposed Joint Powers Agreement with the City of Santa Fe to Create a Regional Emergency Communications Center (RECC)

move to 1997 Agenda

Approved
Approved
Approved
Approved

E. Land Use Department

1. Resolution No. 2001-⁶⁰A Resolution Amending Resolution No. 2001-50 to Further Modify the Boundaries of the Airport Development District to Include the Santa Fe Metro Area Highway Corridor Redevelopment District and Other Designated Properties
2. Resolution No. 2001-⁶¹A Resolution Establishing Minimum Appraiser Qualifications for Properties Purchased Under the County's Wildlife, Mountains, Trails and Historic Places Program
3. Request Authorization to Enter into (a) a Water Rights Purchase Agreement with Public Service Company of New Mexico, Inc. and Santa Fe Horse Park, LLC, to Purchase Water Rights, the Well and Real Property Associated with the Hagerman Well (RG-590); (b) a Well Sharing and Use Agreement with Santa Fe Horse Park, LLC; and (c) an Option and Buy-Back Agreement with Santa Fe Horse Park, LLC

Approved
Approved

F. Public Works Department

1. Request Authorization to Enter into a Professional Services Agreement with Tierra Engineering Consultants for Surveying, Engineering and Design of the La Puebla Detention Basin Project

Approved

G. Matters from the County Manager, Samuel O. Montoya

1. Update on the Proposed Edgewood Annexation of the Campbell Ranch
2. Resolution No. 2001-55 A Resolution Authorizing the Issuance and Sale of Santa Fe County, New Mexico General Obligation Bonds, Series 2001, in the Aggregate Principal Amount of \$8,500,000, Payable from Ad Valorem Taxes Levied on all Taxable Property Within the County Levied Without Limit as to Rate or Amount; Providing for the Form, Terms and Conditions of the Bonds, the Manner of their Execution, and the Method of, and Security for, Payment; and Providing for Other Details Concerning the Bonds

H. Matters of Public Concern - NON-ACTION ITEMS

I. Matters from the Commission

- 1. Discussion Regarding County Road Improvements Plan and Strategy
- 2. Request Authorization to Publish the Title and a General Summary of an Ordinance to Amend Ordinance No. 1998-5, "The Community Planning Process," to Include a Provision that all Community Plans Shall Demonstrate that they Achieve a Benefit to the Greater Public Good for all Citizens of Santa Fe County
- 3. Resolution No. 2001 ⁶² A Resolution Establishing a Local Development Review Committee for the Santa Fe Community College District

Tabled
annul

J. Matters from the County Attorney, Steven Kopelman

- 1. Resolution No. 2001- A Resolution Repealing Resolution No. 1996-37 and Establishing Procedures Under the New Mexico Inspection of Public Records Act
- 2. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

subject
renew

XI. Public Hearings:

- A. Ordinance No. 2001-⁰⁶ An Ordinance Replacing Ordinance No. 1999-6, "Comprehensive Solid Waste Management" (One Public Hearing Required)

XII. 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).

Note: Items in red will be heard on April 30, 2001

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING

(Administrative Items)

April 24, 2001 - 1:30 p.m.

(The meeting has been rescheduled from 10:00 a.m. to 1:30 p.m.)

Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
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 - B. Tabled or Withdrawn Items
- V. Approval of Minutes
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- C. Presentation by Las Campanas Regarding its Plan for Surface Water Diversion

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- B. Committee Appointments:
 1. Health Planning Commission
 2. Labor Management Relations Board

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- A. Report by the Fire Department

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- B. Community, Health and Economic Development Department
 1. Resolution No. 2001- A Resolution Approving the Santa Fe County Housing Authority's Pet Policy
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G. Matters from the County Manager, Samuel O. Montoya

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J. Matters from the County Attorney, Steven Kopelman

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

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