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SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

April 25, 2006

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

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 221

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

April 25, 2006

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

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

Members Present:

- Commissioner Harry Montoya, Chairman
- Commissioner Virginia Vigil, Vice Chairman
- Commissioner Paul Campos
- Commissioner Jack Sullivan
- Commissioner Mike Anaya

Members Absent:

[None]

V. Invocation

An invocation was given by Deputy County Clerk Joella Coca.

VI. Approval of the Agenda

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- B. Tabled or withdrawn items**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

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: I'm wondering if we can move up item D to right after Matters of Public Concern. Or actually maybe before that, just in case.

CHAIRMAN MONTOYA: Before Matters of Public Concern, so right after approval of the minutes.

CHAIRMAN MONTTOYA: Any changes from staff?

GERALD GONZALEZ (County Manager): Mr. Chairman, members of the Commission, beginning with the Consent Calendar, under budget adjustments, item 1, we've added the amount there, which is \$97,327 before the parenthetical Finance Department at the end there. With respect to item 2, there's a request that that be tabled and looking under C, Miscellaneous, on page 3 of your amended agendas, there's a request also to table item C. 5. With respect to item C.11, we've added the department there which is the Housing Department. With respect to items 12 and 13, we've asked that those be pulled off of Consent for discussion. The first one item 12 under the Sheriff's office and the second one, item 13, under the Housing Department.

And then with respect to section XII. Staff and Elected Officials' Items, under item E, Water Resources Department, a request to table item 3, the Santa Fe Canyon Ranch item, and then under G, Matters from the County Attorney, we've added a sub-item d. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with a Bargaining Unit. And finally, just a comment, up above in the same section under C, if there's any extended discussion or question for the Army Corps of Engineers, because of their scheduling issues, they've asked that that take place after lunch.

CHAIRMAN MONTTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Gerald, what was that last one you said? About the Sheriff's Department?

MR. GONZALEZ: The last two under your Consent Agenda, Section C, item 12, we've asked at staff level that that be pulled off of Consent and the Sheriff's office will be here to discuss that, and then item 13, also pulled off of Consent and that's a Housing Department item although I'll also be prepared to step into the discussion.

COMMISSIONER ANAYA: Mr. Chairman, under the Sheriff's office, D. 2, they requested that that be heard or if we could hear it about 1:30 because they're going to have some deputies here for that at that time. I was wondering if we could hear that resolution.

MR. GONZALEZ: D. 2 and D. 3 I think go together.

COMMISSIONER ANAYA: Okay.

MR. GONZALEZ: I just wanted to make sure that under C you did get the request to table item 5.

COMMISSIONER SULLIVAN: Which one?

MR. GONZALEZ: Under Consent Calendar, C. 5, that's the joint powers agreement between the Department of Health and Santa Fe County on the Access to Recovery voucher program, a request to table that.

CHAIRMAN MONTTOYA: So we're tabling item XI. C. 5.

MR. GONZALEZ: That's correct.

CHAIRMAN MONTTOYA: Okay, any other removals on the agenda?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: A. 3, on the Consent Calendar, XI. A. 3. B. 2, C. 9 and that's all.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: I'm not asking for anything to be removed from the Consent. I just have a question about policy about - a question for the County Manager. When there's a matter of public concern that's attracted a lot of public interest, who decides when the matter is going to be tabled? Is it the Commission at the time of the meeting? Is it staff? I'm just not sure.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, the way we've done it in the past, we bring to you our staff recommendations for how to structure the agenda but the ultimate decision is up to the Commission.

COMMISSIONER CAMPOS: So if something is indicated as being tabled, it is simply a suggestion to the BCC.

MR. GONZALEZ: That's correct, although it's probably underscored by the fact that staff doesn't believe that it's ready to move forward.

COMMISSIONER CAMPOS: Well, what if there's a matter that's been tabled more than once and it's of significant public interest. There's been notice, there's been discussion in the press, there's likely to be showing up here later today to testify about a hearing, only to hear that it's been tabled again.

MR. GONZALEZ: Mr. Chairman, that's a Commission call. You have ultimate control over the agenda.

COMMISSIONER CAMPOS: For the Commission, the Canyon Ranch is being tabled again, I think for the second or third time. Is this the second time?

CHAIRMAN MONTOYA: Yes, it's the second time, at the request of the applicant.

COMMISSIONER CAMPOS: I understand the applicant requesting it but the question is how is the public being affected. There's a lot of people who want to testify who have gotten notice and would like to be here. They've seen stories in the newspapers, and yet we get a second tabling. I think this takes away from the ability of the public to effectively address issues that they're concerned about. So that's my concern to staff and to this Commission and to the applicant.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, if the Commission wants, they can go ahead and hear the public and continue the discussion of the item for a later time. We can divide it up into more than one piece.

COMMISSIONER CAMPOS: Well, one of the standards, Mr. Gonzalez is there has to be good cause for tabling. Isn't there still a good cause requirement?

MR. GONZALEZ: Generally speaking, from the staff point, we evaluate the request that's been made and just take a look at whether the item is ready to go forward or not. From the staff standpoint it would be fruitless to stimulate a discussion if all the facts weren't on the table to be able to present to you.

COMMISSIONER CAMPOS: Well, why is the case on the agenda then? Why shouldn't they be removed just from the agenda and when they're ready to be put on the agenda, put them on the agenda. This has been going on since January or December or

November. I don't remember.

MR. GONZALEZ: This is the second time that I recall it being on the agenda, but I think it was simply rolled forward because as a matter of protocol in the past, when we've had these items that have been tabled, we simply move them to the next meeting that's available.

COMMISSIONER CAMPOS: I'm just concerned and I'd like to express my concern to the Commissioners and to staff and to the applicant. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Noted.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER VIGIL: With amendments?

COMMISSIONER ANAYA: With amendments.

CHAIRMAN MONTOYA: As amended.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second, Commissioner Vigil. Any other discussion?

The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: I'd like to also recognize in the audience Representative Jim Trujillo and Senator Nancy Rodriguez. Thank you for being here this morning. We appreciate all you do for us.

VII. APPROVAL OF MINUTES

A. March 28, 2006

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second

COMMISSIONER SULLIVAN: Mr. Chairman, I have some minor amendments.

CHAIRMAN MONTOYA: With some minor amendments from Commissioner Sullivan.

COMMISSIONER ANAYA: Okay.

COMMISSIONER CAMPOS: I'll go along with that.

The motion to approve the March 28, 2006 minutes, as amended, passed by unanimous [5-0] voice vote.

IX. MATTERS FROM THE COMMISSION

D. Recognition of Santa Fe Indian School Boys & Girls Basketball Teams

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Would you like to read that proclamation?

CHAIRMAN MONTOYA: We had this proclamation presented last week when we recognized some of the other local basketball teams and wrestling squads for their participation in the activities that they respectively engage themselves in. In this proclamation, in the interests of a little bit of time, essentially, I'll read the last two sentences, where it says, Now, therefore, be it resolved by the Board of County Commissioners of the County of Santa Fe, hereby to honor our young athletes and encourage the participation in sports and fundraising events that will benefit the Santa Fe County youth; and

Now, therefore, be it further resolved the Board of County Commissioners declare May as Santa Fe County Physical Education and Sports Month. Approved, adopted and passed on this date, April 19, 2006, Santa Fe County Board of County Commissioners.

And we will give this to the Santa Fe Indian School

Commissioner Anaya pointed out that at the previous meeting the Commission recognized the achievements of a number of local teams that had successful seasons. Since the Indian School was on spring break at that time, the Commission is now recognizing the basketball teams, and he presented the members of the girls team with basketballs. He congratulated the coaches: Johnny Abeyta, Kelvin Rodriguez, Paul Abeyta, Jr. and Jay R. Abeyta. Members of the girls team were: April Abeyta, Kaylina Abeyta, Maddie Aguilar, Kristina Elote, Amanda Jiron, Sherelle Begay, Jannine Chinana, Karen Hoskie, Samantha Pasena, Marcelita Povijua, Jessica Platero, Adrienne Tenorio, and Ashely Begay. They were district runners-up and in the State final four.

The boys team was also honored, along with coaches: Ernest Rodriguez, Donald Martinez, Gus Martinez, Greg Maroney and Duane Garcia. Members of the boys team, who were District runners-up and in the State final four were: Isaiah Ansera, Garriden Coriz, Martin Coriz, Robert Cruz, Randy Garcia, Steven Johnson, Leander Loretto, Antonio Lucero, Miguel Rodrigues, Bryon Trujillo, and Jonathan Vigil. All received basketballs and the applause of the crowd.

VIII. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

There was no one from the public wishing to speak.

IX. MATTERS FROM THE COMMISSION

1. Resolution No. 2006-61. A Resolution Calling for the Agua Fria Community Center to be Renamed the "Nancy Rodriguez Community Center" (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I'm really honored to start up the proceedings today with a resolution calling for the Agua Fria Community Center to be named the Nancy Rodriguez Community Center. And if the Commission will bear with me, I'd like to read the resolution. Before I do I'd like to just say that this announcement was made at the groundbreaking ceremony, that this resolution also comes before us with the approval of the Agua Fria Development Review Committee and the Agua Fria Planning Committee.

Whereas, Senator Nancy Rodriguez has represented the Traditional Village of Agua Fria as a County Commissioner, and then as a State Senator for the past 22 years; and

Whereas, Senator Nancy Rodriguez also served the people of the Village of Agua Fria as Santa Fe County Manager; and

Whereas, through her time and effort serving in the State Legislature, Senator Rodriguez has been responsible for the appropriation of millions of dollars in state funding to help make many needed improvements for the Village of Agua Fria; and

Whereas, the Agua Fria Community Center was the result of the inspiration of Senator Nancy Rodriguez; and

Whereas, Senator Nancy Rodriguez has been responsible for the appropriation of nearly \$800,000 in state funding to assist Santa Fe County with the costs for planning, design and construction of the Agua Fria Community Center; and

Whereas, Senator Nancy Rodriguez has helped to improve the quality of life for the residents of the Village of Agua Fria through state appropriations to construct sidewalks, build a pedestrian crossing for residents to cross the Santa Fe River, funding to create the Santa Fe River Corridor Park, extension of sewer lines and improvement of the community water system, and initiated funding to construct La Familia Medical Center.

Mr. Chairman, now therefore be it resolved by the Santa Fe Board of County Commissioners that in recognition of all of Senator Nancy Rodriguez' time, effort and hard work for the Village of Agua Fria throughout her career as a public servant, the Agua Fria Community Center shall hereby and henceforth be called the Nancy Rodriguez Community Center.

CHAIRMAN MONTROYA: Is that a motion? Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTROYA: Second, Commissioner Sullivan. Discussion, Commissioner Vigil.

COMMISSIONER VIGIL: I would just like Senator Rodriguez to come before the podium so that we could recognize her individually and thank her personally for all that she does for Agua Fria Village and Santa Fe County as a whole. If you wouldn't mind, Senator.

CHAIRMAN MONTROYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, thank you. I'd like to also say thanks to Senator Nancy Rodriguez for all the work that she's done. She's been around the County a long time and helped and been Commissioner and Manager and Senator and I think that is the appropriate name for that building. There would be no other name than to call it that. And I want to congratulate you and thank you again for all your hard work. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Any other discussion? Senator Rodriguez, I'd also like to thank you and congratulate you on this honor. I think whenever we recognize people in the community who have done yeoman's - yeowoman's work, it's certainly appropriate, I think to memorialize these types of facilities for those people that have done so and you've certainly done so in this county and the Agua Fria community and congratulations.

The motion to approve Resolution 2006-61 passed by unanimous [5-0] voice vote.

SENATOR NANCY RODRIGUEZ: Thank you so much, Mr. Chairman. Thanks to all of you for this. I think I'm speechless. I'll try my very best. Let me just recognize you, first of all, for doing this for me. Commissioner Vigil, I know you've been at several meetings in Agua Fria and have not only supported this but has played a big part in this whole thing and I appreciate your effort very much.

But I do know first hand, having been here and certainly in about every position. I was sitting back there and I was looking at each one of you in your seats here and I thought, Wow, I think I've sat in each one of those. I don't know if they're new chairs or not. Through chairman and Commissioner and ongoing. It's just been amazing. But I do know the feeling of having to sit there and do something like this, name a building or take some actions such as these, and it's just wonderful, truly, to know that you can be there as public servants and still be humble enough to recognize other public servants. I appreciate that very, very much.

Let me say thank you not only to you but also to my colleagues, first of all, because without them in the Senate, I truly would have not been able to do anything. I can't imagine pushing forth with any projects whatsoever and knowing that I could get something accomplished without their full support. I have one here who has been a tremendous help in so many ways. His attitude overall, his humbleness has really helped me. It's helped me not only work with him but also learn from him. We learn from each other every day. And while we grow in our capacities and our career and so on, we have to keep in mind always that we can always learn from others. That's been my greatest experience in the Senate.

This is my 11th year in the Senate and I can tell you that every day that I'm in a meeting going around other Senators, there's something to learn. There's just so much. And I appreciate - this is Representative Jim Trujillo who is here with me today and Representative Trujillo, I'd like for you to come up here too because I believe that Representative Trujillo has been a great inspiration to me through all this process in helping Agua Fria. It has also contributed a tremendous amount not only of support with who he is and his attitude but also financially for the Agua Fria Village. He's just a very committed public servant. What can I say? I'm very

blessed to have him working together with me in the Senate and the House of Representatives.

In addition to that, I'd like to say that the Agua Fria Village Association members that are here today, there's really nothing I can say to express my appreciation to you. I'm truly so grateful and I have to be the luckiest Senator, truly, to know that I have this village in my district. In New Mexico we have very few villages left, as you know. Especially traditional villages that we can preserve. And I'm truly blessed to know that this is a village in my district that I love so much that I have not only sponsored appropriations for but I'm gotten to meet and collaborate with people there and gotten to know them so much better. So I feel like a member of the family, truly, and I just appreciate them so very much. So thank you, all of you, who are here today from Agua Fria. I thank you so much for your support and your confidence.

I have to say one last thing here, is that when this what brought to my attention, I truly couldn't believe that the Agua Fria Association would want to name this after me because they had such a beautiful opportunity here to name the community center with a name I felt flowed really well, in all honesty, that that was the Agua Fria Village Community Center. It was like so perfect. In the village I talked to them about this but they did continue to pursue this and I appreciate the unanimous vote of confidence that they have given me and the recognition. I've always felt, remembering, seeing buildings named after someone else, I always thought, well, as elected officials we do what we need to do, what we have to do, really. I don't feel like I've done anything extraordinary in all honesty, other than that. I've appropriated funding. Yes, I did think about the idea, only because I've had the experience of working so closely with Agua Fria and recognizing their needs.

When I went to meetings there before we always met at the school or we were always looking for a place to meet. I sat back and watched that for a while and then I thought, you know what? This is something I can do. They need a community center. When I appropriated this funding, I didn't say anything about it until after the fact and so when I went to one of their meetings, I explained what I had done and of course they were very happy, but gosh, I never would have dreamed that this was going to come up here today. I just want to say thank you to everyone and my supports stands always, not only for the County but for Agua Fria and its members and my entire community. Of all things that could have been named after me, this is wonderful because the word community in itself humbles me. The fact that we as a community can work together, without community we can't get anything done.

A community is not about land and things, it's about people as we know and without the community and the unity part of it, we really can't get anything done. So together we've done this and I will dedicate this very much back to Agua Fria, to the Village and to all of those who have worked so hard in your capacities, and also to help me do my job. Thank you once again and God bless you all.

REPRESENTATIVE JIM TRUJILLO: I want to thank you for the action you've just taken in formalizing the name of the Agua Fria Center after Senator Nancy Rodriguez. She's very humble in the way she expresses our relationship but I can tell you, she is my role model. She is the person that I seek advice from. She's a true leader, not only in the community but she's statewide. She's got the stature that we need to take pride in in New

Mexico and in Santa Fe County. She has done so much for her district and she has done so much for the state that she needs to be recognized. And I can tell you right now that this coming session I am going to, out of my capital outlay money that I get, I am going to fund some sort of recognition at the Senate for her, even maybe a statue. I am committing to that.

As things go in Santa Fe County you have to appreciate longevity and service and still maintain the approval of the public and I can say that Senator Rodriguez, everywhere I go she is loved by everybody. I have never heard anybody say a mean word about Senator Rodriguez and that's commendable. That's very commendable and I know that I am far from matching what she has done but I'm going to work very hard to do the same thing for Santa Fe County. And again, I want to thank you and I appreciate being here.

COMMISSIONER VIGIL: You know, we're going to have a photo opportunity. I'd like the members of the Village of Agua Fria to come and stand with the Commission and with Senator Rodriguez and Representative Trujillo. Those of you from Agua Fria who are here who worked so hard on not only your planning process but it is you who recognize and appreciate what we are honoring today.

MR. GONZALEZ: Mr. Chairman, as we're gathering, I just want to point out that I have two role models here today. In addition to Senator Rodriguez and the way that she has been such an example as far as County Managers are concerned, we also have Gil Tercero, who also preceded me and both of them helped lay the foundation that we're building on as a County. So I'm very grateful for that and the work that they did as County Managers. Gil Tercero actually served as County Manager twice, so he's been double honored with that privilege and it's great to have him here.

CHAIRMAN MONTROYA: Once again, congratulations, Senator Rodriguez and I'm sure Commissioner Vigil will let us know when the official opening is.

IX. B. Resolution No. 2006-62. A Resolution Restricting Truck Traffic on Agua Fria Road (County Road 66) Between the City Limits of the City of Santa Fe and its Intersection with Airport Road, Including San Felipe Road; Directing Posting of Agua Fria Road and San Felipe Road, and Directing Staff to Forward a Copy of this Resolution to the Department of Public Safety, Motor Transportation Division (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I bring before you this resolution, and I'm glad that Senator Rodriguez talked about preserving the Village of Agua Fria because this is certainly a step towards doing that. It's an initiative that should have been done quite some time ago. The City of Santa Fe has actually enacted an ordinance that prohibits truck traffic driving through the city part of Agua Fria and they did that as early as 92 or perhaps the mid-nineties. Since then no one has really come forth and stepped forward to enact the same ordinance for the County portion of it. It didn't make sense to me when I heard that

because if there's any area that needs to be protected, it's the streets, the narrow streets of Agua Fria, the fact that there's a well situated right next to San Ysidro and that the historic component needs that protection, and yet these trucks are actually driving through the village and going up Siler Road, avoiding the city part of the trafficking because they're prohibited.

Agua Fria is getting the spill of all of that. It's eroding the roads. The roads are very narrow. They actually were not designed to handle the truck traffic. The resolution before you, Mr. Chairman, proposed that Santa Fe County take a leadership role in providing the same, mirrored ordinance that the City of Santa Fe has for the city component to the Agua Fria Village, and that is prohibiting through traffic.

Just to let the Commission know, there are exemptions in this resolution. One exemption is those people who have commercial vehicles or live in the village are allowed to use their trucks. They're grandfathered in, so to speak. Other than that, Mr. Chairman, I am hoping that this village continues on its preservation mission by us protecting their road through this resolution. And with that, I think I'd like to turn this over to Gil Tercero who probably has more of a history on this issue than I do. I will also mention to the Commission that I have spoken with the Sheriff's office on this and Sheriff Solano said there is difficulty in enforcing but they do comply with enforcement requirements.

I also spoke with Mayor David Coss who actually informed me that he's very pleased to be able to work with the County on this, particularly because garbage trucks from the City of Santa Fe are one of the strongest, or probably the majority of the violators through the thoroughfare, because they drive down Siler Road and they go up San Ysidro and they go up Lopez Lane, and that is why this area is so concentrated, Mr. Chairman, members of the Commission, with trash and why we frankly can't keep up with it.

As I said, David Coss extended an olive leaf and said I think this would be a good gesture to the Village of Agua Fria to assist them in prohibiting this truck traffic. And with that, Mr. Chairman, I will ask Gil Tercero to give us a little bit of a history.

GIL TERCERO: Mr. Chairman, members of the Commission, thank you very much for the opportunity to speak on behalf of this resolution. The Agua Fria Road itself was a state road up until the early 1990s when members of the Village of Agua Fria came and petitioned the Board of County Commissioners at that time to take that from the state road system and put it on the County's road system. The County Commission debated the costs associated with that action, as well as the benefits to the people of Agua Fria. One of the main reasons that that action was considered appropriate was that as a state highway, that road was looked at as a part of a transportation system and with the narrow condition of that road and the narrow amount of right-of-way it was obvious that in order to meet the safety criteria put forth by the state, that road would some day have to be widened at the expense of existing historic homes and the original historic plaza, the Camino Real.

To prevent that from happening, the Board of County Commissioners took that and put it on the County's road system to preserve and protect the properties adjacent to the roadway and to protect the roadway itself. Today, that roadway is once again being threatened by they number of heavy trucks that are utilizing it because of the gridlock that occurs on all the other

roads surrounding the village, and as a destination to and from a lot of the industrial sites, sand and gravel, concrete block, lumber, a lot of these facilities that are located west of the city.

The utilization of Agua Fria has seen more and more increase in heavy truck traffic, and as Commissioner Vigil has mentioned, the idea of banning these trucks from going through the village is just that. It's not an intent to keep all trucks off of Agua Fria, because there are many businesses within the village that utilize heavy trucks. The idea is have the bypass be better utilized, have the frontage roads be better utilized and prohibit the short-cut that right now these trucks are taking to and from their destinations though Agua Fria Village.

So we appreciate Commissioner Vigil's support on this. She's basically taken that and presented to the planning committee on several occasions. It's been worked on; it's been amended; it's been approved by the planning committee. We would thank you and urge your support of this resolution.

CHAIRMAN MONTOYA: Okay. Thank you, Gil. Any questions for Commissioner Vigil or Mr. Tercero?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I think one of the key issues here Mr. Tercero is certainly enforcement. You can put up signs and that doesn't really do the trick. So, Commissioner Vigil, have you talked to the Sheriff? What plans - I know they're already shorthanded as far as being out on the highway, so what plans do you have to make this an effective ordinance?

COMMISSIONER VIGIL: Actually, I think one of the components to this, while enforcement is really critical, the Sheriff has actually informed me that it is difficult to enforce thoroughfare traffic because in fact most of the stories they get is that they're making a delivery, and it's difficult to prove that. However, there's another component to this that I think is really critical and that is identifying those businesses who actually are using and those trucks who are using that thoroughfare. I think the County can take educational outreach to those businesses. I think the resolution itself calls for the signage and the prohibition, and to some extent that does create a deterrent. For about 15 years there has been no deterrent at Agua Fria to prevent these trucks from going forth. There are some trucks who are compliant and those who are, maybe we'll be able to capture a few of them.

I agree that when I spoke with Sheriff Solano that it is going to be difficult to capture everyone but my understanding is the deterrent component of it is what's going to make a difference.

MR TERCERO: If I could Mr. Chairman, Commissioner Campos, one of our observations has been that the solid waste transport is the majority of the problem. City trucks, private haulers, are utilizing Agua Fria and with the City's cooperation through the Solid Waste Management Administration, I think that that can go a long way towards solving a lot of our problems and just removing that segment of the traffic is going to be a lot of help. The other things is public education is going to be the most important thing. I know the City had a transition period when they posted their ordinances prohibiting truck traffic on the eastern

portion of Agua Fria and it will take some time. But I think education and cooperation is going to be the key.

COMMISSIONER CAMPOS: I think a big step at the next SWMA meeting, the Solid Waste Management Authority, we really need to address this with the City members. Make it part of the agenda. You are the chair. And we could ask them to update us on what's going on with their trucks.

COMMISSIONER VIGIL: Definitely.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I just want to commend Commissioner Vigil for bringing this forward. I think this is good for the community of Agua Fria but I didn't want it to hurt the local people that do have heavy equipment or drive heavy trucks through that area. My good friend Fred Montoya and Henry Hawkis who do live in the city but travel that area, I didn't want it to hurt them, and I don't think it will hurt them and other people that are trying to make a living with their heavy trucks. But I think this is a good resolution. I know it's going to be difficult to stop everybody but at least they know it's out there; maybe they'll use an alternative route. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman and Commissioner Vigil, I'm a little confused on the resolution. The way it appears to be worded is that a through truck - if somehow we could designate which one is a through and which one isn't, which I think is problematic - a through truck can't be more than 10 tons. But paragraph 2 says that trucks are permitted for the sole purpose of local deliveries, or to access businesses or customers located on Agua Fria and San Felipe Road or adjoining streets that can only be accessed from Agua Fria Street. Paragraph 5, however, goes on to say that trucks making those local deliveries or accessing businesses or customers whose sole access is from Agua Fria Street shall be limited to five tons regardless of the number of axles and inclusive of any trailer.

Now, there are businesses on Agua Fria, gravel and concrete businesses, and I feel fairly confident that their trucks are over five tons. So this would prohibit anyone - the way I read it - who has a business on Agua Fria with a truck in excess of five tons from operating that truck. Is that correct?

COMMISSIONER VIGIL: No, it isn't. I would just reference you to number 2, which is the sort of generalized, all-inclusive language that says trucks and commercial vehicles shall be permitted to travel Agua Fria and San Felipe Road for the sole purposes of local deliveries or to access business or customers located on Agua Fria or adjoining streets. So that's all-inclusive. Now, I'll defer to Steve Ross with the five-ton limit.

COMMISSIONER SULLIVAN: Well, Mr. Chairman, before you do that, I still have the floor. You'll see in paragraph 5 that it repeats Commissioner Vigil the same words and it says notwithstanding the previous paragraph which defines a commercial motor vehicle as one that has a weight in excess of ten tons, that vehicles making local deliveries or accessing businesses or customers located on street adjoining Agua Fria - it's the same

wording essentially as paragraph 2 where you say anybody that's local can access their business, which obviously makes sense. They need to get in and out of their own businesses, but then in paragraph 5, I'm reading the same wording and it says that they are limited to a gross vehicle weight of five tons. And then, Mr. Chairman, if Mr. Ross wants to clarify that I'd be appreciative of that.

COMMISSIONER VIGIL: And I would just pose the question if that weight limit was necessary, Mr. Ross.

MR. ROSS: Mr. Chairman, Commissioners Vigil and Sullivan, there's actually a couple typos I was going to bring to your attention. One of them is that paragraph 5, obviously, should be under paragraph 2, not under the definitions. That's one of the typos I was going to bring your attention to. The other typo is the phrase should be commercial motor vehicles -

COMMISSIONER SULLIVAN: I didn't understand that. Under definitions?

MR. ROSS: Paragraph 5 should be moved directly under paragraph 2.

COMMISSIONER SULLIVAN: About trucks and commercial vehicles permitted to travel Agua Fria?

MR. ROSS: Paragraph 5 pertains to the weight limit for the side streets. So paragraph 5 should really be paragraph 3 so that the first phrase of that paragraph 5 makes sense, because obviously the previous paragraph shouldn't refer to the definition of commercial motor vehicle, it should apply to the exception for local deliveries that's given in 2. The way this is structured, it was intended to prohibit commercial motor vehicles and truck traffic on side streets, not Agua Fria proper, but on side streets, the short, little streets that access only Agua Fria from driving large, heavy trucks down those streets.

COMMISSIONER SULLIVAN: But some of these mobile home and gravel companies and concrete companies, there are small lanes and their designated - they have County signs on them that go down into their property because of the narrow width of the parcels out there. So those are side streets. So that's how they get back to the back of their properties where they store their trucks and where they operate out of. So I can't see - I understand what you're saying, no more than 10 tons on Agua Fria and no more than five tons on the side street and I'm saying there are instances, I believe, and I could be wrong, where the only way you can get to Agua Fria is by side street and then you're limited to five tons. So you can't get there from here on a County road unless your truck is less than five tons.

I don't think that's going to work. Not every business fronts on Agua Fria. If the business fronted on Agua Fria it would work, but the businesses are set back behind, in some cases, residential lots that front on Agua Fria and they come up through lanes, through dirt lanes to get on to Agua Fria. And if they're limited to five tons, even if it's ten tons on Agua Fria, or even if, my understanding is, that there is to be no limit for people who live and come in and out and are already there, they're not limited to the ten tons. Is that correct, Commissioner Vigil?

COMMISSIONER VIGIL: Right.

COMMISSIONER SULLIVAN: So we're saying that people that have

businesses there, whatever trucks they have, they have to conduct their businesses. So we're not restricting them. We're only restricting people that use that Agua Fria routing to get from Siler Road to Airport Road. And we're going to make them go out on Cerrillos Road, which is of course also problematic, because that's the only other way to get there. But in any case, we still have people who are going to have to get on County lanes, County roads to get to Agua Fria that work, have their businesses back there. So I think technically, the five tons doesn't work. Is it every enforced? Probably once in a long, long time. Are they going to be out there deciding the truck is five tons or ten tons or what it is, but in terms of making the ordinance or the resolution workable it looks like there needs to be some clarification there.

COMMISSIONER VIGIL: Is the five-ton cap necessary?

MR. ROSS: Mr. Chairman, Commissioner Vigil, no. It's whatever you decide the limit should be. This was the suggestion that came to me from Public Works that the weight limit get ratcheted up on the side streets. And this would only apply to public roads of course. The motor vehicle code is very specific. It only applies to public highways, public roads, streets, city streets, things like that.

COMMISSIONER VIGIL: Mr. Chairman, is there anyone here from Public Works who might be able to represent why that request was made?

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, maybe what we might need to do is include the three County roads that do access Agua Fria. The only three would be Lopez Lane, Jemez Road and San Ysidro Crossing. Those are the only three County roads that actually intersect with Agua Fria. All the others off of Agua Fria are private roads, which this resolution would not apply to. So maybe we might want to consider including those other three roads in this resolution.

COMMISSIONER VIGIL: I guess I'm not real sure that that accomplishes the issue as Commissioner Sullivan states it. In my mind, what I am reading when I read this resolution is that actually all trucks are prohibited from driving through Agua Fria, accessing it, over ten tons. Only those trucks that have businesses or are commercial vehicles within the village or within the route that we've identified can have access to it. So I am not sure we actually need the five-ton limitation.

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, you're correct. The intent is to deter Agua Fria as being used as a thoroughfare. So I agree with you the five-ton limit on all those other roads is probably not needed.

COMMISSIONER VIGIL: Okay. With that, Mr. Chairman, I would amend - I will move that we adopt this resolution, amending the resolution to remove the language that identifies a limited gross vehicle weight of five tons, regardless of number of axles and inclusive of trailers. So actually, the entire section 5 is not necessary. So with the amendment that we remove section 5.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTROYA: Motion by Commissioner Vigil, second by Commissioner Anaya. Discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Do we have enough staff input on that change? It may require some evaluation. Maybe we need more time. I don't think there's an urgency that we do it today, if there are some outstanding issues.

COMMISSIONER VIGIL: My concern with that, Mr. Chairman, Commissioner Campos, this resolution has been overdue for years and delaying it anymore I don't think is necessary because in fact, if there are any problems to it we can always amend it. So I'd like to move in favor and support the community of Agua Fria in getting this resolution enacted. It's going to take a lot of work to do the compliance because we're dealing with habits of truck drivers that have gone on for years. I think we're going to have to work through the County to communicate to many of the businesses who will be violating this and work with the Sheriff's office to have some kind of a grace period until educational outreach is done. All of those things are going to require a lot of work and I don't think we should delay on this anymore.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, another question while Robert's here also. Commissioner or Robert, what was the background for the ten-ton limitation? Does that match the City's, or where did that come from?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is to match the City's weight limit.

COMMISSIONER SULLIVAN: Okay. And describe to me what a ten-ton truck might be.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I believe a ten-ton truck would be something that's equivalent to a tandem dump truck or larger.

COMMISSIONER SULLIVAN: Like a City trash or like a trash pickup truck. Would that be ten tons?

MR. MARTINEZ: Commissioner Sullivan, that is correct, because it's inclusive of its load; it's not just the empty weight of the vehicle.

COMMISSIONER SULLIVAN: Okay. And the people along Agua Fria have private trash pickup?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I don't believe it's intended to address people that are receiving services at their home.

COMMISSIONER SULLIVAN: So a trash pickup truck, which would be over ten tons, would be categorized as someone making local deliveries?

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

COMMISSIONER SULLIVAN: But a typical trash, like a solid waste or a Waste Management truck would be over ten. And the tandem dump trucks - you're talking about the dump trucks with trailers on them.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay. A typical dump truck, without trailers, would they be over ten tons?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, a tandem truck with a load is about 12 tons, I believe.

COMMISSIONER SULLIVAN: You're saying tandem.

MR. MARTINEZ: Tandem axle.

COMMISSIONER SULLIVAN: Tandem axle. Not with a trailer on it.

MR. MARTINEZ: That is correct.

COMMISSIONER SULLIVAN: So what you see as a normal dump truck driving around would have about 12 tons on it.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: So dump trucks couldn't go through. City trash haulers couldn't go through.

MR. MARTINEZ: That is correct.

COMMISSIONER SULLIVAN: But dump trucks could access a local property if somebody was getting a load of fill or something.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, a dump truck making a delivery of gravel to a residence on Agua Fria would be permitted. A trash truck picking up curbside trash would be permitted. But a trash truck that's just trying to get from say the City of Santa Fe to Caja del Rio landfill would not be permitted.

COMMISSIONER SULLIVAN: Okay. So the City - by doing this of course, when you take away from one you add to the other. We always have to - and we're certainly supportive of the issues that Agua Fria has to deal with, but are we comfortable that Siler Road, Cerrillos Road and Airport Road, in terms of accidents and traffic, is a better solution in terms of handling the truck traffic.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I believe 599 is probably the better option, but there are other roads like you mentioned. Airport Road, Cerrillos. But I believe 599 is probably their closest and best option.

COMMISSIONER SULLIVAN: Okay. How would they get to 599 if they can't use the City part of Agua Fria and they can't use the County part of Agua Fria? How would they get to 599?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, they'd either use Airport Road or 285 on the north side of town.

COMMISSIONER SULLIVAN: Okay. But the resolution says there are reasonable alternate routes that exist for trucks and commercial vehicles to travel from the intersection of Agua Fria Street and Siler Road to Airport Road and 599. So if I'm at the intersection of Agua Fria Street and Siler Road, the only way I'm going to be able to get to Airport Road or 599 is - I can't go north on Agua Fria because that's prohibited by City ordinance. I couldn't go south, because that's prohibited by County ordinance, so wouldn't I go up Airport Road, south on Cerrillos and out on Airport?

MR. MARTINEZ: Exactly, Mr. Chairman, Commissioner Sullivan. Their route would be Cerrillos Road to Airport Road.

COMMISSIONER SULLIVAN: Okay. And traffic folks at the City and our

own traffic people feel that that's a safer solution than going on Agua Fria, public safety-wise.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, yes they do. Cerrillos Road is built to accommodate large truck traffic. As opposed to Agua Fria.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: In terms of the City's enforcement, Commissioner Vigil, currently, how's their enforcement taking place?

COMMISSIONER VIGIL: I haven't spoken to a representative from the City. Perhaps if Sheriff Solano is here he might be able to address that. I do know that from experience, and because the planning members of the Agua Fria Village are the ones that have to deal with this on a day-to-day basis, that the violation is actually occurring just in the village probably more profoundly than it is on the city. That's why I say, the City may not perhaps be doing an active kind of enforcement, but I do believe that when the ordinance was first enacted they did. If you come off of Agua Fria from any part of the village and drive to the city limits, you will notice that the truck traffic is within the village. Once you pass the city limits you will notice that there's fewer and fewer trucks. So the truck traffic not being prohibited from Agua Fria Village has caused that to be a route for thoroughfare trucks because that poor street has had to deal with so much of this abuse. There's nothing that's protecting it like the City's ordinance. So my sense is even though I don't have real strong knowledge on the enforcement component, I do have the visual knowledge of it and the experience of the villagers who actually live with that day-to-day, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion? We have a motion and a second.

The motion to approve Resolution 2006-62 passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Commissioner Vigil, is this in line with item X. A?

COMMISSIONER VIGIL: Exactly, Mr. Chairman.

CHAIRMAN MONTOYA: So we'll combine those two.

IX. C. Resolution No. 2006-63. A Resolution Directing Staff to Submit a Request to the US Department of Interior, Bureau of Land Management for the Construction of a Facility Serving the Agua Fria

X. PRESENTATIONS

A. Presentation on Agua Fria Children's Zone

COMMISSIONER VIGIL: I think it's important to hear the presentation. Let me just give a little bit of a background. And I believe Frank DiLuzio is here with regard to that. The Agua Fria Children's Zone, Mr. Chairman, is a project that was placed on our ICIP five-year plan when I first came on board. It's a project that was introduced to the community

through Agua Fria Elementary School. Currently there are programs that exist at the Agua Fria Elementary School through the collaboration of United Way and the school and I think other partnerships. They are providing services to the members of Agua Fria community.

When it became apparent through this initiative that the Agua Fria School could no longer provide those services and yet the need for the services was pretty strong, the United Way and the Agua Fria planning group met, actually several times, and discussed the possibility of going to the legislature and getting some funding to get a building put in there so that these services might be provided. It was identified as an ideal project for the Agua Fria Park. The Agua Fria Park, you know Mr. Chairman, we've had a master plan for quite some time for it, and it was intended to develop that park for services that are provided for members of that community. We've had a lot of proposals to get other services there, but those services are not for the immediate community.

The presentation you're going to hear from Frank DiLuzio identifies those services specifically for that community and it's a very interesting model. It's modeled along a model that was quite successful in Harlem. It was called the Harlem Children's Zone, and the theory behind that model is what you do in a community to make a huge difference is you identify all the resources and focus it in the area where there's the most need. And that's what we're doing with the Agua Fria area. So with that, Mr. Chairman, I'd like to turn it over to Frank DiLuzio and he has just a couple minute presentation. You all should have received a letter from him identifying the project about a week ago.

FRANK DILUZIO: Mr. Chairman, Commissioners, thank you for the opportunity just to briefly present this morning. I do have a two-page handout. I'll leave a few at the end of the presentation for your own information. As Commissioner Vigil indicated, United Way of Santa Fe undertook an initiative called the Agua Fria Children's Zone a couple years ago. This was an outgrowth of a federal grant received about three years ago for creating early learning opportunities in the Santa Fe area, the broader Santa Fe area.

In the course of that grant we came to the realization in our study of best practices throughout the nation, a successful model, that the models that were beginning to show promise across the country were models that really focused services in well defined, finite areas that had a demonstrated need for services for children and families in the community. The model is an expansion of the notion that we need to invest in children. There's quite a bit of information beginning to come out of even places like the federal reserve bank that show dollars invested in early childhood education translated to many times that initial investment in the life of that child in terms of increased salaries over the lifetime, increased home ownership, decrease in incarceration rates and a wide range of other social problems.

And so we applied for a second federal grant. We received that grant and that grant began to focus a range of services in an area that's defined as the enrollment area for the Agua Fria Elementary School and that's how we're defining the Agua Fria Children's Zone. It's a well defined focus area within the community. And the range of services we're already delivering include the pre-kindergarten classroom, and this is the third year that classroom has been up and running. It's a model pre-kindergarten classroom that's full-day, pre-kindergarten,

followed with after-school care for working families so parents have a pre-kindergarten opportunity for their child and also a place for that child to be until they get off work around 5:30. There's summer programming as part of that kindergarten programming, so even though the school is out in the summer the programming for the pre-kindergarten does continue. And again, that's based nationally on the evidence that substantiates that not only full-day kindergarten but summer activities really enrich the learning opportunity.

The other component that's now just getting underway is what we're calling the Agua Fria Baby University and that's a program that's focused on pre-natal birth to age 3. So while the pre-kindergarten focuses on four-year olds, the Baby University focuses on good pre-natal care and then birth through age 3 programming. That includes parent education classes, that includes regular home visitation with a social worker where the social worker actually goes into the home, works one-on-one with the parent and the child in the home. It's where the child lives so that should be the environment where those types of services are delivered.

There's a family resource center currently located at the Agua Fria Elementary School. That's actually funded by the public schools through a PED grant. There's of course no guarantee that the PED grant will continue to fund that parent resource center and it's an important asset in that community and we're committed to continuing the parent resource center regardless of the status of the PED grant.

We're also working to identify in the community where children receive daycare. Whether it's in the home of the parent, in the home of non-parental care-providers, licensed or registered home care providers or more formal daycare providers. We want to know where are our children all day long. And then once we identify where they are we want to work closely to elevate the level of services those children are receiving.

And finally there's an evolving economic development component for the community. Children are embedded in families and families are embedded in communities. And one of the things we've identified in that community is the struggle many families face in terms of adequate and regularly occurring income. A lot of the work is seasonable. A lot of it depends on the local economy, weather. A lot of folks in that area work in construction so during the winter months there's less work. So we want to work on economic development again, to support the families in the community and ultimately the children.

So what we know now is based on the enrollment in our pre-kindergarten program, and that's by lottery, we are comfortable that we could easily enroll 80 or more four-year olds every year. Right now the capacity is probably about 30 or so. So we know we need more pre-kindergarten classrooms in the community. We know we need a permanent location for the family resource center. We know we need a permanent home for the home visitation/parent education component, and we know we need a place in the community for community educational opportunities, perhaps a technology lab to bring computer skills to the community and another community training and educational opportunities.

So our vision is to create a permanent structure within the Agua Fria community that's focused on serving that community and the families and the children that live there and through our work with the Agua Fria Planning Committee and the County, we really believe that an

Agua Fria Children's Zone building providing a wide range of services to the community is an ideal fit for that community center that the County has envisioned with La Familia and the new community center are located.

To that end we approached our local delegation, the governor, the lieutenant governor this last session and we've received \$747,000 in initial funding to plan and design and as a first block of funding towards construction of this permanent home for the Agua Fria Children's Zone. We estimate the building will be approximately 10,000 square feet heated. It will include age-appropriate playgrounds for the pre-kindergarten but also playground equipment for older children. It will include a technology lab, and we're in some discussions now with literacy volunteers who for many years have been located at the Sullivan Learning Lab at the Agua Fria Elementary School. The school is going to be closed this summer for capital improvements and our understanding is they may not have that space available to them once the construction is done.

Again, the services provided by literacy volunteers are an essential component in that community. So it also provides a facility that can be shared with not just our efforts through United Way, but a number of the not-for-profits that provide services in that community. So it serves not just our efforts but a broader scope.

So we're here today to briefly update you on the status of the project, that we do have a substantial block of planning and money for architectural, engineering and design to look for further support from the County and opportunities to work in a collaborative way with the Commission to deliver these critical services over the long haul to this community.

[Commissioner Anaya left the proceedings.]

CHAIRMAN MONTROYA: Thank you, Frank. Any questions, first of all?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. DiLuzio, who will staff and manage this center?

MR. DILUZIO: Mr. Chairman, Commissioner Sullivan, our anticipation is that United Way of Santa Fe County will continue to staff and operate this facility as we have now, either through future federal grants or we've received a significant amount of funding this last year through small family foundations and our donor base, and we're also looking to larger foundations that we feel will find this project very appealing because of its scope of services and the range of needs in this community.

COMMISSIONER SULLIVAN: So the United Way staff's it now?

MR. DILUZIO: We do.

COMMISSIONER SULLIVAN: You're representing the United Way?

MR. DILUZIO: Yes.

COMMISSIONER SULLIVAN: Okay. So the people that staff it now, they're paychecks say United Way on them.

MR. DILUZIO: They're United Way employees.

COMMISSIONER SULLIVAN: Okay. So that's the intent, the United Way. And do we have a long-term commitment or can we receive a long-term commitment from the United Way that they would do this? My only concern is this Commission and myself as well are very committed to children's programs and we have a number of them in progress. But I think we'd want to know the time we'd have to expend on the land acquisition and the construction that we have a staffing service agreement in place. Has there been any discussion about that?

MR. DILUZIO: Mr. Chairman, Commissioner Sullivan, I can tell you United Way is fully committed, this being one of our primary initiatives and efforts in years to come. We're currently receiving a substantial amount of the funding through federal sources. We intend to continue researching and applying for those types of grants. We continue to work on proposals that will ultimately go to larger foundations. We have attracted quite a bit of additional donor dollars this last year specifically targeted at the Agua Fria Children's Zone project. To the extent I can commit to future financial resources, United Way stands 100 percent behind this effort. We are committed to continue to provide those services for the long haul.

COMMISSIONER SULLIVAN: Okay, so that if those federal funds weren't to come through you would then use the funds that you gain locally from the United Way fundraising to staff and manage this facility, utilities, insurance and repairs and operation and maintenance and those types of things. Is that the thinking?

MR. DILUZIO: That's correct. And the legislature this last year began funding pre-kindergarten programs around the state and one of the funding streams we believe we'll be eligible for is through the Children, Youth and Families Department to receive state funding through voluntary pre-kindergarten classrooms as a pretty reliable stream of funding for our classrooms.

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

CHAIRMAN MONTOYA: Okay. Any other questions? Commissioner Vigil, so essentially what you're looking at here is that we expand the use of this BLM property?

COMMISSIONER VIGIL: Right.

CHAIRMAN MONTOYA: Okay. And that we move forward on that?

COMMISSIONER VIGIL: And I'm not sure expand the use is the term I would use. The BLM property and the master plan was designed to provide services and build buildings to meet the needs of the community, so I think rather than expand the use, perhaps you're referring to it with regard to what we currently have there and then extending it. But to provide for the services that our lease with BLM was originally created for - an this resolution basically just directs staff to request from BLM that the services in this building be allowed to be used there.

CHAIRMAN MONTOYA: I guess I have a question for Joseph. In terms of are you familiar with this patent?

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, I am somewhat familiar with it. I read some of the requirements and I do know that the County is required to

submit a letter to the BLM for any type of usage on that as we move forward in developing the land that we have there.

CHAIRMAN MONTOYA: Okay. So this is just common protocol then.

MR. GUTIERREZ: Mr. Chairman, if it's the wishes of the Commission to move forward with at least the conceptual idea of the school then the first phase would be getting approval of the BLM for this usage then we would further develop the plans with United Way on the building of the school, when the funds became available.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Gutierrez, a couple of questions. What is the size of this patent, of this land?

MR. GUTIERREZ: Mr. Chairman, Mr. DiLuzio has talked about the size as being about 10,000 square feet.

COMMISSIONER CAMPOS: How large is the land that the County has a patent to?

MR. GUTIERREZ: I don't know the exact size but I do know that talking to our project manager, Rudy Garcia, he said that right now, what's available for usage is probably about less than 10 acres based on the infrastructure that we have on the land. Part of it was a landfill so we won't be able to build on that. So we have about 10 acres. Based on the Headstart, Headstart also requested a similar type of project and they were requesting about two to 2 1/2 acres for theirs, and theirs was going to be about 10,000 square feet also.

COMMISSIONER CAMPOS: So is Headstart likely to be a user?

MR. GUTIERREZ: No, Headstart is in a different area.

COMMISSIONER CAMPOS: On the same property.

MR. GUTIERREZ: Not on the same property. But just using them, it's a school and they're looking at 10,000 square feet also.

COMMISSIONER CAMPOS: Do you have any other users that have been proposed or any other uses that have been proposed for that site?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, no we have not.

COMMISSIONER CAMPOS: As far as compatibility, do you have any issues on compatibility between this use and other uses that are already ongoing?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, I don't see any at this point.

COMMISSIONER CAMPOS: You don't see any conflicts? You think it would be compatible?

MR. GUTIERREZ: Again, the first step would be if BLM thinks it's compatible. They grant the initial approval.

COMMISSIONER CAMPOS: Do you think it's compatible? Has staff actually evaluated it for compatibility?

MR. GUTIERREZ: The master plan doesn't have specific items in there, other than for community use and we have baseball fields there. We have a park there. We have a fire station there. Our department has a maintenance building out there and we now have the

Agua Fria Community Center out there.

COMMISSIONER CAMPOS: What about water? Do you have water for this project?

MR. GUTIERREZ: Right now we have out for IFB, we have a well out there.

COMMISSIONER CAMPOS: IFB?

MR. GUTIERREZ: Invitation for bid, to expand the well out there to bring water out to the community center.

COMMISSIONER CAMPOS: So we need to bring water out there to have enough water to serve our needs plus other needs in that area?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, I would have to check with my staff to give a definitive answer on that.

COMMISSIONER CAMPOS: Okay. Well, these are just the questions that come up to me - compatibility, water, other users maybe already in line. But it looks like a great idea.

CHAIRMAN MONTOYA: Okay. Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, with all the testimony we have before us, with the support of the New Mexico legislature and the community, I move that we direct staff to submit a request to the US Department of Interior, Bureau of Land Management, for the construction of a facility serving the Agua Fria Children's Zone, Santa Fe County Resolution 2006-63,

CHAIRMAN MONTOYA: Okay we have a motion.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Commissioner Sullivan seconds. Further discussion?

COMMISSIONER VIGIL: Mr. Chairman, I just want to point out that a member of the board, Linda Siegle is here and just ask her if there's anything that the board wanted to address the Commission with.

LINDA SIEGLE: Thank you, Mr. Chairman, Commissioner Vigil. I just want to reassure the County Commission that United Way, the board of United Way, is in this for the long term. We have, as Mr. DiLuzio mentioned, shifted even some of our current resources to focus on this. The United Way has changed some of its philosophy and is really looking at projects that can implement lasting change on our community and we see this as one that has tremendous potential for impacting and improving people's lives. So the board at United Way will be in this for the long term. Thank you all very much.

CHAIRMAN MONTOYA: Thank you, Linda.

The motion to approve Resolution 2006-63 passed by unanimous [4-0] voice vote.
[Commissioner Anaya was not present for this action.]

IX. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: What I wanted to bring forward, Mr. Chairman, was I just wanted to let you know that we're still trying to find solutions to the problems of funding the Ken and Patty Adams Senior Center that served the Lamy and Galisteo, Eldorado, 285 area, Glorieta. There's been a rapid growth in that area, particularly of retired persons, people who live there full time, people who contribute to the economy, people who don't require a great deal of services from our economy but nonetheless pay the same amount of taxes and are an active part of the community in that area.

We're currently short as a result of the governor's veto of a bill brought forward by Representative Wirth and others, which would have made up this deficit. We're currently short about \$350,000 to complete the construction. This is not niceties. This is equipment for the kitchen, refrigerator, stoves, things like constructing the parking lot, putting in a range hood, which is also a part of the fire suppression system, which is needed to open the doors in terms of fire safety. So we met with representatives from the steering committee and also with Project Facilities and Management, Joseph Gutierrez and his staff, to look at ways that we could fund this.

There is just on the County's side of gross receipts taxes and other sources we're fairly well tapped out. But what we did think would be a viable alternative would be to look at the regional gross receipts tax. And I just bring this forward. The thinking is this. Over the last three years we've been accumulating funds in the regional gross receipts tax in the other category. As you know we have 10 percent of that tax committed to roads and other. We continue to spend that 10 percent on roads, half of it, five percent on roads on a regular basis. But the regional portion of that ten percent, or as it were, of that five percent, amounts to about \$200,000 a year. So we have accumulated an account of about \$600,000.

Now the senior center of course is a regional facility. We do it in cooperation and under contract with the City of Santa Fe, it's open to all and it serves an area-wide function. It's our thinking, and staff supports this, that we bring forward to the Regional Planning Authority an item similar to the one that we'll be discussing here later for open space and trails which the RPA passed last month to dedicate \$350,000 of the \$600,000 towards the completion of the Ken and Patty Adams Senior Center.

And what makes this even more desirable, I think, is that we've received notification from Representative Wirth that he will submit again next year legislation to fund this. And if that legislation is not vetoed he will word the legislation so that the regional fund can be replenished to the extent of the funds expended. So I think that was a really great gesture on Rep. Wirth's part, a real commitment to the seniors in Eldorado area and that whole region, and a good backup. And in fact that's the same modus operandi that we're using, as you'll see, on this open space resolution. We're going out for \$250,000, but we're also at the same time applying for state funds. So the RPA money is being used as up front money and if we get those grants then those will be replenished. And you'll hear more about that when we get to that

item on the agenda.

I just want to bring forward for the Commission's information so you don't see it for the first time at the RPA or here that that's the thinking, to utilize that other category, a portion of that other category - it's not road money. It's not the five percent money - I see Robert Martinez standing up there. It's not your road money, Robert. It's the other half of the other, as it were, and we haven't used that money for three years because it hasn't been brought forward to the RPA. So that's my thinking, is to bring that forward and to get the senior center finally constructed and open and I think it will be a facility that we'll all be proud of. That's all I had.

CHAIRMAN MONTOYA: Okay, any other issues? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, a question for Mr. Gonzalez. I think at the last Commission meeting, or the one before. The last regular meeting, a letter showed up from the City saying that they propose to annex certain properties, for example, the airport and property near the airport, and they asked for a response. Is that something we can discuss now or is it something that we can discuss in executive session? I don't know if any thought has been given to it but I have heard nothing since the letter was presented to you a month ago.

MR. GONZALEZ: Mr. Chairman, Commissioners, what we probably need to do is put that on the agenda for discussion purposes.

COMMISSIONER CAMPOS: What was our deadline for discussion? Hasn't it pretty much come up?

MR. GONZALEZ: The deadline, I don't recall.

COMMISSIONER CAMPOS: I think it was a short deadline, a couple of weeks.

CHAIRMAN MONTOYA: April 26th, I think. Something like that.

COMMISSIONER CAMPOS: It's like either passed or coming to pass. Things like that are important and I have heard nothing from staff since we had that issue raised.

MR. GONZALEZ: I've not heard back from staff yet either so I'll be glad to explore that. We can respond at the staff level, certainly, based on the planning that we've done in the past. So I'll take a look at that and see if we can do that in the meantime.

COMMISSIONER SULLIVAN: Mr. Chairman, I have a comment on that issue.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think we should go ahead and respond. I think we had a meeting with the City and the City indicated that they were committed to the Regional Planning Authority process of dealing with annexation and preparing an annexation plan and we also agreed that we would visit the Las Soleras issue separately and let the move forward and discuss that as a separate issue but not let it hold up good, sensible regional planning for annexation. And I think we should submit a letter to that effect, that after that work session of the RPA this suddenly popped up and doesn't seem to be consistent with what the City agreed, at least the RPA members representing the City, including the Mayor who was there at that meeting. I think we should ask for the review on that, as a staff letter or

one signed by you, Mr. Chairman, whichever you feel is more appropriate.

COMMISSIONER CAMPOS: It might be important, Mr. Chairman, to just get information. Have a discussion. I know they're in disarray, perhaps because they haven't gone through transition. They'll probably have a City Manager appointed some time this week, I would guess. So it may be difficult but it is an important issue.

CHAIRMAN MONTOYA: With that, should we go ahead and draft a response and if you'd care to have me sign it or have you all review it before it's signed? I'd be glad to do that, but I think the dead-line was this week. My recollection.

MR. GONZALEZ: We'd be glad to work on a draft that we could circulate fairly quickly and shoot it over. I think the discussion at the RPA probably has disarmed everyone in terms of a need to make an immediate response, but it appears that the City is continuing to operate on two fronts, one is the RPA front and the other is the annexation track. So it is confusing in terms of how to move forward.

CHAIRMAN MONTOYA: Okay. Robert.

MR. MARTINEZ: Mr. Chairman, I just want to share some information with the Commission. At the direction of Commissioner Vigil and the RPA the Public Works staff was directed to make the river crossing over the Santa Fe River a priority. And working with the City, they are in the process of amending the resolution for the RPA that designated how that ten percent regional funding would be used in order to fund the Siler Road Extension and front it to that funding, the GRT. So I thought I'd bring that to your attention.

COMMISSIONER SULLIVAN: Well, Mr. Chairman, I'm not aware of that but I don't think the City can amend the County's ordinance that designates how that funding will be utilized. But how much is the cost estimate for the crossing?

MR. MARTINEZ: Mr. Chairman, first of all, they're not amending the ordinance; they're looking at amending the resolution that dictated how that regional portion would be used. And I'm not exactly sure how much is in that ten percent for the regional side of it. The Finance Department is currently getting us that information.

COMMISSIONER SULLIVAN: Well, again, I don't understand. The resolution and the ordinance which created that quarter percent gross receipts tax are both County ordinances and County resolutions. So I'm not understanding how the City could amend the County's resolution.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, what the proposing is to send a resolution that amends the projects that were put forward by the RPA that were going to be funded through this ten percent. So that is not a done-deal. But the RPA is looking at amending that resolution that specifically spelled out what projects were going to be funded over the next five years, starting back when the RPA put together these projects. So that should be coming forward here pretty soon to the RPA, probably within the next few months. But they're not amending the ordinance; it's the resolution about what projects that ten percent would fund.

COMMISSIONER SULLIVAN: And was this a resolution of the RPA?

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

COMMISSIONER SULLIVAN: Okay. Well, then let's do the same thing. Let's put the senior center on that list as well. And do you know how much the road crossing will cost?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I believe the Siler Extension is probably in the neighborhood of about \$4 million.

COMMISSIONER SULLIVAN: I see. And so they want to fund all of that with the RPA funds?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I think there's probably only around \$700,000 that's been generated from that ten percent that is probably available. That's my guess.

COMMISSIONER SULLIVAN: Well, I think that certainly the County's been very supportive of funds already in that part of the County and that we need to also not forget our senior citizens as well as our automobiles. And I think that this is a really worthy project, to complete this senior citizens center. I don't think at the rate of \$200,000 a year, which is the estimate, it will take many years to get \$4 million to fund a road with the regional portion of that GRT, assuming again five percent and five percent. So I think that other than that, we just open up an incomplete facility and I think that would be a bad decision on the Commission's part. But I appreciate your information.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I'm not saying one project is more important than the other. I just thought I'd bring that to your attention.

CHAIRMAN MONTOYA: Okay. Thank you, Robert.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Quick question for Mr. Martinez. This bridge, right now it's where the City and County's boundaries join?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, that is correct. This bridge would extend the roadway and tie into County Road 70, which is West Alameda.

COMMISSIONER CAMPOS: And this area is right now where the City is anticipating annexation, where they would like to annex this area all the way up to 599?

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

COMMISSIONER CAMPOS: Okay.

CHAIRMAN MONTOYA: I just have a couple of items and I guess I have a question regarding the utilization of the funds that Commissioner Sullivan is referring to. Is that \$600,000 sitting in the bank right now? Oh, it is.

MR. GONZALEZ: It's been collected and is being held by the County, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Where if any place is this being figured into our overall financial plan?

MR. GONZALEZ: I'd probably have to defer that question to the financial advisors but I think they are looking at these as potential revenue streams for bonding, depending on how we're moving forward. Certainly on the County side. The regional side I

think they're being a little dicier about because that's an issue to be negotiated between the County and the City with the County have the ultimate say with respect to the funding.

CHAIRMAN MONTOYA: So this could potentially be woven into the overall financial plan for the County then?

MR. GONZALEZ: Yes. That's correct.

CHAIRMAN MONTOYA: Then just a couple of announcements. One is on May 3rd at 10:00 we're going to be having the signing, one way or the other I guess, at the governor's office for the Aamodt settlement agreement. And then the week of May 15th to 18th, legal as well as some County legal representation from all of the parties involved, Pueblos, non-Pueblos, as well as County, City of Santa Fe, will be traveling to Washington. That's May 15th through 18th, to talk to our delegation about the Aamodt settlement. I think in light of the veto by the governor of that \$20 million that was to be appropriated for this settlement, I think it's important that we get some sort of picture from the federal delegation as to what we may be looking at in terms of their contribution towards the financial agreement for the Aamodt. So that will be happening in the next couple of weeks.

Commissioner Vigil, did you have anything?

COMMISSIONER VIGIL: Nothing. I just want to thank my colleagues for their support on the resolutions that have been brought forth today.

CHAIRMAN MONTOYA: You're welcome.

XI. Consent Calendar

A. Budget Adjustments

1. **Resolution 2006-64. A Resolution Requesting an Operating Fund Transfer From the General Fund (101) to Various Funds for the Merit Pool Program for Fiscal Year 2006 / \$97,327 (Finance Department)**
2. **Approval of Resolution Increasing the Budget of the Health and Human Services Department Budget by \$150,000 in ATR Vouchers Funds (Health & Human Services Department) TABLED**
3. **Resolution No. 2006-__ . A Resolution Requesting an Increase to the General Fund (101) / Land Use Department to Budget Application Fee Revenue Received for the Turquoise Trail Public Improvement District for Expenditure in Fiscal Year 2006 / \$30,000 (Legal Department) ISOLATED FOR DISCUSSION**
4. **Resolution 2006-65. A Resolution Requesting an Increase to the General Fund (101) / County Sheriff to Budget a Grant Awarded through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2006 / \$ 16,799 (Sheriff's Office)**
5. **Resolution No. 2006-66. A Resolution Requesting an Increase to the**

General Fund (101) / County Sheriff to Budget a Grant Awarded Through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2006 / \$13,000 (Sheriff's Office)

B. Professional Service Agreements

1. **Request Approval for Amendment #2, Contract #26-1814-ADF/RH to Medical Staffing Network to Provide Registered Nurses and Other Licensed Medical Personnel for the Adult Detention Facility (ADF), to Increase in the Amount of \$50,000 (Corrections Department)**
2. **Request Approval of an Amendment to Professional Services Agreement for the Thornton Ranch Open Space Property Management Plan (Projects & Facilities Management Department)**
3. **Request Authorization to Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP No. 26-0728-PFMD/RH to Provide Architectural Services and Design of the Edgewood Senior Center Additions (Project & Facilities Management Department)**

C. Miscellaneous

1. **Resolution No. 2006-67. A Resolution Requesting Authorization to Surplus Heavy Equipment in Accordance with State Statutes (Finance Department/ Public Works Department)**
2. **Resolution 2006-68. A Resolution Requesting Authorization to Surplus Obsolete Fixed Assets in Accordance with State Statutes (Finance Department)**
3. **Resolution No. 2006-69. A Resolution Approving the Santa Fe County Housing Authority's Section 8 Payment Standards (Housing Department)**
4. **Request Approval of the Community DWI (CDWI) Application for FY 2007 & Funding in the Amount of \$48,257 from the New Mexico Department of Transportation Traffic Safety Bureau (Health & Human Services Department)**
5. **Approval of Amendment Number Three to Joint Powers Agreement (JPA) Between the NM Department of Health and Santa Fe County Concerning the County's Participation in the "Access to Recovery" Voucher Program (Health & Human Services Department) TABLED**
6. **Resolution No. 2006-70. A Resolution Approving the Santa Fe County Housing Authority's Utility Allowance Schedule for the Section 8 Housing Choice Voucher Program (Housing Department)**

7. **Resolution No. 2006-71. A Resolution Approving the Santa Fe County Housing Authority's Public Housing Utility Allowance Schedule for the Public Housing Program (Housing Department)**
8. **Resolution No 2006-72. A Resolution Approving the Santa Fe County Housing Authority's Flat Rent Rates for the Public Housing Program (Housing Department)**
9. **Resolution No. 2006-__ . A Resolution Repealing Resolution No. 1999-91 and Adopting a Citizen Participation Plan (Project & Facilities Management Department) ISOLATED FOR DISCUSSION**
10. **Resolution No. 2006-73. A Resolution Repealing Resolution No. 1999-92 and Adopting a Residential Antidisplacement and Relocation Assistance Plan (Housing Department)**
11. **Resolution No. 2006-74. A Resolution Adopting a Fair Housing Program (Housing Department)**
12. **Request Approval of Two Amendments and One Memorandum of Understanding between Santa Fe County and the Santa Fe County Deputy Sheriff's Association, a Subsidiary of the New Mexico Coalition of Public Safety Officers/Communication Workers of America/Local 7911 (Sheriff's Office) TO BE PULLED OFF CONSENT BY STAFF**
13. **Request Approval of Memorandum of Understanding Between the City and County of Santa Fe for Senior Services (Housing Department) TO BE PULLED OFF CONSENT BY STAFF**
14. **Request Approval of Trail Easement with Mrs. Jane Petchesky for the Arroyo Hondo Trail (Project & Facilities Management)**
15. **Resolution No. 2006-75. A Resolution Supporting Santa Fe County's Application to New Mexico Recreational Trails Program for Atalaya Mountain /Parker Trail Expansion Project (Project & Facilities Management Department)**
16. **Resolution No. 2006-76. A Resolution Designating the County Manager or his Designee as the County's Authorized Representative/Official for the Purposes of HIDTA Grant Award #I6PSNP573Z/ Region III Drug Task Force (Sheriff's Office)**

CHAIRMAN MONTTOYA: Motion for approval?

COMMISSIONER CAMPOS: So moved.

CHAIRMAN MONTTOYA: Motion by Commissioner Campos.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTTOYA: Second, Commissioner Vigil.

The motion to approve the Consent Calendar excepting items A. 2 and C. 5 (tabled) and items A.3, B. 2, C. 9, 12 and 13 (isolated for discussion) passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XI. A. 3. Resolution No. 2006-77. A Resolution Requesting an Increase to the General Fund (101) / Land Use Department to Budget Application Fee Revenue Received for the Turquoise Trail Public Improvement District for Expenditure in Fiscal Year 2006 / \$30,000 (Legal Department)

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. This item has to do with budgeting a request from an unnamed developer into the County's "Contributions and donations fund", which I thought was interesting, for the cost of providing outside legal counsel for a public improvement district. So I'd like to get some more background on that.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, this budget adjustment is intended to provide a receptacle for funds that are required to be deposited prior to initiating an application for a public improvement district. As you recall, the board a few meetings ago enacted policies governing processing of applications for public improvement districts, and one of those policies requires a proponent of such a district to deposit the sum of \$40,000 with the County to support our review of the application. And our review of the application usually involves services of bond counsel, which as you know are fairly expensive.

This budget adjustment is designed to provide a place to put those funds that have come in from the unnamed developer in support of an application they intend to file for a public improvement district. These are funds that will be available to the County staff to provide professional review of the application when it arrives. Now, they'd already deposited some funds, it seems to me around the first of the year in anticipation of the policy becoming effective. As you can tell, they haven't deposited - at the time they thought that they might have to deposit \$30,000. That was an earlier draft of the policy. That was the proposed amount. As you recall, that amount was increased to \$40,000 when the actual resolution was enacted and they're going to have to come back with another \$10,000 before they can file their application. But that's what that's for.

COMMISSIONER SULLIVAN: Mr. Chairman, Steve, has an application been submitted?

MR. ROSS: No.

COMMISSIONER SULLIVAN: And what's the name of this developer?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, the name escapes me right now.

COMMISSIONER SULLIVAN: Is this the developer that's constructing homes on Route 14? Longford Homes?

MR. ROSS: Yes, I think it is.

COMMISSIONER SULLIVAN: So the deposit of the \$40,000 or \$30,000 in this particular item, does not commit the Commission, does it, to provide any funds for that development or any tax breaks.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, it does not. The whole idea is to facilitate staff's review of the application so we can provide recommendations to you.

COMMISSIONER SULLIVAN: And those recommendations are based on just generally speaking what public services could be provided that wouldn't otherwise be provided by the County. Is it something along those lines?

MR. ROSS: Yes, there's a whole host of things that need to be reviewed in the application. These kinds of things are very complex to set up and our bond counsel will have to review all that stuff and make sure it conforms with the act and the new set of regulations we recently enacted.

COMMISSIONER SULLIVAN: I just wondered because they have a sales office on the site right now and they're in the process of reserving lots and taking contracts to sell homes. So I'm wondering how we as a County, because we're involved in this now, are disclosing to purchasers that they may have a tax burden on their property that they may not be aware of. This was made clear to me again. I attended a meeting last week with the Rancho Viejo Homeowners Association, many of whom are under that tax district and are complaining bitterly because they can't get records of what the money was used for or where it's going or when it's going to be paid off. I quite frankly can't help them on that. I've requested that in the past and apparently the only one that can access those records is Rancho Viejo.

My concern is that the developer is moving forward with the sale of homes and lots and the Commission hasn't made a decision as to what level of tax abatement it might provide. Or I guess abatement is not the correct word. It's a district taxation. It's an abatement to the developer of their construction costs. How does the public who are reserving lots and are putting in contracts for homes, how are they made aware of what the impact of that is?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, obviously the disclosure statements that customers receive in connection with the purchase of a lot are vital to their decision whether to purchase or not. I don't know what their current disclosure statements say about the proposal so I will endeavor to find out and certainly let you know what they say, let all the Commissioners know what they say. Obviously, if a district is approved, ultimately, those disclosure statements would have to clearly disclose to potential purchasers the ramifications of the creation of a district.

COMMISSIONER SULLIVAN: Okay. And if the staff could aggressively pursue that, because as we discussed at the meeting where that procedure was approved, this could result in an average property tax, depending on the cost of the building, of a \$250,000 home - and I've seen on their signs that their homes range from - it says low \$170,000s to \$300,000, is what the sign says and is what their literature says. So a \$250,000 home could result in a property tax of \$5,000 a year. I think that purchasers need to know that that's a potential. Obviously, we haven't approved it as a Commission, but that's a potential and it needs to say more than just There may be an improvement district up to so many mils, which is

what it said in the Rancho Viejo district and nobody knew what that meant. There were no specifics that said, for example, if you have a house of such and such, you may see your tax increase from \$1500 to \$5,000. We need some specific language in any documents they're providing to these purchasers that there is that potential there.

Our bond counsel said that his experience has been that it never goes that high but we don't know that until we see what the application is and we don't have the application yet. So that's my concern on that, Mr. Chairman, and not so much on where to put the \$30,000 as it is as to what are we going to do when people say, oh, where did this come from? I didn't know anything about this tax.

CHAIRMAN MONTOYA: And I think you have legitimate concerns there.

COMMISSIONER SULLIVAN: With that, Mr. Chairman, I move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan, second by Commissioner Vigil. Any other discussion?

The motion to approve Resolution 2006-77 passed by unanimous [4-0] voice vote.
[Commissioner Anaya was not present for this action.]

XI. B. 2. Request Approval of an Amendment to Professional Services Agreement for the Thornton Ranch Open Space Property Management Plan (Projects & Facilities Management Department)

COMMISSIONER SULLIVAN: Mr. Chairman, this is apparently, and we'll have the open space and trails folks tell us about this, but this is a large amount of money, \$137,672, and there's no scope of work in our packet. It just says that they're going to complete Task B of the project, which will be completion of the final management plan and I'm not real comfortable with the level of detail here. We need something more than that to spend \$137,000 of the County's money, I would think.

RANDY HERRERA (Contracts Manager): Mr. Chairman, Commissioner Sullivan, this is a term contract. This is amendment number 2, which would actually start Task B of the contract, so that's where the \$137,000 came from.

COMMISSIONER SULLIVAN: I understand that. But what is Task B? Can you give me a document? A scope of work that explains to me what Task B is and gives the Commission a breakdown of how the funds are used for Task B?

MR. HERRERA: Mr. Chairman, Commissioner Sullivan, I'll defer to Paul.

MR. OLAFSON: Mr. Chairman, Commissioners, we do have a break down, a spreadsheet of the different tasks and the costs. I can read through some of the tasks if you would like right now.

COMMISSIONER SULLIVAN: I'd like to see a copy of it.

MR. OLAFSON: Okay, just briefly, while Randy's bringing that up, we're talking about base mapping, systems analysis, community process and examination of alternatives, public review of alternatives, management plan development, agency review, and management plan production. So basically, and if you'll recall in the fall of this past year, Design Workshop on this contract did present an initial Task A, which was a preliminary management plan review, and the delineation of options. That document also laid out a scope of intensity for use on the property. The scope of intensity focused on hiking trails and - how would I say it? Limited access to Petroglyph Hill through probably a docent or some kind of a guided tour policy and process.

With that document now Design Workshop is going to the second phase or task of this contract we originally negotiated with them to produce a full management plan and these are the elements that will fall within this plan. And our experience in working with Design Workshop has been quite strong. We had excellent community participation and input and I believe that this is a good process to follow. This is a very important project and property for us. It's very valuable culturally and resource-wise. It is a high price tag, I agree, yet for the investment we've already put into the property I think it's prudent to produce something we can really work from.

COMMISSIONER SULLIVAN: Well, we definitely need a management plan but I don't want to take the Commission's time with this now, Mr. Chairman, because I've just seen this, but I'm seeing over \$30,000 here for a categorical exclusion document and the first question I'd ask of Design Workshop is why a categorical exclusion is needed. So I'd like to see them come forward and explain what is going to be a part of this management plan. It's extremely important and just looking at this for one or two minutes gives me some questions to ask that I would like to have some time to ask.

CHAIRMAN MONTOYA: Do you want to table it?

COMMISSIONER SULLIVAN: I would like to table it to the next meeting, Mr. Chairman, and request that at the next administrative meeting, request that Design Workshop gives us a presentation on this and explain how they're going to do this and explain the genesis of these figures and in the meantime, I'll make an effort to get with the staff and try to get my questions answered as well.

CHAIRMAN MONTOYA: Motion to table.

COMMISSIONER VIGIL: I'd like to second, only if I get a confirmation from staff that there's no problem in delaying this for one more meeting.

MR. OLAFSON: Mr. Chairman, Commissioner Vigil, we can wait. I'd like to make it clear too so we're all on the same page.

CHAIRMAN MONTOYA: Okay. Motion to table.

The motion to table discussion of the Thornton Ranch open space management plan amendment passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

COMMISSIONER SULLIVAN: Did you want me to keep this? Or is this your copy? Perhaps before the end of the meeting you could just pass out copies to the Commissioners.

CHAIRMAN MONTROYA: Commissioner Sullivan, do you think we will get through this next one in five minutes?

COMMISSIONER SULLIVAN: C. 9 is a quickly. Yes, sir. We can make it through that one.

XI. C. 9. Resolution No. 2006-78. A Resolution Repealing Resolution No. 1999-91 and Adopting a Citizen Participation Plan (Project & Facilities Management Department)

COMMISSIONER SULLIVAN: Mr. Chairman, this item has to do with a fairly routine item I guess, which is the adoption of a citizen participation plan for CDBG projects. It's been a long time since I've heard the term CDBG in the County and I wondered, do we have any ongoing CDBG projects for which we would use a citizens participation plan.

MR. GUTIERREZ: Mr. Chairman, members of the Commission, the only project that we have going on that we're using Community Development Block Grant funds right now is the Agua Fria Community Center. Based on the progress and expenditure of that I think we've expended these Community Development Block Grant dollars. They were to be expended by the end of June and we've done that.

COMMISSIONER SULLIVAN: Okay. Is this - also on the last page of the plan it identifies the Santa Fe County General Services Department as doing things, and I just wondered who the Santa Fe County General Services Department is.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, my understanding is this is the exact plan that was adopted in 1991 and I'm assuming that Santa Fe County had a General Services Department which was transformed, I believe, into Projects Facilities Management Department.

COMMISSIONER SULLIVAN: It said that HUD asked the County to readopt the plan and the last time we did a plan was in 1991 when we had a General Services Department, which we don't know. Wouldn't it be a good idea maybe to update this with the current administrative structure as to who's going to be responsible for these things?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, we can probably do that, if you could make the motion to change the term from General Services Department to Projects and Facilities Management Department. I'm not sure -

COMMISSIONER SULLIVAN: Is that who would do it?

MR. GUTIERREZ: That's who would be doing it.

COMMISSIONER SULLIVAN: No, let's put it in the Manager's office. Let's do that. I just - we need a citizens participation plan and as I say, normally it's a rubber stamp

thing, but is there something that they've asked that's different in the HUD regulations now? Here we are 15 years later? I'm just wondering if the citizen participation plan that we did 15 years ago is still the operative document and that's exactly what HUD would like to see.

MR. GUTIERREZ: Mr. Chairman, I'll defer to legal counsel.

CAROLYN GLICK (Assistant County Attorney): Mr. Chairman, Commissioner Sullivan, actually, the last one was in 1999, not 1991. And yes, DFA simply requested that the new Commission readopt the same plan.

COMMISSIONER SULLIVAN: Okay. Excuse me. I stand corrected. 91 was the resolution number. It was adopted in 99. So it's seven years old. Okay. So they've asked - does that mean, Mr. Ross that something that the Commission did in 1999 is not binding on the Commission in 2006?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that's an esoteric kind of question. We debated that yesterday actually in the senior staff meeting. We have a lot of actions that the Commission takes that are memorialized in resolutions over the years. One of the struggles we've had is keeping up with those and figuring out which of those are still on the books. I think the approach of the federal government and things like this is to periodically ask that old resolutions, or old actions be re-upped so that they're sure that the current board, the current governing bodies are on the same page as some earlier governing bodies.

COMMISSIONER SULLIVAN: In reading through the resolution, it requires pretty active - it requires identification of low or moderate income persons, someone obviously has to do a survey of that. It requires some advertisements, public notices, press releases. Some meetings. I'm just wondering if Project and Facilities has the staff or budget or capability to do that. It's a fairly active document.

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, it's the same process that we went through two years ago using PFMD staff and submitting our application for CDBG funding at that time. So we'd simply follow the same trail.

COMMISSIONER SULLIVAN: Okay. As long as they feel competent, Mr. Chairman, that they've got the folks to do this, I would move for approval with the amendment to objective F. 1, to insert in lieu of Santa Fe County General Services Department, the term Santa Fe County Projects and Facilities Management. Is that right?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, that's correct.
Department.

CHAIRMAN MONTROYA: Okay, there's a motion by Commissioner Sullivan.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTROYA: Second by Commissioner Vigil. Any further discussion? Commissioner Vigil.

COMMISSIONER VIGIL: Just a little bit of further discussion. Actually, staff has received a little bit of a reprieve with this because there was a point in time where CDBG grants were available annually and we had to go out there and look for projects on an annual basis until the rules and regulations were changed, and what the requirement was now that you cannot apply for CDBG until in fact you're really gone through the funds that you've currently

been allocated.

Another issue, and Chairman Montoya knows about this is that CDBG grants are threatened on a federal level quite a bit. I think the National Association of Counties is on a really strong campaign to protect those funds. So despite the fact that we may assert ourselves to go out there and look for projects in the community, I think that we may be caught up in a situation where we don't have that many funds and I think the County receives far less than municipalities actually do. My sense is, Joseph, as you go out there and look at these CDBG projects that you look at those that we've already got in the coffers, so to speak. Those projects who have already come to us, those projects who might qualify for this, whose supplemental funding of this kind would create a huge benefit. And that's it, Mr. Chairman. I'm ready for a vote.

CHAIRMAN MONTOYA: Okay.

The motion to approve Resolution 2006-78 passed by unanimous [4-0] voice vote.
[Commissioner Anaya was not present for this action.]

CHAIRMAN MONTOYA: We will be back at what time? 2:00.

[The Commission recessed from 12:30 to 2:20.]

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Corrections Department 1. Quarterly Update

GREG PARRISH (Corrections Director): Mr. Chairman, Commissioners, I'd like to introduce some of the staff that's here today. The Deputy Director Bob Ortiz is here. The Jail Administrator, Bill Blank, the Youth Service Administrator, Billy Merrifield, and the newest member of the team, the Electronic Monitoring Program Manager, Fidel Archuleta is also present. We're here to present the report and answer any questions you should have regarding the report.

I'd also like to thank the Commissioners for their due diligence in conducting the inspections, the semi-annual inspections of the facility. Everyone has inspected the facility and we'll be preparing a report for the district court regarding that matter. The report you have before you is a summary of the operations of the Corrections Department. I'll just go through some of the highlights. As we indicated, we're moving the adult electronic monitoring to the adult facility to help facilitate inmates that are going to be hooked up on electronic monitoring so they can spend the least amount of time as possible in the jail.

We've moved the visitation area out of the front lobby to the upstairs area where we have an officer on duty now. That will eliminate some of the congestion and the unsafe condition that was previously in the front lobby. We've also increased attorneys' access to the inmates in an effort to move them through the system as quickly as possible and limit the

amount of time that they spend in the County jail. We've also gone to a transportation program where we're transporting inmates from the facility three times a day to the St. Michael's Greyhound Bus station where they have access to public transportation and telephone.

We currently at the adult facility have a vacancy rate in staffing of approximately 12 percent. There's also some statistics in the report regarding the medical department and I apologize that Dr. Kay was called away. She was going to be here to discuss some of the issues that she's observed in medical during the first six months of the operation by the County. But as you can see from the report, we average approximately our mid-levels and our physicians and our dentists see approximately on an average 690 inmates per month at the facility for clinic. In addition to that, we average almost 700 screenings that are conducted by medical staff. Also, from the report, approximately 47 percent of the inmates housed at the facility are on some type of medication. This compares with a national average of about 40 percent.

There's also a population chart, and as you can see, our population has decreased since the County took over. The chart itself is still being refined because we rely on the arresting agencies to report what jurisdiction the inmate is with and sometimes that changes with court appearances. So we're still refining that. But our population has been averaging just a little over 300, 325 for County inmates. Our actual population as of today for the entire facility was 532 inmates. 142 of those were Department of Correction inmates, 58 were female, and the other 332 were county, ours, Rio Arriba's and some other jurisdictions that we house inmates for.

Regarding the youth development program at the juvenile facility, we're continuing to improve the programming there. Our population regarding the Bureau of Prisons has not met our projections. But recently we have received several referrals for the juvenile facility. We've also continued to improve the programming by providing classes from the Santa Fe Community College. There's a culinary class. There's a computer class. We also have an in-house janitorial training vocational program and a GED program.

Our medical services at the juvenile facility are supervised by Dr. Kay, the medical director for the department. Our current staffing vacancy at the juvenile facility is 16 percent and we're down approximately 10 life skill workers. We continue to meet the ratios required by the Bureau of Prisons and the state regarding juveniles using overtime in the current staff. Our population being down, we've been able to address that with the current staff on board.

The Adolescent Treatment Center, the ARC and day reporting, we currently have 12 males. It's gone up one since this report, and one female, and we have two referrals pending this month, to the facility. We're also discussing with the state to house people at the ARC as well as the youth development program and the training school. The ARC staffing currently has a vacancy of about 18 percent. Day reporting is a cooperative venture with Su Vida. It's funded by a grant from the Juvenile Justice Board. It's a one-year grant of \$200,000 that will expire June 30th. We have a presentation before the Juvenile Justice Advisory Committee scheduled for May when we're requesting additional funding for the upcoming year.

The program is well received. It's hard to tell from our statistical data at this time if the day reporting is having a positive effect on our detention population. It's been quite sporadic. As detention goes, we've entered into contracts with some of the neighboring counties including

San Miguel, Rio Arriba, and Los Alamos, and we've recently reviewed the per diem rates for those counties and increased them by 22 percent. We also have a referral for the training school from BOP and PIMA pending.

The electronic monitoring program is currently under a new manager as I indicated. Fidel Archuleta is running that program now. He's been reviewing the rates and some of the procedures and we've been meeting with the district judges and they continue to be big supporters of this program. They use it as an alternative to placing people in the adult facility. Last month we met with the judges and they continued to indicate their continued support of this program. Our population in that area has been going up and we hope that's a reflection of why our population in the jail is going down. They're using that as an alternative to putting people in jail when appropriate.

As I mentioned, Dr. Kay was going to make some comments regarding medical. She's not here but the rest of the staff and myself will stand for any questions should you have them.

CHAIRMAN MONTOYA: Questions for Mr. Parrish? Commissioner Vigil.

COMMISSIONER VIGIL: Greg, is it possible to get Dr. Kay's report a little later on at another meeting. That medical component is a critical piece of our DOJ compliance and I really want to get some feedback on that.

MR. PARRISH: Mr. Chairman, Commissioner Vigil, I'm sure that can be arranged. We can schedule her for the next administrative meeting to make a presentation.

COMMISSIONER VIGIL: Also, how many inmates do we have, or defendants, however we place them, on electronic monitoring? Do we know that approximately?

MR. PARRISH: We have approximately about 150 to 160 juveniles and adults on electronic monitoring.

COMMISSIONER VIGIL: Okay.

MR. PARRISH: And about 138 of those are Santa Fe County adults.

COMMISSIONER VIGIL: And what is our capacity for electronic monitoring? Is that just defined as the need is?

MR. PARRISH: It's defined by the need and the staffing. When we have a staff of seven that run that program and supervise those 150, 160 individuals. We have a contract to provide the equipment which we can get on demand, but it's the staffing, because it requires the ongoing monitoring, or course and also the requirements for doing urinalysis and case management that goes with that.

COMMISSIONER VIGIL: Can the Office of Probation and Parole assist with that or are these all misdemeanors?

MR. PARRISH: Mr. Chairman, Commissioner Vigil, we have people from Probation and Parole that are assigned to our program by the district judges now. We currently help with Probation and Parole to monitor them. They currently are somewhat limited in their capacity for providing services. We recently met with the district judges and the state had indicated that they have limited resources and money to pay for that, but we would rather have them put them on electronic monitoring than to send them to the jail. So they're still using that as an option, and we're providing the supervision.

COMMISSIONER VIGIL: Thank you, Greg. No further questions, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Anyone else? Greg, the only – it's not a question. It's more of a follow-up to a discussion when we met, when I went out to visit the facility. In terms of the contract with the youth development program and the Bureau of Prisons, is that still experiencing the difficulty that had been experienced in the past in terms of BOP pulling some of those detainees and sending them to other facilities?

MR. PARRISH: Mr. Chairman, we talked about that. We projected 36 BOP juveniles assigned to the facility. We currently have 19. Several of them were assigned to different locations in Montana and Alabama. Since that time we've gotten one or two of those back. We've had a really positive response from the BOP on their last visit, and they're scheduled to be here in May for another complete audit of the juvenile facility and the ARC program. We've also received some additional support from Judge Vazquez where she has referred people to the facility in the last few months. So I think we've turned the corner on that I hope and we're improving the services and starting to get some of that service back.

CHAIRMAN MONTOYA: Okay. Because I guess the thing that concerned me is that some of those were pulled after the fact of when I think some improvements had been made in the facility and we'd responded to some of the criticism or whatever they were – deficiencies, whatever they were called. That we responded to those and yet still had some pulled after we had responded to all those. So I guess my only thing, and Gerald, I think this is a critical point that we take a look at and monitor that contract carefully in terms of whether or not it's going to be a contract that we can continue to afford because that's a high dollar – we may get a high dollar in terms of our reimbursement but it's also a high dollar to provide the services that they're requiring that we provide. Those services, ideally as they may be, they're high dollar items and I'm not sure that we can continue to afford to supplement that particular contract with our existing dollars without having some sort of revenue flow coming from BOP. So I just think we need to monitor that very closely.

MR. GONZALEZ: I agree, Commissioner, and we're looking at alternatives, just in case the revenues don't prove to be long term. But I will say that about 2 ½ weeks ago I had sort of a spontaneous visit from BOP officials who were attending a conference in Albuquerque and they did sort of a surprise drop-by the facility. During the visit, they were very complimentary. In fact what they commented on was that there was a changed atmosphere in the facility. When they walked in they said we're not here doing a formal visit but we do want to tell you that what we saw not only surprised us but pleasantly surprised us and we're glad to see that it appears that the County is paying attention to the issues that we've raised. They particularly commented on some of the activities that were being provided to the juveniles at the facility. They just made a pizza, I think and they could even recite the ingredients that went into the pizza. To them, that was a big improvement over sitting there and watching television. They said we think you guys are on the right track.

So we will continue to monitor it but the signals seem to be more positive at this point.

CHAIRMAN MONTOYA: Okay. I guess the real positive signal for me will be

that that census is going up in terms of the numbers that we're seeing over there.

MR. GONZALEZ: That's critical.

CHAIRMAN MONTOYA: Yes. It's good to here but we've got to see it that those numbers go up.

MR. GONZALEZ: Absolutely.

CHAIRMAN MONTOYA: Thank you, Greg. Appreciate it. And thank you all for all your hard work. Appreciate it Bob, Bill, Billy. Thank you.

XII. C. 13. Request Approval of Memorandum of Understanding Between the City and County of Santa Fe for Senior Services (Housing Department)

MR. GONZALEZ: I'll go ahead and address that, Mr. Chairman, Commissioners. This item is the result of negotiations that we've had between County staff and City staff, trying to arrive at an agreement with respect to senior services. It's basically an extension of the current agreement with some addition for additional services at Eldorado. You'll notice in going through it that there's only one day of service being provided for but the agreement also indicates that as the need for services increases then we will sit down and negotiate an amendment to the agreement in order to provide for additional services. As I understand it, more than one day of services is contemplated long run for the Eldorado facility. We just don't know where we are in terms of construction so we left that as an open-ended term to be continued and agreed upon in the future.

CHAIRMAN MONTOYA: Any questions on this? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, Gerald, what additional services are included in what they call here the Glorieta-Eldorado facility?

MR. GONZALEZ: In terms of Eldorado, we'd have to sit down and specify what those are but it would include meal services and probably some additional class kind of services that they provide at the other centers.

COMMISSIONER SULLIVAN: I don't see anything different than what they're doing now in the Eldorado facility, which is - all they have there is one day a week, Meals on Wheels.

MR. GONZALEZ: That's correct.

COMMISSIONER SULLIVAN: And one day a week they provide a van into town for doctor visits. That's been going on for several years.

MR. GONZALEZ: There's language in there that says that when the County desires additional services over and above what's specified in the agreement, that we'll sit down with the City and negotiate an amendment to the agreement that would spell out those services and the costs. Because Eldorado isn't fully up and running at this point we left that open just so we can move forward, put this issue behind us and then as soon as we've got Eldorado completed to the point where we're looking for additional services, then we'll sit down with

City staff and negotiate those.

COMMISSIONER SULLIVAN: Because my understanding is that this agreement goes two years back. We're paying for services in fiscal year 04/05 and fiscal year 05/06. So the only current year is 06/07. Is that right?

MR. GONZALEZ: That's correct, Commissioner Sullivan.

COMMISSIONER SULLIVAN: We've talked about this several times and we've never gotten any response back, but is there discussion about if and when the County should take over these responsibilities itself, rather than contracting them out.

MR. GONZALEZ: That's an internal discussion, Mr. Chairman, Commissioner Sullivan. As you know, we have a new constituent services representative on board who has some expertise in the area and we've already had some preliminary discussions about taking a look at that issue and figuring out, parsing out the costs and weighing the costs and benefits on both sides.

COMMISSIONER SULLIVAN: I spoke briefly with her and I'm glad that we have her on board. We're going to divert her from Commissioner Vigil and put her to work in the housing component. The problem we've had, my understanding all along, and I don't see it here either is that there's no backup indicating how this is allocated to which centers. Maybe - was that documentation given to you when you negotiated these fees? Or how did the fees get determined?

MR. GONZALEZ: The fees that are contained in the agreement were based on what our previous Finance Director and the City's Finance Director had worked out with each other. I haven't seen the backup information. So I suppose we can look for that. Basically it's a carryon of what had been done previously.

COMMISSIONER SULLIVAN: I see that it was \$328,000 two years ago and last year \$338,000. This year \$348,000. So I can see the trend there. \$10,000 a year. But I'm just wondering, this seems to be kind of thin on audit backup and contractually what we're actually paying for. Not that I think the City is cheating us. I don't think that at all. But the City also receives state and federal funds for senior services. And it's for services to the County centers as well. I'm just concerned that there isn't overlap or double-dipping there that occurs. But we can't run all the senior centers in the city and the county for \$348,000. We all know that. It's heavily supplemented with the state and federal funds.

MR. GONZALEZ: That's correct, Mr. Chairman, Commissioner Sullivan. One thing that we have asked our constituent services person to look at is not only the funding being provided from the County side for the operation of the Eldorado center, but she's also exploring how much money that would free up also from the federal and state side. So hopefully we'll have a little better handle on that when we come forward with stepping up the services out at the Eldorado center and we'll be happy to provide you with a report about that.

COMMISSIONER SULLIVAN: I'm going to meet with the City director on Friday so I'll ask some more of these questions on Friday. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Other questions on this? What are the wishes of the Board?

COMMISSIONER VIGIL: Move to approve item C. 13 on the Consent Calendar.

CHAIRMAN MONTOYA: I'll second. Discussion?

The motion to approve the MOU with the City regarding senior services passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. B. Fire Department

1. Request Approval to Fund New FTE, Data Entry Position for the Fire Department

STAN HOLDEN (Fire Chief): Thank you, Mr. Chairman. We're requesting that the Commission approve utilizing ambulance revenue funds to procure the services of a full-time data entry position for the department. This position would we believe continue to enhance the revenue collection that we receive from ambulance revenues and the entire cost would be borne by the ambulance revenue fund itself. It will not be an outside or a general fund source. I'd be happy to stand for any questions.

CHAIRMAN MONTOYA: Any questions?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Discussion?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes. My question, Stan, is why are we bringing this forward now? Shouldn't this be a part of our routine budget review? I always have a problem, unless it's an emergency, when we come in with individual agencies asking for FTE amendments that seem to circumvent the budget process where everybody has to go in and arm wrestle the Finance Department and the Manager's office and make their case. So what's so unique about this request?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, I'd be happy to answer that question. This was actually proposed during the 2006 FY budget discussions. We had received tentative approval to put this person on mid-year but somehow through the process it had been dropped. The Fire Department had thought that it had been approved as a matter of budget approval process but since we found out that that was not the case and since we have the funds available we felt it important to bring it forward because again, this is a collection issue for the department and these are healthcare funds or insurance dollars outside the County that we bring back into the County. And if you allow these funds to sit out there too long and they get old and they get into the aged accounts as far as calendar days, and there out there 90, 180 days, your chances of collecting these revenues into the County are diminished. And that's why we're trying to encourage this to go forward as quickly as possible.

COMMISSIONER SULLIVAN: You were saying in your memo that you hired a part-time person, apparently.

CHIEF HOLDEN: We contracted.

COMMISSIONER SULLIVAN: You contracted with a part-time person, and improved your receipts from the ambulance from \$350,000 to \$500,000.

CHIEF HOLDEN: That's correct.

COMMISSIONER SULLIVAN: Is it - why not just continue to contract? That seems to be fairly successful.

CHIEF HOLDEN: Well, the person that we contracted with is not a full-time individual and we believe that there are revenues available out there above and beyond what we have collected that we could obtain if we had a full-time position available.

COMMISSIONER SULLIVAN: So you think whereas this contract person brought in another \$150,000, a full-time person would bring in how much more?

CHIEF HOLDEN: What we have is an opportunity then for the actual accountant who actually does the collections, does not have to spend so much time keeping up with the data entry on calls that are happening every day. That's where we get the backlog. There are efforts that have to go out there that have to do specifically with the receivables, and you're dealing with multiple agencies and some of these are federal agencies for Medicare and Medicaid dollars. And those efforts take a lot of time; they're very time-intensive. As you can imagine there are many, many forms and requirements that have to be met.

COMMISSIONER SULLIVAN: So you're going to continue to keep the contract.

CHIEF HOLDEN: That's not our intention, sir.

COMMISSIONER SULLIVAN: So the FTE would do both the accounting and the data entry.

CHIEF HOLDEN: That's correct.

COMMISSIONER SULLIVAN: And the billing.

CHIEF HOLDEN: Well, we have an accountant who does specifically all the collections on the receivable side of it. This person would do all the data entry, all the medical entry, all the coding. They call it ICD-9 coding, for the calls, and all those procedures have specific medical codes that have to be accounted for in order to increase the likelihood that you're going to get reimbursed not only from insurance companies, but primarily from Medicaid and Medicare.

COMMISSIONER SULLIVAN: What's your projection? What do you think our revenues should be?

CHIEF HOLDEN: I think we should probably be around \$575,000, \$600,000 a year.

COMMISSIONER SULLIVAN: And we're getting around \$500,000 now.

CHIEF HOLDEN: We're slowly getting there. To be quite honest with you, Commissioner, the agreement to do the contracted was sort of my response to the budget analysts recommendation that we go outside the organization to do collections, that we contract

with an outside agency, and I didn't think that that was necessary. I think if we had the staff internal, we have the expertise to do the collections internally. We just need some more help in order to get all the information entered.

COMMISSIONER SULLIVAN: Mr. Chairman, is this supported by our new Finance Director? Do we have a new Finance Director?

MR. GONZALEZ: Mr. Chairman and Commissioner Sullivan, we've discussed that at length with the Fire Department and our interim Finance Director has participated in those discussions, interim being Roman Abeyta, and I participated in those discussions as well. We explored at length the differences between doing contract and doing FTE route. I think the conclusion of all the participants was that it would be more efficient to go this way and in the long run might achieve some additional efficiencies as the person gets skilled and picks up additional duties over at the Fire Department.

COMMISSIONER SULLIVAN: Is this a temporary position or a permanent?

CHIEF HOLDEN: It's an FTE. It's a full-time, permanent position.

MR. GONZALEZ: And that's how it was originally presented. We thought it was presented to the BCC some time ago.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions?

The motion to approve the FTE for the Fire Department passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. B. 2. Resolution No. 2006-79. A Resolution to Proclaim Extreme or Severe Drought Conditions within Santa Fe County and to Ban the Sale and Use of Certain Fireworks in the Unincorporated Portions of the County (Fire Department)

CHAIRMAN MONTOYA: Any questions on that?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Discussion?

COMMISSIONER CAMPOS: Mr. Chairman, I think it's important to receive information and presentation from the Fire Department. I think it's important to communicate this information to the public and I think there's significant information as to the extremity of the fire dangers that we are looking at in the next few months.

BUSTER PATTY (Fire Department): Mr. Chairman, Commissioners, thank you for listening today to look at this resolution. The fire dangers that we're looking at right now have gone to extreme as of yesterday. I have a chart here I'd like to pass out to you so I can explain to you. *[Exhibit 1]* This chart is the energy release component that you're looking

at. You can see at the very bottom there this is month by month and it's recorded very five days. Right now we're in March, April, from last month you can see the red line is the historical of the energy release. The blue line is 2002 when we had the real severe drought conditions, and the black line is present day. You can see right now, as of yesterday we did reach the extreme line, which is about 84 percent.

Energy release component means that the energy is released when the materials catch fire in the forest, which is at the extreme level, which is very, very volatile right now. So this is in the ordinance that we're looking forward to ban the sale and certain restrictions of certain fireworks in the appropriate properties and land.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Could you explain energy release component in a little more detail?

MR. PATTY: Energy release component is the amount of energy that is released from the fuels because of the amount of fuel moisture that is in the fuels right now. That is a percentage that they use. Right now, you're looking at about 84 percent. That's the amount of energy that's released out of the fuel itself because of the lack of moisture in it.

CHIEF HOLDEN: Mr. Chairman, Commissioners, perhaps a better way that the public might understand, if a log were to catch on fire, because it's so dry 84 percent of it would be burnt to ash and would be no longer visible, given these conditions. That might be a better way to put that.

COMMISSIONER CAMPOS: That's because of the dryness. Dryness would lead to more intense fire.

CHIEF HOLDEN: Correct.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. We're actually enacting this ordinance a little earlier than we normally do, right? This resolution, rather.

MR. PATTY: Normally, a little bit, yes.

COMMISSIONER VIGIL: And I was just concerned, because I know before we enacted this closer to July 4th, those kinds of dates. The kinds of missile-type rockers, helicopters and fireworks that are prohibited are limited. Are they limited by state statute? So we can't broaden that any more? During the Fourth of July, it's almost amazing how many fireworks there.

MR. PATTY: You still have the fireworks out there. We're just trying to limit what the state will allow.

COMMISSIONER VIGIL: Have we tried to broaden those? Particularly now that we're dealing with drought conditions? What kind of response have we received?

MR. PATTY: Well, we haven't tried to broaden them. It is actually a state statute that regulates that. Right now the fireworks that are allowed will be fireworks that don't leave the ground any higher than 10 feet. And the audible fireworks are kept to a minimum on the ground. Nothing that leaves the ground, bottle rockets, aerials, that sort

of thing.

COMMISSIONER VIGIL: It just seems to me that in extreme drought conditions, even a little twirler could create a huge problem. Or a sparkler. It makes sense that at this point in time our legislators might be more responsive to broadening the category of fireworks, particularly if you can identify drought conditions. It seems to me that under the serious drought conditions that we're in, all fireworks should be prohibited.

CHIEF HOLDEN: Mr. Chairman, Commissioner Vigil, you're absolutely right. As you probably know, since you've been there many times. We have, as a fire lobby, tried to impose greater restrictions than what we are allowed to do under state statute. At every opportunity we've been opposed by the fireworks industry. So from the state standpoint, yes, the Fire Marshal Association, the State Fire Chiefs Association, has gone to our legislature in the past to ask them for tighter control and greater restriction ability at the local level. This is what we're allowed to do, given the existing conditions. This is what we were granted, I guess is what I'm saying as a result of those lobbying efforts in the past. This is to the extent that we can enforce this.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chairman. Thank you, Stan and Buster.

CHAIRMAN MONTROYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: One other question. As far as the Pueblos, are they selling fireworks at this point in time?

MR. PATTY: As far as we know they are. We don't have any jurisdiction over that the Pueblo Indians do in the way of sale or use.

COMMISSIONER CAMPOS: Have we contacted them and asked that perhaps they recognize the fire danger and restrict the sales?

MR. PATTY: We have had communications with them, letting them know what the fire dangers are, but there again, we don't have any control over what they do. We've recommended that they try to limit different sales.

COMMISSIONER CAMPOS: I think it's important that this Commission communicate to the Pueblos because they traditionally have been the vendors of the great majority of fireworks and I think this Commission has the responsibility to communicate to the Pueblos and let them know that we feel we need their cooperation and we need it now. I just ask for some direction as to how, what the most appropriate way of doing this would be. Any ideas from our County Manager or from the other Commissioners? I think it's important we write at least a letter to them, to all the Pueblos that are vending fireworks.

CHAIRMAN MONTROYA: I'd be glad to do that and communicate that. I think Pojoaque's the only one that's selling any that I can think of.

COMMISSIONER CAMPOS: Can you find out who's doing it and then get a letter out to all of them that are doing it.

CHAIRMAN MONTROYA: Maybe we ought to just send it to the ones we have MOUs with, period. Just letting them know that this is something that we've enacted countywide.

MR. GONZALEZ: That's probably a good idea.

CHAIRMAN MONTOYA: That way we're not targeting just -

MR. GONZALEZ: Right. A single Pueblo.

COMMISSIONER CAMPOS: I think it should be done forcefully and obviously with tact and diplomacy, but this is a very important issue.

CHAIRMAN MONTOYA: How can you do something with tact and diplomacy and forcefully?

COMMISSIONER CAMPOS: We're going to let you figure that one out.

COMMISSIONER VIGIL: Send Paul Campos.

COMMISSIONER CAMPOS: Let me do it.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: So there's no objections? Okay, so there's consensus that the chair draft a letter and maybe circulate it.

CHAIRMAN MONTOYA: Okay. Any other questions? Has this been reviewed by Legal?

MR. PATTY: Yes, it has.

CHAIRMAN MONTOYA: On the second page, on the parenthesis, do we need that?

JACK HIATT (Deputy County Attorney): Good afternoon, Mr. Chairman. No, you obviously caught my error. That was legal thinking when we were talking. This is a message between Mr. Ross and myself about whether or not we wanted to explain in the resolution what the limitations really were and we concluded, no, we've really explained that there's no sale or use so here's a corrected page 2. [Exhibit 2] Thank you for finding that. I was going to just try to slip it past you.

CHAIRMAN MONTOYA: Any other questions? If not we have a motion and a second.

The motion to approve Resolution 2006-79 as amended passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. D. Sheriff's Office

- 1. Ordinance 2006-5. An Ordinance Declaring Driving Under the Influence of Intoxicating Liquor or Drugs to be a Public Health Danger and Providing for the Temporary Seizure, Immobilization, and Forfeiture of a Vehicle Following the Third Offense of Driving Under the Influence of Intoxicating Liquor or Drugs (PUBLIC HEARING)**

GREG SOLANO (County Sheriff): Mr. Chairman, Commissioners, we have before you the DWI forfeiture ordinance, the same one we made a presentation on at an earlier

meeting. The ordinance is pretty much the same as our last presentation, however, we did submit a separate page. [Exhibit 3] Dick Roth, who is known as the father of the interlock device throughout New Mexico has asked us to consider adding interlock devices to the agreement that we would make in lieu of forfeiture. We could make an agreement with the owner to boot the vehicle. We have also added the option of making an agreement with the owner to put an ignition interlock device on for a year. So that's an amendment that's there for you separately that Dick Roth has asked us to consider and I am in agreement with that. I think that would help a lot and still have some kind of control over whether the car is used for drunk driving.

I don't know if you need me to go over the ordinance in its entirety or you want me to answer questions or how you'd like to go from here, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, are there any questions for Sheriff Solano? Okay, if not, this is a public hearing. Thank you, Sheriff. If there's anyone who would like to provide some feedback, on behalf of or in opposition to the ordinance, if you would please come forward.

DICK ROTH: Thank you, Mr. Chairman. My name is Dick Roth and I did in fact suggest the slight amendment to this ordinance. I view this ordinance as just adding a power and enforcement to the statewide ignition interlock ordinances that we have in place and are having a measured, impressive effect in the reducing of drunk driving and are the best not only in the United States but in the world and we've been asked to report on them even in France.

So what this does, the main value of this is as a general deterrent. People who have never been convicted of drunk driving are just aware of another of the sort of penalty that they don't want applied to them. I don't see it as - we're not going to be selling a lot of cars but we are going to be influencing a lot of people who might otherwise take the risk of driving after drinking and thereby endangering the public. The option for ignition interlock adjusts for the fact that what we really want these people to be is responsible citizens who will change their drinking and driving behavior and can still support their family and be taxpayers and have a job, and yet they can never operate that vehicle after drinking.

So it achieves our goal of reducing drunk driving and at the same time as far as the ordinance in general is concerned the threat of the potential forfeiture of vehicle will be a significant general deterrent and has been shown to be so in those jurisdictions that have adopted ordinances of this sort, including our own Albuquerque.

CHAIRMAN MONTOYA: Okay. Thank you, Dr. Roth. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. If I'm to read this correctly, and perhaps this is for you, Sheriff Solano, how many times does a defendant have to have a DWI before the immobilization?

SHERIFF SOLANO: The defendant would have to have two prior convictions and then on the third address this forfeiture ordinance would come into play.

COMMISSIONER VIGIL: And/or the alternative would be an interlock device.

SHERIFF SOLANO: The interlock device and/or booting for up to 30 days.

COMMISSIONER VIGIL: Isn't the interlock device law, isn't that required after a first DWI?

SHERIFF SOLANO: It is. However, in the interim, that law is relatively new, we would run into some people who may not already have one even though they've had prior DWIs. So as part of this agreement to not forfeit the vehicle, this would give us an opportunity to put interlocks on some of those that wouldn't have had one because maybe their previous DWI came prior to the new interlock law.

COMMISSIONER VIGIL: Okay.

SHERIFF SOLANO: And one thing I forgot to mention Mr. Chairman and Commissioners, is that the City Council, Patti Bushee, is moving forward with a similar ordinance at the City and I am assisting the City Police Department, Deputy Chief Ray Byeford - he was temporary chief, now I think he's Deputy now - I'm assisting him with the impact study on the City Police side. Our intention is if we both can pass this ordinance then we will jointly share a lot of the costs involved. So that will help also cut down on the costs to implement this program.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Sheriff Solano, one of the sort of ancillary comments I want to make when it comes to voluntary seizure, immobilization, part of the problem that the community has with that is while everything is done when the citation is issued, often times police officers, as their training tells them, will write down the address of the defendant's drivers license and that might be an outdated address. So when the defendant is trying to go through proceedings to get their vehicle back, or when the impounded place provides notice to the defendant that they're in possession of the vehicle and they have 30 days to come and pick it up, if the address is one that's outdated, the defendant never gets the notice if it goes to the licensed address and they're at a new place, and consequently, what's happening is that that's empowering those impounding organizations, because after 30 days they can actually sell the vehicle. There are defendants who never get notice and then go to the impounding place and say where's my vehicle. And they have all proof of notice, because they sent it to the available address issued on the citation. Is there a way that a most recent address, because licenses don't always have current addresses?

SHERIFF SOLANO: Mr. Chairman and Commissioner Vigil, we understand that problem even with DWI citations and the revocation hearings, so we always do try to get the most recent address from them at the time of the arrest. And in the case of the forfeiture ordinance, the person arrested would receive notice of the forfeiture at the time of the arrest of the proposed forfeiture and then we would also mail a copy to the lawfully registered owner and that would come off, I would imagine, the registration of the vehicle. But we could also make a point of asking the person arrested if they have a more current address for the owner of the vehicle at the time of the arrest.

COMMISSIONER VIGIL: Because the problem doesn't occur at that time; the problem occurs once the vehicle has been impounded and is in possession of an impounding yard, and then they start their proceedings for getting rid of the vehicle, which many of them

do because they don't have the room for it. It becomes a compounded problem. So yes, I think it would be wonderful if there was some way we could ensure – and then again I understand the difficulty. You're dealing with a DWI defendant who you may ask what their current address is and they may not be responsive. But I think if we assert ourselves and try to protect some of these defendants because I myself have handled many of those cases and state statute is really powerless over the defendant. The impounding entity has the authority to just issue notice and then sell the vehicle. That turns out to be a really difficult thing for many defendants.

SHERIFF SOLANO: Mr. Chairman, Commissioner Vigil, in the case of a proposed forfeiture, if at the time of the arrest the vehicle and the arrestee appear to meet the criteria of the ordinance, in that case the vehicle will be taken to our own impound lot, which at this time we've received preliminary approval from Rancho Viejo to place that lot directly behind the Sheriff's office. So that will allow us added security and an easy place that people can go to. It's across from the jail and everything, to start working on the forfeiture part of the ordinance.

COMMISSIONER VIGIL: That's good to know. Because in many cases they go to private impounding yards.

SHERIFF SOLANO: Yes. If we are proposing forfeiture, the vehicle will go to this lot, which is at the Sheriff's office.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, any other questions? Or actually this is still a public hearing. Alan.

ALAN WHEELER: Mr. Chairman, Commissioners, my name is Alan Wheeler. I'm a community volunteer in the area of DWI prevention. I'm currently the vice chair of the Santa Fe County DWI Planning Council, and a co-founder with Dr. Dick Roth of Impact DWI. I'm also a volunteer chair with a funded grant from the Department of Health, and very recently we've done some research which shows that while our laws are the toughest in the United States, the perception of the enforcement of the law, that is how it impacts the offenders, is that it is very low.

I feel and the DWI Planning Council has voted to endorse this, that this will help considerably in broadcasting, if you will, the idea that we're serious. That we're all very serious about this. Secondly, it is my personal opinion, not that of the Planning Council, is that there are some very dangerous drivers out on our roads. Very dangerous drunks. Not so many in number, but with very bad records, and we know that they're going to cause problems. I think this will give us a very valuable tool in addition to the other tools that we have. Thank you.

CHAIRMAN MONTOYA: Thank you, Alan.

MR. WHEELER: Any questions?

CHAIRMAN MONTOYA: Okay. Thank you. Anyone else like to speak on behalf of or in opposition to this?

KEN JOHNSON: Mr. Chairman, members of the Commission, Sergeant Ken Johnson, Santa Fe County Sheriff's Department. I also serve as chairman of the Santa Fe

County DWI Planning Council. We have discussed this issue and ordinance in our regular meetings and we have voted to support this issue.

CHAIRMAN MONTOYA: Great. Thank you Sgt. Johnson for all you do for the County and the DWI Planning Council. Okay, this public hearing is closed. Discussion from the Commission. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Sheriff and staff, on the reasons for seizure, on paragraph III. B, it states – and I'm confused about this. "Temporary seizure may be made if it is an incident to an arrest of the driver of the vehicle for either driving while intoxicated (third offense, two prior convictions) or driving while his or her license is revoked as a result of driving while intoxicated arrest." Now, could you explain that to me?

SHERIFF SOLANO: Mr. Chairman, Commissioner Sullivan, I'm sorry. I skipped over that part inadvertently. But the seizure ordinance can take effect if a person has been convicted of drunk driving and had their driver's license revoked and is driving on that revoked license. In other words they know they know that they should not be driving and they are. This is a very – I won't say unlikely, but I guess there's no reason that a driver should be driving on a revoked license. New Mexico law allows that if a person's license is revoked for drunk driving that they can get a temporary license or a license to drive as long as they have the ignition interlock installed. So if somebody is driving on a revoked, that means that they have failed by their own doing to go get the ignition interlock and get the special ignition interlock license. So this allows that if they fail to do that and continue to drive with the revoked license that they would be subject to the forfeiture.

COMMISSIONER SULLIVAN: Okay, so if you stopped someone and their license was revoked but it was not as a result of a driving while intoxicated arrest you could then not seize their car. Is that correct?

SHERIFF SOLANO: That's correct. They can still be placed under arrest under state statute but we would not seize their vehicle as part of a forfeiture.

COMMISSIONER SULLIVAN: Okay. So then, let's go back to page 4, the last paragraph, where it says, Now, therefore, be it resolved, this ordinance... Got that? The second to last line there, it says "Following the third offense of driving under the influence of intoxicating liquor or drugs, or driving on a revoked license for driving under the influence of intoxicating liquor or drugs is hereby passed, approved and signed." So is that "for" correct, or should it be "or"?

SHERIFF SOLANO: Mr. Chairman, Commissioner Sullivan, I guess it should be – I can let legal look at it too, but it wouldn't be "or" I believe because the provision would only take effect if they're driving on a revoked, or the reason –

COMMISSIONER SULLIVAN: It should read driving on a revoked license as a result of driving under the influence or intoxicating liquor.

SHERIFF SOLANO: That might be better.

COMMISSIONER SULLIVAN: Okay. I see. I thought it was a typo at first when I looked at it and then when you explained it I began to understand what you're talking about. I think it would make more sense if it said "as a result of". That's what it says in

paragraph B. It says revoked as a result of driving while intoxicated. How does that look?

MR. HIATT: Mr. Chairman, Commissioner Sullivan, that sounds fine. If you've concluded, I have one other suggestion. Mr. Chairman, Commissioners, on the amended language, Section 4 on the single sheet that the County Attorney handed out, I wanted to suggest to you the word was inadvertently left out on line 7. It begins in the middle of line 7, "if the owner elects to accept" and the word "an" should be inserted there. "If the owner elects to accept an alternative". If you would make that correction please. Commissioner Sullivan's suggestion sounds fine.

COMMISSIONER SULLIVAN: The suggestion I just made then was to replace the work "for" on page 4, on the very last paragraph, with "as a result of".

MR. HIATT: Yes.

SHERIFF SOLANO: Mr. Chairman and Commissioners, Mr. Roth would like to, if you would allow him to comment on the importance of the "revoked" portion.

DR. ROTH: It may not be clear that driving on a revoked is on the same order of magnitude of offense as driving while impaired. I will point out to you that that's one of the biggest loopholes in drunk driving legislation throughout the country. It was thought that taking away a person's license would be a deterrent to drunk driving. Whereas it does have some deterrence on those of us who have never been arrested, who don't want to lose our license, it has very little deterrence on people who are actual drunk drivers. The laws that just revoke a license and then let them drive and have low likelihood of being apprehended, what that does is gives a period of learning that a person can get by with that, and not only do they get by with it and continue to drunken drive, but here's the worst part: If you look at the data on whether or not they get relicensed after they become eligible for it, in California, looking three years after people became eligible for relicensure, only 16 percent of them had done so.

So we've given them a period where we've taught them that they can get by with driving without a license, without insurance, and having low likelihood of being apprehended. So this addresses that thing that they're not supposed to do but are in fact doing. And it is - California also has reacted very strongly to trying to enforce that loophole in drunk driving legislation. So this is an important component of this.

COMMISSIONER SULLIVAN: You don't have any problem with these language modifications, do you?

DR. ROTH: No, I have no problem with that. I was just pointing out that this is not a trivial component.

COMMISSIONER SULLIVAN: I think the point is well taken, Mr. Chairman. I think it's true in New Mexico as well and what happens is in New Mexico, my understanding is if it's after a third, you don't get your license for ten years.

DR. ROTH: That was changed in the legislation last year. Now, after a third conviction you lose your license for lifetime with five-year review. The ten-year revocation -

COMMISSIONER SULLIVAN: Either one, no one's going to do that, is my point. For life, they say, I'm not going to bother and they become scofflaws. So I think the biggest thing that works in opposition to that, in helping that problem is of course the interlock,

is the ability to get that interlock. But saying you're going to lose your license for life, well, people are going to drive, just like they did when it was ten years. Ten years is the same as life in terms of being without a car if you have a job and a family to support. So I think those parts of our law are still archaic and need work. That's no deterrent at all and neither is a five-year review and neither is life. But certainly the ability to get a relicense with an interlock is a very strong positive, not only for the offender but also for the public, so we have some protection for the public.

DR. ROTH: Right. You should also know that over 85 percent of over 3,000 offenders that I've surveyed, offenders who were under this sanction, think that the ignition interlock is a fair sanction. So even the offenders accept it.

CHAIRMAN MONTOYA: Eighty-five percent?

DR. ROTH: Eighty-five percent.

COMMISSIONER SULLIVAN: And I think it is too. I agree with that part, I was just commenting, Mr. Chairman, on the part of the law that sounds like Let's get tough on DWI. Let's take their licenses for life. That in my judgment is just close to meaningless. Anyway, I would move, Mr. Chairman, for adoption of Ordinance 2006-5. Is this a second public hearing or we don't need a second public hearing? We don't need two, I don't think. So I'd move for adoption of Ordinance 2006-5, as amended on page 4.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Okay. Motion, Commissioner Sullivan, second by Commissioner Campos. Any other discussion?

COMMISSIONER VIGIL: I'd just like to thank Sheriff Solano for taking a leadership role in this and appreciate the support for improving DWI laws and addressing the fatalities that our Sheriff's officers have to deal with on such a regular basis, Mr. Chairman.

MR. ROSS: Mr. Chairman, may I suggest that the motion reflect the proposed changes on page 3 and page 4.

COMMISSIONER SULLIVAN: Oh, good idea, Mr. Chairman. I'll amend that to include the changes in IV, Paragraph IV, provided to us with the additional change of the addition of the word "an" in the phrase "if the owner elects to accept an alternative."

COMMISSIONER CAMPOS: That's fine with the seconder. And I'd just like to also thank our Chairman Montoya for also taking a leadership role in bringing this ordinance to our attention. I think it's an important component and I think it will add a significant tool and weapon for law enforcement.

CHAIRMAN MONTOYA: Okay, any other discussion? I too would like to thank everyone who has been involved with this. I think again, Commissioner Campos you mentioned this provides another tool sooner enough. I think in the whole process of DWI and an individual's history with DWI to hopefully cut their history short in terms of any potential damage or death that could even be brought about by their continued drinking and driving. So that's the whole intent of this ordinance.

The motion to adopt Ordinance 2006-5 passed by unanimous [4-0] roll call vote

with Commissioners Campos, Sullivan, Vigil and Montoya all voting in favor.

SHERIFF SOLANO: Mr. Chairman and Commissioners, thank you very much on behalf of myself and the Sheriff's office and everybody's who's helped with this, and special thanks to you, Mr. Chairman, for helping me to get this passed and for carrying it for me.

CHAIRMAN MONTOYA: Thank you. Appreciate it.

XII. D. 2. Resolution No. 2006-80. A Resolution Authorizing an Election for Adoption of Municipal Police Member Coverage Plan 5

SHERIFF SOLANO: Mr. Chairman, I just wanted to also make sure that we got back to item XI. C. 12. Mr. Chairman, Commissioners, one of the biggest stumbling blocks that we've had in retaining deputies and hiring deputies has been competing with the other surrounding agencies within our area as far as our retirement plan. The retirement plan for the surrounding agencies including the City of Santa Fe, the State Police, I believe even Española and Rio Arriba is that they offer the 20-year Plan 5 retirement plan. Recently, Santa Fe County also approved it for our own Fire Department, which I'm sure is a great asset for them.

So what I am asking now is that we pass this resolution and to allow this to go to our union for their vote. The actual amounts that the County would pay towards going to Plan 5 would not change whatsoever from what we pay now and our current union contract allows for us to go to Plan 5 with these votes, both your vote here at the Commission and the vote of the union membership. The union membership would have an increase in their deductions from their paycheck in order to approve the 20-year retirement and I'm actually greatly hoping that they will approve it and that you will approve this. It will be an excellent tool to retaining deputies and continued hiring.

During the last three years the County Commission has been more than helpful in my retaining and hiring deputies with the average of 21 percent raises that we've gotten over the last three years that have taken us - I just want to point out - it's taken us from when I started as Sheriff, 14 deputy vacancies to one. We've got two vacancies right now but one person finishing background status to fill one of those positions. So we've gone - statewide, the average vacancy is 16 percent and that's the New Mexico Sheriffs and Police Association, their study, the average is 16 percent. So you may have noticed that Chief Johnson at the City Police when he was named, said that one of the first things he was going to do was to work on their 18 vacancies. The State Police has 80 vacancies. The City of Albuquerque has over 100 vacancies. So we're very pleased to report that we're down to just two vacancies and one of those will be filled shortly.

This will be the next step, I believe in making us competitive with the surrounding agencies and even equal to our own Fire Department which has recently passed Plan 5. So I can answer any questions.

CHAIRMAN MONTTOYA: Okay, any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Sheriff, my question is the same for this as when we get back to item 12, and that is why are we bringing this up now as opposed to under our - as a part of our normal contract negotiations?

SHERIFF SOLANO: Mr. Chairman and Commissioner Sullivan, our contract with the union currently allows for Plan 5, but at the time, and I believe this goes back before my time, but at the time they did not have a consensus within the union membership to take that vote. And it's believed now that the time has come that they now have a consensus and would like to move forward. One of the reasons, I believe and the union president is here also and he may want to speak to this, but one of the reasons I believe that they're able to do it now is, in the past, they felt that they couldn't afford to do it and thanks to the raises that they've gotten they now feel that they could afford to go to Plan 5 and be able to do it.

So it's not really a budget item because the County's end of the budget will not change whatsoever and the contract has allowed for it for several years, we just hadn't gotten to the point where the union has come forward and said, Okay, now we're ready to take the vote and we think we can do it. I hope that answers your question.

COMMISSIONER SULLIVAN: Could the union person give me their feedback as well?

RICHARD SISNEROS (Deputy): Mr. Chairman, Commissioners, my name is Richard Sisneros, president of the Santa Fe County Deputies Association. Another reason is the raises that we did get now which enabled us to afford the Plan 5 and also everybody gets to vote on this, not just the union. This affects everybody that's covered under PERA and is a commissioned officer. It's not just a union issue.

COMMISSIONER SULLIVAN: So you feel the union will actively support it.

MR. SISNEROS: Definitely. Speaking with the members we feel that we will get enough votes to -

COMMISSIONER SULLIVAN: And how many are covered by the union and how many are not covered by the union?

SHERIFF SOLANO: Our current authorized strength for commissioned deputies is 72, and with the two vacancies we now have 70 and the only ones who are not part of the union are my four lieutenants, my captain, my major and my undersheriff, of course and myself.

COMMISSIONER SULLIVAN: So eight.

SHERIFF SOLANO: Eight are not members of the union out of the current 70.

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

CHAIRMAN MONTTOYA: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Sheriff, you're saying this is not going to cost us, the County, the general fund, any money? Is that true?

SHERIFF SOLANO: Mr. Chairman, Commissioner Campos, that is correct. The current percentage that the County pays, I believe is 9.75. Is that correct?

GREG SHAFFER (Assistant County Attorney): Mr. Chairman, Commissioner Campos, it is correct. It won't cost the County any additional money. The County will continue to pay 27.76 percent of the deputy sheriffs' regular wages into retirement. The increased cost of 3.95 percent under Plan 5, that's the increased cost, will be borne entirely by the employees.

COMMISSIONER CAMPOS: Okay. The second comment more than a question is, when matters like this are brought to us, I would hope that our County Manager has our staff evaluate this so that we have a report as far as the costs, explanations, all those questions would have been answered. That would have been saved a little bit of name. My analysis at home, I'm not just looking this with a bunch of questions in my mind that haven't been resolved. So I would appreciate that in the future as a process.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, I appreciate those comments and actually we've had some discussions with Finance about creating a whole FIR process so that anytime any of these things come forward we can provide you with a complete analysis, including issues related to creating new infrastructure, new facilities, new programs.

COMMISSIONER CAMPOS: But even, in this case, just a short outline of what was coming, what it's going to cost or not cost. That would be helpful to me and I noticed there's other cases in this packet that are in the same category, just to have the process that I think the Commissioners need. We have to guess, we have to speculate, we have questions that we bring here without background information.

MR. GONZALEZ: I agree.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Gerald, for you, is there any other department that the County pays 29.1 percent of - I assume that's employer-employee contributions and we just bear the burden for both, and the three percent that's additional as Greg just explained is employee contributions? Is that how it's distributed at Legal? Three percent is paid by the employee and 29.1 percent is paid by the employer?

MR. SHAFFER: Mr. Chairman, Commissioner Vigil, what I will actually pass out - it might be helpful if you have the graphical numbers to follow rather than jotting down notes. The first document compares the cost of the plan and this is the bottom line cost. You'll see that under Plan 4 and Plan 5 the County's portion is set by state statute at 8.5 percent. So the entire increased cost comes from the employee's side. In the collective bargaining agreement, the County agreed to pick up the same absolute percentage, which is 9.26 percent [inaudible]

CHAIRMAN MONTOYA: So really what this plan does – I'm sorry, Commissioner Vigil. You have the floor.

COMMISSIONER VIGIL: Thank you, Mr. Chairman, but I'm happy to defer to you for clarification.

CHAIRMAN MONTOYA: I just had, in terms of my own comprehension, the employee can add more than what they're currently putting in.

COMMISSIONER VIGIL: No.

CHAIRMAN MONTOYA: No?

MR. SHAFFER: Mr. Chairman, Commissioner Vigil, if the plan is adopted, and that would be via a vote of all the folks that would be affected, which would be both the bargaining unit and the non-bargaining unit members, if the plan is adopted those increased contributions are mandatory under state law and they don't have a choice. They would have to contribute the additional 3.95 percent, if that answers your question.

CHAIRMAN MONTOYA: Yes. That clarified it. Thank you. Commissioner Vigil, you still have the floor.

COMMISSIONER VIGIL: The question I had was for Gerald. Gerald, is there any other bargaining agreement that we've entered into that lends itself to this particular employee arrangement where the County is responsible for the contributions?

MR. GONZALEZ: I'm not sure I fully understand the question, but for each of our PERA plans, as you know, there's a designated employer and a designated employee contribution. For Fire, the recent Fire plan that was adopted, we went ahead and just followed the statutory requirements in terms of contributions there. The same is true of the existing PERA plan that covers the remainder of our employees. There is a provision in PERA law, obviously, that allows the employer to pick up a greater share but we have not done that so far.

COMMISSIONER VIGIL: Okay, so I'm getting confused here then. My understanding of these figures that you gave out says that the County pays 27.76 percent of the contribution. Is that correct?

MR. SHAFFER: That is correct.

COMMISSIONER VIGIL: And that includes the employee contribution responsibility, correct?

MR. SHAFFER: A portion.

COMMISSIONER VIGIL: The 9.25, and then the employee would pay an additional 3.08. Is that correct?

MR. SHAFFER: I think if you take them plan by plan, as it currently stands under Plan 4, the County is required under state law to pay 18.5 percent. It contributes an additional – and this is at its option, and it was part of the negotiated collective bargaining agreement, to pick up 9.26 percent for a total of 27.76 percent. On top of that, the employees pay 3.09 percent for a total cost of the retirement plan of 30.85 percent.

COMMISSIONER VIGIL: Okay.

MR. SHAFFER: And if you switch over to Plan 5, the County portion stays

exactly the same. What increases is the employee's contribution by 3.95 percent and that explains or takes care of the entire increase in cost.

COMMISSIONER VIGIL: Okay. And the resolution is asking us to go to Plan 5. Correct?

MR. SHAFFER: As a technical matter, the resolution in front of you, it does ask you that, but what it does is set in process an election that needs to be authorized by the Board of County Commissioners, the PERA board accepts the resolution and then there will be an election of the employees who would be affected by the change.

COMMISSIONER VIGIL: Okay. Thank you for clarifying that. Then I guess it is fair to make the statement that the County pays for the employer and a large share of the employee contributions.

MR. SHAFFER: I think that's fair to say.

CHAIRMAN MONTOYA: 27.76 percent. That's pretty significant.

COMMISSIONER VIGIL: Good. We're helping our Sheriff's office.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Greg, then what is the second sheet? These numbers are different. 12.35 percent, and the 9.26, and an employee contribution of the same 3.09. What does that refer to?

MR. SHAFFER: The second sheet, and we may have been a step ahead ourselves because there's before you a second resolution, a so-called pickup resolution. Again, under state law there's a required employer contribution and then the employer has the option of "picking up" a portion of the employee's contribution. As it currently stands under Plan 4, the County picks up -

CHAIRMAN MONTOYA: I'm sorry to interrupt, Greg, but this is for item number 3. Right?

MR. SHAFFER: That's correct.

CHAIRMAN MONTOYA: So rather than jump in to that piece, let's stay with this one for the election piece. So Commissioner Sullivan, this one does relate to number 3.

COMMISSIONER SULLIVAN: Yes, but I can't understand, and maybe I'll find out when I get to the next item why the contribution numbers are different. I see the County optional numbers are the same, but then we have different percentages. 12.35 and 16.30, and then somehow it works out to the same 3.95 percent difference that we're talking about on this one. So I don't -

MR. SHAFFER: Mr. Chairman, I believe I can answer the question, hopefully relatively quickly. On the two sheets, if you look, Commissioner Sullivan, at the first sheet I handed out, the employee contribution, including the County pickup, would be the sum of 9.26 percent and 3.09 percent into Plan 4, which unless my math is way off, equals the 12.35 percent under Plan 4 on the second page. And under Plan 5, the "employee contribution" is again the sum of the County optional pickup of 9.26 percent and the actual employee contribution of 7.04 percent, which translates into the 16.3

percent required employee contribution on the second sheet that I handed out.

COMMISSIONER SULLIVAN: Okay. So we'd be dropping, in terms of the total contribution, towards retirement, we'd be dropping from 75 percent percentage to a 56.8 percent percentage.

MR. SHAFFER: If you're looking solely at our percentage pickup of the employee contribution, that's correct.

COMMISSIONER SULLIVAN: But in fact we're not dropping our dollar contribution; it's just a percentage because the total is now more because they're getting greater retirement benefits.

MR. SHAFFER: That's correct.

COMMISSIONER SULLIVAN: I think I understand it now.

CHAIRMAN MONTOYA: Okay. Any other questions for staff?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. This is Resolution 80. Discussion?

The motion to approve Resolution 2006-80 passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. D. 3. Resolution 2006-81. A Resolution Authorizing 56.8% Pickup of Member Contributions Under Municipal Police Member Coverage Plan 5

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Campos, second by Commissioner Sullivan.

MR. SHAFFER: Before we take a vote, Mr. Chairman, this is a housekeeping matter, we ran all these resolutions by the PERA staff and they had a non-substantive change that they recommended that I'd like to apprise you of now, and I'll hand out a redline so you'll see exactly what it is. Specifically, what I had done in the hopes of making it clear that the impact to the County would be zero was repeat in the whereas recitals what the total contributions are now under Plan 4, as well as under Plan 5, and the PERA staff expressed their preference to take out any reference to Plan 4 in the resolution. It's not a substantive issue and not something that I object to, so I bring that forward to you in amended form.

CHAIRMAN MONTOYA: Okay. Thank you, Greg. Any discussion? We have a motion and a second.

COMMISSIONER VIGIL: Does the motion include the amendment?

COMMISSIONER CAMPOS: As amended.

COMMISSIONER SULLIVAN: Secunder agrees.

CHAIRMAN MONTOYA: Okay. Secunder agrees. Any other discussion?

The motion to approve Resolution 2006-81 passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I'd just like to thank the Sheriff and everybody here from the Sheriff's Department. We've been working at this for about five years and we're finally to the point, and Sheriff Solano says we only have two vacancies or one perhaps. That's extraordinary considering where we started five, six years ago. We've come a long way and I really appreciate all the work you guys and gals do. It's really great to see that our Sheriff's Department has finally gotten to the point where we need to be. I'm sure there's more we need to do but we've made a lot of progress in the last five or six years. Thank you very much.

COMMISSIONER VIGIL: Mr. Chairman, I'd like to echo those sentiments. You're out there in the front lines every day and it's not always remembered how much of you and your families' lives play a part in the safety of our community. I just really am very proud of the organization we have in Santa Fe County and I have more than often heard many good things about how our Sheriff's officers treat other residents and I thoroughly enjoy hearing that and I hope that under your leadership, Greg Solano and everyone that's worked together to work on this team concept of community-based policing continues to be a success. I'm very proud of our Sheriff's office.

XI. C. 12. Request Approval of Two Amendments and One Memorandum of Understanding between Santa Fe County and the Santa Fe County Deputy Sheriff's Association, a Subsidiary of the New Mexico Coalition of Public Safety Officers/Communication Workers of America/Local 7911 (Sheriff's Office)

SHERIFF SOLANO: Mr. Chairman, Commissioners, after our last union negotiations, which involved some significant changes as to how we pay the deputies and put together for the first time a scale that went over the entire career really of a deputy, and as we did that we ran into several kind of oversights from when we put the plan together. So the memorandum of understanding, one of the memorandums of understanding that you have before you, and the amendment that you have before you were really put in place to address those gaps.

In the first few months of the contract we ran into a deputy who didn't fit into the pay scale and we ran into a couple of others that didn't fit right into the pay scale and as HR and we looked at it, and along with the union we came up with these agreements and MOUs to fix those. The cost as far as budget concerns, especially in this fiscal year are negligible, and next year, we've put these into the budget request for next year. But the costs are really negligible as far as the amendments.

The memorandum of understanding, the next one, is the one that starts out with the memorandum of understanding between the County of Santa Fe at the top. This one, we ran into some problems in how people go through the promotional process that was set out in the last union contract as far as some promotions to Deputy II and Deputy III. In one case we had a deputy who the promotion was denied and that was allowed under the union contract but we really hadn't worked out what the steps would be to go back and reapply for the promotion and how long they would have to wait and things like that. So the memorandum of understanding that has the steps 1, 2, 3, that really just clarifies that language and fixes up some things that we left out.

Then the final amendment has to do with the new uniforms that you see some of our deputies here wearing. The union came to me and wanted to look at changing our uniforms and we set up a committee. The committee looked at some alternatives to uniforms and came back with some suggestions. Under the union contract the County would have had to have purchased three sets of uniforms for every deputy if we made a change. And since the deputies had come to me and wanted to make this change, we got together along with the union and made an agreement that the County, and using my existing budget money, not any additional out of the general fund, would cover one set of the new uniforms and the union through some cash money they get every year from the County as part of their uniform allowance would pay for the second set, and then they would waive the purchase of the third set.

We actually have already taken that and done that. The County is still holding that money from their clothing allowance and this just memorializes the agreement we set about making over those uniforms. So if I can answer any questions on any of these, or if you want to take them one at a time, however you'd like to do it.

CHAIRMAN MONTROYA: Any questions? Commissioner Vigil.

COMMISSIONER VIGIL: Sheriff Solano, did Finance participate in the negotiations of this?

SHERIFF SOLANO: Mr. Chairman and Commissioner Vigil, yes. Both HR and Finance participated, and that was our previous Finance Director. But both HR and Finance participated in all of these agreements, both at the original negotiations and then when we came in with the problems and we set down how to work them out.

COMMISSIONER VIGIL: Okay. And so this comes as a recommendation of that process?

SHERIFF SOLANO: Mr. Chairman and Commissioner Vigil, yes. That's correct.

COMMISSIONER VIGIL: Thanks.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Campos.

COMMISSIONER CAMPOS: Again, a statement more than anything. I think this is like the other case; we need something from staff helping us evaluate the negligible cost or whatever cost is involved. We don't get any context and we are hit with the idea that we need to x, y and z. So have you had a chance, Mr. Gonzalez, to evaluate the fiscal impacts, costs, etc.? Second question is is this something for negotiation at the next negotiating session, or is it something that we should do now?

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, those discussions have taken place at the staff level. One of the difficulties we're laboring under is that our interim Finance Director isn't available. I don't know if Teresa Sanchez, our deputy has any comments to make regarding that, but I think the negotiations sort of preceded her stepping into that position.

COMMISSIONER CAMPOS: What are the negligible costs involved to the general fund?

MR. GONZALEZ: That would relate to the cost of the uniforms.

COMMISSIONER CAMPOS: Just the uniforms.

MR. GONZALEZ: That's all I'm aware of.

COMMISSIONER CAMPOS: Sheriff, any other costs?

SHERIFF SOLANO: Mr. Chairman, Mr. Gonzalez, actually the uniforms were covered under my existing budget and if this agreement is approved, the money that's being held from the union members right now. It's their money. When I talked about the negligible, in this year already we've already covered one deputy that I'm aware of and maybe two that fell into this no-man's land that wasn't done in the agreement and it was about two percent of their pay difference that we had to take care of and I took care of that under my budget. A deputy makes approximately \$40,000 so it was about two percent that I had to cover.

And then my guess is, because this mainly covers people with 20 years and plus, next year there will probably be one or two people that would reach that level in the next year. So we're looking at - under this they get a three percent increase, so we're looking at three percent of two deputies pay in next year's budget. That is incorporated into our budget request for next year.

COMMISSIONER CAMPOS: Okay. Thank you, Sheriff.

CHAIRMAN MONTROYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Sheriff, what would, on an annualized basis, not just the balance of this year, what would the cost of extending the pay scale be?

SHERIFF SOLANO: Mr. Chairman, Commissioner Sullivan, like I said, I believe there was no more than two deputies that have already been affected by this agreement here. So that would be two to three percent of their pay. The average pay, I believe is about \$40,000 without benefits. So what is that, two percent of \$40,000? I'm not

good at math.

COMMISSIONER SULLIVAN: Eight hundred dollars.

SHERIFF SOLANO: So \$800 would be what we've already covered out of our existing budget out of this year, and in next year's budget we would have to cover any deputy who would have more than 20 years plus service that would come into play in this scale that we didn't do when we designed the scale.

COMMISSIONER SULLIVAN: So I understand these were brought forward by having to deal with the situation where suddenly you had some people going over 20 years and then also you had some promotion denials and you needed a procedure in place to deal with that. I'm just concerned that it appears that we're renegotiating the union contract kind of whenever we want now. If we were to come back to the Deputy Sheriff's Association because of fiscal reasons and say, Next month we need to renegotiate your salary because of some fiscal crisis, what would they say? Would they say that you'd have to wait for two years until the contract's up?

SHERIFF SOLANO: Mr. Chairman, Commissioner Sullivan, these were actually issues that we failed to properly word items in the contract and then they became problems with us. I couldn't say that they would make any changes going to the table, but I have no doubt in my mind that we could bring them to the table to have any discussions.

COMMISSIONER SULLIVAN: When does the contract expire?

SHERIFF SOLANO: We start negotiation, Mr. Chairman, Commissioner Sullivan, later this year. It expires September 30, 2007, is when the current contract expires.

COMMISSIONER SULLIVAN: It was entered into April 25, 2006 and expires in September 2007?

SHERIFF SOLANO: Is that correct? Do you have the contract? The current agreement runs from October 1, 2004 to September 30, 2007.

COMMISSIONER SULLIVAN: 2004 to 2007.

SHERIFF SOLANO: That's correct.

COMMISSIONER SULLIVAN: Okay, and what is the agreement that we entered into on April of 2006? What's that?

SHERIFF SOLANO: I'm not aware of an agreement.

COMMISSIONER SULLIVAN: Oh, okay. I see. That's the date on this resolution that they're using which is today's date. Okay.

SHERIFF SOLANO: I failed to recognize it was today's date.

COMMISSIONER SULLIVAN: So September 30, 2007 this agreement will expire. I understand the practicality of this but I also believe that we're held to strict adherence when we go through the bargaining processes, and we bend over backwards to do that, and that it is in place for the term of that agreement. It doesn't appear on the face that this has a significant fiscal impact but we don't even have any information on what that fiscal impact is.

SHERIFF SOLANO: If I could Mr. Chairman, Commissioner Sullivan, the

last contract was probably the largest revision that we've ever done since we began negotiating with the CWA. As you know, I wasn't here then. But from the time the original was drafted to this one this is the largest amount and especially since we had no Deputy III position whatsoever prior to the last contract. And we had no pay scale whatsoever.

COMMISSIONER SULLIVAN: I remember that.

SHERIFF SOLANO: So when we put those into this contract we made some oversights that left some people out when they reached these certain steps and also we failed to address what would happen if someone who is not approved for the promotion, what their redress would be. So I believe if we didn't take care of these issues between now and the next contract that we'd probably end up with some kind of union grievance and be forced to take care of them.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman. I agree with Commissioner Sullivan. I don't think we should renegotiate contracts. You negotiate a contract when it comes to dollars and you stick to that until the end of the term. If there's problems or errors, that's cool. We can fix that. But when it comes up to dollars, I don't think we need to negotiate that. We have to wait to the end of the period. We have a deal. And I don't have any guidance from our staff on this issue, so I would prefer to have guidance some time in the near future and I'm not comfortable renegotiating after we've negotiated for dollars. That's my position. Thank you.

SHERIFF SOLANO: Mr. Chairman, Commissioner Campos, I really thought, because HR worked with me, we've been working on this for months and months actually because these problems, we became aware really quick, right after the contract came into effect. And we did work with Finance also and I actually thought they would be here and I guess I'm remiss in that I should have made sure.

COMMISSIONER CAMPOS: There's no memo here to give us an introduction, Sheriff, to give us the groundwork, the context, to explain to us what we need to do. And the idea that I have is that we shouldn't renegotiate midterm. It's a bad precedent. It's called - in negotiating parlance, it's called "nibbling". You negotiate a contract, you come back and nibble on two to three issues until you get more and more and more. That's not fair to the Commission or the County.

SHERIFF SOLANO: I understand, and maybe when we do the next negotiating, Mr. Chairman and Commissioner Campos, we do a better job but we will have some employees that will be left out and we probably will have to deal with them at some point because they'll come back and feel grieved that they were left out.

COMMISSIONER CAMPOS: Well, maybe so, but that happened. It's a fact. If staff wants to come back in a month and explain this to us and make a recommendation to us, that would be a little more comfortable. I don't think there's an urgency that we act today, is there, Sheriff? Is there an urgency?

SHERIFF SOLANO: Mr. Chairman and Commissioner Campos, the HR, through the agreement and then the employees that already had problems, those have already been taken care of for the year. So I won't say there's an urgency. There'd be no problem if we had to come back and make sure that Finance and HR were here to discuss their portions of working on this. The uniforms part, that one has been purchased and the money is being held from the employee's portion that we didn't give them their cash that they agreed to give up. So that could even just stay on hold or however you'd like to do, we'll do that.

COMMISSIONER CAMPOS: I'd like to have some direction from staff. Would tabling be okay at this point so that we have input from staff, so that the Commission can feel comfortable when it's asked?

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, that makes sense to me.

COMMISSIONER CAMPOS: Okay, I'd move to table.

CHAIRMAN MONTOYA: Motion to table.

COMMISSIONER VIGIL: I'll second.

The motion to table passed by majority [3-0] voice vote with Commissioner Sullivan abstaining. [Commissioner Anaya was not present for this action.]

CHAIRMAN MONTOYA: So this is tabled for the next administrative meeting. One abstention.

COMMISSIONER VIGIL: Do you have a conflict, Commissioner Sullivan? Are you a police officer by night?

COMMISSIONER SULLIVAN: I abstained because I don't have enough information to vote on the issue.

COMMISSIONER CAMPOS: That's why we're tabling it.

COMMISSIONER VIGIL: That's why we're tabling it.

COMMISSIONER SULLIVAN: I don't have enough information to vote on the tabling.

COMMISSIONER CAMPOS: We need to take a break here.

COMMISSIONER SULLIVAN: He needs to beat me up around the head.

XII. C. Project & Facilities Management Department

1. Request Approval of Open Space & Trails Contingency Funding for Atalaya Mountain /Parker Project \$250,000

PAUL OLAFSON (Open Space Director): Mr. Chairman, Commissioners, I'm standing before you today to request an approval of contingency funding for the Parker Atalaya open space purchase. The purchase is approximately 103 acres located on the city's

east side. In your packets there is an attachment of a map that shows a general location of the property in relation to the Dale Ball Trail and Dorothy Stewart and Atalaya Trails, as well as a site-specific map as to some of the proposed work we'd like to do on the property.

The total purchase price for the property is \$2.2 million. The County has committed \$750,000 through open space bond monies. The state legislature has committed \$750,000 to the project. The landowner has agreed to donate \$450,000, leaving a gap of \$250,000. That gap, we are applying for a grant from the New Mexico Rec. Trails as well as the City of Santa Fe, through the Bicycle Trails Advisory Committee. Pending the decisions of those two applications we wanted to make sure that if those applications aren't successful, that there would be funding. The deadline for the commitment for the property is May 31st.

We have identified potential funds through the joint City-County gross receipts tax. I just handed out a spreadsheet that identifies the boxes in green, potential areas where this funding could come from. [Exhibit 4] The Foothills Trails Trust is the Dale Ball Trail, so those monies are budgeted already for the Dale Ball system. The others are savings between projections and real revenues. So we wouldn't be taking from any other project, basically, if these funds were required and we're just asking for the Board to make a commitment that if these funds are required to complete the purchase that the could be applied through this source. I would stand for any questions. Oh, and one other thing. COLTPAC has reviewed this and recommended approval. The County Open Land and Trails Planning Advisory Committee, as well as the City of Santa Fe/Santa Fe County Regional Planning Authority has also reviewed this proposal and recommended approval. And I'll stand for any questions.

CHAIRMAN MONTOYA: Any questions for Paul? Do I have a motion?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos, Any other discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, I just want to point out this is somewhat similar to the issue I brought up before about the senior center, that we are applying for funds and that if those come through, then this money won't be needed or it can be used for something else. Is that correct, Mr. Olafson?

MR. OLAFSON: Mr. Chairman, that is what we're asking for. Mr. Chairman, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: So they need the money now but the pot will be replaced if the grant funds are successful, is my understanding.

MR. OLAFSON: That's correct.

The motion to approve the contingency open space funding passed by

unanimous [3-0] voice vote. [Commissioners Vigil and Anaya were not present for this action.]

XII. C. 2. Request Approval of Agreement Between Santa Fe County and United States Army Corp of Engineers for Santa Fe River Watershed Study (Project & Facilities Management Department)

MR. OLAFSON: Mr. Chairman, Commissioners, this issue before you is an agreement that we are developing between the United States Army Corps of Engineers and Santa Fe County, and the City of Santa Fe to do a watershed management study, basically, for the Santa Fe River Watershed, focusing on the area between Camino Alire and New Mexico 599. This coincides also with the area that we're focusing on for our Santa Fe River Corridor project between the City and County.

The County has been discussing this, and City staffers with Army Corps staffers for several years now, and we have developed this proposal. What we'll get out of this proposal is approximately 30 percent construction drawings and recommendations for restoration activities along the river and within the watershed. Once that study is complete, that allows the County to go back to the federal government for a potential 65-35 cost-share, meaning the federal government would pay 65 and the County would pay 35 for a long-term management and restoration activities within the watershed and along the river.

The total cost for the project is approximately \$1.1 million - for the study, excuse me. That's a 50-50 split between the Army and the City and the County. So actually the County is paying 25 percent, the City 25 percent and Army Corps 50 percent if we break it down that way. And that's outlined in the materials you have with you.

We're asking you to direct staff to move forward with developing this agreement and finalizing it with the Army Corps. We're not asking you to sign the agreement today. There's still a few technical details and financial details we have to work out. And I want to make one quick correction on my requested action, that I had noted \$28,891 as the amount for the first year. Due to some time changes and what we've been proposing, it's actually \$25,925. So I wanted to make that correction. And with that, I'd also like to introduce Mr. Charles Wilson with the Army Corps of Engineers to give a very brief overview of what this study actually entails on more of a scientific and describe it a little more completely.

CHAIRMAN MONTOYA: Any questions for Paul?

CHARLES WILSON: Thank you, Mr. Chairman, Commissioners. I'm Charles Wilson, US Army Corps of Engineers. What we're looking at here with the Santa Fe Watershed study, there's two products that are coming out of what we'd be doing right here. First is we would be supporting the River Corridor master plan work. There's already a contract - a RFP went out for last August's City and County for River Corridor master plan work. What we would be doing, we would be supporting the work that the

City and County and their contractor do on that, providing our own recommendations for additional things that could be done within the river.

They would fall under what the Corps could do, that would be flood control and ecosystem restoration. Probably a lot of what goes into that River Corridor master plan will include things like grade control structures, bank stabilization, things of that nature. Things that are the stuff that the Corps of Engineers is suited for. We would also be developing a stormwater design plan. This is principally things that the City has asked for under the stormwater design plan but it would provide hydrologic and hydraulic analyses for the mainstem of the Santa Fe River between Camino Alire and Highway 599 bridge. We would also be developing hydrologic information about Arroyo de los Chamisos where the remaining majority of the city is and a large portion of the population is residing near the river.

Arroyo de los Chamisos doesn't run into the Santa Fe River until well below Highway 599. So the interest was do most of our modeling within the mainstem, but also to try and develop enough information about what's happening in Arroyo de los Chamisos so that we can use it in the future. The City would be able to use that, the County would be able to use that; anybody who had access to that would be able to use that information to develop additional modeling efforts to help with flood control.

We have currently got federal funding in place for this federal fiscal year to match, as Paul's information has shown, that he's provided to you with our project management plan and our feasibility cost-sharing agreement. What we're expecting to get out of this, as Paul has already mentioned is this is a nice opportunity to identify projects with the Corps of Engineers, other federal agencies, where you can leverage some money from the government. And as Paul already also said, that cost sharing leveraging could amount to 65 percent of the federal government picking up the tab.

One of the things Paul did not mention, it's also in all the materials, is - he said \$1.1 million for the study, total. Out of that the cost sharing has to be 50-50 between the federal government and the local sponsors, but a large portion of the local sponsors share is coming from in-kind services. And a good chunk of that in-kind services is the contract for the River Corridor master plan. Questions?

CHAIRMAN MONTOYA: Questions for Charles? Commissioner Sullivan.

COMMISSIONER SULLIVAN: On the cost sharing, on page a-1 and a-2, the \$160,000 for the corridor master plan, that's a County contract, right?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that is actually a joint City/County contract that we did through our JPA for gross receipts GRT joint regional projects. So we allocated monies for the River Corridor through the RPA and then we developed a JPA on how we would manage it.

COMMISSIONER SULLIVAN: Okay. So that's in a gray area. The City didn't put up any cash. That's County GRT money.

MR. OLAFSON: It's that GRT that has been identified for -

COMMISSIONER SULLIVAN: Okay. The City didn't put up any cash.

The County put up that area of informal regional money for that.

MR. OLAFSON: Correct.

COMMISSIONER SULLIVAN: Okay. So that's how you determine that the largest portion of that match is - and all of the other study components, are those going to be done by the staff of the Corps of Engineers?

MR. WILSON: Mr. Chairman, Commissioner Sullivan, all of the other direct costs that are listed there, the direct cost column on page a-1, those are all Corps costs.

COMMISSIONER SULLIVAN: And those are by the people with all the resumes that are in the document here.

MR. WILSON: Yes, sir.

COMMISSIONER SULLIVAN: So the Corps is going to do \$650,000 worth of work. So in essence we're paying for \$150,500 worth of Corps work as a part of this agreement.

MR. WILSON: That's correct.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, any other questions? What are the wishes of the Board?

COMMISSIONER VIGIL: Move to approve the agreement between the County and the United States Army Corps of Engineers for Santa Fe River Watershed study.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Sullivan. Discussion?

The motion to approve the agreement with the Corps of Engineers passed by unanimous [3-0] voice vote. [Commissioners Vigil and Anaya were not present for this action.]

XII. E. Water Resources Department

1. Direction and Possible Action on the Imposition of the Summer Surcharge for County Utility Customers

STEPHEN WUST (Water Resource Director): Thank you, Mr. Chairman. This first item is in essence a clean-up of the rate change the Commission approved last year. At that time you approved us changing from a fixed rate with various surcharges to an inclining rate. It was assumed at the time - we had a discussion of one of those surcharges which was the drought surcharge. The Commission agreed to eliminate that drought surcharge with the assumption that the inclining rate was effecting the same purpose.

We brought up a different surcharge at the time but staff, looking back on it was not clear whether or not there was any firm direction or decision by the Commission. That other surcharge is what we informally refer to as the summer surcharge. It's technically known as a water conservation surcharge. It's in the rate structure, and so it's due to automatically go into effect in May, so staff felt we should come in front of the Commission and get your sense and direction and decision on whether to let that go into effect or not. So that's the information you see in front of you. One page is the page out of the rate structure policy that explains what the water conservation or summer surcharge is. The second page is a listing put together by Dennis Gee who's doing a rate study for us about actually, what kind of numbers we're looking at there.

You can see that for the residential, it doesn't kick in until pretty far along. Based on some questions to earlier presentation, I had Millie Valdivia, our finance administrator, put together some numbers so I could tell you how much we actually collected on the summer surcharge last year. For fiscal year 05, we collected a total of \$27,312 from the summer surcharge. \$5,915 of that was residential, \$16,552 was commercial. \$3,073 was from state and Public Safety, and \$1770 was from IAIA and the jail. So the bottom line is compared with the inclining rate, it's really a small amount, comparatively, it's a small amount and even on its own the total of \$27,000 was last year's total. So we just need some direction and decision about whether that to automatically go into play. You can see from the residential it doesn't affect very many people except for the high-end uses.

So the question is whether the Commission would like to see it remain in place or not. Since it's automatic, if you want it to stay in place, we don't do anything it just gets added to the bill, but if you want to have us not have it, we can just throw a couple of switches on the billing system and it's not put on. So it's fairly easy to implement one way or another.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I'm inclined to believe that surcharges actually are water conservation measures. Is that the experience we've had with our utility?

DR. WUST: Mr. Chairman, Commissioner Vigil, that's correct that it is. In fact it's called a water conservation surcharge. The only difference here is it's not very noticeable with the new inclining rate. So it probably won't have much of an effect in terms of promoting conservation. However, it will allow us to have some additional revenue that we can utilize for things like improving pipes and fixtures and other items that we might need in our department.

COMMISSIONER VIGIL: In that case, do we need to re-evaluate it in terms of implementing some kind of a surcharge that would be promoting water conservation?

DR. WUST: Well, Mr. Chairman, Commissioner Vigil, that was the idea behind the inclining rate, which is why this question came up. The inclining rate is pretty severe. In fact Dennis Gee told us that it's one of the most severe inclining rates that he's

seen. And it actually has had a pretty good effect about promoting conservation, at least in the few months we've seen. We haven't seen in through a summer yet because it only got implemented last October and November. So we haven't seen its effect in the summer. So basically, that's what we're looking at here is the comparative difference with this water conservation or summer surcharge, compared to the inclining rate is not very noticeable. So its effect on its own is probably going to be minimal in terms of promoting conservation because the inclining rate is going to have a much greater effect in terms of that.

COMMISSIONER VIGIL: Is this the issue, Steve, whereby we discussed an exemption for the National Guard building?

DR. WUST: Mr. Chairman, Commissioner Vigil, no. This was just in the general discussion of the inclining rate, the summer surcharge was not an effect but the drought surcharge was. So we talked about is one substituting for the other, but we never really got around to the discussion on the summer surcharge. So we're just trying to kind of finish that discussion.

COMMISSIONER VIGIL: So you're asking us - are you saying that if we don't act on this, this will be automatic?

DR. WUST: That is correct.

COMMISSIONER VIGIL: Okay. Nothing further, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions, comments, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think that we should not implement this. I think, number one, with regard to the National Guard, they did come in and ask for an exemption to the new rates and we didn't give it to them. We stuck with the higher inclining rates and the bulk of this will hit the state and the commercial users. We don't have numbers yet on the difference in the inclining rate, but I would assume, Dr. Wust that it would be well over \$27,000, don't you think?

DR. WUST: You mean the inclining rate part?

COMMISSIONER SULLIVAN: Yes. As opposed to what we'd been charging before.

DR. WUST: Yes.

COMMISSIONER SULLIVAN: So the inclining rate is going to bring us in revenues far in excess of \$27,000 that we would have picked up had we kept the old rate structure and stuck with the summer surcharge. So I would like to see how the inclining rate does impact our summer usage and our revenues personally before continuing this water conservation surcharge. I think it hits people in the summer when even if they use the same amount of water they get penalized. And that's always the complaint in the city. Now I recognize in the city that it gets further down into the residential areas than it does with us in the county because of our new schedule.

But even just from a public perception standpoint, I think the 1300 hookups that we have on the system are pretty water-conscious in their usage. I know I've had complaints from people in the Valle Vista area on the size of their water bills and I just hate to get

something in the newspapers that we're going to increase them more, even though I see your chart that says at the lower end it's not going to effect them. People sometimes have a hard time understanding or believing that.

But my feeling is that the new rate structure that we went to, the inclining rate structure should do what it's supposed to do and that is it steeply increases the rate for 1000 gallons as your increase in usage occurs. I think that should be the keystone of our water rate structure and we shouldn't stick in these little gottchas unless we're really in a severe financial crunch and I'm not hearing that at this point. That's my thoughts.

CHAIRMAN MONTOYA: Okay. Any other comments? Commissioner Vigil.

COMMISSIONER VIGIL: I'm getting more confused now after those comments. Are we actually increasing more? Are we increasing the surcharge more? This is already operative. This is actually in existence right now, right?

DR. WUST: Mr. Chairman, Commissioner Vigil, the policy is in place. It's due to automatically go into effect with the May usage. So it's not actually being implemented right at this moment because -

COMMISSIONER VIGIL: Right. We did this last year, correct?

DR. WUST: Correct. It was done last year but we didn't have the inclining rate, and to help clarify or confuse even more Commissioner Sullivan's point, the real imposition will be on commercial, governmental. Institutional, because you can see from the policy page right away or over 20,000 gallons, and it's a surcharge of \$5 per thousand. So it's in essence doubling their base rate for anything over 20,000. And a lot of our biggest users are the commercial and institutional users.

COMMISSIONER VIGIL: And would you clarify - well, maybe you can't. But Commissioner Sullivan stated that if a user uses the same amount of water, they get penalized?

DR. WUST: Mr. Chairman, Commissioner Vigil, basically if you use the same amount of water next month that you did this month, and that kicks you into the surcharge then you have to pay a surcharge. So you're paying more for the exact same amount of water use. If we had just the inclining rate, it would be - let me back up. In the summer you would pay more for the same amount of water use in a given month than you would in the winter because of the summer surcharge. With the inclining rate, that's year-round. So if you use x-amount of water you'll always have to pay that rate, no matter what month of the year you use it. So it's not based on when you use it, it's just based on the amount.

COMMISSIONER VIGIL: So residents, when we implemented this last May, a year ago, residents will recognize because they've been through at least one cycle of this, that this implemented this year, under drought conditions they should expect to pay more. Is that correct?

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, if I could step in here. We had an existing rate structure that was not an inclining rate structure. So as a

consequence of that, we previously imposed a surcharge when we hit the summer point. However, last year, we adopted the inclining rates and as a consequence, that sort of multiplied the effect of the surcharge. And in the conversations I've had with the rate analyst, he believes that the inclining rate itself is probably enough, as Commissioner Sullivan suggested, to promote the kind of conservation that we were looking for, and that in a sense, by keeping that rider, which is the surcharge that would have kicked in under a lower rate, by keeping that on the higher rate we now have in place, in a sense we're kind of penalizing those and sending a double signal that accomplishes - there's probably not any significant gains in terms of conservation that we get. We may get a temporary blip in terms of additional revenue for the time being but in the long run, it's probably just as effective to have the inclining rates and let go of the surcharge.

COMMISSIONER VIGIL: Is that what staff is recommending?

DR. WUST: Mr. Chairman, Commissioner Vigil, yes, and as an extension of that I'll further elaborate that people's water use tends to go up in the summer, unless they're in one of the new subdivisions that uses recycled effluent, because of the outdoor water use. The idea of the summer surcharge was to wake people up when suddenly their water use goes up by 50 percent in the summer that they notice that. They just don't notice it in their water bill going up a little bit; it goes up a lot.

With the inclining rate it will have the same effect because of the change of rate structure, so people who use 8,000 gallons in winter per month and suddenly jump up to 14,000 gallons in the summer, they're already going to get hit with the inclining rate structure, which is why our rate analyst said this is kind of a double hit. The idea was to tell you, if you jump from 8,000 to 14,000 gallons in the summer, you're going to get a real hit on your water bill, so you better pay attention. So that's going to happen anyway. So this is kind of like a double hit on something that we're trying to do with the inclining rate structure anyway.

COMMISSIONER VIGIL: Okay. Thanks for that clarification.

CHAIRMAN MONTOYA: Any other questions, comments? So have you got clear directions, Steve?

DR. WUST: I'm waiting on it, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Chairman, just one thing. I believe our rates have to be set by resolution, don't they, Mr. Ross?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that has been traditionally how we have set rates.

COMMISSIONER SULLIVAN: So I think if the direction from the Commission is to stay with the inclining rates and not impose the rate structure that we'll need to come back with a resolution that does that.

MR. ROSS: That's correct.

COMMISSIONER SULLIVAN: But if there's a motion that's needed, I'd be glad to make one, or if the staff feels that sufficient direction -

DR. WUST: Mr. Chairman, Commissioner Sullivan, correct. That was my

error. I took this out of our rate structure, which doesn't say resolution on it, and I was informed by the County Attorney just the other day that we need a resolution. So what we thought is exactly what you said. If the Commission takes a vote, we'll put together a resolution or whatever needs to be done and signed to make this official.

COMMISSIONER SULLIVAN: I would move, Mr. Chairman, if that's appropriate that the staff be directed to, given the new inclining rate structure, to delete the drought surcharge from the Santa Fe County water rates structure.

DR. WUST: That would be the water conservation surcharge.

COMMISSIONER SULLIVAN: The water conservation surcharge. Excuse me. The drought surcharge has already gone. Okay. That would be my motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Okay, motion, Commissioner Sullivan, second Commissioner Vigil. Discussion?

The motion to delete the water conservation surcharge passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. E. 2. Consideration and Approval of Amendment to Sheehan, Sheehan & Stelzner Professional Services Contract to Increase Contract Amount and Approve Subcontractor CH2MHILL Engineers

DR. WUST: Some of these remaining items, I'll primarily do the introductions and then various other folks will be providing details and answering questions. This one is amending the Sheehan & Sheehan contract, which is the contract for our attorney, John Utton, who does a lot of our water and water rights items and CH2MHILL is an engineering company who could provide some engineering advice and assistance to the legal team to assist us primarily with the Aamodt recommendations. Mr. Utton is here to provide some more details and answer any questions for you.

COMMISSIONER VIGIL: Are there any questions. John, are you ready?

COMMISSIONER SULLIVAN: Madam Chair, before we get started, and I see the chair is taking a break. I'm going to need to recuse myself from this item. Not that I have any dealings with Sheehan & Sheehan, but I see in here that they're subcontracting with an engineering firm that our firm works with.

COMMISSIONER VIGIL: I understand. With Commissioner Sullivan recusing himself and a quorum not being available, I think we need to wait until we have a quorum to hear the entire presentation and we'll just wait until Chairman Montoya gets back.

COMMISSIONER SULLIVAN: We can go to the next one, Madam Chair.

XII. E. 4. Consideration and Possible Adoption of the Facility Operations and Procedures Agreement for the Buckman Direct Diversion Project between the City of Santa Fe, Santa Fe County and Las Campanas LP

DR. WUST: The Facility Operating Agreement, also known aptly as FOPA, is an agreement that is being negotiated between the City and the County to try to direct how the operations of the Buckman Direct Diversion will take place. There's been a lot of discussion of a number of items under the FOPA, one of the more contentious of which was the cost-sharing arrangement. The BDD board at its last meeting recommended that moving ahead with a shortened version of the FOPA that saved the cost-sharing arrangement for a different agreement – the reasoning behind that was that the signed FOPA is necessary for the Environmental Impact Study to be completed.

County Attorney Ross has been doing pretty much all of the discussion and negotiation with the City with Kyle Harwood, one of the City Attorneys and he presented this to the BDD board. So I would like to turn it over to him to provide more details and answer your questions.

COMMISSIONER VIGIL: Thank you. Mr. Ross.

MR. ROSS: Yes, Madam Chair, members of the Commission. It's correct, everything that Steve just said is correct. The next agreement that will implement the Buckman Direct Diversion project in full is the Facilities Operations and Procedures Agreement. That agreement is to be a three-way agreement between Las Campanas, the County and the City and is intended, one of its purposes was to address the issue of how Las Campanas's ownership and management interest is to be addressed. Another principal objective was to designate the party who would receive the federal permits that are required to construct the facility. This agreement designates the BDD board as the permittee under those agreements.

A third objective, which wasn't met in connection with this agreement was to address the cost-sharing issues, both construction costs and operation and maintenance costs. We were unable to come to any agreement on the operational side of the equation, so those provisions have been punted to another agreement. We already have another – we have two agreements now that if this agreement is approved by the City and the County, that are contemplated. The first of which is essentially a fiscal agency agreement, which is an agreement between the BDD board and the City of Santa Fe as the project manager. And that's intended to discuss how the money flows between the constituent parties – the City, County, Las Campanas, the BDD board and the City as project manager.

That agreement hasn't even been started yet. That's an important agreement in my view that needs to get dealt with very quickly. But if this agreement is approved in the form that is before you today, we need to do another agreement, and that would be a cost-sharing agreement. Based on the discussions we've had to date that's going to be a very difficult agreement to work out, because we seemed to have over time developed a critical

difference of opinion as to what fixed and variable costs are.

That problem goes as follows: I think I've talked to enough of you to say this. I think that when we were negotiating the joint powers agreement and the other agreement with the City last year we were all laboring under the assumption that the operational costs of the diversion project, which includes the at-river diversion structure, the pipe line and the treatment facility, as well as the supply pipe lines that would then supply the City and the County with treated water, we were all laboring under the assumption that those costs would be shared in a different manner than the City representatives currently believe. We all understood, and I think we even used examples when the two bodies approved the agreement that the fixed costs would be shared like capital costs. In other words, things that are depreciable under the IRS Code would be treated as fixed costs and shared 50-50, and all other costs related to the operation of the facility would be shared proportionately, based on how much water the City or the County took. And of course at the at-river facility you'd also have a third participant in that sharing which would be Las Campanas.

It seems that over the last year the City staff has come to the conclusion that the fixed costs include more than I just described and should properly include things like personnel costs, maintenance, routine stuff, that will significantly drive up the costs for county rate-payers. So that's going to be a difficult discussion, which because of the perceived urgency of getting federal permits so this agreement is essentially punted to another agreement that we're going to have to work out.

I think those are the principal objectives. What we have in the packet here is the last version of the agreement that was presented to the BDD board, in strike-out, line-out form from the prior version. Those of you who sit on the BDD board are familiar with that version. You also have a clean copy of it. If we get into the merits of this thing, I also have some concerns about a single sentence, the last sentence of paragraph 10. I raised those concerns with City representatives and they have not consented to making any changes in that sentence.

The sentence, from my standpoint is vague and I proposed alternative language to the City representatives and they have not indicated that they will support that language. In addition, over time, paragraph 25 has become outmoded and in my view should be deleted. That's not a critical issue. I think the last sentence of paragraph 10 is a fairly critical issue because that's an important concept that we need to have visualized very, very clearly, and when you read it you'll see why.

But that's my presentation on the issue and if you have any questions I'd be happy to try and answer them.

MR. GONZALEZ: Mr. Chairman, just wanted to add from the practical standpoint that looking at the 80-20 versus 50-50 share of the operational costs that if the City view were to prevail we could potentially be looking at a customer minimum charge of \$200 a month for water, and that's without looking at additional costs of operating the County system.

CHAIRMAN MONTROYA: Minimum.

MR. GONZALEZ: That's a minimum.

CHAIRMAN MONTOYA: Okay, questions for Steve Ross?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Ross, is the sentence that you're concerned with in paragraph 10 the one that reads the BDD project in conjunction with operations procedures shall include controls to limit each BDD partner's water demand to its peak day and annual volume allocations?

MR. ROSS: Yes.

CHAIRMAN MONTOYA: What page is that?

COMMISSIONER SULLIVAN: That would be page 5 of 12, near the top paragraph. What are your specific concerns there?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that sentence suggests to me that the BDD project, which of course is not a defined term – this is a new term – has the authority – the way grammatically the sentence is put together, that the BDD project, whatever that is, can control a BDD partner's deliveries. I don't think that's what was intended at all. Later on in the agreement we talk about an annual procedure whereby each partner submits its demands for the year and they are incorporated into a delivery schedule, and that delivery schedule governs deliveries for the following year. This concept disturbs me because – and has from the get-go, we've had a lot of discussions about this sentence – because it implies that notwithstanding that process and procedure that's set forth later in the agreement that there could be controls imposed by whatever the BDD project is. So I'm uncomfortable with that ambiguity and I'd like to have it straightened out.

My suggestion to the City as a sentence that reads: "The BDD board shall adopt operational procedures including operational controls so that a BDD partner does not exceed the amount set forth in the delivery schedule provided for in paragraph 26." Which to me seems more consistent with the procedure that's set up later in the agreement.

COMMISSIONER SULLIVAN: Yes. That seems clear to me because the BDD project is a physical thing out there on the ground and in order for it to have controls to limit the partners' water demand those would have to be done by the BDD board, the governing authority. So the BDD project is not going to be implementing controls because it's just a piece of metal and pipe and stuff. I like your sentence. I think that's good. If you think that's critical I think perhaps we should include that and do what the City does which is change it and send it back to them. We've gotten plenty of those. I do think we need to move something forward today and not just give the impression that we're dragging our feet.

What was the problem with paragraph 25 on page 7?

MR. ROSS: We've discussed that paragraph. Because of other provisions in the agreement it's not outmoded. In particular, the design of the facility has changed in the last six months such that the facility can operate full time, 24 hours a day, 365 days a year.

Earlier designs had the facility being shut down for periods, which wouldn't work very well for the County with our limited storage capacity. So because of that engineering change, there's always going to be flow in the system and this paragraph was designed to address a concern that sediment might build up in the system over time if it weren't operated in a manner that would reduce the sediment.

Now we're told by CDM that that's no longer a concern. So we've talked for a while that item 25 is no longer needed.

COMMISSIONER SULLIVAN: And what's the City's take on that?

MR. ROSS: Well, the take on it was it wasn't in the principles and it wasn't in an earlier draft and therefore they wanted to leave it as is.

COMMISSIONER SULLIVAN: It sounds like something that's already been addressed by the revised design.

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: So if we left it in, it wouldn't hurt anything.

MR. ROSS: It doesn't hurt anything.

COMMISSIONER SULLIVAN: It doesn't help anything.

MR. ROSS: It doesn't help anything and my inclination with things like this is we've got an opportunity to do it right; we probably should do it right. These are important agreements and they're going to be around for a long time. That's sort of my take on it.

COMMISSIONER SULLIVAN: What if you just took out the second sentence and left in the first sentence, acknowledging that management of minimum and low flow in the shared diversion and conveyance system is important because of sediment and OMR&R concerns and because each BDD partner has separate needs in the shared facility. If you left that in and took out the sentence that says the project manager shall require that the design of the BDD project shall be capable of accommodating each of the BDD partners' expected minimum deliveries - because they've already done that.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that certainly helps. It leaves in the notion that even though we're acknowledging that management is important. It leaves the word management in the sentence, which is the same thing that bothered me about the last sentence in paragraph 10. It's how do you manage and who decides, who makes the decisions on management of the resource. There's ambiguity in there.

COMMISSIONER SULLIVAN: Okay, I'll make another suggestion. How about if we leave in the second sentence and take out the first sentence. The second sentence is just saying that the design shall be capable of accommodating each of the partner's expected minimum deliveries.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that's even better from my viewpoint.

COMMISSIONER SULLIVAN: To do it that way. That makes sense regardless. If it isn't, somebody's going to holler. So that's a suggestion, Mr. Chairman.

You could take out the first sentence in paragraph 25, leaving the second one and the substitute in the last sentence of paragraph 10 the language that Mr. Ross just read us. Be something for consideration.

CHAIRMAN MONTOYA: Any other comments?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just a comment to what Commissioner Sullivan is suggesting. I think our Legal staff has carefully crafted this language or considered it, and I hate to come up here and start striking a word or a sentence. The discussion is pretty well defined and I think they're way ahead of us as to the content and the meaning of that discussion. I feel more comfortable leaving it as is by recommendation of Legal staff.

CHAIRMAN MONTOYA: Okay. I guess I'll start out just saying that this FOPA has a major faux pas in that the cost sharing was not included. The meeting that we had on March 23rd, I felt the direction from the board at that time was pretty clear, from the BDD board, to include the cost sharing, beginning on page 5, number 12, all the way to page 6, number 22. It was left out for whatever reason at the meeting that we had, the most recent one now in April. I don't know what the hesitation has been or is on the City's part to include that piece. I think that we need to know where we're standing in terms of our commitment.

We know that in terms of the capital costs, we're sharing that 50 percent across the board. We also know that that 50 percent is way above what we're going to be having to deliver in terms of the capacity. The operation, maintenance and repair of this is certainly something that concerns me, especially if we're looking at a minimum \$200 bill for the residents. I think that we, without some sort of cost sharing in this FOPA, I would not want to move forward with this. I just don't see that we're going to go anywhere with it. I think I agree with Commissioner Campos regarding paragraph number 25 on page 7 that if it's recommended that we delete that, that we delete that and move it out of this agreement.

Then number 10, I don't have any problem with the change in the language, but I think the major faux pas, again, is not including cost sharing in this agreement. This really is the foundation of what we should be following and working off of as far as I see it as my being a member of the Buckman Direct Diversion board. Commissioner Vigil.

COMMISSIONER VIGIL: It seems to me that the cost sharing is something that really needs to be ironed out. Really, the current posturing that's occurring right now is that nobody is really going into cost sharing and the proposals that we're getting, we're looking at what objections we have to them. I think the cost-sharing agreement is going to require us sitting down and really looking at the nitty-gritty of this. I believe that that has to happen at the Buckman Direct Diversion board. Is that correct? Is that not the BDD's responsibility? I'm seeing one say yes and one say no. Can staff answer that for me?

MR. ROSS: Mr. Chairman, Commissioner Vigil, strictly speaking, I suppose not, because this is an agreement very literally between the City, the County and

Las Campanas. The Buckman Direct Diversion is not a signatory. We have been asking the Buckman Direct Diversion board to recommend these agreements for obvious reasons because the mandate of the board is to focus on these issues and try and address them. But for whatever reason, staff has been unable to resolve the cost-sharing issue. The Buckman Direct Diversion has punted it to you and punted it to a future agreement. So we're kind at a point where we don't have a mechanism to get the issue resolved once and for all. It seems to me to be primarily a City Council/County Commission issue at this point.

COMMISSIONER VIGIL: And that makes sense to me, Mr. Chairman. I know we've spoken about what possibilities we should do here. I am very hesitant to not keep this project moving despite the cost sharing not being a part of it. Mr. Ross, with regard to your concerns on I guess it was paragraph 10 - is that correct?

MR. ROSS: That's right. The last sentence.

COMMISSIONER VIGIL: And getting that taken care of - let me back up. Has the City approved this?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I believe it's on their agenda for tomorrow.

COMMISSIONER VIGIL: Okay. It makes reasonable sense to me that the request you're making for that language is something that would protect both the City and the County. Am I accurate in that assessment?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I think that addressing ambiguities in an agreement like this protects all the parties.

COMMISSIONER VIGIL: Can we actually approve this and could the ambiguity be addressed by just deleting that sentence and section 25 as you recommended?

CHAIRMAN MONTOYA: Which sentence, Commissioner Vigil?

COMMISSIONER VIGIL: It's the last sentence of section 10 that states the BDD project in conjunction with operations procedure shall include controls to limit each BDD partner - I think the problem with that, and I agree with Mr. Ross, is that we really don't have a definition for BDD project.

COMMISSIONER CAMPOS: What page?

COMMISSIONER VIGIL: Page 5.

CHAIRMAN MONTOYA: Line 9.

MR. ROSS: Mr. Chairman, Commissioner Vigil, I see what you're driving at. I think that sentence was added fairly recently to the drafts to address the issue of how do we essentially police the annual delivery schedule that's developed and also to allow for physical controls over diversion, so that if one partner seeks to suddenly divert a whole lot of water, more than what the system can actually deliver, that the system would be protected from damage in those kinds of situations. I think that's what it was intended for originally. I never did really get a good explanation why we needed this sentence, but sure, deleting it is an option or the alternative language I've proposed I think is another option. And I'm sort of coming around to Commissioner Sullivan's view on paragraph 25 that the second sentence could be an important sentence.

COMMISSIONER CAMPOS: What's the page?

COMMISSIONER VIGIL: Seven.

CHAIRMAN MONTOYA: Line 25 through 27.

MR. ROSS: From the County's standpoint, designing the system so that it's capable of accommodating the County's needs seems to be a pretty important concept and I think this is the only where it is in the document. So I'm coming around to Commissioner Sullivan's viewpoint that maybe we should delete the first sentence of 25 as outmoded but leave the second sentence in.

COMMISSIONER VIGIL: Okay. With that a part of this agreement, let's go back to paragraph 10. Do you believe that that last statement in paragraph 10 - perhaps the intent was to say the BDD board, in conjunction with operations procedures shall include controls to limit each BDD partner's water demand to its peak day and annual volume allocation. Would that actually -

MR. ROSS: Well, the sentence that I drafted to replace this sentence does begin with "The BDD board". But the clause "in conjunction with operations procedures" doesn't make any sense. So I changed the sentence to provide the board shall adopt operational procedures including operational controls so that a partner does not exceed the amount set forth in the delivery schedule provided for in paragraph 26. I think that sets forth what I think was the intent of the sentence in clearer language.

COMMISSIONER VIGIL: That makes sense to me. And Mr. Chairman, with that, if we do not keep the inertia going on the Buckman Direct Diversion project I'm afraid it will just continue to have setback after setback. With that in mind, I would like to move that we accept this FOPA with the amendment to paragraph 10 as proposed by Steve Ross, and the amendment to paragraph 25 as proposed by Commissioner Sullivan, that specifically only includes the last statement in that section.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER CAMPOS: Mr. Chairman, can we take a short break?

COMMISSIONER VIGIL: Before we vote?

COMMISSIONER CAMPOS: Yes.

COMMISSIONER SULLIVAN: Thinking break.

CHAIRMAN MONTOYA: Let's take five.

[The Commission recessed from 5:00 to 5:27.]

CHAIRMAN MONTOYA: We convene now. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, after consultation with our attorney, John Utton, I'm going to withdraw my motion based on the fact that I think there's probably some issues that I personally don't have a clear understanding of by not participating in the Buckman Direct Diversion board and those issues probably need to be addressed by motion. So with that, Mr. Chairman, I think it's in the best interest that I withdraw that motion.

CHAIRMAN MONTOYA: Your second?

COMMISSIONER VIGIL: My second was Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'll withdraw the second.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I think it's important that we move forward in this discussion. We need to find out where the City stands. Right now their position is unacceptable. My goal is to find common ground, and I need to know if there is common ground. So what I'm going to recommend is that we move forward with this FOPA agreement with certain changes and these changes are the ones presented by Steve Ross and I believe he was comfortable with some of the amendments by Commissioner Sullivan. Mr. Ross, would you clarify that for us?

MR. ROSS: Mr. Chairman, I recommended a change in the language to the last paragraph -

COMMISSIONER CAMPOS: Could you give a page and line?

MR. ROSS: That's page 5, line 9 and 9 through 12 on the interlineated version of the agreement, which is the first of the two in the packet. I had suggested substitute language for that that reads as follows: "The BDD board shall adopt operational procedures including operational controls so that a BDD partner does not exceed the amount set forth in the delivery schedule provided for in paragraph 26."

COMMISSIONER CAMPOS: And we would strike the last sentence and substitute it?

MR. ROSS: Right. And then going to page 7 of 12 of the interlineated version, paragraph 25, you'd strike the first sentence.

COMMISSIONER CAMPOS: Okay. Are those the only two that were pending?

MR. ROSS: Those are the only two pending.

COMMISSIONER CAMPOS: What I would recommend is that we bring this discussion with City Council as soon as possible. I think we should make part of this agreement a statement as to how we're going to divide operational costs, and send it to the City Council for their consideration, and I would ask you for language, Mr. Ross.

MR. ROSS: Mr. Chairman, Commissioner Campos, I previously circulated to the City's attorney, Mr. Harwood, some language that I thought reflected what our understanding on this side of the table was last year concerning the proper allocation of capital costs and O&M costs. And that language that I shared with counsel would replace language in 19 and 20 of the FOPA that's in front of you.

COMMISSIONER CAMPOS: Give us a page and line.

MR. ROSS: Okay. That's page 6 of 12 of the interlineated draft, lines 20 through 23 constitute paragraph 19 of the agreement. And I previously circulated to counsel the following language, and it goes like this: "Cost Sharing, Fixed Capital Replacement Costs of the Shared Facilities", as a title. And here's the text: "The capital

replacement costs of the shared facilities shall be shared by the City, County, and Las Campanas in the same ratio as set forth in Section 14, Construction Costs of the Shared Facility as above.”

Now I think that maybe that reference should be in the revised agreement. That reference should refer to Section 15.

And then I think we'd also have to add a second sentence to that paragraph that would say -

COMMISSIONER CAMPOS: Paragraph 15 or 19?

MR. ROSS: This is 19. That would say something along the lines that the fixed capital replacement costs of the City/County separate facilities shall be shared by the City and County in the same ratio as set forth in Section 15. So that preserves the two concepts. Number one, we have a three-way split down at the river, and a two-way split after pump station 2-A.

COMMISSIONER CAMPOS: Okay.

MR. ROSS: And then to complete that, you'd also have to amend paragraph 20, which begins on page 6, line 25 and goes through line 28, which is the paragraph on variable costs. And here's what I proposed for that quite some time ago. "Cost Sharing: Operating, Maintaining and Repair Costs of the BDD Project. And that would be the title of that paragraph. And it would go something like this. "The City and the County shall share the day-to-day costs of operating, maintaining and repairing the City/County separate facilities in proportion to each party's share of water deliveries from the separate facilities. Las Campanas, the City and the County shall share the day-to-day costs of operating, maintaining and repairing the shared facilities in proportion to each party's share of water deliveries from the shared facilities."

Mr. Chairman, Commissioner Campos, since I submitted this language to the City representatives, I think they have broken up some of the concepts into individual paragraphs, so if what we're discussing becomes the subject of a motion I'd like also some discretion to do some clean-up as necessary to make sure that all the cost-sharing provisions are consistent.

COMMISSIONER CAMPOS: Okay. That would be my motion.

CHAIRMAN MONTROYA: Second. Discussion. I second that for discussion. Commissioner Vigil.

COMMISSIONER VIGIL: Steve, is it necessary to put a deadline on this as to when the cost-sharing agreement should be completed by? I know you're identifying sort of a pro rata for the cost-sharing agreement but it still is going to be a separate agreement, correct?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I think the idea was to avoid a second agreement. This language was proposed to deal with the cost-sharing issue in this agreement.

COMMISSIONER VIGIL: Okay.

MR. ROSS: And this is the language that actually caused kind of the

problem.

COMMISSIONER VIGIL: Okay, so based on this proposal, a second agreement would be unnecessary. Okay. That's it, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes, I think the language is very reasonable and the only question is what's the best way to get it implemented, either through this process or through some other facilitation process or a process of dispute resolution which is provided for in the JPA? And we may be at that point anyway, if we can't agree. So I can support those changes.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER VIGIL: You can or you can't?

COMMISSIONER SULLIVAN: I can.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: It just makes sense to me that what we're proposing here is quite reasonable. All we're asking for, basically, in terms of cost sharing, is a pro rata share. And that is probably the fairest way to deal with cost sharing when it comes to three entities, or five entities or 20 entities. So it does not – it makes a lot of sense to me and I think we should move forward with this.

CHAIRMAN MONTOYA: Okay. I agree. I mentioned earlier that I thought unless we have something in this agreement that addressed the cost-sharing issue that I didn't feel we could really move forward with this in a reasonable manner. I think at least now we do have some language to at least guide and direct us in a way where we'll be able to discuss this in a way where hopefully we'll be getting something as BDD board members, something reasonably quick regarding the whole cost-sharing issue. So I also support the amendments as Commissioner Campos and Steve Ross have outlined and Commissioner Sullivan as well.

COMMISSIONER CAMPOS: And just to make it clear that we should give Mr. Ross clean-up authority on the cost-sharing issue if it's needed.

CHAIRMAN MONTOYA: That's fine with the seconder. Any other discussion?

The motion to approve the BDD FOPA agreement as amended passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. E. 2. Consideration and Approval of Amendment to Sheehan, Sheehan & Stelzner Professional Services Contract to Increase Contract Amount and Approve Subcontractor CH2MHILL Engineers

DR. WUST: Thank you, Mr. Chairman. Just a quick review of this again. The Sheehan & Sheehan contract is primarily for John Utton, our water and water rights attorney, and this amendment would be to allow some engineering advice and assistance from CH2MHILL to the legal contract as we move forward on the Aamodt settlement. With that, I'd like to introduce John Utton, who could provide some more details and answer your questions.

JOHN UTTON (Water Counsel): Thank you, Mr. Chairman, members of the Commission. I'm John Utton and I'd like to just provide a little explanation for the proposed sub-contract amendment and approval. We are, as you'll hear shortly, getting to a point in the Aamodt settlement where we have the water rights portion done. There's an agreement for a consideration and action by you today regarding several years of negotiation over that agreement. The next step calls for some very careful and what I think may be difficult cost-share agreement.

The discussion with respect to the BDD has in many ways parallels to this and I have asked that we get some expert assistance on the engineering feasibility and costs that the County might incur as part of that. That would be in conjunction with negotiating the cost-share agreement, which is expected to come before you in the fall. And that's where a lot of the hard choices are going to need to be made and we need to look carefully at that to see if this is a good deal for the County? How much is it going to cost? How much is the fixed and variable going to be, to make sure that we only agree to an amount and to a settlement that we can pay for and to the extent that there may be some gaps, that we ask for those gaps to be filled with state and federal money to make this possible, or if that money's not available, to develop a schedule where we could build this thing out over time and just make sure that we don't agree to an encumbrance on the County's purse-strings and treasury that we cannot afford.

So really, there are two steps that this engineering firm, CH2MHILL, which has a lot of expertise in this kind of engineering feasibility work, that they would be helping us with. The first would be an initial phase evaluating the existing work today and advising us on some of the issues that we should pay particular attention to, and that is all that we're coming before you today to ask for funding, \$40,000 to do that evaluation. But once that's done, we will be coming back some time mid to late summer once we have a better sense of what the second phase will have as a scope of work and what the cost will be for that.

The two most important specific tasks that we'll be looking at is, again, trying to develop a sense of over the first ten to fifteen years of the project, what the OM&R costs are going to be and what we would be looking at. And the second part is advising us on where we should put in distribution lines. The Pueblo portion of the system, the Bureau of Reclamation is going to build right up front, and to the extent that we can build as much of

our system at the same time they do, they way the settlement discussions that have moved forward so far, we would just pay the marginal costs, and the state is going to help us pay that. So if we can build as much as we can up front, we will save quite a bit of money if we can do it kind of on the back of that federal system. But again, we don't want to overbuild. So they're going to advise us on where would be the most cost-effective areas to build up front and then those that are less cost-effective, we could build those later as the demand arises and we have a customer base to pay for it.

So I'm recommending to you to approve CH2MHILL to help us with that work and this contract amendment of \$40,000 to pay them to do this first phase.

CHAIRMAN MONTOYA: Thank you, John. Any questions for John?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Further discussion?

The motion to approve the contract amendment with Sheehan Sheehan & Stelzner passed by unanimous [3-0] voice vote with Commissioner Sullivan having recused himself. [Commissioner Anaya was not present for this action.]

XII. E. 5. Consideration of the Temporary Lease of Water Rights (Top of the World Farms) to the Village of Cuesta

DR. WUST: Thank you, Mr. Chairman. This is another where I'll do an introduction. Both John Utton and Steve Ross have worked on this so I'll be turning it over to them.

COMMISSIONER SULLIVAN: Mr. Chairman, before we start.

CHAIRMAN MONTOYA: Commissioner Sullivan. Welcome back.

COMMISSIONER SULLIVAN: I'm going to leave again.

CHAIRMAN MONTOYA: Oh, you're going to leave again? Okay.

COMMISSIONER SULLIVAN: I hadn't been aware of it until I saw it in the packet, but this next agenda item has to do with the Village of Cuesta and our firm is also an engineering consultant to the Village of Cuesta.

CHAIRMAN MONTOYA: Okay. You're just a busy guy all over.

COMMISSIONER SULLIVAN: We're pretty busy. Well, we also work with Bloomfield, so don't bring up anything about Bloomfield. So I'm going to have to recuse myself on this as well. Thank you.

CHAIRMAN MONTOYA: Okay. Dr. Wust.

DR. WUST: Mr. Chairman, as you're well aware, the County recently acquired the Top of the World farm along with the concomitant water rights and we have

since been looking at how to deal with those water rights prior to the BDD - or for some kind of facility that could operationally utilize those, Top of the World being to the north. It's difficult to move them past the Otawi Gauge so it's being looked at to help assist with the Aamodt settlement. But prior to having some place to use them, the County was looking at a way that we could utilize them through leasing or through other uses.

So this is one of those aspects of that. So with that very brief introduction I'll turn that over to County Attorney Ross and Mr. Utton to provide some more details and answer your questions.

CHAIRMAN MONTOYA: Okay. Steve.

MR. ROSS: Mr. Chairman, actually John Utton is probably the man with all the details on this. I've read a brief summary and I've reviewed the lease also but he's conducted the negotiations and certainly is probably better able to answer questions.

CHAIRMAN MONTOYA: Okay John.

MR. UTTON: Thank you, Mr. Chairman and members of the Commission. I'll try and be brief. The amount of acre-feet that is appurtenant to the land that we purchased is 1164. That's in addition to the 588 acre-feet that we're already transferring down to the Pojoaque Basin. And that water, I think we want to put to beneficial use and the Aamodt settlement, which we currently are in negotiations about and there isn't a final agreement on what assets might be made available to the settling parties, so we have not proposed anything to you that would commit these water rights, and in the meantime, the County owns a farm that has a farming lease on it. There's 720 acres, approximately in that lease. So that leaves about 460 acre-feet that is not currently planned to be used for irrigation on that farm, and the Village of Cuesta has approached us asking if they could temporarily lease that to offset some of their effects on the Rio Grande.

Apparently they have a deficit from overpumping and the State Engineer has told them they need to go out and find water rights to offset that deficit and to essentially pay back the river. So this proposes to lease the 458.6 consumptive use acre-feet that aren't needed for farming for up to four years to Cuesta at no charge. The only charge would be the administrative costs to them of getting the State Engineer permit. So it would have the benefit to them of providing a supply to help pay back the river. It would be a service we could provide to another local government. It would also keep the water rights in beneficial use for those four years.

Therefore, we're recommending this lease.

CHAIRMAN MONTOYA: Any questions for John? Commissioner Vigil.

COMMISSIONER VIGIL: John, I probably won't use the appropriate vernacular for this, but does that encumber the 456 for forty years?

MR. UTTON: For four years. I'm sorry. Not forty, four years. There's a provision in here that either party may terminate with one year's notice. So if the County Commission determined that at the end of year two we needed the water rights for some other purpose, we could give notice and get them back at the end of year 3.

COMMISSIONER VIGIL: We actually will likely need these water rights

for the Buckman Direct Diversion, correct?

MR. UTTON: Not for the Buckman Direct Diversion but they may be something that we could contribute to the Aamodt settlement that would be part of our local cost share. We've already spent \$5.3 million on this. This perhaps could be more than half of our up front costs. Again, that's going to be part of this negotiation that will come in front of you in the fall.

COMMISSIONER VIGIL: Does the State Engineer evaluate beneficial use in accordance with this kind of agreement, that we're actually entering into an agreement at no cost except for the change in use? Does the beneficial use, does that benefit Santa Fe County? I'm just saying because I'm wanting to draw the conclusion that it seemed to me that would be one of the benefits of entering into this agreement.

MR. UTTON: Mr. Chairman, Commissioner Vigil, that's exactly correct. In fact there's a provision in paragraph 5 of the lease that says the village agrees to make full beneficial use of the water rights during the term of the lease, and I think that that is important to us, that while they do get a benefit out of it, we do too, in that the water right that they're leasing from us is kept in use and I think that is a good reason to go ahead and provide a cost-free lease to them.

COMMISSIONER VIGIL: Thank you, John. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: All right. Any other questions?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second Commissioner Campos. Discussion?

The motion to approve the water rights lease with Cuesta passed by unanimous [3-0] voice vote with Commissioner Sullivan having recused himself. [Commissioner Anaya was not present for this action.]

XII. F. Matters from the County Manager

1. Consideration and Approval of the Settlement Agreement in the Case of *New Mexico ex rel. v. Aamodt*

COMMISSIONER VIGIL: Mr. Chairman, before Gerald speaks – it's my turn, Commissioner Sullivan. I think I'm going to recuse myself on this and I hope Commissioner Campos comes back in here so that you will have a majority, and I will wait until he does.

MR. GONZALEZ: Mr. Chairman, Commissioners, I'll do briefly an introduction then turn it over to John Utton and Steve Ross. As you know, for some time there have been discussions going on with respect to settling the Aamodt case. Of course they've been going on for a super long time but right now, it appears that the discussions

are nearing a point where we now have a settlement agreement that can be presented to you for your consideration and approval in order to move forward. That's what we've presented to you. The details of that I'm going to leave to our counsel, John Utton and Steve Ross to go into any detailed explanation that you may need, but it appears that we're beginning the concluding phase of the Aamodt case and as part of that process, I think the expectation is that those participants who are ready to move it forward will do that by approving the settlement agreement.

As you know, there are other parallel discussions going on simultaneously. The Taos settlement agreement has apparently been approved by those parties and in terms of ensuring that that train doesn't leave the station without leaving the door open to Aamodt, I think that's part of the concern that we all have, is making sure that we bring this to you so we can have both of those vehicles moving forward and not necessarily missing out on the possibility of getting federal funding and perhaps even state funding to move forward with the settlement agreement. With that I'll turn it over to John.

MR. UTTON: Thank you, Mr. Gonzalez and Mr. Chairman, Commissioners. I know we've had a number of briefings on the Aamodt settlement over the last five and a half years that it's been in negotiations and mediations, so I will try and distill the facts down to where we are today, because I know that you're familiar with this. I do want to mention that over the last two years there's been a fair amount of restructuring of the agreement. As you recall, two years ago, a draft proposed agreement that came out that had a water system as a central feature of a settlement and had a fairly high price tag, and it also required county residents to hook up to that system.

There were two problems with that agreement that arose when it went public. One was that the cost was too high, especially from the federal government's perspective. We still have a high cost but it is lower than that proposed two years ago. The second problem was that many of the domestic well owners objected to being forced to hook up to this water system. They agreed to come into the settlement discussions and over the last two years the agreement was modified to have an elective process where well owners could choose to hook up to the water utility or continue with their domestic well but potentially at a reduced amount. There is a floor below which they would not have to reduce.

You may recall that two years ago when there were public meetings there was quite a number of residents of the Pojoaque Basin attending and vociferously opposing the settlement. I think we have now gotten to the point where we have addressed as best we can those concerns. There certainly will always be people who will not support the settlement, but I think we've gotten to the point where we have, by and large support for the settlement. The public meetings that have been held this spring really have been kind of non-events, not even really covered by the media. I understand from Senator Bingaman's office, whereas he had hundreds of people calling him two years ago, I think the last time I talked to him he only had three people calling to complain, some of whom I think are in this room today.

The parties have finally, I think, been able to reach the first of what will be two

settlement agreements that will come before you. The first one is the "settlement agreement". To my mind it is the water rights settlement agreement. By court order from Judge Vazquez, all of the governmental agencies except the federal government have to take up and consider that agreement by the end of this month. So by Friday, I understand that the Pueblo councils, if they have - I think all of them have done that and already approved it. The City Council has this set on their agenda tomorrow for approval. I believe that the State Engineer has already approved it and I think has already gotten approval from the attorney general's office. The governor has already gone ahead and set a signing ceremony for May 3rd - you're all invited - at 10:00 am in the cabinet room. Of course assuming that you approve it. But that is on the schedule for May 3rd at 10:00.

The timing of this is interesting because this is the 40th anniversary of the filing - this month is the 40th anniversary of the filing of the Aamodt lawsuit. Many people when they've heard that is their reaction is, it's about time that we settle this. I think we still have a ways to go. This is really just the first step but I think this is a very big step. The water rights agreement would set a road map for various other steps that would need to be taken and completed successfully for this agreement and settlement to actually be effected.

The second step, which I mentioned earlier, is this cost share and system integration agreement, which is equally critical and perhaps to the County, perhaps more important because it really lays out the project. I think of it as the project agreement. It lays out where the pipe lines are going to go and who's going to operate those pipes, who's going to own them, who's going to pay for them, and that is not yet done. So I don't want to give anyone the impression that we've accomplished more than we have; I don't want to oversell this. At this point all that we have done is written a water rights settlement agreement that settles the Pueblo claims and then provides a road map for what has to get done down the road in order for this settlement to occur.

The agreement that's before you today settles the Pueblo claims essentially by recognizing their historical, agricultural and other uses as opposed to future rights claims or reserve claims that they might possibly succeed in making, plus providing an additional 2500 acre-feet of imported supply of water that the United States would have to go and acquire. And that would be a diversion from the Rio Grande and imported into the basin.

The Pueblos would provide forbearance for existing uses by acequias against priority calls by further development by Pueblo in-basin senior rights. I think the purpose there was to attempt as much as possible to capture the status quo and as long as those acequias continue to irrigate, they will be protected from priority calls and we'll get forbearance. If they cease operating, if they cease diverting, then they can lose that protection. The water right would not disappear, it's just the agreement, the contractual agreement that the Pueblos would refrain from making a senior priority call would disappear if the junior does not continue to irrigate.

And then the third point, and I'm just giving you some of the rough points is that the well owners would be protected along the lines that I described earlier, that as long as they participate and elect either to hook up to the system when it becomes available or to

continue using their wells but at a reduced amount, potentially. If they're above the floor they wouldn't be subject to priority call.

The last part of the agreement then does set out this road map: where do we go from here? It calls for federal legislation to authorize the United States to sign this agreement. So the only governmental entity that wouldn't be signing this agreement on May 3rd, assuming that all those that have it on their agenda approve it, would be the federal government. We would have the four Pueblos, the County, the City and the State all signing. The federal government would not sign until the legislation is approved and that would also authorize funding for the settlement. There would need to be state legislation, there would need to be a court decree. I think Mr. Ross has passed around a schedule that's entitled the projected Aamodt settlement implementation process. [Exhibit 5] This is from the State Engineer website, and I should tell you that item 1.b, the draft proposed cost-sharing agreement, we will be asking Judge Vazquez to extend that date until this coming fall at our status conference in front of her coming up in May.

The other key feature of this road map is that the County would agree to establish a water utility. It would expand its water utility to provide service in the basin. The project that the Bureau of Reclamation is building is to provide water service to the four Pueblos and the Pueblos would oversee the distribution to their members. The County would oversee the distribution to the non-Pueblo residents, to the county residents who are customers of the utility and hook up to the utility, and the County would have 1500 acre-feet of capacity compared to the 2500 acre-feet that the Pueblos would have that I mentioned earlier.

We're only expecting to receive about 750 acre-feet from in basin residents who hook up and transfer their water rights to the point of diversion at the Rio Grande, and therefore the County will need to go out and acquire an additional 750 acre-feet. So by signing this agreement we would be obligating ourselves, assuming that all the steps in the settlement are completed successfully, to acquire that additional 750 acre-feet, 588 of that could come from the first Top of the World purchase and the balance could either come from the second purchase or from other water rights.

There would be a regional water authority, similar to the BDD board that would govern the shared system, the diversion, the treatment and the main trunk line. The contours of that entity are still being discussed. Right now, the discussion is that it would be a non-profit entity with half of its members either County representatives or appointed by the County Commission and the other half by Pueblo representatives. So it would split equally between Pueblo and non-Pueblo board members.

The details of the cost-share agreement are going to take some time to work out and will spell out much of what I'm describing to you, but I want to make it clear that there will be substantial local and state cost-share that will have to be paid for by the state, the County and the ratepayers. And obviously, they're going to have to be in amounts that we can afford. We will not present to you a proposed cost-share agreement until we've completed the negotiations including with the assistance of CH2MHILL doing the

engineering feasibility.

The state has already indicated that they will make available \$17 million. The recent appropriation that Speaker Lujan was able to get through both houses of the legislature would have appropriated \$20 million, but that was vetoed. We're hopeful that at least that amount will be made available from the state to help fund the County's portion of the system.

So just to summarize, I think this is a very important step. We are at the 40th anniversary and maybe on the tenth anniversary of today, or the 50th anniversary, we could say that we've ended this long-standing and divisive case. This has pitted neighbor against neighbor and if the County can be of assistance in trying to end the fighting and also bring services to the community in the form of good, clean drinking water, that's something we should try and do and I recommend that we take this first step. Thank you.

CHAIRMAN MONTOYA: Okay. Questions for Steve or John?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: John, let me just understand a couple of things. The cost sharing that was originally discussed in terms of the red line and the blue line and so forth, none of that is incorporated in this agreement, although I see the term red line is in there.

MR. UTTON: Mr. Chairman, Commissioner Sullivan, I believe that the red line will be eliminated. But that's part of the discussions that are happening now. To what extent is that system – the original Cadillac system was proposed and now we're trying to cut it back to the Chevy that we can afford. And where those cuts are going to be made, I think one of the cuts are going to be in some of the deep wells that were proposed. I think there was \$17 million for deep wells. There was a system for Chupadero that was proposed. I think that's going to be cut. I think one of the big issues will be the timing of the County distribution lines. It may be the case that there are areas that we cannot integrate because there are non-Pueblo residents and we may just decide to put those in later as demand warrants, and only build a system that's cost-effective immediately.

COMMISSIONER SULLIVAN: The red line was the non-potable line, right?

MR. UTTON: That's correct.

COMMISSIONER SULLIVAN: Okay. So the cost sharing and the details are going to be worked out later, similar to the debate we just had over the Buckman Direct Diversion.

MR. UTTON: That's true.

COMMISSIONER SULLIVAN: I imagine that everyone will vote the same way. So we don't know how much yet or are you at liberty to postulate as to what these shares might be?

MR. UTTON: Let me give you some rough numbers, Mr. Chairman and Commissioner Sullivan. Capital costs for the state and local portion is expected to be about \$50 million for the total build-out. So that would mean increasing the size of the main

trunk line and all the distribution lines, all the treatment, all the pumping stations, and that would be to build out the full system. I expect that the most that the County would have to pay over the first ten years would be, in terms of capital costs that would not be reimbursed by ratepayers and would not be subsidized by the state would be \$8 to \$10 million. But those are very rough numbers.

The other big issue is the operation and maintenance costs. It's a similar issue that we're discussing on the BDD. If we build a system we need to have ratepayers to help pay for the operation. And I believe that the analysis of CH2MHILL is going to show that over the first ten to fifteen years that's going to be too expensive for us to do and the state is going to have to help pay for that cost. They're willing - they've so far said they're willing to put in \$17 to \$20 million that may not be enough. So I think there are going to be some difficult discussions to get this to a point that if we built it we can afford to operate this.

COMMISSIONER SULLIVAN: How much of the estimate is federal?

MR. UTTON: There's be \$94 million, Commissioner Sullivan, for the federal capital costs, and these numbers are likely to go up, because we keep getting these engineering numbers and the next time they look at it, because of the costs of construction, they go up again. So all these numbers I'm telling you will go up. These are 2005 dollars that I'm describing to you. But the other federal portion, if you add in water rights acquisition, operation and maintenance funding for the Pueblos, some smaller projects, currently, it's \$158 million.

COMMISSIONER SULLIVAN: And the federal share will only apply to capital costs and O&M costs vis-à-vis the Pueblos, is that correct?

MR. UTTON: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: So there will be no federal participation in the state or local or the County's system that it develops.

MR. UTTON: Only to the extent that the way that the discussions are unfolding now is we would pay the marginal costs. So the way the Bureau of Reclamation has costed this out, what would be the cost of building a Pueblo-only system? And then if the County wants to piggy-back on that we have to pay the extra costs of going from a 20" diameter pipe to a 24", which is actually a good deal for us. And then if you throw in some of the state funding, it begins to look feasible. But we need both of those. We need the ability to piggyback plus get a state subsidy for this to work.

COMMISSIONER SULLIVAN: And who would operate and manage that system that we're piggy-backing on? Would that be the regional water authority? Would that be the Pueblos?

MR. UTTON: The discussions at this point are that the regional water authority that's made up of this joint board of County appointed members and Pueblo officials would operate the shared facilities, potentially would be the diverter, treater and transmitter - kind of the bulk supplier. And then it would go off into the five distribution systems, each Pueblo would manage its system and then the County would manage the rest

of the system to serve its customers.

COMMISSIONER SULLIVAN: So very similar to the BDD board. Okay. Then at one point there was some discussion, and some contention, over the makeup of the regional water authority and who would have how many members and what would be the controlling interest. And your statement was that the direction is that it would be half-County and half-Pueblo. That's the thinking now.

MR. UTTON: Mr. Chairman, Commissioner Sullivan, that's correct, although this is a discussion item that is in current negotiations and there's various proposals about how that board might be made up. But that's the current version I think that probably has the most support.

COMMISSIONER SULLIVAN: Okay. I'd throw a suggestion out on that. We did as you know, on the Buckman Board, have the board itself appoint a member so we didn't have an even membership on the committee. I suggest something be thought of in that line as well so we're not bogged down forever.

Okay, then the last question is - two last questions, the last and second to the last. The federal interests would be represented by the Bureau of Reclamation. Is that the plan now?

MR. UTTON: Mr. Chairman, Commissioner Sullivan, initially, yes. The Bureau would build the system, but then it would turn it over to the local entities. So the County would own the system that - its separate system. The Pueblos would own their separate systems and then the regional water authority would own the shared system.

COMMISSIONER SULLIVAN: Okay. As opposed to the Corps of Engineers.

MR. UTTON: It would not be a federal project.

COMMISSIONER SULLIVAN: Okay. Then the last question is, on, as I recall the governor's veto message on the \$20 million fund revolved around his opinion that the feds should make their commitment to this project, put some cards on the table, or to put it less nicely, put their money where their mouth is, and that was the reason that he gave for vetoing that. Now we're talking about the possibility of \$17 million from the state. What's the chicken and egg result here? Are we going to get the federal - are the feds going to agree to come forward with some money? Is the governor going to back down and say, I'll give you \$17 - or I'll approve, rather, not give you, but I'll approve the legislative authorization for \$17 or \$20 million, or as you indicate, probably more. What's the prognosis there? That doesn't sound too good.

MR. UTTON: Mr. Chairman, Commissioner Sullivan, I think you've put your finger on a very difficult issue. Negotiating with the federal government is very difficult in these Indian water rights settlements because the administration's position and Congress' position are not only the same, and of the 21 Indian water rights settlements that have passed Congress, only two of those has the administration supported the funding. So 19 of those have been passed by Congress over the objection on the monetary aspects of the administration. And what it has done to us is put us into the position of trying to

second-guess what the federal government might accept when they're, from the administration's standpoint not being cooperative in trying to negotiate a cost share.

So what I think our approach is going to be is we will go ahead and try and get all the local and state and other parties to agree to a cost-share agreement by this fall, and those numbers would go into legislation and we will find out - we certainly are going to get some guidance from our delegation. In fact there's a proposed trip to Washington, DC in mid-May to meet with - we have meetings scheduled with Senators Domenici and Bingaman together on the afternoon of May 16th and we're meeting with Congressman Udall, meeting with Congresswoman Wilson, hopefully with Congressman Pearce and with representatives of the administration to discuss where we are and to get a sense of where we are and how much money in particular our delegation can support.

And we many find out that \$158 million is too high and we may have to cut costs further. But I think our thought is to get some guidance from there, try and get a cost-share agreement. Once we have that finished then that portion that's the federal share, we would ask for authorization from Congress for that amount. And when that happens and the United States signs the settlement agreement, which that legislation would also do, then we can start looking at appropriations from the state. In a sense, although I like the symbolism of the money being appropriated, it really was early. When he has a news conference and a signing ceremony on the 3rd of May, is he willing to put the state money on the table or is he waiting on a congressional authorization? Is he waiting for a congressional budget allocation? What are the signals here? It sounds like we've got everybody saying, After you, Gaston, and we're here in the middle eventually being the operating entity.

So my point is, what's the government, in your judgment going to commit to here?

MR. UTTON: I think he's probably more adept at doing that dance than I am but I think he will say that if the settlement agreement gets signed that the state will live up to its commitment, its cost-share commitment. I think in fact he did say that in his veto message and I know Bill Hume, one of his assistants, wrote an editorial, letter to the editor, saying that if this settlement is approved by all the parties, the state will live up to its cost-share obligation.

COMMISSIONER CAMPOS: Approved meaning also by federal approval.

MR. UTTON: Yes.

COMMISSIONER CAMPOS: And who signs it for the feds?

MR. UTTON: Well, the Secretary of the Interior, if Congress approves the legislation would be authorized to sign the settlement.

COMMISSIONER SULLIVAN: Okay. That will be interesting to see what he says on the 3rd of May. Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just a couple of questions. Mr. Utton, how many people are going to be affected in the Pojoaque Valley, non-Pueblo and Pueblo? Do you have any numbers?

MR. UTTON: Mr. Chairman, Commissioner Campos, I think that's a good

question. I think that all residents of the basin are affected one way or the other. When you become a resident of that basin or you buy property there, you automatically become a defendant, although you may not even realize it, in the Aamodt case. Buy a home, get a deed and be served with your summons. And so I think, hopefully this will give to those who settle and hopefully, I'm hopeful that by and large the vast majority will think of this as a good deal. It will give them greater certainty in what their water right use is. There undoubtedly will be some people who do not settle and what happens with those unsettling parties, non-settling parties, the court will have to sort that out. There may have to be a trial and litigation over those claims to resolve that. Maybe their opinions will be heard by objecting to the settlement agreement. Those are things we're going to have to work out with Judge Vazquez.

But probably there are 3,000 well owners who would be affected in that either they could continue the use of their wells without threat of curtailment or priority administration, or could know that they could hook up to a water system. We certainly hope that we would over time have a couple thousand or more customers that would hook up to this system over time. Surface water users, although maybe it's not a perfect agreement, I think one thing we have to realize is that these settlements are a compromise, so you never get everything that you want, but I think by and large the acequia groups, both the two acequia associations in Tesuque and Pojoaque, I think, are supportive of this, because they get protection of existing uses as long as they continue to use their acequias.

COMMISSIONER CAMPOS: Okay. I have a question for Mr. Gonzalez. As far as County financial commitments, could you just briefly outline what they are and what our plan is to address those demands in the future?

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, a portion of the County share will obviously be satisfied with the water rights that we're bringing to the table. The other portion in terms of any construction of the system and so forth will depend of course on the feasibility of being able to do that. The County would first have to undertake a financial analysis to see whether constructing the system could actually be supported by the ratepayers. Obviously, we'd look to rates in part to support the County, but I think there's a certain portion of capital that the County would also have to bring to the table, but that's more of a long-term commitment but that's more of a long-term commitment than a short-term commitment.

We're looking at somewhere - and this is just my projection. John may have better figures, but we're looking at five or six years down the road before we even need to bring money to the table from that standpoint. So hopefully, as we continue to do our bonding and work with our GRT, that's something that we would work into the financial plan at that point to move forward. There is some component of that that's already worked into the financial plan that our financial advisor has been working on.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. I'll just say that I think - and a lot of it's been said in terms of the settlement agreement, this is something that has been going on

for a long time. It's certainly something that not everyone is going to agree to. I think the parties that have been involved since the negotiations have been going on, I guess seriously with Judge Nelson, for what? The last 2 1/2 years now, John?

MR. UTTON: It's been six years.

CHAIRMAN MONTOYA: Six years? But seriously, the last two years, when everyone objected to capping the wells and everything. I think that significant progress has been made through that process over the last two years I guess it's been when that was - I know it's been longer than two years, but the significant progress. It's certainly something that the County is going to be responsible for in some form or fashion and I think that it's good to hear that there's other parties out there that are looking at this favorably as well.

This is not a public hearing but in talking with my colleagues, asked for permission, Paul to go ahead and let you speak. We received your correspondence, your e-mail and stuff, so we'll give you a couple of minutes to go ahead and address us.

PAUL WHITE: Thank you, Mr. Chairman and Commissioners. First of all I'd like to address John Utton's assertion that there is approval in the basin. I'm on the board of the Pojoaque Basin Water Alliance and a couple of months ago we had a meeting of our membership and there's about 400 or 500 people on our membership, which is a significant number of people in the Nambe-Pojoaque-Tesuque Basin. When some of the issues came up that would address the loss of our rights in this settlement, everybody in that auditorium stood up and objected to these provisions that would lose our rights.

John Utton said that about 1500 people would probably sign up to this system. Doug Sayre says there's no real demographics to support this. It's doubtful that 1500 users will hook up to a system like this, especially if the costs to those people are \$200 a month, \$300 a month. Who knows what it will be in 2010?

I'd like to mention something that wasn't in my letter which is that there was a recent Arietta decision regarding - I believe you're familiar with this. This had to do with an altercation in Pojoaque and it had to do with the lands that the Pueblos or they call them Indian Country claims to those lands. The Arietta decision basically stated that the Pueblos still had essentially, what I understand is title to those lands because those lands have not been extinguished by Congress. I met with Senator Bingaman two weeks ago and discussed this issue. It's a serious concern. I believe that ownership of the water utility on non-Pueblo lands is a concern and I have spoken to you about this in the past.

I don't believe that the Commissioners should support this until some of these issues are resolved. The Department of Justice, not only did they say that they would not contribute, they said they would contribute only what their exposure or the amount of money that they felt that they would owe to the Pueblos if they did not enter into an agreement. I believe the figure was somewhere around \$11 million out of Domenici's office. They in fact said they would oppose the settlement at that point. Part of my letter, I believe that about 20 percent of the people in the basin will be willing to sign this, from what I've spoken to. I've spoken to a lot of people. We've had our meetings out in the

community. There's been a paltry amount of people showing up for the meetings with the State Engineer. Most of the underlying feeling from the community is that they're not going to sign this thing. They're not very happy about this settlement.

I would recommend to the Commissioners that you go out into the county and meet with the people in the county and actually find out, do a poll of what people feel in the county on this. Many of the people just can't even understand the settlement. It's 70 pages long and I've been reading it for the last three years and I'm still finding things hidden in the settlement that I don't understand.

My concern about the Top of the World water rights that have been recently purchased, there's a Section 9.6.5 in the settlement document which gives some of the 750 acre-feet of our future water rights over to the Pueblos as offsets for out-of-basin pumping by the County and possibly Buckman pumping. I believe that this provision is possibly illegal. I've contacted the Interstate Compact Commissioner in Texas and discussed this issue, and this is a mechanism to basically not just take direct water from the Rio Grande above Otawi, but it is a mechanism to take underground waters out of the Nambe-Pojoaque-Tesuque Basin which will affect all wells in our basin.

I spoke to a hydrologist who told me that the Top of the World water rights were semi-perched water rights. He worked on some of the reports in the past, and he believes that it would take 50 years, if ever, for a significant amount of those water rights ever to reach the Rio Grande. This morning I spoke to an attorney with the Navajo Nation. He told me that at one point the Chama diversion, at one time only supplied 6,000 acre-feet, I believe in 2002. He also told me that the funding has not come through on the Navajo settlement and that isn't completely wrapped up yet. There are potential diversions that the Navajo can make, which could significantly affect the amount of water that will end up in the Rio Grande if that's not addressed.

There are no provisions to address the County pumping and impairment in the settlement. The impairment from the Pueblo pumping has not been completely or adequately addressed. We also would like to have definitive language as to what the other uses of the 750 acre-feet that the County is going to provide for future growth in the Nambe-Pojoaque-Tesuque Basin. That's unclear. It's not discussed at all in the settlement.

John Utton just basically said that the deep wells will not be in the settlement. However, we will be providing 2500 acre-feet of Top of the World water or other water rights to this settlement, and if that water is not available in the Rio Grande, we will be basically making a new appropriation for drilling and taking water rights out of the Nambe-Pojoaque-Tesuque Basin. This is not a benefit to the basin, the County or even the Pueblos. There is hydrologic evidence that this kind of pumping and the proposed deep wells could affect the safety of Nambe Dam. By authorizing this settlement, the Commissioners are agreeing to a settlement which could have potential disaster and possibly death if the Nambe Dam fails.

The PBWA has written a letter to both the State Engineer and the Bureau of Reclamation regarding this, because I was told by the State Engineer that they did not

cover the Nambe Dam and the BOR told me the same thing. So we wrote a letter to both of them basically outlining our concerns about this pumping. There is precedent that pumping from the aquifer can affect the safety of the dam. I believe a dam in California failed because of pumping of the aquifer. So I'd like the Commissioners to keep this in mind.

CHAIRMAN MONTOYA: Paul, can you kind of wrap it up, because Commissioner Sullivan needs to leave pretty shortly and we need to -

MR. WHITE: Well, one of my other concerns is that this is going to be taking water rights from the acequias. All new wells will be basically looking for water rights from the acequias and the Pueblos also maintain a right in circumstances to make priority calls on the acequias and the wells. That is still in the settlement. The water authority will be comprised of the Pueblos and non-Pueblo county portion and there are eminent domain issues regarding their ability to condemn property. The non-Pueblo citizens have little or no say in the decision making of this water authority.

I believe that the cost to the County will be far more than the numbers thrown out there. But that remains to be seen later. That's about it. Thank you very much.

CHAIRMAN MONTOYA: We did get your comments from your e-mail so thank you.

MR. WHITE: Thank you very much.

CHAIRMAN MONTOYA: Okay, any other discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Are you ready for a motion?

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: I move that the County Commission approve the settlement agreement and become a party to it.

CHAIRMAN MONTOYA: Okay, motion by Commissioner Campos.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Sullivan, for discussion.

COMMISSIONER CAMPOS: Just a question for legal. Is there anything else we need in the motion to make it complete and effective?

MR. ROSS: Mr. Chairman, Commissioner Campos, motion to approve the settlement as presented would probably be appropriate.

COMMISSIONER CAMPOS: Okay. Then I think that's satisfactory. Just basically, I think there's a community consensus. I think we understand that the status quo is not acceptable, that this does the best in a very difficult situation. You're never going to get everybody on the same page. Never. We've been working at this for 40 years. I think it's best to move on to the future. I think it's our best hope. We have a basin that lacks water, has serious water quality issues that's rapidly urbanizing. I think it's time that we start working together and I think it's our best solution. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd just add that for five and a half years I've been advocating for a regional approach to water and we've known that it's got to happen and it's going to happen in the northern part of the county and it's got to happen in the balance of the county. We can't deal with these water planning and delivery issues unilaterally and this moves us forward to that next level of regionalization of an important natural resource and we have to continue doing that countywide and so I'm supportive of that effort.

CHAIRMAN MONTOYA: Okay.

The motion to approve the Aamodt settlement agreement passed by unanimous [3-0] voice vote with Commissioner Vigil having recused herself. [Commissioner Anaya was not present for this action.]

CHAIRMAN MONTOYA: Thank you, John. Thank you, Steve.

COMMISSIONER CAMPOS: Thank you, staff. Appreciate all the hard work.

XII. F. 2. Resolution No. 2006-82. A Resolution Accepting the Obligations Set Forth in Paragraph 9.6.4 of the Settlement in the Case of *New Mexico ex rel. State Engineer v. Aamodt*

CHAIRMAN MONTOYA: Steve, did you want to take this?

MR. ROSS: Mr. Chairman, members of the Commission, Lisa and I collaborated on drafting this resolution which – what it specifically does is recite some concepts from the settlement agreement that the County understands that it's pledging 750 acre-feet as set forth in the settlement agreement and described in paragraph 9.6.4 of that agreement. But until such time as the water is needed to fulfill the terms of the settlement, the County reserves the right to use the water for other purposes.

CHAIRMAN MONTOYA: Okay. Any questions?

COMMISSIONER CAMPOS: Move to approve the resolution.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Discussion?

The motion to approve Resolution 2006-82 passed by unanimous [3-0] voice vote with Commissioner Vigil having recused herself. [Commissioner Anaya was not present for this action.]

XII. F. 3. Updates on Various Issues

MR. GONZALEZ: Mr. Chairman, members of the Commission, just two quick ones. First of all, in order to move toward the final phase of the strategic planning work that we've been doing, there's a request to try and set a half-day concluding session with the Commission on the strategic planning process. The dates that were proposed for me to present to you were either the afternoon of May 8th, the afternoon or morning of May 10th, and the afternoon or morning of Friday, May 12th. So I was just asked to poll you, see if any of those dates would work to do a half day conclusion of the strategic planning process at the Commission level.

COMMISSIONER CAMPOS: Can you give us those dates again? 8th, 10th and 12th?

MR. GONZALEZ: The 8th, 10th and 12th, except - 10th and 12th were either morning or afternoon, a three-hour session, and the 8th was just an afternoon session of three hours.

COMMISSIONER CAMPOS: How far are we on that discussion with staff?

MR. GONZALEZ: At the staff level, I think we have some substantive conclusions to bring forward to the Commission indicating what we think needs to be the next steps and how to incorporate that in the budget but we want to make sure that we get some guidance from you as well.

COMMISSIONER CAMPOS: Would afternoon work?

MR. GONZALEZ: Afternoon would work.

COMMISSIONER CAMPOS: I would suggest Friday the 12th in the afternoon.

CHAIRMAN MONTOYA: That's the week that Western Interstate Region Conference is happening and the 9th is the date that it's just going to be you three on the days here.

COMMISSIONER CAMPOS: Let's cancel the WIR.

CHAIRMAN MONTOYA: We could do that.

COMMISSIONER CAMPOS: Let's do that. That way we'll all be here and have a good time together.

CHAIRMAN MONTOYA: Brother and sisterhood.

COMMISSIONER CAMPOS: This is really important.

CHAIRMAN MONTOYA: I know.

COMMISSIONER VIGIL: How about starting May 8th in the afternoon? Is that something at least four of us can be here for?

CHAIRMAN MONTOYA: Because Commissioner Anaya is going to be leaving that afternoon.

COMMISSIONER CAMPOS: I guess if that's the best, if we can't cancel the trips to the WIR. I guess there's no sentiment to do that, Mr. Chairman.

CHAIRMAN MONTOYA: I've got to be there. We have a NACo board

meeting.

COMMISSIONER CAMPOS: Monday afternoon? That would work. What time? Monday afternoon?

MR. GONZALEZ: One to four?

COMMISSIONER CAMPOS: One to four.

MR. GONZALEZ: And then the final item, I had indicated earlier today that I was going to give you the dates for that proposed joint session with the St. Vincent's board and the dates that are being proposed - I was off a little bit this morning but we're talking about June 9th and 10th, or June 16th and 17th. And I don't know that we necessarily have to have agreement at this point but if there's a sense that either of those would be better dates, I can pass that along.

COMMISSIONER CAMPOS: What are the dates again, Gerald?

MR. GONZALEZ: It would be June 9th and 10th, that's a Friday afternoon, Saturday morning. Or June 16th and 17th, which would be the same situation. I think there's a preference for the 9th and 10th from the St. Vincent's side, but that's just what I understand.

COMMISSIONER CAMPOS: You're looking at the 9th and the 10th?

MR. GONZALEZ: Yes. It would be an afternoon session on the 9th and a morning session on the 10th.

COMMISSIONER VIGIL: Either dates are good for me, Gerald.

MR. GONZALEZ: Okay.

CHAIRMAN MONTOYA: Either one. I would prefer the 16th and 17th.

MR. GONZALEZ: I'll pass that along, along with the items I indicated this morning but I would e-mail to you indicating the proposed discussions and agenda and so forth.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd prefer the 16th and 17th but I can do it on the 9th and 10th.

MR. GONZALEZ: Okay. And that's all I had, Mr. Chairman, Commissioners.

XII. G. Matters from the County Attorney

1. Executive session

b. Limited personnel issues

Commissioner Vigil moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, 8 and 5) to discuss the matters delineated above. Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, and Vigil all voting in the affirmative.

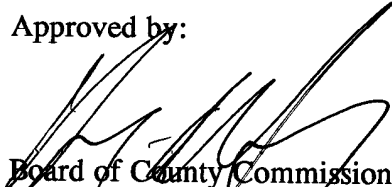
[The Commission met in executive session from 6:35 to 7:20.]

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


XIII. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at approximately 7:20 p.m.


Approved by:


Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:


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

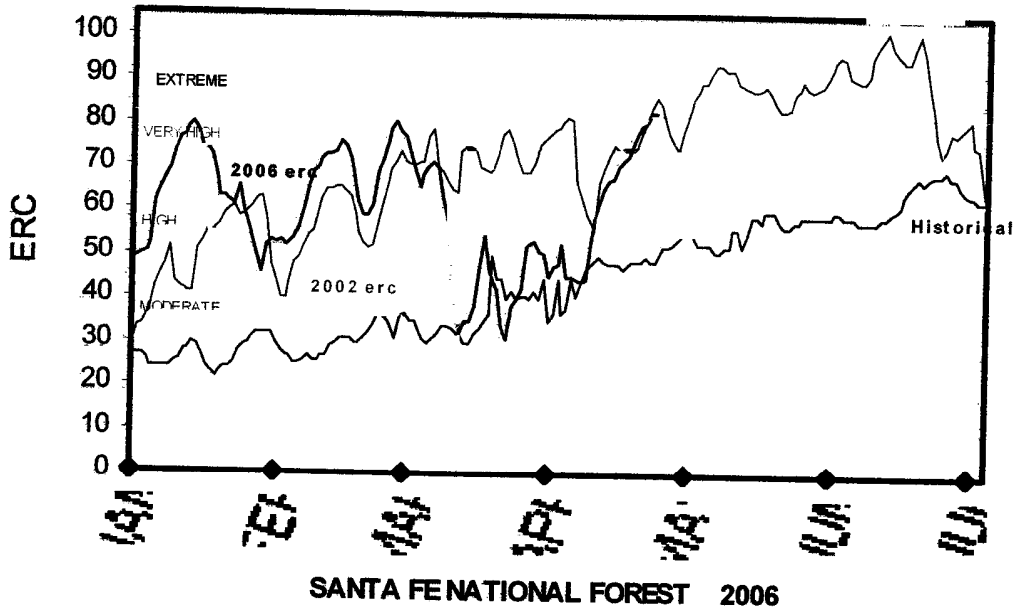
ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK



ERC for April 24, 2006

ENERGY RELEASE COMPONENT (ERC) FIVE DAY AVERAGE



PK RECORDED <06/19/2006>

This Resolution and Proclamation shall be effective for 30 days from the date below, but may be reissued if extreme or severe drought conditions warrant. Further, this Resolution and Proclamation may be modified or rescinded within the 30 days of their effectiveness if the Board of County Commissioners, after conducting an emergency hearing, determines that weather conditions have improved.

APPROVED AND ADOPTED this ____ day of April, 2006.

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY, NEW MEXICO
BOARD**

By:

Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney

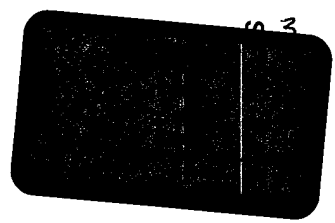
PRK RECORDED < 06/19/2006 >

IV. VOLUNTARY SEIZURE/IMMOBILIZATION

Notwithstanding any other provision of this Ordinance, in the interest of public safety and health, the Sheriff may seize a vehicle at the time of an arrest of a person for driving under the influence of intoxicating liquor or drugs or, if that person only has one (1) previous conviction of record, and may offer the owner an opportunity to voluntarily request the alternative of (i) immobilization of the vehicle for a period of thirty (30) days and/or (ii) installation, at the owner's expense, of an ignition interlock device for a period of one (1) year. ~~If the owner elects to accept alternative, the owner shall agree to the voluntary seizure/immobilization and/or installation of the ignition interlock device in writing, on a form provided by the County. Such immobilization may be accomplished by an Immobilization Device (Boot) at the owner's designated location within the County of Santa Fe, or by impoundment at a secure facility, in accordance with procedures established by the Sheriff. The owner shall pay the Sheriff a fee for any such voluntary, temporary seizure/immobilization and sign an Immobilization and/or Ignition Interlock Agreement with the County of Santa Fe.~~

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RECORDED < 06/19/2006 >

Joint Regional GRT Open Space and Trail Projects

FY 2004 Estimated Revenues

Actual Revenues (FY '04:05) and Projected Revenues (FY '06&'07)

Difference between FY '04 Estimate and Actual/Projected Revenue

Five Year Plan - Approved by RPA in June 2003

RIVER TRAIL & PARKS

SF River Trail - Alire to 599

Rio Vista Pocket Park as part of River Trails system

River Trail- DeFouri St. to Don Gaspar

River Trail - Don Gaspar to Old Santa Fe Trail

Agua Fria Park

San Ysidro

RAIL TRAIL & RALLYARD PROJECTS

Rallyard

Rail Trail- Zia to I-25

Rail Trail- Rabbit Rd to Lamy (13 miles)

Rallyard - Trails and Bikeway over/underpass

OTHER TRAIL & PARKS PROJECTS

Arroyo Chamisos Trail- Rodeo to Carrillos

Arroyo Hondo trail - Rail Trail to Highway 14

Foothills Trails System

Ruffina St. ROW- South Meadows to MRC

South Meadows County Park

Southside to River and MRC Trails

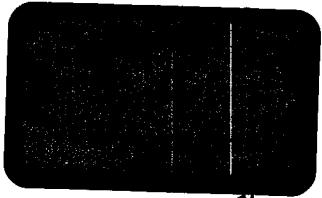
Trails Connections

TOTALS

Identified Potential Sources for Atalaya/Parker Contingency =

	FY '04	FY '05	FY '06	FY '07	FY '08	GRT
	\$577,500	\$586,163	\$594,955	\$603,879	\$612,937	\$2,976,434
	\$613,544	\$642,215	\$645,000	\$670,900	N/A	\$2,571,589
	\$36,044	\$56,053	\$50,045	\$66,921		
	\$222,500	\$200,000	\$100,000	\$100,000	\$0	\$622,500
	\$0	\$0	\$110,000	\$0	\$0	\$110,000
	\$0	\$50,000	\$100,000	\$0	\$0	\$150,000
	\$0	\$0	\$0	\$50,000	\$50,000	\$100,000
	\$20,000	\$50,000	\$0	\$0	\$0	\$70,000
	\$0	\$50,000	\$40,000	\$0	\$0	\$90,000
	\$242,500	\$350,000	\$350,000	\$150,000	\$50,000	\$1,142,500
Sub-total:	\$160,000	\$50,000	\$55,000	\$0	\$0	\$285,000
	\$0	\$25,000	\$50,000	\$50,000	\$50,000	\$175,000
	\$10,000	\$0	\$0	\$0	\$0	\$10,000
	\$0	\$0	\$45,000	\$314,000	\$362,000	\$721,000
	\$170,000	\$75,000	\$150,000	\$364,000	\$412,000	\$1,171,000
Sub-total:	\$45,000	\$0	\$0	\$25,000	\$25,000	\$95,000
	\$20,000	\$50,000	\$0	\$0	\$0	\$70,000
	\$65,000	\$30,000	\$30,000	\$0	\$0	\$125,000
	\$0	\$16,000	\$25,000	\$39,000	\$39,000	\$119,000
	\$10,000	\$25,000	\$0	\$0	\$0	\$35,000
	\$0	\$15,000	\$15,000	\$0	\$62,500	\$92,500
	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$125,000
	\$165,000	\$161,000	\$95,000	\$89,000	\$151,500	\$661,500
Sub-total:	\$577,500	\$586,000	\$595,000	\$603,000	\$613,500	\$2,975,000
TOTALS	\$577,500	\$586,000	\$595,000	\$603,000	\$613,500	\$2,975,000

\$269,062



RECORDERD <06/19/2006>

Projected Aamodt Settlement Implementation Process

- I. Settlement Agreement Process
 - A. Agreement completed and approved by governments (excluding U.S.) April 30, 2006
 - Agreement open for signature by individuals February 1, 2006
 - B. Draft Proposed Cost-Sharing Agreement completed June 16, 2006
- II. Federal Legislation Process
 - A. Parties submit draft legislation to congressional delegation that would approve Agreement and authorize the settlement project As soon as possible after Agreement approved by governments (excluding the U.S.)
 - B. Legislation passed As soon as possible
 - C. Secure authorized funding Ongoing, after legislation passed
- III. Administrative Process
 - A. Develop Rules re: Impairment Fund Beginning April 30, 2006
 - B. Develop Water Master Rules and Regulations Beginning April 30, 2006
- IV. State Legislative Process
 - A. Enabling Legislation Meet with Interim Legislative Committees beginning May 1, 2006 for introduction in the 2007 Session
 - B. Construction Fund
 - C. Impairment Fund
 - D. Connection Fund

V. Court Process

- A. Motion re: process, addressing Nov. 1, 2006
 - 1. Procedures for notice
 - 2. Schedule for joinder
 - 3. Opportunity to join the agreement
 - 4. Opportunity to object
 - 5. Process to address objections
 - 6. Process to consider Interim Administrative Order for Administration and Water Master Rules

- B. Court order approving process At Court's discretion

- C. Motion to Approve Settlement Agreement and to Enter Interim Administrative Order No sooner than 60 days after legislation enacted
 - 1. Notice sent
 - a. Opportunity to accept settlement or object (Deadline for individuals to sign)
 - b. If no response, then Motion for Order to Show Cause
 - 2. Objections heard and resolved At Court's discretion
 - a. Informal-meetings
 - b. Formal-litigation

- D. Interim Administrative Order entered At Court's discretion

- E. Complete non-Pueblo adjudication Before Dec. 15, 2012
 - 1. NonPueblo surface water priorities Beginning June 1, 2006
 - 2. Complete adjudication of domestic wells Beginning Nov. 1, 2006
 - 3. Errors and omissions To be determined after completion of 1. & 2.

- F. Final Decree entered, after any necessary inter se phase Before Dec. 15, 2012

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

April 25, 2006

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

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

Members Present:

Commissioner Harry Montoya, Chairman
Commissioner Virginia Vigil, Vice Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan
Commissioner Mike Anaya

Members Absent:

[None]

V. Invocation

An invocation was given by Deputy County Clerk Joella Coca.

VI. Approval of the Agenda

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

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: I'm wondering if we can move up item D to right after Matters of Public Concern. Or actually maybe before that, just in case.

CHAIRMAN MONTOYA: Before Matters of Public Concern, so right after approval of the minutes.

CHAIRMAN MONTOYA: Any changes from staff?

GERALD GONZALEZ (County Manager): Mr. Chairman, members of the Commission, beginning with the Consent Calendar, under budget adjustments, item 1, we've added the amount there, which is \$97,327 before the parenthetical Finance Department at the end there. With respect to item 2, there's a request that that be tabled and looking under C, Miscellaneous, on page 3 of your amended agendas, there's a request also to table item C. 5. With respect to item C.11, we've added the department there which is the Housing Department. With respect to items 12 and 13, we've asked that those be pulled off of Consent for discussion. The first one item 12 under the Sheriff's office and the second one, item 13, under the Housing Department.

And then with respect to section XII. Staff and Elected Officials' Items, under item E, Water Resources Department, a request to table item 3, the Santa Fe Canyon Ranch item, and then under G, Matters from the County Attorney, we've added a sub-item d. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with a Bargaining Unit. And finally, just a comment, up above in the same section under C, if there's any extended discussion or question for the Army Corps of Engineers, because of their scheduling issues, they've asked that that take place after lunch.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Gerald, what was that last one you said? About the Sheriff's Department?

MR. GONZALEZ: The last two under your Consent Agenda, Section C, item 12, we've asked at staff level that that be pulled off of Consent and the Sheriff's office will be here to discuss that, and then item 13, also pulled off of Consent and that's a Housing Department item although I'll also be prepared to step into the discussion.

COMMISSIONER ANAYA: Mr. Chairman, under the Sheriff's office, D. 2, they requested that that be heard or if we could hear it about 1:30 because they're going to have some deputies here for that at that time. I was wondering if we could hear that resolution.

MR. GONZALEZ: D. 2 and D. 3 I think go together.

COMMISSIONER ANAYA: Okay.

MR. GONZALEZ: I just wanted to make sure that under C you did get the request to table item 5.

COMMISSIONER SULLIVAN: Which one?

MR. GONZALEZ: Under Consent Calendar, C. 5, that's the joint powers agreement between the Department of Health and Santa Fe County on the Access to Recovery voucher program, a request to table that.

CHAIRMAN MONTOYA: So we're tabling item XI. C. 5.

MR. GONZALEZ: That's correct.

CHAIRMAN MONTOYA: Okay, any other removals on the agenda?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: A. 3, on the Consent Calendar, XI. A. 3. B. 2, C. 9 and that's all.

CHAIRMAN MONTTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: I'm not asking for anything to be removed from the Consent. I just have a question about policy about – a question for the County Manager. When there's a matter of public concern that's attracted a lot of public interest, who decides when the matter is going to be tabled? Is it the Commission at the time of the meeting? Is it staff? I'm just not sure.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, the way we've done it in the past, we bring to you our staff recommendations for how to structure the agenda but the ultimate decision is up to the Commission.

COMMISSIONER CAMPOS: So if something is indicated as being tabled, it is simply a suggestion to the BCC.

MR. GONZALEZ: That's correct, although it's probably underscored by the fact that staff doesn't believe that it's ready to move forward.

COMMISSIONER CAMPOS: Well, what if there's a matter that's been tabled more than once and it's of significant public interest. There's been notice, there's been discussion in the press, there's likely to be showing up here later today to testify about a hearing, only to hear that it's been tabled again.

MR. GONZALEZ: Mr. Chairman, that's a Commission call. You have ultimate control over the agenda.

COMMISSIONER CAMPOS: For the Commission, the Canyon Ranch is being tabled again, I think for the second or third time. Is this the second time?

CHAIRMAN MONTTOYA: Yes, it's the second time, at the request of the applicant.

COMMISSIONER CAMPOS: I understand the applicant requesting it but the question is how is the public being affected. There's a lot of people who want to testify who have gotten notice and would like to be here. They've seen stories in the newspapers, and yet we get a second tabling. I think this takes away from the ability of the public to effectively address issues that they're concerned about. So that's my concern to staff and to this Commission and to the applicant.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, if the Commission wants, they can go ahead and hear the public and continue the discussion of the item for a later time. We can divide it up into more than one piece.

COMMISSIONER CAMPOS: Well, one of the standards, Mr. Gonzalez is there has to be good cause for tabling. Isn't there still a good cause requirement?

MR. GONZALEZ: Generally speaking, from the staff point, we evaluate the request that's been made and just take a look at whether the item is ready to go forward or not. From the staff standpoint it would be fruitless to stimulate a discussion if all the facts weren't on the table to be able to present to you.

COMMISSIONER CAMPOS: Well, why is the case on the agenda then? Why shouldn't they be removed just from the agenda and when they're ready to be put on the agenda, put them on the agenda. This has been going on since January or December or

November. I don't remember.

MR. GONZALEZ: This is the second time that I recall it being on the agenda, but I think it was simply rolled forward because as a matter of protocol in the past, when we've had these items that have been tabled, we simply move them to the next meeting that's available.

COMMISSIONER CAMPOS: I'm just concerned and I'd like to express my concern to the Commissioners and to staff and to the applicant. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Noted.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER VIGIL: With amendments?

COMMISSIONER ANAYA: With amendments.

CHAIRMAN MONTOYA: As amended.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second, Commissioner Vigil. Any other discussion?

The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: I'd like to also recognize in the audience Representative Jim Trujillo and Senator Nancy Rodriguez. Thank you for being here this morning. We appreciate all you do for us.

VII. APPROVAL OF MINUTES

A. March 28, 2006

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second

COMMISSIONER SULLIVAN: Mr. Chairman, I have some minor amendments.

CHAIRMAN MONTOYA: With some minor amendments from Commissioner Sullivan.

COMMISSIONER ANAYA: Okay.

COMMISSIONER CAMPOS: I'll go along with that.

The motion to approve the March 28, 2006 minutes, as amended, passed by unanimous [5-0] voice vote.

IX. MATTERS FROM THE COMMISSION

D. Recognition of Santa Fe Indian School Boys & Girls Basketball Teams

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Would you like to read that proclamation?

CHAIRMAN MONTOYA: We had this proclamation presented last week when we recognized some of the other local basketball teams and wrestling squads for their participation in the activities that they respectively engage themselves in. In this proclamation, in the interests of a little bit of time, essentially, I'll read the last two sentences, where it says, Now, therefore, be it resolved by the Board of County Commissioners of the County of Santa Fe, hereby to honor our young athletes and encourage the participation in sports and fundraising events that will benefit the Santa Fe County youth; and

Now, therefore, be it further resolved the Board of County Commissioners declare May as Santa Fe County Physical Education and Sports Month. Approved, adopted and passed on this date, April 19, 2006, Santa Fe County Board of County Commissioners.

And we will give this to the Santa Fe Indian School

Commissioner Anaya pointed out that at the previous meeting the Commission recognized the achievements of a number of local teams that had successful seasons. Since the Indian School was on spring break at that time, the Commission is now recognizing the basketball teams, and he presented the members of the girls team with basketballs. He congratulated the coaches: Johnny Abeyta, Kelvin Rodriguez, Paul Abeyta, Jr. and Jay R. Abeyta. Members of the girls team were: April Abeyta, Kaylina Abeyta, Maddie Aguilar, Kristina Elote, Amanda Jiron, Sherelle Begay, Jannine Chinana, Karen Hoskie, Samantha Pasena, Marcelita Povijua, Jessica Platero, Adrienne Tenorio, and Ashely Begay. They were district runners-up and in the State final four.

The boys team was also honored, along with coaches: Ernest Rodriguez, Donald Martinez, Gus Martinez, Greg Maroney and Duane Garcia. Members of the boys team, who were District runners-up and in the State final four were: Isaiah Ansera, Garriden Coriz, Martin Coriz, Robert Cruz, Randy Garcia, Steven Johnson, Leander Loretto, Antonio Lucero, Miguel Rodrigues, Bryon Trujillo, and Jonathan Vigil. All received basketballs and the applause of the crowd.

VIII. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

There was no one from the public wishing to speak.

IX. MATTERS FROM THE COMMISSION

1. Resolution No. 2006-61. A Resolution Calling for the Agua Fria Community Center to be Renamed the "Nancy Rodriguez Community Center" (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I'm really honored to start up the proceedings today with a resolution calling for the Agua Fria Community Center to be named the Nancy Rodriguez Community Center. And if the Commission will bear with me, I'd like to read the resolution. Before I do I'd like to just say that this announcement was made at the groundbreaking ceremony, that this resolution also comes before us with the approval of the Agua Fria Development Review Committee and the Agua Fria Planning Committee.

Whereas, Senator Nancy Rodriguez has represented the Traditional Village of Agua Fria as a County Commissioner, and then as a State Senator for the past 22 years; and

Whereas, Senator Nancy Rodriguez also served the people of the Village of Agua Fria as Santa Fe County Manager; and

Whereas, through her time and effort serving in the State Legislature, Senator Rodriguez has been responsible for the appropriation of millions of dollars in state funding to help make many needed improvements for the Village of Agua Fria; and

Whereas, the Agua Fria Community Center was the result of the inspiration of Senator Nancy Rodriguez; and

Whereas, Senator Nancy Rodriguez has been responsible for the appropriation of nearly \$800,000 in state funding to assist Santa Fe County with the costs for planning, design and construction of the Agua Fria Community Center; and

Whereas, Senator Nancy Rodriguez has helped to improve the quality of life for the residents of the Village of Agua Fria through state appropriations to construct sidewalks, build a pedestrian crossing for residents to cross the Santa Fe River, funding to create the Santa Fe River Corridor Park, extension of sewer lines and improvement of the community water system, and initiated funding to construct La Familia Medical Center.

Mr. Chairman, now therefore be it resolved by the Santa Fe Board of County Commissioners that in recognition of all of Senator Nancy Rodriguez' time, effort and hard work for the Village of Agua Fria throughout her career as a public servant, the Agua Fria Community Center shall hereby and henceforth be called the Nancy Rodriguez Community Center.

CHAIRMAN MONTOYA: Is that a motion? Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Discussion, Commissioner Vigil.

COMMISSIONER VIGIL: I would just like Senator Rodriguez to come before the podium so that we could recognize her individually and thank her personally for all that she does for Agua Fria Village and Santa Fe County as a whole. If you wouldn't mind, Senator.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, thank you. I'd like to also say thanks to Senator Nancy Rodriguez for all the work that she's done. She's been around the County a long time and helped and been Commissioner and Manager and Senator and I think that is the appropriate name for that building. There would be no other name than to call it that. And I want to congratulate you and thank you again for all your hard work. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Any other discussion? Senator Rodriguez, I'd also like to thank you and congratulate you on this honor. I think whenever we recognize people in the community who have done yeoman's - yeowoman's work, it's certainly appropriate, I think to memorialize these types of facilities for those people that have done so and you've certainly done so in this county and the Agua Fria community and congratulations.

The motion to approve Resolution 2006-61 passed by unanimous [5-0] voice vote.

SENATOR NANCY RODRIGUEZ: Thank you so much, Mr. Chairman. Thanks to all of you for this. I think I'm speechless. I'll try my very best. Let me just recognize you, first of all, for doing this for me. Commissioner Vigil, I know you've been at several meetings in Agua Fria and have not only supported this but has played a big part in this whole thing and I appreciate your effort very much.

But I do know first hand, having been here and certainly in about every position. I was sitting back there and I was looking at each one of you in your seats here and I thought, Wow, I think I've sat in each one of those. I don't know if they're new chairs or not. Through chairman and Commissioner and ongoing. It's just been amazing. But I do know the feeling of having to sit there and do something like this, name a building or take some actions such as these, and it's just wonderful, truly, to know that you can be there as public servants and still be humble enough to recognize other public servants. I appreciate that very, very much.

Let me say thank you not only to you but also to my colleagues, first of all, because without them in the Senate, I truly would have not been able to do anything. I can't imagine pushing forth with any projects whatsoever and knowing that I could get something accomplished without their full support. I have one here who has been a tremendous help in so many ways. His attitude overall, his humbleness has really helped me. It's helped me not only work with him but also learn from him. We learn from each other every day. And while we grow in our capacities and our career and so on, we have to keep in mind always that we can always learn from others. That's been my greatest experience in the Senate.

This is my 11th year in the Senate and I can tell you that every day that I'm in a meeting going around other Senators, there's something to learn. There's just so much. And I appreciate - this is Representative Jim Trujillo who is here with me today and Representative Trujillo, I'd like for you to come up here too because I believe that Representative Trujillo has been a great inspiration to me through all this process in helping Agua Fria. It has also contributed a tremendous amount not only of support with who he is and his attitude but also financially for the Agua Fria Village. He's just a very committed public servant. What can I say? I'm very

blessed to have him working together with me in the Senate and the House of Representatives.

In addition to that, I'd like to say that the Agua Fria Village Association members that are here today, there's really nothing I can say to express my appreciation to you. I'm truly so grateful and I have to be the luckiest Senator, truly, to know that I have this village in my district. In New Mexico we have very few villages left, as you know. Especially traditional villages that we can preserve. And I'm truly blessed to know that this is a village in my district that I love so much that I have not only sponsored appropriations for but I'm gotten to meet and collaborate with people there and gotten to know them so much better. So I feel like a member of the family, truly, and I just appreciate them so very much. So thank you, all of you, who are here today from Agua Fria. I thank you so much for your support and your confidence.

I have to say one last thing here, is that when this what brought to my attention, I truly couldn't believe that the Agua Fria Association would want to name this after me because they had such a beautiful opportunity here to name the community center with a name I felt flowed really well, in all honesty, that that was the Agua Fria Village Community Center. It was like so perfect. In the village I talked to them about this but they did continue to pursue this and I appreciate the unanimous vote of confidence that they have given me and the recognition. I've always felt, remembering, seeing buildings named after someone else, I always thought, well, as elected officials we do what we need to do, what we have to do, really. I don't feel like I've done anything extraordinary in all honesty, other than that. I've appropriated funding. Yes, I did think about the idea, only because I've had the experience of working so closely with Agua Fria and recognizing their needs.

When I went to meetings there before we always met at the school or we were always looking for a place to meet. I sat back and watched that for a while and then I thought, you know what? This is something I can do. They need a community center. When I appropriated this funding, I didn't say anything about it until after the fact and so when I went to one of their meetings, I explained what I had done and of course they were very happy, but gosh, I never would have dreamed that this was going to come up here today. I just want to say thank you to everyone and my supports stands always, not only for the County but for Agua Fria and its members and my entire community. Of all things that could have been named after me, this is wonderful because the word community in itself humbles me. The fact that we as a community can work together, without community we can't get anything done.

A community is not about land and things, it's about people as we know and without the community and the unity part of it, we really can't get anything done. So together we've done this and I will dedicate this very much back to Agua Fria, to the Village and to all of those who have worked so hard in your capacities, and also to help me do my job. Thank you once again and God bless you all.

REPRESENTATIVE JIM TRUJILLO: I want to thank you for the action you've just taken in formalizing the name of the Agua Fria Center after Senator Nancy Rodriguez. She's very humble in the way she expresses our relationship but I can tell you, she is my role model. She is the person that I seek advice from. She's a true leader, not only in the community but she's statewide. She's got the stature that we need to take pride in in New

Mexico and in Santa Fe County. She has done so much for her district and she has done so much for the state that she needs to be recognized. And I can tell you right now that this coming session I am going to, out of my capital outlay money that I get, I am going to fund some sort of recognition at the Senate for her, even maybe a statue. I am committing to that.

As things go in Santa Fe County you have to appreciate longevity and service and still maintain the approval of the public and I can say that Senator Rodriguez, everywhere I go she is loved by everybody. I have never heard anybody say a mean word about Senator Rodriguez and that's commendable. That's very commendable and I know that I am far from matching what she has done but I'm going to work very hard to do the same thing for Santa Fe County. And again, I want to thank you and I appreciate being here.

COMMISSIONER VIGIL: You know, we're going to have a photo opportunity. I'd like the members of the Village of Agua Fria to come and stand with the Commission and with Senator Rodriguez and Representative Trujillo. Those of you from Agua Fria who are here who worked so hard on not only your planning process but it is you who recognize and appreciate what we are honoring today.

MR. GONZALEZ: Mr. Chairman, as we're gathering, I just want to point out that I have two role models here today. In addition to Senator Rodriguez and the way that she has been such an example as far as County Managers are concerned, we also have Gil Tercero, who also preceded me and both of them helped lay the foundation that we're building on as a County. So I'm very grateful for that and the work that they did as County Managers. Gil Tercero actually served as County Manager twice, so he's been double honored with that privilege and it's great to have him here.

CHAIRMAN MONTROYA: Once again, congratulations, Senator Rodriguez and I'm sure Commissioner Vigil will let us know when the official opening is.

IX. B. Resolution No. 2006-62. A Resolution Restricting Truck Traffic on Agua Fria Road (County Road 66) Between the City Limits of the City of Santa Fe and its Intersection with Airport Road, Including San Felipe Road; Directing Posting of Agua Fria Road and San Felipe Road, and Directing Staff to Forward a Copy of this Resolution to the Department of Public Safety, Motor Transportation Division (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I bring before you this resolution, and I'm glad that Senator Rodriguez talked about preserving the Village of Agua Fria because this is certainly a step towards doing that. It's an initiative that should have been done quite some time ago. The City of Santa Fe has actually enacted an ordinance that prohibits truck traffic driving through the city part of Agua Fria and they did that as early as 92 or perhaps the mid-nineties. Since then no one has really come forth and stepped forward to enact the same ordinance for the County portion of it. It didn't make sense to me when I heard that

because if there's any area that needs to be protected, it's the streets, the narrow streets of Agua Fria, the fact that there's a well situated right next to San Ysidro and that the historic component needs that protection, and yet these trucks are actually driving through the village and going up Siler Road, avoiding the city part of the trafficking because they're prohibited.

Agua Fria is getting the spill of all of that. It's eroding the roads. The roads are very narrow. They actually were not designed to handle the truck traffic. The resolution before you, Mr. Chairman, proposed that Santa Fe County take a leadership role in providing the same, mirrored ordinance that the City of Santa Fe has for the city component to the Agua Fria Village, and that is prohibiting through traffic.

Just to let the Commission know, there are exemptions in this resolution. One exemption is those people who have commercial vehicles or live in the village are allowed to use their trucks. They're grandfathered in, so to speak. Other than that, Mr. Chairman, I am hoping that this village continues on its preservation mission by us protecting their road through this resolution. And with that, I think I'd like to turn this over to Gil Tercero who probably has more of a history on this issue than I do. I will also mention to the Commission that I have spoken with the Sheriff's office on this and Sheriff Solano said there is difficulty in enforcing but they do comply with enforcement requirements.

I also spoke with Mayor David Coss who actually informed me that he's very pleased to be able to work with the County on this, particularly because garbage trucks from the City of Santa Fe are one of the strongest, or probably the majority of the violators through the thoroughfare, because they drive down Siler Road and they go up San Ysidro and they go up Lopez Lane, and that is why this area is so concentrated, Mr. Chairman, members of the Commission, with trash and why we frankly can't keep up with it.

As I said, David Coss extended an olive leaf and said I think this would be a good gesture to the Village of Agua Fria to assist them in prohibiting this truck traffic. And with that, Mr. Chairman, I will ask Gil Tercero to give us a little bit of a history.

GIL TERCERO: Mr. Chairman, members of the Commission, thank you very much for the opportunity to speak on behalf of this resolution. The Agua Fria Road itself was a state road up until the early 1990s when members of the Village of Agua Fria came and petitioned the Board of County Commissioners at that time to take that from the state road system and put it on the County's road system. The County Commission debated the costs associated with that action, as well as the benefits to the people of Agua Fria. One of the main reasons that that action was considered appropriate was that as a state highway, that road was looked at as a part of a transportation system and with the narrow condition of that road and the narrow amount of right-of-way it was obvious that in order to meet the safety criteria put forth by the state, that road would some day have to be widened at the expense of existing historic homes and the original historic plaza, the Camino Real.

To prevent that from happening, the Board of County Commissioners took that and put it on the County's road system to preserve and protect the properties adjacent to the roadway and to protect the roadway itself. Today, that roadway is once again being threatened by they number of heavy trucks that are utilizing it because of the gridlock that occurs on all the other

roads surrounding the village, and as a destination to and from a lot of the industrial sites, sand and gravel, concrete block, lumber, a lot of these facilities that are located west of the city.

The utilization of Agua Fria has seen more and more increase in heavy truck traffic, and as Commissioner Vigil has mentioned, the idea of banning these trucks from going through the village is just that. It's not an intent to keep all trucks off of Agua Fria, because there are many businesses within the village that utilize heavy trucks. The idea is have the bypass be better utilized, have the frontage roads be better utilized and prohibit the short-cut that right now these trucks are taking to and from their destinations though Agua Fria Village.

So we appreciate Commissioner Vigil's support on this. She's basically taken that and presented to the planning committee on several occasions. It's been worked on; it's been amended; it's been approved by the planning committee. We would thank you and urge your support of this resolution.

CHAIRMAN MONTOYA: Okay. Thank you, Gil. Any questions for Commissioner Vigil or Mr. Tercero?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I think one of the key issues here Mr. Tercero is certainly enforcement. You can put up signs and that doesn't really do the trick. So, Commissioner Vigil, have you talked to the Sheriff? What plans - I know they're already shorthanded as far as being out on the highway, so what plans do you have to make this an effective ordinance?

COMMISSIONER VIGIL: Actually, I think one of the components to this, while enforcement is really critical, the Sheriff has actually informed me that it is difficult to enforce thoroughfare traffic because in fact most of the stories they get is that they're making a delivery, and it's difficult to prove that. However, there's another component to this that I think is really critical and that is identifying those businesses who actually are using and those trucks who are using that thoroughfare. I think the County can take educational outreach to those businesses. I think the resolution itself calls for the signage and the prohibition, and to some extent that does create a deterrent. For about 15 years there has been no deterrent at Agua Fria to prevent these trucks from going forth. There are some trucks who are compliant and those who are, maybe we'll be able to capture a few of them.

I agree that when I spoke with Sheriff Solano that it is going to be difficult to capture everyone but my understanding is the deterrent component of it is what's going to make a difference.

MR TERCERO: If I could Mr. Chairman, Commissioner Campos, one of our observations has been that the solid waste transport is the majority of the problem. City trucks, private haulers, are utilizing Agua Fria and with the City's cooperation through the Solid Waste Management Administration, I think that that can go a long way towards solving a lot of our problems and just removing that segment of the traffic is going to be a lot of help. The other things is public education is going to be the most important thing. I know the City had a transition period when they posted their ordinances prohibiting truck traffic on the eastern

portion of Agua Fria and it will take some time. But I think education and cooperation is going to be the key.

COMMISSIONER CAMPOS: I think a big step at the next SWMA meeting, the Solid Waste Management Authority, we really need to address this with the City members. Make it part of the agenda. You are the chair. And we could ask them to update us on what's going on with their trucks.

COMMISSIONER VIGIL: Definitely.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I just want to commend Commissioner Vigil for bringing this forward. I think this is good for the community of Agua Fria but I didn't want it to hurt the local people that do have heavy equipment or drive heavy trucks through that area. My good friend Fred Montoya and Henry Hawkis who do live in the city but travel that area, I didn't want it to hurt them, and I don't think it will hurt them and other people that are trying to make a living with their heavy trucks. But I think this is a good resolution. I know it's going to be difficult to stop everybody but at least they know it's out there; maybe they'll use an alternative route. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman and Commissioner Vigil, I'm a little confused on the resolution. The way it appears to be worded is that a through truck – if somehow we could designate which one is a through and which one isn't, which I think is problematic – a through truck can't be more than 10 tons. But paragraph 2 says that trucks are permitted for the sole purpose of local deliveries, or to access businesses or customers located on Agua Fria and San Felipe Road or adjoining streets that can only be accessed from Agua Fria Street. Paragraph 5, however, goes on to say that trucks making those local deliveries or accessing businesses or customers whose sole access is from Agua Fria Street shall be limited to five tons regardless of the number of axles and inclusive of any trailer.

Now, there are businesses on Agua Fria, gravel and concrete businesses, and I feel fairly confident that their trucks are over five tons. So this would prohibit anyone – the way I read it – who has a business on Agua Fria with a truck in excess of five tons from operating that truck. Is that correct?

COMMISSIONER VIGIL: No, it isn't. I would just reference you to number 2, which is the sort of generalized, all-inclusive language that says trucks and commercial vehicles shall be permitted to travel Agua Fria and San Felipe Road for the sole purposes of local deliveries or to access business or customers located on Agua Fria or adjoining streets. So that's all-inclusive. Now, I'll defer to Steve Ross with the five-ton limit.

COMMISSIONER SULLIVAN: Well, Mr. Chairman, before you do that, I still have the floor. You'll see in paragraph 5 that it repeats Commissioner Vigil the same words and it says notwithstanding the previous paragraph which defines a commercial motor vehicle as one that has a weight in excess of ten tons, that vehicles making local deliveries or accessing businesses or customers located on street adjoining Agua Fria – it's the same

wording essentially as paragraph 2 where you say anybody that's local can access their business, which obviously makes sense. They need to get in and out of their own businesses, but then in paragraph 5, I'm reading the same wording and it says that they are limited to a gross vehicle weight of five tons. And then, Mr. Chairman, if Mr. Ross wants to clarify that I'd be appreciative of that.

COMMISSIONER VIGIL: And I would just pose the question if that weight limit was necessary, Mr. Ross.

MR. ROSS: Mr. Chairman, Commissioners Vigil and Sullivan, there's actually a couple typos I was going to bring to your attention. One of them is that paragraph 5, obviously, should be under paragraph 2, not under the definitions. That's one of the typos I was going to bring your attention to. The other typo is the phrase should be commercial motor vehicles -

COMMISSIONER SULLIVAN: I didn't understand that. Under definitions?

MR. ROSS: Paragraph 5 should be moved directly under paragraph 2.

COMMISSIONER SULLIVAN: About trucks and commercial vehicles permitted to travel Agua Fria?

MR. ROSS: Paragraph 5 pertains to the weight limit for the side streets. So paragraph 5 should really be paragraph 3 so that the first phrase of that paragraph 5 makes sense, because obviously the previous paragraph shouldn't refer to the definition of commercial motor vehicle, it should apply to the exception for local deliveries that's given in 2. The way this is structured, it was intended to prohibit commercial motor vehicles and truck traffic on side streets, not Agua Fria proper, but on side streets, the short, little streets that access only Agua Fria from driving large, heavy trucks down those streets.

COMMISSIONER SULLIVAN: But some of these mobile home and gravel companies and concrete companies, there are small lanes and their designated - they have County signs on them that go down into their property because of the narrow width of the parcels out there. So those are side streets. So that's how they get back to the back of their properties where they store their trucks and where they operate out of. So I can't see - I understand what you're saying, no more than 10 tons on Agua Fria and no more than five tons on the side street and I'm saying there are instances, I believe, and I could be wrong, where the only way you can get to Agua Fria is by side street and then you're limited to five tons. So you can't get there from here on a County road unless your truck is less than five tons.

I don't think that's going to work. Not every business fronts on Agua Fria. If the business fronted on Agua Fria it would work, but the businesses are set back behind, in some cases, residential lots that front on Agua Fria and they come up through lanes, through dirt lanes to get on to Agua Fria. And if they're limited to five tons, even if it's ten tons on Agua Fria, or even if, my understanding is, that there is to be no limit for people who live and come in and out and are already there, they're not limited to the ten tons. Is that correct, Commissioner Vigil?

COMMISSIONER VIGIL: Right.

COMMISSIONER SULLIVAN: So we're saying that people that have

businesses there, whatever trucks they have, they have to conduct their businesses. So we're not restricting them. We're only restricting people that use that Agua Fria routing to get from Siler Road to Airport Road. And we're going to make them go out on Cerrillos Road, which is of course also problematic, because that's the only other way to get there. But in any case, we still have people who are going to have to get on County lanes, County roads to get to Agua Fria that work, have their businesses back there. So I think technically, the five tons doesn't work. Is it every enforced? Probably once in a long, long time. Are they going to be out there deciding the truck is five tons or ten tons or what it is, but in terms of making the ordinance or the resolution workable it looks like there needs to be some clarification there.

COMMISSIONER VIGIL: Is the five-ton cap necessary?

MR. ROSS: Mr. Chairman, Commissioner Vigil, no. It's whatever you decide the limit should be. This was the suggestion that came to me from Public Works that the weight limit get ratcheted up on the side streets. And this would only apply to public roads of course. The motor vehicle code is very specific. It only applies to public highways, public roads, streets, city streets, things like that.

COMMISSIONER VIGIL: Mr. Chairman, is there anyone here from Public Works who might be able to represent why that request was made?

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, maybe what we might need to do is include the three County roads that do access Agua Fria. The only three would be Lopez Lane, Jemez Road and San Ysidro Crossing. Those are the only three County roads that actually intersect with Agua Fria. All the others off of Agua Fria are private roads, which this resolution would not apply to. So maybe we might want to consider including those other three roads in this resolution.

COMMISSIONER VIGIL: I guess I'm not real sure that that accomplishes the issue as Commissioner Sullivan states it. In my mind, what I am reading when I read this resolution is that actually all trucks are prohibited from driving through Agua Fria, accessing it, over ten tons. Only those trucks that have businesses or are commercial vehicles within the village or within the route that we've identified can have access to it. So I am not sure we actually need the five-ton limitation.

MR. MARTINEZ: Mr. Chairman, Commissioner Vigil, you're correct. The intent is to deter Agua Fria as being used as a thoroughfare. So I agree with you the five-ton limit on all those other roads is probably not needed.

COMMISSIONER VIGIL: Okay. With that, Mr. Chairman, I would amend - I will move that we adopt this resolution, amending the resolution to remove the language that identifies a limited gross vehicle weight of five tons, regardless of number of axles and inclusive of trailers. So actually, the entire section 5 is not necessary. So with the amendment that we remove section 5.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTROYA: Motion by Commissioner Vigil, second by Commissioner Anaya. Discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Do we have enough staff input on that change? It may require some evaluation. Maybe we need more time. I don't think there's an urgency that we do it today, if there are some outstanding issues.

COMMISSIONER VIGIL: My concern with that, Mr. Chairman, Commissioner Campos, this resolution has been overdue for years and delaying it anymore I don't think is necessary because in fact, if there are any problems to it we can always amend it. So I'd like to move in favor and support the community of Agua Fria in getting this resolution enacted. It's going to take a lot of work to do the compliance because we're dealing with habits of truck drivers that have gone on for years. I think we're going to have to work through the County to communicate to many of the businesses who will be violating this and work with the Sheriff's office to have some kind of a grace period until educational outreach is done. All of those things are going to require a lot of work and I don't think we should delay on this anymore.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, another question while Robert's here also. Commissioner or Robert, what was the background for the ten-ton limitation? Does that match the City's, or where did that come from?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is to match the City's weight limit.

COMMISSIONER SULLIVAN: Okay. And describe to me what a ten-ton truck might be.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I believe a ten-ton truck would be something that's equivalent to a tandem dump truck or larger.

COMMISSIONER SULLIVAN: Like a City trash or like a trash pickup truck. Would that be ten tons?

MR. MARTINEZ: Commissioner Sullivan, that is correct, because it's inclusive of its load; it's not just the empty weight of the vehicle.

COMMISSIONER SULLIVAN: Okay. And the people along Agua Fria have private trash pickup?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I don't believe it's intended to address people that are receiving services at their home.

COMMISSIONER SULLIVAN: So a trash pickup truck, which would be over ten tons, would be categorized as someone making local deliveries?

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

COMMISSIONER SULLIVAN: But a typical trash, like a solid waste or a Waste Management truck would be over ten. And the tandem dump trucks - you're talking about the dump trucks with trailers on them.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Okay. A typical dump truck, without trailers, would they be over ten tons?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, a tandem truck with a load is about 12 tons, I believe.

COMMISSIONER SULLIVAN: You're saying tandem.

MR. MARTINEZ: Tandem axle.

COMMISSIONER SULLIVAN: Tandem axle. Not with a trailer on it.

MR. MARTINEZ: That is correct.

COMMISSIONER SULLIVAN: So what you see as a normal dump truck driving around would have about 12 tons on it.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: So dump trucks couldn't go through. City trash haulers couldn't go through.

MR. MARTINEZ: That is correct.

COMMISSIONER SULLIVAN: But dump trucks could access a local property if somebody was getting a load of fill or something.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, a dump truck making a delivery of gravel to a residence on Agua Fria would be permitted. A trash truck picking up curbside trash would be permitted. But a trash truck that's just trying to get from say the City of Santa Fe to Caja del Rio landfill would not be permitted.

COMMISSIONER SULLIVAN: Okay. So the City – by doing this of course, when you take away from one you add to the other. We always have to – and we're certainly supportive of the issues that Agua Fria has to deal with, but are we comfortable that Siler Road, Cerrillos Road and Airport Road, in terms of accidents and traffic, is a better solution in terms of handling the truck traffic.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I believe 599 is probably the better option, but there are other roads like you mentioned. Airport Road, Cerrillos. But I believe 599 is probably their closest and best option.

COMMISSIONER SULLIVAN: Okay. How would they get to 599 if they can't use the City part of Agua Fria and they can't use the County part of Agua Fria? How would they get to 599?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, they'd either use Airport Road or 285 on the north side of town.

COMMISSIONER SULLIVAN: Okay. But the resolution says there are reasonable alternate routes that exist for trucks and commercial vehicles to travel from the intersection of Agua Fria Street and Siler Road to Airport Road and 599. So if I'm at the intersection of Agua Fria Street and Siler Road, the only way I'm going to be able to get to Airport Road or 599 is – I can't go north on Agua Fria because that's prohibited by City ordinance. I couldn't go south, because that's prohibited by County ordinance, so wouldn't I go up Airport Road, south on Cerrillos and out on Airport?

MR. MARTINEZ: Exactly, Mr. Chairman, Commissioner Sullivan. Their route would be Cerrillos Road to Airport Road.

COMMISSIONER SULLIVAN: Okay. And traffic folks at the City and our

own traffic people feel that that's a safer solution than going on Agua Fria, public safety-wise.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, yes they do. Cerrillos Road is built to accommodate large truck traffic. As opposed to Agua Fria.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: In terms of the City's enforcement, Commissioner Vigil, currently, how's their enforcement taking place?

COMMISSIONER VIGIL: I haven't spoken to a representative from the City. Perhaps if Sheriff Solano is here he might be able to address that. I do know that from experience, and because the planning members of the Agua Fria Village are the ones that have to deal with this on a day-to-day basis, that the violation is actually occurring just in the village probably more profoundly than it is on the city. That's why I say, the City may not perhaps be doing an active kind of enforcement, but I do believe that when the ordinance was first enacted they did. If you come off of Agua Fria from any part of the village and drive to the city limits, you will notice that the truck traffic is within the village. Once you pass the city limits you will notice that there's fewer and fewer trucks. So the truck traffic not being prohibited from Agua Fria Village has caused that to be a route for thoroughfare trucks because that poor street has had to deal with so much of this abuse. There's nothing that's protecting it like the City's ordinance. So my sense is even though I don't have real strong knowledge on the enforcement component, I do have the visual knowledge of it and the experience of the villagers who actually live with that day-to-day, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion? We have a motion and a second.

The motion to approve Resolution 2006-62 passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Commissioner Vigil, is this in line with item X. A?

COMMISSIONER VIGIL: Exactly, Mr. Chairman.

CHAIRMAN MONTOYA: So we'll combine those two.

- IX. C. Resolution No. 2006-63. A Resolution Directing Staff to Submit a Request to the US Department of Interior, Bureau of Land Management for the Construction of a Facility Serving the Agua Fria**

X. PRESENTATIONS

- A. Presentation on Agua Fria Children's Zone**

COMMISSIONER VIGIL: I think it's important to hear the presentation. Let me just give a little bit of a background. And I believe Frank DiLuzio is here with regard to that. The Agua Fria Children's Zone, Mr. Chairman, is a project that was placed on our ICIP five-year plan when I first came on board. It's a project that was introduced to the community

through Agua Fria Elementary School. Currently there are programs that exist at the Agua Fria Elementary School through the collaboration of United Way and the school and I think other partnerships. They are providing services to the members of Agua Fria community.

When it became apparent through this initiative that the Agua Fria School could no longer provide those services and yet the need for the services was pretty strong, the United Way and the Agua Fria planning group met, actually several times, and discussed the possibility of going to the legislature and getting some funding to get a building put in there so that these services might be provided. It was identified as an ideal project for the Agua Fria Park. The Agua Fria Park, you know Mr. Chairman, we've had a master plan for quite some time for it, and it was intended to develop that park for services that are provided for members of that community. We've had a lot of proposals to get other services there, but those services are not for the immediate community.

The presentation you're going to hear from Frank DiLuzio identifies those services specifically for that community and it's a very interesting model. It's modeled along a model that was quite successful in Harlem. It was called the Harlem Children's Zone, and the theory behind that model is what you do in a community to make a huge difference is you identify all the resources and focus it in the area where there's the most need. And that's what we're doing with the Agua Fria area. So with that, Mr. Chairman, I'd like to turn it over to Frank DiLuzio and he has just a couple minute presentation. You all should have received a letter from him identifying the project about a week ago.

FRANK DILUZIO: Mr. Chairman, Commissioners, thank you for the opportunity just to briefly present this morning. I do have a two-page handout. I'll leave a few at the end of the presentation for your own information. As Commissioner Vigil indicated, United Way of Santa Fe undertook an initiative called the Agua Fria Children's Zone a couple years ago. This was an outgrowth of a federal grant received about three years ago for creating early learning opportunities in the Santa Fe area, the broader Santa Fe area.

In the course of that grant we came to the realization in our study of best practices throughout the nation, a successful model, that the models that were beginning to show promise across the country were models that really focused services in well defined, finite areas that had a demonstrated need for services for children and families in the community. The model is an expansion of the notion that we need to invest in children. There's quite a bit of information beginning to come out of even places like the federal reserve bank that show dollars invested in early childhood education translated to many times that initial investment in the life of that child in terms of increased salaries over the lifetime, increased home ownership, decrease in incarceration rates and a wide range of other social problems.

And so we applied for a second federal grant. We received that grant and that grant began to focus a range of services in an area that's defined as the enrollment area for the Agua Fria Elementary School and that's how we're defining the Agua Fria Children's Zone. It's a well defined focus area within the community. And the range of services we're already delivering include the pre-kindergarten classroom, and this is the third year that classroom has been up and running. It's a model pre-kindergarten classroom that's full-day, pre-kindergarten,

followed with after-school care for working families so parents have a pre-kindergarten opportunity for their child and also a place for that child to be until they get off work around 5:30. There's summer programming as part of that kindergarten programming, so even though the school is out in the summer the programming for the pre-kindergarten does continue. And again, that's based nationally on the evidence that substantiates that not only full-day kindergarten but summer activities really enrich the learning opportunity.

The other component that's now just getting underway is what we're calling the Agua Fria Baby University and that's a program that's focused on pre-natal birth to age 3. So while the pre-kindergarten focuses on four-year olds, the Baby University focuses on good pre-natal care and then birth through age 3 programming. That includes parent education classes, that includes regular home visitation with a social worker where the social worker actually goes into the home, works one-on-one with the parent and the child in the home. It's where the child lives so that should be the environment where those types of services are delivered.

There's a family resource center currently located at the Agua Fria Elementary School. That's actually funded by the public schools through a PED grant. There's of course no guarantee that the PED grant will continue to fund that parent resource center and it's an important asset in that community and we're committed to continuing the parent resource center regardless of the status of the PED grant.

We're also working to identify in the community where children receive daycare. Whether it's in the home of the parent, in the home of non-parental care-providers, licensed or registered home care providers or more formal daycare providers. We want to know where are our children all day long. And then once we identify where they are we want to work closely to elevate the level of services those children are receiving.

And finally there's an evolving economic development component for the community. Children are embedded in families and families are embedded in communities. And one of the things we've identified in that community is the struggle many families face in terms of adequate and regularly occurring income. A lot of the work is seasonable. A lot of it depends on the local economy, weather. A lot of folks in that area work in construction so during the winter months there's less work. So we want to work on economic development again, to support the families in the community and ultimately the children.

So what we know now is based on the enrollment in our pre-kindergarten program, and that's by lottery, we are comfortable that we could easily enroll 80 or more four-year olds every year. Right now the capacity is probably about 30 or so. So we know we need more pre-kindergarten classrooms in the community. We know we need a permanent location for the family resource center. We know we need a permanent home for the home visitation/parent education component, and we know we need a place in the community for community educational opportunities, perhaps a technology lab to bring computer skills to the community and another community training and educational opportunities.

So our vision is to create a permanent structure within the Agua Fria community that's focused on serving that community and the families and the children that live there and through our work with the Agua Fria Planning Committee and the County, we really believe that an

Agua Fria Children's Zone building providing a wide range of services to the community is an ideal fit for that community center that the County has envisioned with La Familia and the new community center are located.

To that end we approached our local delegation, the governor, the lieutenant governor this last session and we've received \$747,000 in initial funding to plan and design and as a first block of funding towards construction of this permanent home for the Agua Fria Children's Zone. We estimate the building will be approximately 10,000 square feet heated. It will include age-appropriate playgrounds for the pre-kindergarten but also playground equipment for older children. It will include a technology lab, and we're in some discussions now with literacy volunteers who for many years have been located at the Sullivan Learning Lab at the Agua Fria Elementary School. The school is going to be closed this summer for capital improvements and our understanding is they may not have that space available to them once the construction is done.

Again, the services provided by literacy volunteers are an essential component in that community. So it also provides a facility that can be shared with not just our efforts through United Way, but a number of the not-for-profits that provide services in that community. So it serves not just our efforts but a broader scope.

So we're here today to briefly update you on the status of the project, that we do have a substantial block of planning and money for architectural, engineering and design to look for further support from the County and opportunities to work in a collaborative way with the Commission to deliver these critical services over the long haul to this community.

[Commissioner Anaya left the proceedings.]

CHAIRMAN MONTOYA: Thank you, Frank. Any questions, first of all?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. DiLuzio, who will staff and manage this center?

MR. DILUZIO: Mr. Chairman, Commissioner Sullivan, our anticipation is that United Way of Santa Fe County will continue to staff and operate this facility as we have now, either through future federal grants or we've received a significant amount of funding this last year through small family foundations and our donor base, and we're also looking to larger foundations that we feel will find this project very appealing because of its scope of services and the range of needs in this community.

COMMISSIONER SULLIVAN: So the United Way staff's it now?

MR. DILUZIO: We do.

COMMISSIONER SULLIVAN: You're representing the United Way?

MR. DILUZIO: Yes.

COMMISSIONER SULLIVAN: Okay. So the people that staff it now, they're paychecks say United Way on them.

MR. DILUZIO: They're United Way employees.

COMMISSIONER SULLIVAN: Okay. So that's the intent, the United Way. And do we have a long-term commitment or can we receive a long-term commitment from the United Way that they would do this? My only concern is this Commission and myself as well are very committed to children's programs and we have a number of them in progress. But I think we'd want to know the time we'd have to expend on the land acquisition and the construction that we have a staffing service agreement in place. Has there been any discussion about that?

MR. DILUZIO: Mr. Chairman, Commissioner Sullivan, I can tell you United Way is fully committed, this being one of our primary initiatives and efforts in years to come. We're currently receiving a substantial amount of the funding through federal sources. We intend to continue researching and applying for those types of grants. We continue to work on proposals that will ultimately go to larger foundations. We have attracted quite a bit of additional donor dollars this last year specifically targeted at the Agua Fria Children's Zone project. To the extent I can commit to future financial resources, United Way stands 100 percent behind this effort. We are committed to continue to provide those services for the long haul.

COMMISSIONER SULLIVAN: Okay, so that if those federal funds weren't to come through you would then use the funds that you gain locally from the United Way fundraising to staff and manage this facility, utilities, insurance and repairs and operation and maintenance and those types of things. Is that the thinking?

MR. DILUZIO: That's correct. And the legislature this last year began funding pre-kindergarten programs around the state and one of the funding streams we believe we'll be eligible for is through the Children, Youth and Families Department to receive state funding through voluntary pre-kindergarten classrooms as a pretty reliable stream of funding for our classrooms.

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

CHAIRMAN MONTOYA: Okay. Any other questions? Commissioner Vigil, so essentially what you're looking at here is that we expand the use of this BLM property?

COMMISSIONER VIGIL: Right.

CHAIRMAN MONTOYA: Okay. And that we move forward on that?

COMMISSIONER VIGIL: And I'm not sure expand the use is the term I would use. The BLM property and the master plan was designed to provide services and build buildings to meet the needs of the community, so I think rather than expand the use, perhaps you're referring to it with regard to what we currently have there and then extending it. But to provide for the services that our lease with BLM was originally created for - an this resolution basically just directs staff to request from BLM that the services in this building be allowed to be used there.

CHAIRMAN MONTOYA: I guess I have a question for Joseph. In terms of are you familiar with this patent?

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, I am somewhat familiar with it. I read some of the requirements and I do know that the County is required to

submit a letter to the BLM for any type of usage on that as we move forward in developing the land that we have there.

CHAIRMAN MONTOYA: Okay. So this is just common protocol then.

MR. GUTIERREZ: Mr. Chairman, if it's the wishes of the Commission to move forward with at least the conceptual idea of the school then the first phase would be getting approval of the BLM for this usage then we would further develop the plans with United Way on the building of the school, when the funds became available.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Gutierrez, a couple of questions. What is the size of this patent, of this land?

MR. GUTIERREZ: Mr. Chairman, Mr. DiLuzio has talked about the size as being about 10,000 square feet.

COMMISSIONER CAMPOS: How large is the land that the County has a patent to?

MR. GUTIERREZ: I don't know the exact size but I do know that talking to our project manager, Rudy Garcia, he said that right now, what's available for usage is probably about less than 10 acres based on the infrastructure that we have on the land. Part of it was a landfill so we won't be able to build on that. So we have about 10 acres. Based on the Headstart, Headstart also requested a similar type of project and they were requesting about two to 2 1/2 acres for theirs, and theirs was going to be about 10,000 square feet also.

COMMISSIONER CAMPOS: So is Headstart likely to be a user?

MR. GUTIERREZ: No, Headstart is in a different area.

COMMISSIONER CAMPOS: On the same property.

MR. GUTIERREZ: Not on the same property. But just using them, it's a school and they're looking at 10,000 square feet also.

COMMISSIONER CAMPOS: Do you have any other users that have been proposed or any other uses that have been proposed for that site?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, no we have not.

COMMISSIONER CAMPOS: As far as compatibility, do you have any issues on compatibility between this use and other uses that are already ongoing?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, I don't see any at this point.

COMMISSIONER CAMPOS: You don't see any conflicts? You think it would be compatible?

MR. GUTIERREZ: Again, the first step would be if BLM thinks it's compatible. They grant the initial approval.

COMMISSIONER CAMPOS: Do you think it's compatible? Has staff actually evaluated it for compatibility?

MR. GUTIERREZ: The master plan doesn't have specific items in there, other than for community use and we have baseball fields there. We have a park there. We have a fire station there. Our department has a maintenance building out there and we now have the

Agua Fria Community Center out there.

COMMISSIONER CAMPOS: What about water? Do you have water for this project?

MR. GUTIERREZ: Right now we have out for IFB, we have a well out there.

COMMISSIONER CAMPOS: IFB?

MR. GUTIERREZ: Invitation for bid, to expand the well out there to bring water out to the community center.

COMMISSIONER CAMPOS: So we need to bring water out there to have enough water to serve our needs plus other needs in that area?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, I would have to check with my staff to give a definitive answer on that.

COMMISSIONER CAMPOS: Okay. Well, these are just the questions that come up to me – compatibility, water, other users maybe already in line. But it looks like a great idea.

CHAIRMAN MONTOYA: Okay. Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, with all the testimony we have before us, with the support of the New Mexico legislature and the community, I move that we direct staff to submit a request to the US Department of Interior, Bureau of Land Management, for the construction of a facility serving the Agua Fria Children's Zone, Santa Fe County Resolution 2006-63,

CHAIRMAN MONTOYA: Okay we have a motion.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Commissioner Sullivan seconds. Further discussion?

COMMISSIONER VIGIL: Mr. Chairman, I just want to point out that a member of the board, Linda Siegle is here and just ask her if there's anything that the board wanted to address the Commission with.

LINDA SIEGLE: Thank you, Mr. Chairman, Commissioner Vigil. I just want to reassure the County Commission that United Way, the board of United Way, is in this for the long term. We have, as Mr. DiLuzio mentioned, shifted even some of our current resources to focus on this. The United Way has changed some of its philosophy and is really looking at projects that can implement lasting change on our community and we see this as one that has tremendous potential for impacting and improving people's lives. So the board at United Way will be in this for the long term. Thank you all very much.

CHAIRMAN MONTOYA: Thank you, Linda.

The motion to approve Resolution 2006-63 passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

IX. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: What I wanted to bring forward, Mr. Chairman, was I just wanted to let you know that we're still trying to find solutions to the problems of funding the Ken and Patty Adams Senior Center that served the Lamy and Galisteo, Eldorado, 285 area, Glorieta. There's been a rapid growth in that area, particularly of retired persons, people who live there full time, people who contribute to the economy, people who don't require a great deal of services from our economy but nonetheless pay the same amount of taxes and are an active part of the community in that area.

We're currently short as a result of the governor's veto of a bill brought forward by Representative Wirth and others, which would have made up this deficit. We're currently short about \$350,000 to complete the construction. This is not niceties. This is equipment for the kitchen, refrigerator, stoves, things like constructing the parking lot, putting in a range hood, which is also a part of the fire suppression system, which is needed to open the doors in terms of fire safety. So we met with representatives from the steering committee and also with Project Facilities and Management, Joseph Gutierrez and his staff, to look at ways that we could fund this.

There is just on the County's side of gross receipts taxes and other sources we're fairly well tapped out. But what we did think would be a viable alternative would be to look at the regional gross receipts tax. And I just bring this forward. The thinking is this. Over the last three years we've been accumulating funds in the regional gross receipts tax in the other category. As you know we have 10 percent of that tax committed to roads and other. We continue to spend that 10 percent on roads, half of it, five percent on roads on a regular basis. But the regional portion of that ten percent, or as it were, of that five percent, amounts to about \$200,000 a year. So we have accumulated an account of about \$600,000.

Now the senior center of course is a regional facility. We do it in cooperation and under contract with the City of Santa Fe, it's open to all and it serves an area-wide function. It's our thinking, and staff supports this, that we bring forward to the Regional Planning Authority an item similar to the one that we'll be discussing here later for open space and trails which the RPA passed last month to dedicate \$350,000 of the \$600,000 towards the completion of the Ken and Patty Adams Senior Center.

And what makes this even more desirable, I think, is that we've received notification from Representative Wirth that he will submit again next year legislation to fund this. And if that legislation is not vetoed he will word the legislation so that the regional fund can be replenished to the extent of the funds expended. So I think that was a really great gesture on Rep. Wirth's part, a real commitment to the seniors in Eldorado area and that whole region, and a good backup. And in fact that's the same modus operandi that we're using, as you'll see, on this open space resolution. We're going out for \$250,000, but we're also at the same time applying for state funds. So the RPA money is being used as up front money and if we get those grants then those will be replenished. And you'll hear more about that when we get to that

item on the agenda.

I just want to bring forward for the Commission's information so you don't see it for the first time at the RPA or here that that's the thinking, to utilize that other category, a portion of that other category - it's not road money. It's not the five percent money - I see Robert Martinez standing up there. It's not your road money, Robert. It's the other half of the other, as it were, and we haven't used that money for three years because it hasn't been brought forward to the RPA. So that's my thinking, is to bring that forward and to get the senior center finally constructed and open and I think it will be a facility that we'll all be proud of. That's all I had.

CHAIRMAN MONTOYA: Okay, any other issues? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, a question for Mr. Gonzalez. I think at the last Commission meeting, or the one before. The last regular meeting, a letter showed up from the City saying that they propose to annex certain properties, for example, the airport and property near the airport, and they asked for a response. Is that something we can discuss now or is it something that we can discuss in executive session? I don't know if any thought has been given to it but I have heard nothing since the letter was presented to you a month ago.

MR. GONZALEZ: Mr. Chairman, Commissioners, what we probably need to do is put that on the agenda for discussion purposes.

COMMISSIONER CAMPOS: What was our deadline for discussion? Hasn't it pretty much come up?

MR. GONZALEZ: The deadline, I don't recall.

COMMISSIONER CAMPOS: I think it was a short deadline, a couple of weeks.

CHAIRMAN MONTOYA: April 26th, I think. Something like that.

COMMISSIONER CAMPOS: It's like either passed or coming to pass. Things like that are important and I have heard nothing from staff since we had that issue raised.

MR. GONZALEZ: I've not heard back from staff yet either so I'll be glad to explore that. We can respond at the staff level, certainly, based on the planning that we've done in the past. So I'll take a look at that and see if we can do that in the meantime.

COMMISSIONER SULLIVAN: Mr. Chairman, I have a comment on that issue.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think we should go ahead and respond. I think we had a meeting with the City and the City indicated that they were committed to the Regional Planning Authority process of dealing with annexation and preparing an annexation plan and we also agreed that we would visit the Las Soleras issue separately and let the move forward and discuss that as a separate issue but not let it hold up good, sensible regional planning for annexation. And I think we should submit a letter to that effect, that after that work session of the RPA this suddenly popped up and doesn't seem to be consistent with what the City agreed, at least the RPA members representing the City, including the Mayor who was there at that meeting. I think we should ask for the review on that, as a staff letter or

one signed by you, Mr. Chairman, whichever you feel is more appropriate.

COMMISSIONER CAMPOS: It might be important, Mr. Chairman, to just get information. Have a discussion. I know they're in disarray, perhaps because they haven't gone through transition. They'll probably have a City Manager appointed some time this week, I would guess. So it may be difficult but it is an important issue.

CHAIRMAN MONTROYA: With that, should we go ahead and draft a response and if you'd care to have me sign it or have you all review it before it's signed? I'd be glad to do that, but I think the dead-line was this week. My recollection.

MR. GONZALEZ: We'd be glad to work on a draft that we could circulate fairly quickly and shoot it over. I think the discussion at the RPA probably has disarmed everyone in terms of a need to make an immediate response, but it appears that the City is continuing to operate on two fronts, one is the RPA front and the other is the annexation track. So it is confusing in terms of how to move forward.

CHAIRMAN MONTROYA: Okay. Robert.

MR. MARTINEZ: Mr. Chairman, I just want to share some information with the Commission. At the direction of Commissioner Vigil and the RPA the Public Works staff was directed to make the river crossing over the Santa Fe River a priority. And working with the City, they are in the process of amending the resolution for the RPA that designated how that ten percent regional funding would be used in order to fund the Siler Road Extension and front it to that funding, the GRT. So I thought I'd bring that to your attention.

COMMISSIONER SULLIVAN: Well, Mr. Chairman, I'm not aware of that but I don't think the City can amend the County's ordinance that designates how that funding will be utilized. But how much is the cost estimate for the crossing?

MR. MARTINEZ: Mr. Chairman, first of all, they're not amending the ordinance; they're looking at amending the resolution that dictated how that regional portion would be used. And I'm not exactly sure how much is in that ten percent for the regional side of it. The Finance Department is currently getting us that information.

COMMISSIONER SULLIVAN: Well, again, I don't understand. The resolution and the ordinance which created that quarter percent gross receipts tax are both County ordinances and County resolutions. So I'm not understanding how the City could amend the County's resolution.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, what the proposing is to send a resolution that amends the projects that were put forward by the RPA that were going to be funded through this ten percent. So that is not a done-deal. But the RPA is looking at amending that resolution that specifically spelled out what projects were going to be funded over the next five years, starting back when the RPA put together these projects. So that should be coming forward here pretty soon to the RPA, probably within the next few months. But they're not amending the ordinance; it's the resolution about what projects that ten percent would fund.

COMMISSIONER SULLIVAN: And was this a resolution of the RPA?

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

COMMISSIONER SULLIVAN: Okay. Well, then let's do the same thing. Let's put the senior center on that list as well. And do you know how much the road crossing will cost?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I believe the Siler Extension is probably in the neighborhood of about \$4 million.

COMMISSIONER SULLIVAN: I see. And so they want to fund all of that with the RPA funds?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I think there's probably only around \$700,000 that's been generated from that ten percent that is probably available. That's my guess.

COMMISSIONER SULLIVAN: Well, I think that certainly the County's been very supportive of funds already in that part of the County and that we need to also not forget our senior citizens as well as our automobiles. And I think that this is a really worthy project, to complete this senior citizens center. I don't think at the rate of \$200,000 a year, which is the estimate, it will take many years to get \$4 million to fund a road with the regional portion of that GRT, assuming again five percent and five percent. So I think that other than that, we just open up an incomplete facility and I think that would be a bad decision on the Commission's part. But I appreciate your information.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I'm not saying one project is more important than the other. I just thought I'd bring that to your attention.

CHAIRMAN MONTOYA: Okay. Thank you, Robert.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Quick question for Mr. Martinez. This bridge, right now it's where the City and County's boundaries join?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, that is correct. This bridge would extend the roadway and tie into County Road 70, which is West Alameda.

COMMISSIONER CAMPOS: And this area is right now where the City is anticipating annexation, where they would like to annex this area all the way up to 599?

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

COMMISSIONER CAMPOS: Okay.

CHAIRMAN MONTOYA: I just have a couple of items and I guess I have a question regarding the utilization of the funds that Commissioner Sullivan is referring to. Is that \$600,000 sitting in the bank right now? Oh, it is.

MR. GONZALEZ: It's been collected and is being held by the County, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Where if any place is this being figured into our overall financial plan?

MR. GONZALEZ: I'd probably have to defer that question to the financial advisors but I think they are looking at these as potential revenue streams for bonding, depending on how we're moving forward. Certainly on the County side. The regional side I

think they're being a little dicier about because that's an issue to be negotiated between the County and the City with the County have the ultimate say with respect to the funding.

CHAIRMAN MONTOYA: So this could potentially be woven into the overall financial plan for the County then?

MR. GONZALEZ: Yes. That's correct.

CHAIRMAN MONTOYA: Then just a couple of announcements. One is on May 3rd at 10:00 we're going to be having the signing, one way or the other I guess, at the governor's office for the Aamodt settlement agreement. And then the week of May 15th to 18th, legal as well as some County legal representation from all of the parties involved, Pueblos, non-Pueblos, as well as County, City of Santa Fe, will be traveling to Washington. That's May 15th through 18th, to talk to our delegation about the Aamodt settlement. I think in light of the veto by the governor of that \$20 million that was to be appropriated for this settlement, I think it's important that we get some sort of picture from the federal delegation as to what we may be looking at in terms of their contribution towards the financial agreement for the Aamodt. So that will be happening in the next couple of weeks.

Commissioner Vigil, did you have anything?

COMMISSIONER VIGIL: Nothing. I just want to thank my colleagues for their support on the resolutions that have been brought forth today.

CHAIRMAN MONTOYA: You're welcome.

XI. Consent Calendar

A. Budget Adjustments

- 1. Resolution 2006-64. A Resolution Requesting an Operating Fund Transfer From the General Fund (101) to Various Funds for the Merit Pool Program for Fiscal Year 2006 / \$97,327 (Finance Department)**
- 2. Approval of Resolution Increasing the Budget of the Health and Human Services Department Budget by \$150,000 in ATR Vouchers Funds (Health & Human Services Department) TABLED**
- 3. Resolution No. 2006-__. A Resolution Requesting an Increase to the General Fund (101) / Land Use Department to Budget Application Fee Revenue Received for the Turquoise Trail Public Improvement District for Expenditure in Fiscal Year 2006 / \$30,000 (Legal Department) ISOLATED FOR DISCUSSION**
- 4. Resolution 2006-65. A Resolution Requesting an Increase to the General Fund (101) / County Sheriff to Budget a Grant Awarded through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2006 / \$ 16,799 (Sheriff's Office)**
- 5. Resolution No. 2006-66. A Resolution Requesting an Increase to the**

**General Fund (101) / County Sheriff to Budget a Grant Awarded
Through the New Mexico Department of Transportation for
Expenditure in Fiscal Year 2006 / \$13,000 (Sheriff's Office)**

B. Professional Service Agreements

- 1. Request Approval for Amendment #2, Contract #26-1814-ADF/RH to Medical Staffing Network to Provide Registered Nurses and Other Licensed Medical Personnel for the Adult Detention Facility (ADF), to Increase in the Amount of \$50,000 (Corrections Department)**
- 2. Request Approval of an Amendment to Professional Services Agreement for the Thornton Ranch Open Space Property Management Plan (Projects & Facilities Management Department)**
- 3. Request Authorization to Award a Professional Services Agreement to the Highest Rated Offeror in Response to RFP No. 26-0728-PFMD/RH to Provide Architectural Services and Design of the Edgewood Senior Center Additions (Project & Facilities Management Department)**

C. Miscellaneous

- 1. Resolution No. 2006-67. A Resolution Requesting Authorization to Surplus Heavy Equipment in Accordance with State Statutes (Finance Department/ Public Works Department)**
- 2. Resolution 2006-68. A Resolution Requesting Authorization to Surplus Obsolete Fixed Assets in Accordance with State Statutes (Finance Department)**
- 3. Resolution No. 2006-69. A Resolution Approving the Santa Fe County Housing Authority's Section 8 Payment Standards (Housing Department)**
- 4. Request Approval of the Community DWI (CDWI) Application for FY 2007 & Funding in the Amount of \$48,257 from the New Mexico Department of Transportation Traffic Safety Bureau (Health & Human Services Department)**
- 5. Approval of Amendment Number Three to Joint Powers Agreement (JPA) Between the NM Department of Health and Santa Fe County Concerning the County's Participation in the "Access to Recovery" Voucher Program (Health & Human Services Department) TABLED**
- 6. Resolution No. 2006-70. A Resolution Approving the Santa Fe County Housing Authority's Utility Allowance Schedule for the Section 8 Housing Choice Voucher Program (Housing Department)**

7. **Resolution No. 2006-71. A Resolution Approving the Santa Fe County Housing Authority's Public Housing Utility Allowance Schedule for the Public Housing Program (Housing Department)**
8. **Resolution No 2006-72. A Resolution Approving the Santa Fe County Housing Authority's Flat Rent Rates for the Public Housing Program (Housing Department)**
9. **Resolution No. 2006-__ . A Resolution Repealing Resolution No. 1999-91 and Adopting a Citizen Participation Plan (Project & Facilities Management Department) ISOLATED FOR DISCUSSION**
10. **Resolution No. 2006-73. A Resolution Repealing Resolution No. 1999-92 and Adopting a Residential Antidisplacement and Relocation Assistance Plan (Housing Department)**
11. **Resolution No. 2006-74. A Resolution Adopting a Fair Housing Program (Housing Department)**
12. **Request Approval of Two Amendments and One Memorandum of Understanding between Santa Fe County and the Santa Fe County Deputy Sheriff's Association, a Subsidiary of the New Mexico Coalition of Public Safety Officers/Communication Workers of America/Local 7911 (Sheriff's Office) TO BE PULLED OFF CONSENT BY STAFF**
13. **Request Approval of Memorandum of Understanding Between the City and County of Santa Fe for Senior Services (Housing Department) TO BE PULLED OFF CONSENT BY STAFF**
14. **Request Approval of Trail Easement with Mrs. Jane Petchesky for the Arroyo Hondo Trail (Project & Facilities Management)**
15. **Resolution No. 2006-75. A Resolution Supporting Santa Fe County's Application to New Mexico Recreational Trails Program for Atalaya Mountain /Parker Trail Expansion Project (Project & Facilities Management Department)**
16. **Resolution No. 2006-76. A Resolution Designating the County Manager or his Designee as the County's Authorized Representative/Official for the Purposes of HIDTA Grant Award #I6PSNP573Z/ Region III Drug Task Force (Sheriff's Office)**

CHAIRMAN MONTTOYA: Motion for approval?

COMMISSIONER CAMPOS: So moved.

CHAIRMAN MONTTOYA: Motion by Commissioner Campos.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTTOYA: Second, Commissioner Vigil.

The motion to approve the Consent Calendar excepting items A. 2 and C. 5 (tabled) and items A.3, B. 2, C. 9, 12 and 13 (isolated for discussion) passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XI. A. 3. Resolution No. 2006-77. A Resolution Requesting an Increase to the General Fund (101) / Land Use Department to Budget Application Fee Revenue Received for the Turquoise Trail Public Improvement District for Expenditure in Fiscal Year 2006 / \$30,000 (Legal Department)

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. This item has to do with budgeting a request from an unnamed developer into the County's "Contributions and donations fund", which I thought was interesting, for the cost of providing outside legal counsel for a public improvement district. So I'd like to get some more background on that.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, this budget adjustment is intended to provide a receptacle for funds that are required to be deposited prior to initiating an application for a public improvement district. As you recall, the board a few meetings ago enacted policies governing processing of applications for public improvement districts, and one of those policies requires a proponent of such a district to deposit the sum of \$40,000 with the County to support our review of the application. And our review of the application usually involves services of bond counsel, which as you know are fairly expensive.

This budget adjustment is designed to provide a place to put those funds that have come in from the unnamed developer in support of an application they intend to file for a public improvement district. These are funds that will be available to the County staff to provide professional review of the application when it arrives. Now, they'd already deposited some funds, it seems to me around the first of the year in anticipation of the policy becoming effective. As you can tell, they haven't deposited - at the time they thought that they might have to deposit \$30,000. That was an earlier draft of the policy. That was the proposed amount. As you recall, that amount was increased to \$40,000 when the actual resolution was enacted and they're going to have to come back with another \$10,000 before they can file their application. But that's what that's for.

COMMISSIONER SULLIVAN: Mr. Chairman, Steve, has an application been submitted?

MR. ROSS: No.

COMMISSIONER SULLIVAN: And what's the name of this developer?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, the name escapes me right now.

COMMISSIONER SULLIVAN: Is this the developer that's constructing homes on Route 14? Longford Homes?

MR. ROSS: Yes, I think it is.

COMMISSIONER SULLIVAN: So the deposit of the \$40,000 or \$30,000 in this particular item, does not commit the Commission, does it, to provide any funds for that development or any tax breaks.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, it does not. The whole idea is to facilitate staff's review of the application so we can provide recommendations to you.

COMMISSIONER SULLIVAN: And those recommendations are based on just generally speaking what public services could be provided that wouldn't otherwise be provided by the County. Is it something along those lines?

MR. ROSS: Yes, there's a whole host of things that need to be reviewed in the application. These kinds of things are very complex to set up and our bond counsel will have to review all that stuff and make sure it conforms with the act and the new set of regulations we recently enacted.

COMMISSIONER SULLIVAN: I just wondered because they have a sales office on the site right now and they're in the process of reserving lots and taking contracts to sell homes. So I'm wondering how we as a County, because we're involved in this now, are disclosing to purchasers that they may have a tax burden on their property that they may not be aware of. This was made clear to me again. I attended a meeting last week with the Rancho Viejo Homeowners Association, many of whom are under that tax district and are complaining bitterly because they can't get records of what the money was used for or where it's going or when it's going to be paid off. I quite frankly can't help them on that. I've requested that in the past and apparently the only one that can access those records is Rancho Viejo.

My concern is that the developer is moving forward with the sale of homes and lots and the Commission hasn't made a decision as to what level of tax abatement it might provide. Or I guess abatement is not the correct word. It's a district taxation. It's an abatement to the developer of their construction costs. How does the public who are reserving lots and are putting in contracts for homes, how are they made aware of what the impact of that is?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, obviously the disclosure statements that customers receive in connection with the purchase of a lot are vital to their decision whether to purchase or not. I don't know what their current disclosure statements say about the proposal so I will endeavor to find out and certainly let you know what they say, let all the Commissioners know what they say. Obviously, if a district is approved, ultimately, those disclosure statements would have to clearly disclose to potential purchasers the ramifications of the creation of a district.

COMMISSIONER SULLIVAN: Okay. And if the staff could aggressively pursue that, because as we discussed at the meeting where that procedure was approved, this could result in an average property tax, depending on the cost of the building, of a \$250,000 home - and I've seen on their signs that their homes range from - it says low \$170,000s to \$300,000, is what the sign says and is what their literature says. So a \$250,000 home could result in a property tax of \$5,000 a year. I think that purchasers need to know that that's a potential. Obviously, we haven't approved it as a Commission, but that's a potential and it needs to say more than just There may be an improvement district up to so many mils, which is

what it said in the Rancho Viejo district and nobody knew what that meant. There were no specifics that said, for example, if you have a house of such and such, you may see your tax increase from \$1500 to \$5,000. We need some specific language in any documents they're providing to these purchasers that there is that potential there.

Our bond counsel said that his experience has been that it never goes that high but we don't know that until we see what the application is and we don't have the application yet. So that's my concern on that, Mr. Chairman, and not so much on where to put the \$30,000 as it is as to what are we going to do when people say, oh, where did this come from? I didn't know anything about this tax.

CHAIRMAN MONTOYA: And I think you have legitimate concerns there.

COMMISSIONER SULLIVAN: With that, Mr. Chairman, I move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan, second by Commissioner Vigil. Any other discussion?

The motion to approve Resolution 2006-77 passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XI. B. 2. Request Approval of an Amendment to Professional Services Agreement for the Thornton Ranch Open Space Property Management Plan (Projects & Facilities Management Department)

COMMISSIONER SULLIVAN: Mr. Chairman, this is apparently, and we'll have the open space and trails folks tell us about this, but this is a large amount of money, \$137,672, and there's no scope of work in our packet. It just says that they're going to complete Task B of the project, which will be completion of the final management plan and I'm not real comfortable with the level of detail here. We need something more than that to spend \$137,000 of the County's money, I would think.

RANDY HERRERA (Contracts Manager): Mr. Chairman, Commissioner Sullivan, this is a term contract. This is amendment number 2, which would actually start Task B of the contract, so that's where the \$137,000 came from.

COMMISSIONER SULLIVAN: I understand that. But what is Task B? Can you give me a document? A scope of work that explains to me what Task B is and gives the Commission a breakdown of how the funds are used for Task B?

MR. HERRERA: Mr. Chairman, Commissioner Sullivan, I'll defer to Paul.

MR. OLAFSON: Mr. Chairman, Commissioners, we do have a break down, a spreadsheet of the different tasks and the costs. I can read through some of the tasks if you would like right now.

COMMISSIONER SULLIVAN: I'd like to see a copy of it.

MR. OLAFSON: Okay, just briefly, while Randy's bringing that up, we're talking about base mapping, systems analysis, community process and examination of alternatives, public review of alternatives, management plan development, agency review, and management plan production. So basically, and if you'll recall in the fall of this past year, Design Workshop on this contract did present an initial Task A, which was a preliminary management plan review, and the delineation of options. That document also laid out a scope of intensity for use on the property. The scope of intensity focused on hiking trails and – how would I say it? Limited access to Petroglyph Hill through probably a docent or some kind of a guided tour policy and process.

With that document now Design Workshop is going to the second phase or task of this contract we originally negotiated with them to produce a full management plan and these are the elements that will fall within this plan. And our experience in working with Design Workshop has been quite strong. We had excellent community participation and input and I believe that this is a good process to follow. This is a very important project and property for us. It's very valuable culturally and resource-wise. It is a high price tag, I agree, yet for the investment we've already put into the property I think it's prudent to produce something we can really work from.

COMMISSIONER SULLIVAN: Well, we definitely need a management plan but I don't want to take the Commission's time with this now, Mr. Chairman, because I've just seen this, but I'm seeing over \$30,000 here for a categorical exclusion document and the first question I'd ask of Design Workshop is why a categorical exclusion is needed. So I'd like to see them come forward and explain what is going to be a part of this management plan. It's extremely important and just looking at this for one or two minutes gives me some questions to ask that I would like to have some time to ask.

CHAIRMAN MONTOYA: Do you want to table it?

COMMISSIONER SULLIVAN: I would like to table it to the next meeting, Mr. Chairman, and request that at the next administrative meeting, request that Design Workshop gives us a presentation on this and explain how they're going to do this and explain the genesis of these figures and in the meantime, I'll make an effort to get with the staff and try to get my questions answered as well.

CHAIRMAN MONTOYA: Motion to table.

COMMISSIONER VIGIL: I'd like to second, only if I get a confirmation from staff that there's no problem in delaying this for one more meeting.

MR. OLAFSON: Mr. Chairman, Commissioner Vigil, we can wait. I'd like to make it clear too so we're all on the same page.

CHAIRMAN MONTOYA: Okay. Motion to table.

The motion to table discussion of the Thornton Ranch open space management plan amendment passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

COMMISSIONER SULLIVAN: Did you want me to keep this? Or is this your copy? Perhaps before the end of the meeting you could just pass out copies to the Commissioners.

CHAIRMAN MONTOYA: Commissioner Sullivan, do you think we will get through this next one in five minutes?

COMMISSIONER SULLIVAN: C. 9 is a quickly. Yes, sir. We can make it through that one.

XI. C. 9. Resolution No. 2006-78. A Resolution Repealing Resolution No. 1999-91 and Adopting a Citizen Participation Plan (Project & Facilities Management Department)

COMMISSIONER SULLIVAN: Mr. Chairman, this item has to do with a fairly routine item I guess, which is the adoption of a citizen participation plan for CDBG projects. It's been a long time since I've heard the term CDBG in the County and I wondered, do we have any ongoing CDBG projects for which we would use a citizens participation plan.

MR. GUTIERREZ: Mr. Chairman, members of the Commission, the only project that we have going on that we're using Community Development Block Grant funds right now is the Agua Fria Community Center. Based on the progress and expenditure of that I think we've expended these Community Development Block Grant dollars. They were to be expended by the end of June and we've done that.

COMMISSIONER SULLIVAN: Okay. Is this - also on the last page of the plan it identifies the Santa Fe County General Services Department as doing things, and I just wondered who the Santa Fe County General Services Department is.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, my understanding is this is the exact plan that was adopted in 1991 and I'm assuming that Santa Fe County had a General Services Department which was transformed, I believe, into Projects Facilities Management Department.

COMMISSIONER SULLIVAN: It said that HUD asked the County to readopt the plan and the last time we did a plan was in 1991 when we had a General Services Department, which we don't know. Wouldn't it be a good idea maybe to update this with the current administrative structure as to who's going to be responsible for these things?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, we can probably do that, if you could make the motion to change the term from General Services Department to Projects and Facilities Management Department. I'm not sure -

COMMISSIONER SULLIVAN: Is that who would do it?

MR. GUTIERREZ: That's who would be doing it.

COMMISSIONER SULLIVAN: No, let's put it in the Manager's office. Let's do that. I just - we need a citizens participation plan and as I say, normally it's a rubber stamp

thing, but is there something that they've asked that's different in the HUD regulations now? Here we are 15 years later? I'm just wondering if the citizen participation plan that we did 15 years ago is still the operative document and that's exactly what HUD would like to see.

MR. GUTIERREZ: Mr. Chairman, I'll defer to legal counsel.

CAROLYN GLICK (Assistant County Attorney): Mr. Chairman, Commissioner Sullivan, actually, the last one was in 1999, not 1991. And yes, DFA simply requested that the new Commission readopt the same plan.

COMMISSIONER SULLIVAN: Okay. Excuse me. I stand corrected. 91 was the resolution number. It was adopted in 99. So it's seven years old. Okay. So they've asked – does that mean, Mr. Ross that something that the Commission did in 1999 is not binding on the Commission in 2006?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that's an esoteric kind of question. We debated that yesterday actually in the senior staff meeting. We have a lot of actions that the Commission takes that are memorialized in resolutions over the years. One of the struggles we've had is keeping up with those and figuring out which of those are still on the books. I think the approach of the federal government and things like this is to periodically ask that old resolutions, or old actions be re-upped so that they're sure that the current board, the current governing bodies are on the same page as some earlier governing bodies.

COMMISSIONER SULLIVAN: In reading through the resolution, it requires pretty active – it requires identification of low or moderate income persons, someone obviously has to do a survey of that. It requires some advertisements, public notices, press releases. Some meetings. I'm just wondering if Project and Facilities has the staff or budget or capability to do that. It's a fairly active document.

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, it's the same process that we went through two years ago using PFMD staff and submitting our application for CDBG funding at that time. So we'd simply follow the same trail.

COMMISSIONER SULLIVAN: Okay. As long as they feel competent, Mr. Chairman, that they've got the folks to do this, I would move for approval with the amendment to objective F. 1, to insert in lieu of Santa Fe County General Services Department, the term Santa Fe County Projects and Facilities Management. Is that right?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, that's correct.
Department.

CHAIRMAN MONTOYA: Okay, there's a motion by Commissioner Sullivan.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Any further discussion? Commissioner Vigil.

COMMISSIONER VIGIL: Just a little bit of further discussion. Actually, staff has received a little bit of a reprieve with this because there was a point in time where CDBG grants were available annually and we had to go out there and look for projects on an annual basis until the rules and regulations were changed, and what the requirement was now that you cannot apply for CDBG until in fact you're really gone through the funds that you've currently

been allocated.

Another issue, and Chairman Montoya knows about this is that CDBG grants are threatened on a federal level quite a bit. I think the National Association of Counties is on a really strong campaign to protect those funds. So despite the fact that we may assert ourselves to go out there and look for projects in the community, I think that we may be caught up in a situation where we don't have that many funds and I think the County receives far less than municipalities actually do. My sense is, Joseph, as you go out there and look at these CDBG projects that you look at those that we've already got in the coffers, so to speak. Those projects who have already come to us, those projects who might qualify for this, whose supplemental funding of this kind would create a huge benefit. And that's it, Mr. Chairman. I'm ready for a vote.

CHAIRMAN MONTOYA: Okay.

The motion to approve Resolution 2006-78 passed by unanimous [4-0] voice vote.
[Commissioner Anaya was not present for this action.]

CHAIRMAN MONTOYA: We will be back at what time? 2:00.

[The Commission recessed from 12:30 to 2:20.]

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Corrections Department **1. Quarterly Update**

GREG PARRISH (Corrections Director): Mr. Chairman, Commissioners, I'd like to introduce some of the staff that's here today. The Deputy Director Bob Ortiz is here. The Jail Administrator, Bill Blank, the Youth Service Administrator, Billy Merrifield, and the newest member of the team, the Electronic Monitoring Program Manager, Fidel Archuleta is also present. We're here to present the report and answer any questions you should have regarding the report.

I'd also like to thank the Commissioners for their due diligence in conducting the inspections, the semi-annual inspections of the facility. Everyone has inspected the facility and we'll be preparing a report for the district court regarding that matter. The report you have before you is a summary of the operations of the Corrections Department. I'll just go through some of the highlights. As we indicated, we're moving the adult electronic monitoring to the adult facility to help facilitate inmates that are going to be hooked up on electronic monitoring so they can spend the least amount of time as possible in the jail.

We've moved the visitation area out of the front lobby to the upstairs area where we have an officer on duty now. That will eliminate some of the congestion and the unsafe condition that was previously in the front lobby. We've also increased attorneys' access to the inmates in an effort to move them through the system as quickly as possible and limit the

amount of time that they spend in the County jail. We've also gone to a transportation program where we're transporting inmates from the facility three times a day to the St. Michael's Greyhound Bus station where they have access to public transportation and telephone.

We currently at the adult facility have a vacancy rate in staffing of approximately 12 percent. There's also some statistics in the report regarding the medical department and I apologize that Dr. Kay was called away. She was going to be here to discuss some of the issues that she's observed in medical during the first six months of the operation by the County. But as you can see from the report, we average approximately our mid-levels and our physicians and our dentists see approximately on an average 690 inmates per month at the facility for clinic. In addition to that, we average almost 700 screenings that are conducted by medical staff. Also, from the report, approximately 47 percent of the inmates housed at the facility are on some type of medication. This compares with a national average of about 40 percent.

There's also a population chart, and as you can see, our population has decreased since the County took over. The chart itself is still being refined because we rely on the arresting agencies to report what jurisdiction the inmate is with and sometimes that changes with court appearances. So we're still refining that. But our population has been averaging just a little over 300, 325 for County inmates. Our actual population as of today for the entire facility was 532 inmates. 142 of those were Department of Correction inmates, 58 were female, and the other 332 were county, ours, Rio Arriba's and some other jurisdictions that we house inmates for.

Regarding the youth development program at the juvenile facility, we're continuing to improve the programming there. Our population regarding the Bureau of Prisons has not met our projections. But recently we have received several referrals for the juvenile facility. We've also continued to improve the programming by providing classes from the Santa Fe Community College. There's a culinary class. There's a computer class. We also have an in-house janitorial training vocational program and a GED program.

Our medical services at the juvenile facility are supervised by Dr. Kay, the medical director for the department. Our current staffing vacancy at the juvenile facility is 16 percent and we're down approximately 10 life skill workers. We continue to meet the ratios required by the Bureau of Prisons and the state regarding juveniles using overtime in the current staff. Our population being down, we've been able to address that with the current staff on board.

The Adolescent Treatment Center, the ARC and day reporting, we currently have 12 males. It's gone up one since this report, and one female, and we have two referrals pending this month, to the facility. We're also discussing with the state to house people at the ARC as well as the youth development program and the training school. The ARC staffing currently has a vacancy of about 18 percent. Day reporting is a cooperative venture with Su Vida. It's funded by a grant from the Juvenile Justice Board. It's a one-year grant of \$200,000 that will expire June 30th. We have a presentation before the Juvenile Justice Advisory Committee scheduled for May when we're requesting additional funding for the upcoming year.

The program is well received. It's hard to tell from our statistical data at this time if the day reporting is having a positive effect on our detention population. It's been quite sporadic. As detention goes, we've entered into contracts with some of the neighboring counties including

San Miguel, Rio Arriba, and Los Alamos, and we've recently reviewed the per diem rates for those counties and increased them by 22 percent. We also have a referral for the training school from BOP and PIMA pending.

The electronic monitoring program is currently under a new manager as I indicated. Fidel Archuleta is running that program now. He's been reviewing the rates and some of the procedures and we've been meeting with the district judges and they continue to be big supporters of this program. They use it as an alternative to placing people in the adult facility. Last month we met with the judges and they continued to indicate their continued support of this program. Our population in that area has been going up and we hope that's a reflection of why our population in the jail is going down. They're using that as an alternative to putting people in jail when appropriate.

As I mentioned, Dr. Kay was going to make some comments regarding medical. She's not here but the rest of the staff and myself will stand for any questions should you have them.

CHAIRMAN MONTOYA: Questions for Mr. Parrish? Commissioner Vigil.

COMMISSIONER VIGIL: Greg, is it possible to get Dr. Kay's report a little later on at another meeting. That medical component is a critical piece of our DOJ compliance and I really want to get some feedback on that.

MR. PARRISH: Mr. Chairman, Commissioner Vigil, I'm sure that can be arranged. We can schedule her for the next administrative meeting to make a presentation.

COMMISSIONER VIGIL: Also, how many inmates do we have, or defendants, however we place them, on electronic monitoring? Do we know that approximately?

MR. PARRISH: We have approximately about 150 to 160 juveniles and adults on electronic monitoring.

COMMISSIONER VIGIL: Okay.

MR. PARRISH: And about 138 of those are Santa Fe County adults.

COMMISSIONER VIGIL: And what is our capacity for electronic monitoring? Is that just defined as the need is?

MR. PARRISH: It's defined by the need and the staffing. When we have a staff of seven that run that program and supervise those 150, 160 individuals. We have a contract to provide the equipment which we can get on demand, but it's the staffing, because it requires the ongoing monitoring, or course and also the requirements for doing urinalysis and case management that goes with that.

COMMISSIONER VIGIL: Can the Office of Probation and Parole assist with that or are these all misdemeanors?

MR. PARRISH: Mr. Chairman, Commissioner Vigil, we have people from Probation and Parole that are assigned to our program by the district judges now. We currently help with Probation and Parole to monitor them. They currently are somewhat limited in their capacity for providing services. We recently met with the district judges and the state had indicated that they have limited resources and money to pay for that, but we would rather have them put them on electronic monitoring than to send them to the jail. So they're still using that as an option, and we're providing the supervision.

COMMISSIONER VIGIL: Thank you, Greg. No further questions, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Anyone else? Greg, the only - it's not a question. It's more of a follow-up to a discussion when we met, when I went out to visit the facility. In terms of the contract with the youth development program and the Bureau of Prisons, is that still experiencing the difficulty that had been experienced in the past in terms of BOP pulling some of those detainees and sending them to other facilities?

MR. PARRISH: Mr. Chairman, we talked about that. We projected 36 BOP juveniles assigned to the facility. We currently have 19. Several of them were assigned to different locations in Montana and Alabama. Since that time we've gotten one or two of those back. We've had a really positive response from the BOP on their last visit, and they're scheduled to be here in May for another complete audit of the juvenile facility and the ARC program. We've also received some additional support from Judge Vazquez where she has referred people to the facility in the last few months. So I think we've turned the corner on that I hope and we're improving the services and starting to get some of that service back.

CHAIRMAN MONTOYA: Okay. Because I guess the thing that concerned me is that some of those were pulled after the fact of when I think some improvements had been made in the facility and we'd responded to some of the criticism or whatever they were - deficiencies, whatever they were called. That we responded to those and yet still had some pulled after we had responded to all those. So I guess my only thing, and Gerald, I think this is a critical point that we take a look at and monitor that contract carefully in terms of whether or not it's going to be a contract that we can continue to afford because that's a high dollar - we may get a high dollar in terms of our reimbursement but it's also a high dollar to provide the services that they're requiring that we provide. Those services, ideally as they may be, they're high dollar items and I'm not sure that we can continue to afford to supplement that particular contract with our existing dollars without having some sort of revenue flow coming from BOP. So I just think we need to monitor that very closely.

MR. GONZALEZ: I agree, Commissioner, and we're looking at alternatives, just in case the revenues don't prove to be long term. But I will say that about 2 ½ weeks ago I had sort of a spontaneous visit from BOP officials who were attending a conference in Albuquerque and they did sort of a surprise drop-by the facility. During the visit, they were very complimentary. In fact what they commented on was that there was a changed atmosphere in the facility. When they walked in they said we're not here doing a formal visit but we do want to tell you that what we saw not only surprised us but pleasantly surprised us and we're glad to see that it appears that the County is paying attention to the issues that we've raised. They particularly commented on some of the activities that were being provided to the juveniles at the facility. They just made a pizza, I think and they could even recite the ingredients that went into the pizza. To them, that was a big improvement over sitting there and watching television. They said we think you guys are on the right track.

So we will continue to monitor it but the signals seem to be more positive at this point.

CHAIRMAN MONTOYA: Okay. I guess the real positive signal for me will be

that that census is going up in terms of the numbers that we're seeing over there.

MR. GONZALEZ: That's critical.

CHAIRMAN MONTOYA: Yes. It's good to here but we've got to see it that those numbers go up.

MR. GONZALEZ: Absolutely.

CHAIRMAN MONTOYA: Thank you, Greg. Appreciate it. And thank you all for all your hard work. Appreciate it Bob, Bill, Billy. Thank you.

XII. C. 13. Request Approval of Memorandum of Understanding Between the City and County of Santa Fe for Senior Services (Housing Department)

MR. GONZALEZ: I'll go ahead and address that, Mr. Chairman, Commissioners. This item is the result of negotiations that we've had between County staff and City staff, trying to arrive at an agreement with respect to senior services. It's basically an extension of the current agreement with some addition for additional services at Eldorado. You'll notice in going through it that's there's only one day of service being provided for but the agreement also indicates that as the need for services increases then we will sit down and negotiate an amendment to the agreement in order to provide for additional services. As I understand it, more than one day of services is contemplated long run for the Eldorado facility. We just don't know where we are in terms of construction so we left that as an open-ended term to be continued and agreed upon in the future.

CHAIRMAN MONTOYA: Any questions on this? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, Gerald, what additional services are included in what they call here the Glorieta-Eldorado facility?

MR. GONZALEZ: In terms of Eldorado, we'd have to sit down and specify what those are but it would include meal services and probably some additional class kind of services that they provide at the other centers.

COMMISSIONER SULLIVAN: I don't see anything different than what they're doing now in the Eldorado facility, which is - all they have there is one day a week, Meals on Wheels.

MR. GONZALEZ: That's correct.

COMMISSIONER SULLIVAN: And one day a week they provide a van into town for doctor visits. That's been going on for several years.

MR. GONZALEZ: There's language in there that says that when the County desires additional services over and above what's specified in the agreement, that we'll sit down with the City and negotiate an amendment to the agreement that would spell out those services and the costs. Because Eldorado isn't fully up and running at this point we left that open just so we can move forward, put this issue behind us and then as soon as we've got Eldorado completed to the point where we're looking for additional services, then we'll sit down with

City staff and negotiate those.

COMMISSIONER SULLIVAN: Because my understanding is that this agreement goes two years back. We're paying for services in fiscal year 04/05 and fiscal year 05/06. So the only current year is 06/07. Is that right?

MR. GONZALEZ: That's correct, Commissioner Sullivan.

COMMISSIONER SULLIVAN: We've talked about this several times and we've never gotten any response back, but is there discussion about if and when the County should take over these responsibilities itself, rather than contracting them out.

MR. GONZALEZ: That's an internal discussion, Mr. Chairman, Commissioner Sullivan. As you know, we have a new constituent services representative on board who has some expertise in the area and we've already had some preliminary discussions about taking a look at that issue and figuring out, parsing out the costs and weighing the costs and benefits on both sides.

COMMISSIONER SULLIVAN: I spoke briefly with her and I'm glad that we have her on board. We're going to divert her from Commissioner Vigil and put her to work in the housing component. The problem we've had, my understanding all along, and I don't see it here either is that there's no backup indicating how this is allocated to which centers. Maybe - was that documentation given to you when you negotiated these fees? Or how did the fees get determined?

MR. GONZALEZ: The fees that are contained in the agreement were based on what our previous Finance Director and the City's Finance Director had worked out with each other. I haven't seen the backup information. So I suppose we can look for that. Basically it's a carryon of what had been done previously.

COMMISSIONER SULLIVAN: I see that it was \$328,000 two years ago and last year \$338,000. This year \$348,000. So I can see the trend there. \$10,000 a year. But I'm just wondering, this seems to be kind of thin on audit backup and contractually what we're actually paying for. Not that I think the City is cheating us. I don't think that at all. But the City also receives state and federal funds for senior services. And it's for services to the County centers as well. I'm just concerned that there isn't overlap or double-dipping there that occurs. But we can't run all the senior centers in the city and the county for \$348,000. We all know that. It's heavily supplemented with the state and federal funds.

MR. GONZALEZ: That's correct, Mr. Chairman, Commissioner Sullivan. One thing that we have asked our constituent services person to look at is not only the funding being provided from the County side for the operation of the Eldorado center, but she's also exploring how much money that would free up also from the federal and state side. So hopefully we'll have a little better handle on that when we come forward with stepping up the services out at the Eldorado center and we'll be happy to provide you with a report about that.

COMMISSIONER SULLIVAN: I'm going to meet with the City director on Friday so I'll ask some more of these questions on Friday. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Other questions on this? What are the wishes of the Board?

COMMISSIONER VIGIL: Move to approve item C. 13 on the Consent Calendar.

CHAIRMAN MONTOYA: I'll second. Discussion?

The motion to approve the MOU with the City regarding senior services passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. B. Fire Department

1. Request Approval to Fund New FTE, Data Entry Position for the Fire Department

STAN HOLDEN (Fire Chief): Thank you, Mr. Chairman. We're requesting that the Commission approve utilizing ambulance revenue funds to procure the services of a full-time data entry position for the department. This position would we believe continue to enhance the revenue collection that we receive from ambulance revenues and the entire cost would be borne by the ambulance revenue fund itself. It will not be an outside or a general fund source. I'd be happy to stand for any questions.

CHAIRMAN MONTOYA: Any questions?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Discussion?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes. My question, Stan, is why are we bringing this forward now? Shouldn't this be a part of our routine budget review? I always have a problem, unless it's an emergency, when we come in with individual agencies asking for FTE amendments that seem to circumvent the budget process where everybody has to go in and arm wrestle the Finance Department and the Manager's office and make their case. So what's so unique about this request?

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, I'd be happy to answer that question. This was actually proposed during the 2006 FY budget discussions. We had received tentative approval to put this person on mid-year but somehow through the process it had been dropped. The Fire Department had thought that it had been approved as a matter of budget approval process but since we found out that that was not the case and since we have the funds available we felt it important to bring it forward because again, this is a collection issue for the department and these are healthcare funds or insurance dollars outside the County that we bring back into the County. And if you allow these funds to sit out there too long and they get old and they get into the aged accounts as far as calendar days, and there out there 90, 180 days, your chances of collecting these revenues into the County are diminished. And that's why we're trying to encourage this to go forward as quickly as possible.

COMMISSIONER SULLIVAN: You were saying in your memo that you hired a part-time person, apparently.

CHIEF HOLDEN: We contracted.

COMMISSIONER SULLIVAN: You contracted with a part-time person, and improved your receipts from the ambulance from \$350,000 to \$500,000.

CHIEF HOLDEN: That's correct.

COMMISSIONER SULLIVAN: Is it - why not just continue to contract? That seems to be fairly successful.

CHIEF HOLDEN: Well, the person that we contracted with is not a full-time individual and we believe that there are revenues available out there above and beyond what we have collected that we could obtain if we had a full-time position available.

COMMISSIONER SULLIVAN: So you think whereas this contract person brought in another \$150,000, a full-time person would bring in how much more?

CHIEF HOLDEN: What we have is an opportunity then for the actual accountant who actually does the collections, does not have to spend so much time keeping up with the data entry on calls that are happening every day. That's where we get the backlog. There are efforts that have to go out there that have to do specifically with the receivables, and you're dealing with multiple agencies and some of these are federal agencies for Medicare and Medicaid dollars. And those efforts take a lot of time; they're very time-intensive. As you can imagine there are many, many forms and requirements that have to be met.

COMMISSIONER SULLIVAN: So you're going to continue to keep the contract.

CHIEF HOLDEN: That's not our intention, sir.

COMMISSIONER SULLIVAN: So the FTE would do both the accounting and the data entry.

CHIEF HOLDEN: That's correct.

COMMISSIONER SULLIVAN: And the billing.

CHIEF HOLDEN: Well, we have an accountant who does specifically all the collections on the receivable side of it. This person would do all the data entry, all the medical entry, all the coding. They call it ICD-9 coding, for the calls, and all those procedures have specific medical codes that have to be accounted for in order to increase the likelihood that you're going to get reimbursed not only from insurance companies, but primarily from Medicaid and Medicare.

COMMISSIONER SULLIVAN: What's your projection? What do you think our revenues should be?

CHIEF HOLDEN: I think we should probably be around \$575,000, \$600,000 a year.

COMMISSIONER SULLIVAN: And we're getting around \$500,000 now.

CHIEF HOLDEN: We're slowly getting there. To be quite honest with you, Commissioner, the agreement to do the contracted was sort of my response to the budget analysts recommendation that we go outside the organization to do collections, that we contract

with an outside agency, and I didn't think that that was necessary. I think if we had the staff internal, we have the expertise to do the collections internally. We just need some more help in order to get all the information entered.

COMMISSIONER SULLIVAN: Mr. Chairman, is this supported by our new Finance Director? Do we have a new Finance Director?

MR. GONZALEZ: Mr. Chairman and Commissioner Sullivan, we've discussed that at length with the Fire Department and our interim Finance Director has participated in those discussions, interim being Roman Abeyta, and I participated in those discussions as well. We explored at length the differences between doing contract and doing FTE route. I think the conclusion of all the participants was that it would be more efficient to go this way and in the long run might achieve some additional efficiencies as the person gets skilled and picks up additional duties over at the Fire Department.

COMMISSIONER SULLIVAN: Is this a temporary position or a permanent?

CHIEF HOLDEN: It's an FTE. It's a full-time, permanent position.

MR. GONZALEZ: And that's how it was originally presented. We thought it was presented to the BCC some time ago.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions?

The motion to approve the FTE for the Fire Department passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. B. 2. Resolution No. 2006-79. A Resolution to Proclaim Extreme or Severe Drought Conditions within Santa Fe County and to Ban the Sale and Use of Certain Fireworks in the Unincorporated Portions of the County (Fire Department)

CHAIRMAN MONTOYA: Any questions on that?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Discussion?

COMMISSIONER CAMPOS: Mr. Chairman, I think it's important to receive information and presentation from the Fire Department. I think it's important to communicate this information to the public and I think there's significant information as to the extremity of the fire dangers that we are looking at in the next few months.

BUSTER PATTY (Fire Department): Mr. Chairman, Commissioners, thank you for listening today to look at this resolution. The fire dangers that we're looking at right now have gone to extreme as of yesterday. I have a chart here I'd like to pass out to you so I can explain to you. *[Exhibit 1]* This chart is the energy release component that you're looking

at. You can see at the very bottom there this is month by month and it's recorded very five days. Right now we're in March, April, from last month you can see the red line is the historical of the energy release. The blue line is 2002 when we had the real severe drought conditions, and the black line is present day. You can see right now, as of yesterday we did reach the extreme line, which is about 84 percent.

Energy release component means that the energy is released when the materials catch fire in the forest, which is at the extreme level, which is very, very volatile right now. So this is in the ordinance that we're looking forward to ban the sale and certain restrictions of certain fireworks in the appropriate properties and land.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Campos.

COMMISSIONER CAMPOS: Could you explain energy release component in a little more detail?

MR. PATTY: Energy release component is the amount of energy that is released from the fuels because of the amount of fuel moisture that is in the fuels right now. That is a percentage that they use. Right now, you're looking at about 84 percent. That's the amount of energy that's released out of the fuel itself because of the lack of moisture in it.

CHIEF HOLDEN: Mr. Chairman, Commissioners, perhaps a better way that the public might understand, if a log were to catch on fire, because it's so dry 84 percent of it would be burnt to ash and would be no longer visible, given these conditions. That might be a better way to put that.

COMMISSIONER CAMPOS: That's because of the dryness. Dryness would lead to more intense fire.

CHIEF HOLDEN: Correct.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. We're actually enacting this ordinance a little earlier than we normally do, right? This resolution, rather.

MR. PATTY: Normally, a little bit, yes.

COMMISSIONER VIGIL: And I was just concerned, because I know before we enacted this closer to July 4th, those kinds of dates. The kinds of missile-type rockers, helicopters and fireworks that are prohibited are limited. Are they limited by state statute? So we can't broaden that any more? During the Fourth of July, it's almost amazing how many fireworks there.

MR. PATTY: You still have the fireworks out there. We're just trying to limit what the state will allow.

COMMISSIONER VIGIL: Have we tried to broaden those? Particularly now that we're dealing with drought conditions? What kind of response have we received?

MR. PATTY: Well, we haven't tried to broaden them. It is actually a state statute that regulates that. Right now the fireworks that are allowed will be fireworks that don't leave the ground any higher than 10 feet. And the audible fireworks are kept to a minimum on the ground. Nothing that leaves the ground, bottle rockets, aerials, that sort

of thing.

COMMISSIONER VIGIL: It just seems to me that in extreme drought conditions, even a little twirler could create a huge problem. Or a sparkler. It makes sense that at this point in time our legislators might be more responsive to broadening the category of fireworks, particularly if you can identify drought conditions. It seems to me that under the serious drought conditions that we're in, all fireworks should be prohibited.

CHIEF HOLDEN: Mr. Chairman, Commissioner Vigil, you're absolutely right. As you probably know, since you've been there many times. We have, as a fire lobby, tried to impose greater restrictions than what we are allowed to do under state statute. At every opportunity we've been opposed by the fireworks industry. So from the state standpoint, yes, the Fire Marshal Association, the State Fire Chiefs Association, has gone to our legislature in the past to ask them for tighter control and greater restriction ability at the local level. This is what we're allowed to do, given the existing conditions. This is what we were granted, I guess is what I'm saying as a result of those lobbying efforts in the past. This is to the extent that we can enforce this.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chairman. Thank you, Stan and Buster.

CHAIRMAN MONTROYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: One other question. As far as the Pueblos, are they selling fireworks at this point in time?

MR. PATTY: As far as we know they are. We don't have any jurisdiction over that the Pueblo Indians do in the way of sale or use.

COMMISSIONER CAMPOS: Have we contacted them and asked that perhaps they recognize the fire danger and restrict the sales?

MR. PATTY: We have had communications with them, letting them know what the fire dangers are, but there again, we don't have any control over what they do. We've recommended that they try to limit different sales.

COMMISSIONER CAMPOS: I think it's important that this Commission communicate to the Pueblos because they traditionally have been the vendors of the great majority of fireworks and I think this Commission has the responsibility to communicate to the Pueblos and let them know that we feel we need their cooperation and we need it now. I just ask for some direction as to how, what the most appropriate way of doing this would be. Any ideas from our County Manager or from the other Commissioners? I think it's important we write at least a letter to them, to all the Pueblos that are vending fireworks.

CHAIRMAN MONTROYA: I'd be glad to do that and communicate that. I think Pojoaque's the only one that's selling any that I can think of.

COMMISSIONER CAMPOS: Can you find out who's doing it and then get a letter out to all of them that are doing it.

CHAIRMAN MONTROYA: Maybe we ought to just send it to the ones we have MOUs with, period. Just letting them know that this is something that we've enacted countywide.

MR. GONZALEZ: That's probably a good idea.

CHAIRMAN MONTOYA: That way we're not targeting just -

MR. GONZALEZ: Right. A single Pueblo.

COMMISSIONER CAMPOS: I think it should be done forcefully and obviously with tact and diplomacy, but this is a very important issue.

CHAIRMAN MONTOYA: How can you do something with tact and diplomacy and forcefully?

COMMISSIONER CAMPOS: We're going to let you figure that one out.

COMMISSIONER VIGIL: Send Paul Campos.

COMMISSIONER CAMPOS: Let me do it.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: So there's no objections? Okay, so there's consensus that the chair draft a letter and maybe circulate it.

CHAIRMAN MONTOYA: Okay. Any other questions? Has this been reviewed by Legal?

MR. PATTY: Yes, it has.

CHAIRMAN MONTOYA: On the second page, on the parenthesis, do we need that?

JACK HIATT (Deputy County Attorney): Good afternoon, Mr. Chairman. No, you obviously caught my error. That was legal thinking when we were talking. This is a message between Mr. Ross and myself about whether or not we wanted to explain in the resolution what the limitations really were and we concluded, no, we've really explained that there's no sale or use so here's a corrected page 2. [Exhibit 2] Thank you for finding that. I was going to just try to slip it past you.

CHAIRMAN MONTOYA: Any other questions? If not we have a motion and a second.

The motion to approve Resolution 2006-79 as amended passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. D. Sheriff's Office

- 1. Ordinance 2006-5. An Ordinance Declaring Driving Under the Influence of Intoxicating Liquor or Drugs to be a Public Health Danger and Providing for the Temporary Seizure, Immobilization, and Forfeiture of a Vehicle Following the Third Offense of Driving Under the Influence of Intoxicating Liquor or Drugs (PUBLIC HEARING)**

GREG SOLANO (County Sheriff): Mr. Chairman, Commissioners, we have before you the DWI forfeiture ordinance, the same one we made a presentation on at an earlier

meeting. The ordinance is pretty much the same as our last presentation, however, we did submit a separate page. [Exhibit 3] Dick Roth, who is known as the father of the interlock device throughout New Mexico has asked us to consider adding interlock devices to the agreement that we would make in lieu of forfeiture. We could make an agreement with the owner to boot the vehicle. We have also added the option of making an agreement with the owner to put an ignition interlock device on for a year. So that's an amendment that's there for you separately that Dick Roth has asked us to consider and I am in agreement with that. I think that would help a lot and still have some kind of control over whether the car is used for drunk driving.

I don't know if you need me to go over the ordinance in its entirety or you want me to answer questions or how you'd like to go from here, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, are there any questions for Sheriff Solano? Okay, if not, this is a public hearing. Thank you, Sheriff. If there's anyone who would like to provide some feedback, on behalf of or in opposition to the ordinance, if you would please come forward.

DICK ROTH: Thank you, Mr. Chairman. My name is Dick Roth and I did in fact suggest the slight amendment to this ordinance. I view this ordinance as just adding a power and enforcement to the statewide ignition interlock ordinances that we have in place and are having a measured, impressive effect in the reducing of drunk driving and are the best not only in the United States but in the world and we've been asked to report on them even in France.

So what this does, the main value of this is as a general deterrent. People who have never been convicted of drunk driving are just aware of another of the sort of penalty that they don't want applied to them. I don't see it as - we're not going to be selling a lot of cars but we are going to be influencing a lot of people who might otherwise take the risk of driving after drinking and thereby endangering the public. The option for ignition interlock adjusts for the fact that what we really want these people to be is responsible citizens who will change their drinking and driving behavior and can still support their family and be taxpayers and have a job, and yet they can never operate that vehicle after drinking.

So it achieves our goal of reducing drunk driving and at the same time as far as the ordinance in general is concerned the threat of the potential forfeiture of vehicle will be a significant general deterrent and has been shown to be so in those jurisdictions that have adopted ordinances of this sort, including our own Albuquerque.

CHAIRMAN MONTOYA: Okay. Thank you, Dr. Roth. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. If I'm to read this correctly, and perhaps this is for you, Sheriff Solano, how many times does a defendant have to have a DWI before the immobilization?

SHERIFF SOLANO: The defendant would have to have two prior convictions and then on the third address this forfeiture ordinance would come into play.

COMMISSIONER VIGIL: And/or the alternative would be an interlock device.

SHERIFF SOLANO: The interlock device and/or booting for up to 30 days.

COMMISSIONER VIGIL: Isn't the interlock device law, isn't that required after a first DWI?

SHERIFF SOLANO: It is. However, in the interim, that law is relatively new, we would run into some people who may not already have one even though they've had prior DWIs. So as part of this agreement to not forfeit the vehicle, this would give us an opportunity to put interlocks on some of those that wouldn't have had one because maybe their previous DWI came prior to the new interlock law.

COMMISSIONER VIGIL: Okay.

SHERIFF SOLANO: And one thing I forgot to mention Mr. Chairman and Commissioners, is that the City Council, Patti Bushee, is moving forward with a similar ordinance at the City and I am assisting the City Police Department, Deputy Chief Ray Byeford - he was temporary chief, now I think he's Deputy now - I'm assisting him with the impact study on the City Police side. Our intention is if we both can pass this ordinance then we will jointly share a lot of the costs involved. So that will help also cut down on the costs to implement this program.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Sheriff Solano, one of the sort of ancillary comments I want to make when it comes to voluntary seizure, immobilization, part of the problem that the community has with that is while everything is done when the citation is issued, often times police officers, as their training tells them, will write down the address of the defendant's drivers license and that might be an outdated address. So when the defendant is trying to go through proceedings to get their vehicle back, or when the impounded place provides notice to the defendant that they're in possession of the vehicle and they have 30 days to come and pick it up, if the address is one that's outdated, the defendant never gets the notice if it goes to the licensed address and they're at a new place, and consequently, what's happening is that that's empowering those impounding organizations, because after 30 days they can actually sell the vehicle. There are defendants who never get notice and then go to the impounding place and say where's my vehicle. And they have all proof of notice, because they sent it to the available address issued on the citation. Is there a way that a most recent address, because licenses don't always have current addresses?

SHERIFF SOLANO: Mr. Chairman and Commissioner Vigil, we understand that problem even with DWI citations and the revocation hearings, so we always do try to get the most recent address from them at the time of the arrest. And in the case of the forfeiture ordinance, the person arrested would receive notice of the forfeiture at the time of the arrest of the proposed forfeiture and then we would also mail a copy to the lawfully registered owner and that would come off, I would imagine, the registration of the vehicle. But we could also make a point of asking the person arrested if they have a more current address for the owner of the vehicle at the time of the arrest.

COMMISSIONER VIGIL: Because the problem doesn't occur at that time; the problem occurs once the vehicle has been impounded and is in possession of an impounding yard, and then they start their proceedings for getting rid of the vehicle, which many of them

do because they don't have the room for it. It becomes a compounded problem. So yes, I think it would be wonderful if there was some way we could ensure - and then again I understand the difficulty. You're dealing with a DWI defendant who you may ask what their current address is and they may not be responsive. But I think if we assert ourselves and try to protect some of these defendants because I myself have handled many of those cases and state statute is really powerless over the defendant. The impounding entity has the authority to just issue notice and then sell the vehicle. That turns out to be a really difficult thing for many defendants.

SHERIFF SOLANO: Mr. Chairman, Commissioner Vigil, in the case of a proposed forfeiture, if at the time of the arrest the vehicle and the arrestee appear to meet the criteria of the ordinance, in that case the vehicle will be taken to our own impound lot, which at this time we've received preliminary approval from Rancho Viejo to place that lot directly behind the Sheriff's office. So that will allow us added security and an easy place that people can go to. It's across from the jail and everything, to start working on the forfeiture part of the ordinance.

COMMISSIONER VIGIL: That's good to know. Because in many cases they go to private impounding yards.

SHERIFF SOLANO: Yes. If we are proposing forfeiture, the vehicle will go to this lot, which is at the Sheriff's office.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, any other questions? Or actually this is still a public hearing. Alan.

ALAN WHEELER: Mr. Chairman, Commissioners, my name is Alan Wheeler. I'm a community volunteer in the area of DWI prevention. I'm currently the vice chair of the Santa Fe County DWI Planning Council, and a co-founder with Dr. Dick Roth of Impact DWI. I'm also a volunteer chair with a funded grant from the Department of Health, and very recently we've done some research which shows that while our laws are the toughest in the United States, the perception of the enforcement of the law, that is how it impacts the offenders, is that it is very low.

I feel and the DWI Planning Council has voted to endorse this, that this will help considerably in broadcasting, if you will, the idea that we're serious. That we're all very serious about this. Secondly, it is my personal opinion, not that of the Planning Council, is that there are some very dangerous drivers out on our roads. Very dangerous drunks. Not so many in number, but with very bad records, and we know that they're going to cause problems. I think this will give us a very valuable tool in addition to the other tools that we have. Thank you.

CHAIRMAN MONTOYA: Thank you, Alan.

MR. WHEELER: Any questions?

CHAIRMAN MONTOYA: Okay. Thank you. Anyone else like to speak on behalf of or in opposition to this?

KEN JOHNSON: Mr. Chairman, members of the Commission, Sergeant Ken Johnson, Santa Fe County Sheriff's Department. I also serve as chairman of the Santa Fe

County DWI Planning Council. We have discussed this issue and ordinance in our regular meetings and we have voted to support this issue.

CHAIRMAN MONTOYA: Great. Thank you Sgt. Johnson for all you do for the County and the DWI Planning Council. Okay, this public hearing is closed. Discussion from the Commission. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Sheriff and staff, on the reasons for seizure, on paragraph III. B, it states - and I'm confused about this. "Temporary seizure may be made if it is an incident to an arrest of the driver of the vehicle for either driving while intoxicated (third offense, two prior convictions) or driving while his or her license is revoked as a result of driving while intoxicated arrest." Now, could you explain that to me?

SHERIFF SOLANO: Mr. Chairman, Commissioner Sullivan, I'm sorry. I skipped over that part inadvertently. But the seizure ordinance can take effect if a person has been convicted of drunk driving and had their driver's license revoked and is driving on that revoked license. In other words they know they know that they should not be driving and they are. This is a very - I won't say unlikely, but I guess there's no reason that a driver should be driving on a revoked license. New Mexico law allows that if a person's license is revoked for drunk driving that they can get a temporary license or a license to drive as long as they have the ignition interlock installed. So if somebody is driving on a revoked, that means that they have failed by their own doing to go get the ignition interlock and get the special ignition interlock license. So this allows that if they fail to do that and continue to drive with the revoked license that they would be subject to the forfeiture.

COMMISSIONER SULLIVAN: Okay, so if you stopped someone and their license was revoked but it was not as a result of a driving while intoxicated arrest you could then not seize their car. Is that correct?

SHERIFF SOLANO: That's correct. They can still be placed under arrest under state statute but we would not seize their vehicle as part of a forfeiture.

COMMISSIONER SULLIVAN: Okay. So then, let's go back to page 4, the last paragraph, where it says, Now, therefore, be it resolved, this ordinance... Got that? The second to last line there, it says "Following the third offense of driving under the influence of intoxicating liquor or drugs, or driving on a revoked license for driving under the influence of intoxicating liquor or drugs is hereby passed, approved and signed." So is that "for" correct, or should it be "or"?

SHERIFF SOLANO: Mr. Chairman, Commissioner Sullivan, I guess it should be - I can let legal look at it too, but it wouldn't be "or" I believe because the provision would only take effect if they're driving on a revoked, or the reason -

COMMISSIONER SULLIVAN: It should read driving on a revoked license as a result of driving under the influence or intoxicating liquor.

SHERIFF SOLANO: That might be better.

COMMISSIONER SULLIVAN: Okay. I see. I thought it was a typo at first when I looked at it and then when you explained it I began to understand what you're talking about. I think it would make more sense if it said "as a result of". That's what it says in

paragraph B. It says revoked as a result of driving while intoxicated. How does that look?

MR. HIATT: Mr. Chairman, Commissioner Sullivan, that sounds fine. If you've concluded, I have one other suggestion. Mr. Chairman, Commissioners, on the amended language, Section 4 on the single sheet that the County Attorney handed out, I wanted to suggest to you the word was inadvertently left out on line 7. It begins in the middle of line 7, "if the owner elects to accept" and the word "an" should be inserted there. "If the owner elects to accept an alternative". If you would make that correction please. Commissioner Sullivan's suggestion sounds fine.

COMMISSIONER SULLIVAN: The suggestion I just made then was to replace the work "for" on page 4, on the very last paragraph, with "as a result of".

MR. HIATT: Yes.

SHERIFF SOLANO: Mr. Chairman and Commissioners, Mr. Roth would like to, if you would allow him to comment on the importance of the "revoked" portion.

DR. ROTH: It may not be clear that driving on a revoked is on the same order of magnitude of offense as driving while impaired. I will point out to you that that's one of the biggest loopholes in drunk driving legislation throughout the country. It was thought that taking away a person's license would be a deterrent to drunk driving. Whereas it does have some deterrence on those of us who have never been arrested, who don't want to lose our license, it has very little deterrence on people who are actual drunk drivers. The laws that just revoke a license and then let them drive and have low likelihood of being apprehended, what that does is gives a period of learning that a person can get by with that, and not only do they get by with it and continue to drunken drive, but here's the worst part: If you look at the data on whether or not they get relicensed after they become eligible for it, in California, looking three years after people became eligible for relicensure, only 16 percent of them had done so.

So we've given them a period where we've taught them that they can get by with driving without a license, without insurance, and having low likelihood of being apprehended. So this addresses that thing that they're not supposed to do but are in fact doing. And it is - California also has reacted very strongly to trying to enforce that loophole in drunk driving legislation. So this is an important component of this.

COMMISSIONER SULLIVAN: You don't have any problem with these language modifications, do you?

DR. ROTH: No, I have no problem with that. I was just pointing out that this is not a trivial component.

COMMISSIONER SULLIVAN: I think the point is well taken, Mr. Chairman. I think it's true in New Mexico as well and what happens is in New Mexico, my understanding is if it's after a third, you don't get your license for ten years.

DR. ROTH: That was changed in the legislation last year. Now, after a third conviction you lose your license for lifetime with five-year review. The ten-year revocation -

COMMISSIONER SULLIVAN: Either one, no one's going to do that, is my point. For life, they say, I'm not going to bother and they become scofflaws. So I think the biggest thing that works in opposition to that, in helping that problem is of course the interlock,

is the ability to get that interlock. But saying you're going to lose your license for life, well, people are going to drive, just like they did when it was ten years. Ten years is the same as life in terms of being without a car if you have a job and a family to support. So I think those parts of our law are still archaic and need work. That's no deterrent at all and neither is a five-year review and neither is life. But certainly the ability to get a relicense with an interlock is a very strong positive, not only for the offender but also for the public, so we have some protection for the public.

DR. ROTH: Right. You should also know that over 85 percent of over 3,000 offenders that I've surveyed, offenders who were under this sanction, think that the ignition interlock is a fair sanction. So even the offenders accept it.

CHAIRMAN MONTOYA: Eighty-five percent?

DR. ROTH: Eighty-five percent.

COMMISSIONER SULLIVAN: And I think it is too. I agree with that part, I was just commenting, Mr. Chairman, on the part of the law that sounds like Let's get tough on DWI. Let's take their licenses for life. That in my judgment is just close to meaningless. Anyway, I would move, Mr. Chairman, for adoption of Ordinance 2006-5. Is this a second public hearing or we don't need a second public hearing? We don't need two, I don't think. So I'd move for adoption of Ordinance 2006-5, as amended on page 4.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Okay. Motion, Commissioner Sullivan, second by Commissioner Campos. Any other discussion?

COMMISSIONER VIGIL: I'd just like to thank Sheriff Solano for taking a leadership role in this and appreciate the support for improving DWI laws and addressing the fatalities that our Sheriff's officers have to deal with on such a regular basis, Mr. Chairman.

MR. ROSS: Mr. Chairman, may I suggest that the motion reflect the proposed changes on page 3 and page 4.

COMMISSIONER SULLIVAN: Oh, good idea, Mr. Chairman. I'll amend that to include the changes in IV, Paragraph IV, provided to us with the additional change of the addition of the word "an" in the phrase "if the owner elects to accept an alternative."

COMMISSIONER CAMPOS: That's fine with the seconder. And I'd just like to also thank our Chairman Montoya for also taking a leadership role in bringing this ordinance to our attention. I think it's an important component and I think it will add a significant tool and weapon for law enforcement.

CHAIRMAN MONTOYA: Okay, any other discussion? I too would like to thank everyone who has been involved with this. I think again, Commissioner Campos you mentioned this provides another tool sooner enough. I think in the whole process of DWI and an individual's history with DWI to hopefully cut their history short in terms of any potential damage or death that could even be brought about by their continued drinking and driving. So that's the whole intent of this ordinance.

The motion to adopt Ordinance 2006-5 passed by unanimous [4-0] roll call vote

with Commissioners Campos, Sullivan, Vigil and Montoya all voting in favor.

SHERIFF SOLANO: Mr. Chairman and Commissioners, thank you very much on behalf of myself and the Sheriff's office and everybody's who's helped with this, and special thanks to you, Mr. Chairman, for helping me to get this passed and for carrying it for me.

CHAIRMAN MONTOYA: Thank you. Appreciate it.

XII. D. 2. Resolution No. 2006-80. A Resolution Authorizing an Election for Adoption of Municipal Police Member Coverage Plan 5

SHERIFF SOLANO: Mr. Chairman, I just wanted to also make sure that we got back to item XI. C. 12. Mr. Chairman, Commissioners, one of the biggest stumbling blocks that we've had in retaining deputies and hiring deputies has been competing with the other surrounding agencies within our area as far as our retirement plan. The retirement plan for the surrounding agencies including the City of Santa Fe, the State Police, I believe even Española and Rio Arriba is that they offer the 20-year Plan 5 retirement plan. Recently, Santa Fe County also approved it for our own Fire Department, which I'm sure is a great asset for them.

So what I am asking now is that we pass this resolution and to allow this to go to our union for their vote. The actual amounts that the County would pay towards going to Plan 5 would not change whatsoever from what we pay now and our current union contract allows for us to go to Plan 5 with these votes, both your vote here at the Commission and the vote of the union membership. The union membership would have an increase in their deductions from their paycheck in order to approve the 20-year retirement and I'm actually greatly hoping that they will approve it and that you will approve this. It will be an excellent tool to retaining deputies and continued hiring.

During the last three years the County Commission has been more than helpful in my retaining and hiring deputies with the average of 21 percent raises that we've gotten over the last three years that have taken us - I just want to point out - it's taken us from when I started as Sheriff, 14 deputy vacancies to one. We've got two vacancies right now but one person finishing background status to fill one of those positions. So we've gone - statewide, the average vacancy is 16 percent and that's the New Mexico Sheriffs and Police Association, their study, the average is 16 percent. So you may have noticed that Chief Johnson at the City Police when he was named, said that one of the first things he was going to do was to work on their 18 vacancies. The State Police has 80 vacancies. The City of Albuquerque has over 100 vacancies. So we're very pleased to report that we're down to just two vacancies and one of those will be filled shortly.

This will be the next step, I believe in making us competitive with the surrounding agencies and even equal to our own Fire Department which has recently passed Plan 5. So I can answer any questions.

CHAIRMAN MONTOYA: Okay, any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Sheriff, my question is the same for this as when we get back to item 12, and that is why are we bringing this up now as opposed to under our – as a part of our normal contract negotiations?

SHERIFF SOLANO: Mr. Chairman and Commissioner Sullivan, our contract with the union currently allows for Plan 5, but at the time, and I believe this goes back before my time, but at the time they did not have a consensus within the union membership to take that vote. And it's believed now that the time has come that they now have a consensus and would like to move forward. One of the reasons, I believe and the union president is here also and he may want to speak to this, but one of the reasons I believe that they're able to do it now is, in the past, they felt that they couldn't afford to do it and thanks to the raises that they've gotten they now feel that they could afford to go to Plan 5 and be able to do it.

So it's not really a budget item because the County's end of the budget will not change whatsoever and the contract has allowed for it for several years, we just hadn't gotten to the point where the union has come forward and said, Okay, now we're ready to take the vote and we think we can do it. I hope that answers your question.

COMMISSIONER SULLIVAN: Could the union person give me their feedback as well?

RICHARD SISNEROS (Deputy): Mr. Chairman, Commissioners, my name is Richard Sisneros, president of the Santa Fe County Deputies Association. Another reason is the raises that we did get now which enabled us to afford the Plan 5 and also everybody gets to vote on this, not just the union. This affects everybody that's covered under PERA and is a commissioned officer. It's not just a union issue.

COMMISSIONER SULLIVAN: So you feel the union will actively support it.

MR. SISNEROS: Definitely. Speaking with the members we feel that we will get enough votes to –

COMMISSIONER SULLIVAN: And how many are covered by the union and how many are not covered by the union?

SHERIFF SOLANO: Our current authorized strength for commissioned deputies is 72, and with the two vacancies we now have 70 and the only ones who are not part of the union are my four lieutenants, my captain, my major and my undersheriff, of course and myself.

COMMISSIONER SULLIVAN: So eight.

SHERIFF SOLANO: Eight are not members of the union out of the current 70.

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

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Sheriff, you're saying this is not going to cost us, the County, the general fund, any money? Is that true?

SHERIFF SOLANO: Mr. Chairman, Commissioner Campos, that is correct. The current percentage that the County pays, I believe is 9.75. Is that correct?

GREG SHAFFER (Assistant County Attorney): Mr. Chairman, Commissioner Campos, it is correct. It won't cost the County any additional money. The County will continue to pay 27.76 percent of the deputy sheriffs' regular wages into retirement. The increased cost of 3.95 percent under Plan 5, that's the increased cost, will be borne entirely by the employees.

COMMISSIONER CAMPOS: Okay. The second comment more than a question is, when matters like this are brought to us, I would hope that our County Manager has our staff evaluate this so that we have a report as far as the costs, explanations, all those questions would have been answered. That would have been saved a little bit of name. My analysis at home, I'm not just looking this with a bunch of questions in my mind that haven't been resolved. So I would appreciate that in the future as a process.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, I appreciate those comments and actually we've had some discussions with Finance about creating a whole FIR process so that anytime any of these things come forward we can provide you with a complete analysis, including issues related to creating new infrastructure, new facilities, new programs.

COMMISSIONER CAMPOS: But even, in this case, just a short outline of what was coming, what it's going to cost or not cost. That would be helpful to me and I noticed there's other cases in this packet that are in the same category, just to have the process that I think the Commissioners need. We have to guess, we have to speculate, we have questions that we bring here without background information.

MR. GONZALEZ: I agree.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Gerald, for you, is there any other department that the County pays 29.1 percent of - I assume that's employer-employee contributions and we just bear the burden for both, and the three percent that's additional as Greg just explained is employee contributions? Is that how it's distributed at Legal? Three percent is paid by the employee and 29.1 percent is paid by the employer?

MR. SHAFFER: Mr. Chairman, Commissioner Vigil, what I will actually pass out - it might be helpful if you have the graphical numbers to follow rather than jotting down notes. The first document compares the cost of the plan and this is the bottom line cost. You'll see that under Plan 4 and Plan 5 the County's portion is set by state statute at 8.5 percent. So the entire increased cost comes from the employee's side. In the collective bargaining agreement, the County agreed to pick up the same absolute percentage, which is 9.26 percent [inaudible]

CHAIRMAN MONTOYA: So really what this plan does – I’m sorry, Commissioner Vigil. You have the floor.

COMMISSIONER VIGIL: Thank you, Mr. Chairman, but I’m happy to defer to you for clarification.

CHAIRMAN MONTOYA: I just had, in terms of my own comprehension, the employee can add more than what they’re currently putting in.

COMMISSIONER VIGIL: No.

CHAIRMAN MONTOYA: No?

MR. SHAFFER: Mr. Chairman, Commissioner Vigil, if the plan is adopted, and that would be via a vote of all the folks that would be affected, which would be both the bargaining unit and the non-bargaining unit members, if the plan is adopted those increased contributions are mandatory under state law and they don’t have a choice. They would have to contribute the additional 3.95 percent, if that answers your question.

CHAIRMAN MONTOYA: Yes. That clarified it. Thank you. Commissioner Vigil, you still have the floor.

COMMISSIONER VIGIL: The question I had was for Gerald. Gerald, is there any other bargaining agreement that we’ve entered into that lends itself to this particular employee arrangement where the County is responsible for the contributions?

MR. GONZALEZ: I’m not sure I fully understand the question, but for each of our PERA plans, as you know, there’s a designated employer and a designated employee contribution. For Fire, the recent Fire plan that was adopted, we went ahead and just followed the statutory requirements in terms of contributions there. The same is true of the existing PERA plan that covers the remainder of our employees. There is a provision in PERA law, obviously, that allows the employer to pick up a greater share but we have not done that so far.

COMMISSIONER VIGIL: Okay, so I’m getting confused here then. My understanding of these figures that you gave out says that the County pays 27.76 percent of the contribution. Is that correct?

MR. SHAFFER: That is correct.

COMMISSIONER VIGIL: And that includes the employee contribution responsibility, correct?

MR. SHAFFER: A portion.

COMMISSIONER VIGIL: The 9.25, and then the employee would pay an additional 3.08. Is that correct?

MR. SHAFFER: I think if you take them plan by plan, as it currently stands under Plan 4, the County is required under state law to pay 18.5 percent. It contributes an additional – and this is at its option, and it was part of the negotiated collective bargaining agreement, to pick up 9.26 percent for a total of 27.76 percent. On top of that, the employees pay 3.09 percent for a total cost of the retirement plan of 30.85 percent.

COMMISSIONER VIGIL: Okay.

MR. SHAFFER: And if you switch over to Plan 5, the County portion stays

exactly the same. What increases is the employee's contribution by 3.95 percent and that explains or takes care of the entire increase in cost.

COMMISSIONER VIGIL: Okay. And the resolution is asking us to go to Plan 5. Correct?

MR. SHAFFER: As a technical matter, the resolution in front of you, it does ask you that, but what it does is set in process an election that needs to be authorized by the Board of County Commissioners, the PERA board accepts the resolution and then there will be an election of the employees who would be affected by the change.

COMMISSIONER VIGIL: Okay. Thank you for clarifying that. Then I guess it is fair to make the statement that the County pays for the employer and a large share of the employee contributions.

MR. SHAFFER: I think that's fair to say.

CHAIRMAN MONTOYA: 27.76 percent. That's pretty significant.

COMMISSIONER VIGIL: Good. We're helping our Sheriff's office.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Greg, then what is the second sheet? These numbers are different. 12.35 percent, and the 9.26, and an employee contribution of the same 3.09. What does that refer to?

MR. SHAFFER: The second sheet, and we may have been a step ahead ourselves because there's before you a second resolution, a so-called pickup resolution. Again, under state law there's a required employer contribution and then the employer has the option of "picking up" a portion of the employee's contribution. As it currently stands under Plan 4, the County picks up -

CHAIRMAN MONTOYA: I'm sorry to interrupt, Greg, but this is for item number 3. Right?

MR. SHAFFER: That's correct.

CHAIRMAN MONTOYA: So rather than jump in to that piece, let's stay with this one for the election piece. So Commissioner Sullivan, this one does relate to number 3.

COMMISSIONER SULLIVAN: Yes, but I can't understand, and maybe I'll find out when I get to the next item why the contribution numbers are different. I see the County optional numbers are the same, but then we have different percentages. 12.35 and 16.30, and then somehow it works out to the same 3.95 percent difference that we're talking about on this one. So I don't -

MR. SHAFFER: Mr. Chairman, I believe I can answer the question, hopefully relatively quickly. On the two sheets, if you look, Commissioner Sullivan, at the first sheet I handed out, the employee contribution, including the County pickup, would be the sum of 9.26 percent and 3.09 percent into Plan 4, which unless my math is way off, equals the 12.35 percent under Plan 4 on the second page. And under Plan 5, the "employee contribution" is again the sum of the County optional pickup of 9.26 percent and the actual employee contribution of 7.04 percent, which translates into the 16.3

percent required employee contribution on the second sheet that I handed out.

COMMISSIONER SULLIVAN: Okay. So we'd be dropping, in terms of the total contribution, towards retirement, we'd be dropping from 75 percent percentage to a 56.8 percent percentage.

MR. SHAFFER: If you're looking solely at our percentage pickup of the employee contribution, that's correct.

COMMISSIONER SULLIVAN: But in fact we're not dropping our dollar contribution; it's just a percentage because the total is now more because they're getting greater retirement benefits.

MR. SHAFFER: That's correct.

COMMISSIONER SULLIVAN: I think I understand it now.

CHAIRMAN MONTOYA: Okay. Any other questions for staff?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. This is Resolution 80. Discussion?

The motion to approve Resolution 2006-80 passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. D. 3. Resolution 2006-81. A Resolution Authorizing 56.8% Pickup of Member Contributions Under Municipal Police Member Coverage Plan 5

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Campos, second by Commissioner Sullivan.

MR. SHAFFER: Before we take a vote, Mr. Chairman, this is a housekeeping matter, we ran all these resolutions by the PERA staff and they had a non-substantive change that they recommended that I'd like to apprise you of now, and I'll hand out a redline so you'll see exactly what it is. Specifically, what I had done in the hopes of making it clear that the impact to the County would be zero was repeat in the whereas recitals what the total contributions are now under Plan 4, as well as under Plan 5, and the PERA staff expressed their preference to take out any reference to Plan 4 in the resolution. It's not a substantive issue and not something that I object to, so I bring that forward to you in amended form.

CHAIRMAN MONTOYA: Okay. Thank you, Greg. Any discussion? We have a motion and a second.

COMMISSIONER VIGIL: Does the motion include the amendment?

COMMISSIONER CAMPOS: As amended.

COMMISSIONER SULLIVAN: Secunder agrees.

CHAIRMAN MONTOYA: Okay. Secunder agrees. Any other discussion?

The motion to approve Resolution 2006-81 passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I'd just like to thank the Sheriff and everybody here from the Sheriff's Department. We've been working at this for about five years and we're finally to the point, and Sheriff Solano says we only have two vacancies or one perhaps. That's extraordinary considering where we started five, six years ago. We've come a long way and I really appreciate all the work you guys and gals do. It's really great to see that our Sheriff's Department has finally gotten to the point where we need to be. I'm sure there's more we need to do but we've made a lot of progress in the last five or six years. Thank you very much.

COMMISSIONER VIGIL: Mr. Chairman, I'd like to echo those sentiments. You're out there in the front lines every day and it's not always remembered how much of you and your families' lives play a part in the safety of our community. I just really am very proud of the organization we have in Santa Fe County and I have more than often heard many good things about how our Sheriff's officers treat other residents and I thoroughly enjoy hearing that and I hope that under your leadership, Greg Solano and everyone that's worked together to work on this team concept of community-based policing continues to be a success. I'm very proud of our Sheriff's office.

XI. C. 12. Request Approval of Two Amendments and One Memorandum of Understanding between Santa Fe County and the Santa Fe County Deputy Sheriff's Association, a Subsidiary of the New Mexico Coalition of Public Safety Officers/Communication Workers of America/Local 7911 (Sheriff's Office)

SHERIFF SOLANO: Mr. Chairman, Commissioners, after our last union negotiations, which involved some significant changes as to how we pay the deputies and put together for the first time a scale that went over the entire career really of a deputy, and as we did that we ran into several kind of oversights from when we put the plan together. So the memorandum of understanding, one of the memorandums of understanding that you have before you, and the amendment that you have before you were really put in place to address those gaps.

In the first few months of the contract we ran into a deputy who didn't fit into the pay scale and we ran into a couple of others that didn't fit right into the pay scale and as HR and we looked at it, and along with the union we came up with these agreements and MOUs to fix those. The cost as far as budget concerns, especially in this fiscal year are negligible, and next year, we've put these into the budget request for next year. But the costs are really negligible as far as the amendments.

The memorandum of understanding, the next one, is the one that starts out with the memorandum of understanding between the County of Santa Fe at the top. This one, we ran into some problems in how people go through the promotional process that was set out in the last union contract as far as some promotions to Deputy II and Deputy III. In one case we had a deputy who the promotion was denied and that was allowed under the union contract but we really hadn't worked out what the steps would be to go back and reapply for the promotion and how long they would have to wait and things like that. So the memorandum of understanding that has the steps 1, 2, 3, that really just clarifies that language and fixes up some things that we left out.

Then the final amendment has to do with the new uniforms that you see some of our deputies here wearing. The union came to me and wanted to look at changing our uniforms and we set up a committee. The committee looked at some alternatives to uniforms and came back with some suggestions. Under the union contract the County would have had to have purchased three sets of uniforms for every deputy if we made a change. And since the deputies had come to me and wanted to make this change, we got together along with the union and made an agreement that the County, and using my existing budget money, not any additional out of the general fund, would cover one set of the new uniforms and the union through some cash money they get every year from the County as part of their uniform allowance would pay for the second set, and then they would waive the purchase of the third set.

We actually have already taken that and done that. The County is still holding that money from their clothing allowance and this just memorializes the agreement we set about making over those uniforms. So if I can answer any questions on any of these, or if you want to take them one at a time, however you'd like to do it.

CHAIRMAN MONTOYA: Any questions? Commissioner Vigil.

COMMISSIONER VIGIL: Sheriff Solano, did Finance participate in the negotiations of this?

SHERIFF SOLANO: Mr. Chairman and Commissioner Vigil, yes. Both HR and Finance participated, and that was our previous Finance Director. But both HR and Finance participated in all of these agreements, both at the original negotiations and then when we came in with the problems and we set down how to work them out.

COMMISSIONER VIGIL: Okay. And so this comes as a recommendation of that process?

SHERIFF SOLANO: Mr. Chairman and Commissioner Vigil, yes. That's correct.

COMMISSIONER VIGIL: Thanks.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Again, a statement more than anything. I think this is like the other case; we need something from staff helping us evaluate the negligible cost or whatever cost is involved. We don't get any context and we are hit with the idea that we need to x, y and z. So have you had a chance, Mr. Gonzalez, to evaluate the fiscal impacts, costs, etc.? Second question is is this something for negotiation at the next negotiating session, or is it something that we should do now?

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, those discussions have taken place at the staff level. One of the difficulties we're laboring under is that our interim Finance Director isn't available. I don't know if Teresa Sanchez, our deputy has any comments to make regarding that, but I think the negotiations sort of preceded her stepping into that position.

COMMISSIONER CAMPOS: What are the negligible costs involved to the general fund?

MR. GONZALEZ: That would relate to the cost of the uniforms.

COMMISSIONER CAMPOS: Just the uniforms.

MR. GONZALEZ: That's all I'm aware of.

COMMISSIONER CAMPOS: Sheriff, any other costs?

SHERIFF SOLANO: Mr. Chairman, Mr. Gonzalez, actually the uniforms were covered under my existing budget and if this agreement is approved, the money that's being held from the union members right now. It's their money. When I talked about the negligible, in this year already we've already covered one deputy that I'm aware of and maybe two that fell into this no-man's land that wasn't done in the agreement and it was about two percent of their pay difference that we had to take care of and I took care of that under my budget. A deputy makes approximately \$40,000 so it was about two percent that I had to cover.

And then my guess is, because this mainly covers people with 20 years and plus, next year there will probably be one or two people that would reach that level in the next year. So we're looking at - under this they get a three percent increase, so we're looking at three percent of two deputies pay in next year's budget. That is incorporated into our budget request for next year.

COMMISSIONER CAMPOS: Okay. Thank you, Sheriff.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Sheriff, what would, on an annualized basis, not just the balance of this year, what would the cost of extending the pay scale be?

SHERIFF SOLANO: Mr. Chairman, Commissioner Sullivan, like I said, I believe there was no more than two deputies that have already been affected by this agreement here. So that would be two to three percent of their pay. The average pay, I believe is about \$40,000 without benefits. So what is that, two percent of \$40,000? I'm not

good at math.

COMMISSIONER SULLIVAN: Eight hundred dollars.

SHERIFF SOLANO: So \$800 would be what we've already covered out of our existing budget out of this year, and in next year's budget we would have to cover any deputy who would have more than 20 years plus service that would come into play in this scale that we didn't do when we designed the scale.

COMMISSIONER SULLIVAN: So I understand these were brought forward by having to deal with the situation where suddenly you had some people going over 20 years and then also you had some promotion denials and you needed a procedure in place to deal with that. I'm just concerned that it appears that we're renegotiating the union contract kind of whenever we want now. If we were to come back to the Deputy Sheriff's Association because of fiscal reasons and say, Next month we need to renegotiate your salary because of some fiscal crisis, what would they say? Would they say that you'd have to wait for two years until the contract's up?

SHERIFF SOLANO: Mr. Chairman, Commissioner Sullivan, these were actually issues that we failed to properly word items in the contract and then they became problems with us. I couldn't say that they would make any changes going to the table, but I have no doubt in my mind that we could bring them to the table to have any discussions.

COMMISSIONER SULLIVAN: When does the contract expire?

SHERIFF SOLANO: We start negotiation, Mr. Chairman, Commissioner Sullivan, later this year. It expires September 30, 2007, is when the current contract expires.

COMMISSIONER SULLIVAN: It was entered into April 25, 2006 and expires in September 2007?

SHERIFF SOLANO: Is that correct? Do you have the contract? The current agreement runs from October 1, 2004 to September 30, 2007.

COMMISSIONER SULLIVAN: 2004 to 2007.

SHERIFF SOLANO: That's correct.

COMMISSIONER SULLIVAN: Okay, and what is the agreement that we entered into on April of 2006? What's that?

SHERIFF SOLANO: I'm not aware of an agreement.

COMMISSIONER SULLIVAN: Oh, okay. I see. That's the date on this resolution that they're using which is today's date. Okay.

SHERIFF SOLANO: I failed to recognize it was today's date.

COMMISSIONER SULLIVAN: So September 30, 2007 this agreement will expire. I understand the practicality of this but I also believe that we're held to strict adherence when we go through the bargaining processes, and we bend over backwards to do that, and that it is in place for the term of that agreement. It doesn't appear on the face that this has a significant fiscal impact but we don't even have any information on what that fiscal impact is.

SHERIFF SOLANO: If I could Mr. Chairman, Commissioner Sullivan, the

last contract was probably the largest revision that we've ever done since we began negotiating with the CWA. As you know, I wasn't here then. But from the time the original was drafted to this one this is the largest amount and especially since we had no Deputy III position whatsoever prior to the last contract. And we had no pay scale whatsoever.

COMMISSIONER SULLIVAN: I remember that.

SHERIFF SOLANO: So when we put those into this contract we made some oversights that left some people out when they reached these certain steps and also we failed to address what would happen if someone who is not approved for the promotion, what their redress would be. So I believe if we didn't take care of these issues between now and the next contract that we'd probably end up with some kind of union grievance and be forced to take care of them.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman. I agree with Commissioner Sullivan. I don't think we should renegotiate contracts. You negotiate a contract when it comes to dollars and you stick to that until the end of the term. If there's problems or errors, that's cool. We can fix that. But when it comes up to dollars, I don't think we need to negotiate that. We have to wait to the end of the period. We have a deal. And I don't have any guidance from our staff on this issue, so I would prefer to have guidance some time in the near future and I'm not comfortable renegotiating after we've negotiated for dollars. That's my position. Thank you.

SHERIFF SOLANO: Mr. Chairman, Commissioner Campos, I really thought, because HR worked with me, we've been working on this for months and months actually because these problems, we became aware really quick, right after the contract came into effect. And we did work with Finance also and I actually thought they would be here and I guess I'm remiss in that I should have made sure.

COMMISSIONER CAMPOS: There's no memo here to give us an introduction, Sheriff, to give us the groundwork, the context, to explain to us what we need to do. And the idea that I have is that we shouldn't renegotiate midterm. It's a bad precedent. It's called - in negotiating parlance, it's called "nibbling". You negotiate a contract, you come back and nibble on two to three issues until you get more and more and more. That's not fair to the Commission or the County.

SHERIFF SOLANO: I understand, and maybe when we do the next negotiating, Mr. Chairman and Commissioner Campos, we do a better job but we will have some employees that will be left out and we probably will have to deal with them at some point because they'll come back and feel grieved that they were left out.

COMMISSIONER CAMPOS: Well, maybe so, but that happened. It's a fact. If staff wants to come back in a month and explain this to us and make a recommendation to us, that would be a little more comfortable. I don't think there's an urgency that we act today, is there, Sheriff? Is there an urgency?

SHERIFF SOLANO: Mr. Chairman and Commissioner Campos, the HR, through the agreement and then the employees that already had problems, those have already been taken care of for the year. So I won't say there's an urgency. There'd be no problem if we had to come back and make sure that Finance and HR were here to discuss their portions of working on this. The uniforms part, that one has been purchased and the money is being held from the employee's portion that we didn't give them their cash that they agreed to give up. So that could even just stay on hold or however you'd like to do, we'll do that.

COMMISSIONER CAMPOS: I'd like to have some direction from staff. Would tabling be okay at this point so that we have input from staff, so that the Commission can feel comfortable when it's asked?

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, that makes sense to me.

COMMISSIONER CAMPOS: Okay, I'd move to table.

CHAIRMAN MONTOYA: Motion to table.

COMMISSIONER VIGIL: I'll second.

The motion to table passed by majority [3-0] voice vote with Commissioner Sullivan abstaining. [Commissioner Anaya was not present for this action.]

CHAIRMAN MONTOYA: So this is tabled for the next administrative meeting. One abstention.

COMMISSIONER VIGIL: Do you have a conflict, Commissioner Sullivan? Are you a police officer by night?

COMMISSIONER SULLIVAN: I abstained because I don't have enough information to vote on the issue.

COMMISSIONER CAMPOS: That's why we're tabling it.

COMMISSIONER VIGIL: That's why we're tabling it.

COMMISSIONER SULLIVAN: I don't have enough information to vote on the tabling.

COMMISSIONER CAMPOS: We need to take a break here.

COMMISSIONER SULLIVAN: He needs to beat me up around the head.

XII. C. Project & Facilities Management Department

1. Request Approval of Open Space & Trails Contingency Funding for Atalaya Mountain /Parker Project \$250,000

PAUL OLAFSON (Open Space Director): Mr. Chairman, Commissioners, I'm standing before you today to request an approval of contingency funding for the Parker Atalaya open space purchase. The purchase is approximately 103 acres located on the city's

east side. In your packets there is an attachment of a map that shows a general location of the property in relation to the Dale Ball Trail and Dorothy Stewart and Atalaya Trails, as well as a site-specific map as to some of the proposed work we'd like to do on the property.

The total purchase price for the property is \$2.2 million. The County has committed \$750,000 through open space bond monies. The state legislature has committed \$750,000 to the project. The landowner has agreed to donate \$450,000, leaving a gap of \$250,000. That gap, we are applying for a grant from the New Mexico Rec. Trails as well as the City of Santa Fe, through the Bicycle Trails Advisory Committee. Pending the decisions of those two applications we wanted to make sure that if those applications aren't successful, that there would be funding. The deadline for the commitment for the property is May 31st.

We have identified potential funds through the joint City-County gross receipts tax. I just handed out a spreadsheet that identifies the boxes in green, potential areas where this funding could come from. *[Exhibit 4]* The Foothills Trails Trust is the Dale Ball Trail, so those monies are budgeted already for the Dale Ball system. The others are savings between projections and real revenues. So we wouldn't be taking from any other project, basically, if these funds were required and we're just asking for the Board to make a commitment that if these funds are required to complete the purchase that the could be applied through this source. I would stand for any questions. Oh, and one other thing. COLTPAC has reviewed this and recommended approval. The County Open Land and Trails Planning Advisory Committee, as well as the City of Santa Fe/Santa Fe County Regional Planning Authority has also reviewed this proposal and recommended approval. And I'll stand for any questions.

CHAIRMAN MONTTOYA: Any questions for Paul? Do I have a motion?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN MONTTOYA: Motion by Commissioner Sullivan.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTTOYA: Second, Commissioner Campos, Any other discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, I just want to point out this is somewhat similar to the issue I brought up before about the senior center, that we are applying for funds and that if those come through, then this money won't be needed or it can be used for something else. Is that correct, Mr. Olafson?

MR. OLAFSON: Mr. Chairman, that is what we're asking for. Mr. Chairman, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: So they need the money now but the pot will be replaced if the grant funds are successful, is my understanding.

MR. OLAFSON: That's correct.

The motion to approve the contingency open space funding passed by

unanimous [3-0] voice vote. [Commissioners Vigil and Anaya were not present for this action.]

XII. C. 2. Request Approval of Agreement Between Santa Fe County and United States Army Corp of Engineers for Santa Fe River Watershed Study (Project & Facilities Management Department)

MR. OLAFSON: Mr. Chairman, Commissioners, this issue before you is an agreement that we are developing between the United States Army Corps of Engineers and Santa Fe County, and the City of Santa Fe to do a watershed management study, basically, for the Santa Fe River Watershed, focusing on the area between Camino Alire and New Mexico 599. This coincides also with the area that we're focusing on for our Santa Fe River Corridor project between the City and County.

The County has been discussing this, and City staffers with Army Corps staffers for several years now, and we have developed this proposal. What we'll get out of this proposal is approximately 30 percent construction drawings and recommendations for restoration activities along the river and within the watershed. Once that study is complete, that allows the County to go back to the federal government for a potential 65-35 cost-share, meaning the federal government would pay 65 and the County would pay 35 for a long-term management and restoration activities within the watershed and along the river.

The total cost for the project is approximately \$1.1 million - for the study, excuse me. That's a 50-50 split between the Army and the City and the County. So actually the County is paying 25 percent, the City 25 percent and Army Corps 50 percent if we break it down that way. And that's outlined in the materials you have with you.

We're asking you to direct staff to move forward with developing this agreement and finalizing it with the Army Corps. We're not asking you to sign the agreement today. There's still a few technical details and financial details we have to work out. And I want to make one quick correction on my requested action, that I had noted \$28,891 as the amount for the first year. Due to some time changes and what we've been proposing, it's actually \$25,925. So I wanted to make that correction. And with that, I'd also like to introduce Mr. Charles Wilson with the Army Corps of Engineers to give a very brief overview of what this study actually entails on more of a scientific and describe it a little more completely.

CHAIRMAN MONTOYA: Any questions for Paul?

CHARLES WILSON: Thank you, Mr. Chairman, Commissioners. I'm Charles Wilson, US Army Corps of Engineers. What we're looking at here with the Santa Fe Watershed study, there's two products that are coming out of what we'd be doing right here. First is we would be supporting the River Corridor master plan work. There's already a contract - a RFP went out for last August's City and County for River Corridor master plan work. What we would be doing, we would be supporting the work that the

City and County and their contractor do on that, providing our own recommendations for additional things that could be done within the river.

They would fall under what the Corps could do, that would be flood control and ecosystem restoration. Probably a lot of what goes into that River Corridor master plan will include things like grade control structures, bank stabilization, things of that nature. Things that are the stuff that the Corps of Engineers is suited for. We would also be developing a stormwater design plan. This is principally things that the City has asked for under the stormwater design plan but it would provide hydrologic and hydraulic analyses for the mainstem of the Santa Fe River between Camino Alire and Highway 599 bridge. We would also be developing hydrologic information about Arroyo de los Chamisos where the remaining majority of the city is and a large portion of the population is residing near the river.

Arroyo de los Chamisos doesn't run into the Santa Fe River until well below Highway 599. So the interest was do most of our modeling within the mainstem, but also to try and develop enough information about what's happening in Arroyo de los Chamisos so that we can use it in the future. The City would be able to use that, the County would be able to use that; anybody who had access to that would be able to use that information to develop additional modeling efforts to help with flood control.

We have currently got federal funding in place for this federal fiscal year to match, as Paul's information has shown, that he's provided to you with our project management plan and our feasibility cost-sharing agreement. What we're expecting to get out of this, as Paul has already mentioned is this is a nice opportunity to identify projects with the Corps of Engineers, other federal agencies, where you can leverage some money from the government. And as Paul already also said, that cost sharing leveraging could amount to 65 percent of the federal government picking up the tab.

One of the things Paul did not mention, it's also in all the materials, is - he said \$1.1 million for the study, total. Out of that the cost sharing has to be 50-50 between the federal government and the local sponsors, but a large portion of the local sponsors share is coming from in-kind services. And a good chunk of that in-kind services is the contract for the River Corridor master plan. Questions?

CHAIRMAN MONTOYA: Questions for Charles? Commissioner Sullivan.

COMMISSIONER SULLIVAN: On the cost sharing, on page a-1 and a-2, the \$160,000 for the corridor master plan, that's a County contract, right?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that is actually a joint City/County contract that we did through our JPA for gross receipts GRT joint regional projects. So we allocated monies for the River Corridor through the RPA and then we developed a JPA on how we would manage it.

COMMISSIONER SULLIVAN: Okay. So that's in a gray area. The City didn't put up any cash. That's County GRT money.

MR. OLAFSON: It's that GRT that has been identified for -

COMMISSIONER SULLIVAN: Okay. The City didn't put up any cash.

The County put up that area of informal regional money for that.

MR. OLAFSON: Correct.

COMMISSIONER SULLIVAN: Okay. So that's how you determine that the largest portion of that match is – and all of the other study components, are those going to be done by the staff of the Corps of Engineers?

MR. WILSON: Mr. Chairman, Commissioner Sullivan, all of the other direct costs that are listed there, the direct cost column on page a-1, those are all Corps costs.

COMMISSIONER SULLIVAN: And those are by the people with all the resumes that are in the document here.

MR. WILSON: Yes, sir.

COMMISSIONER SULLIVAN: So the Corps is going to do \$650,000 worth of work. So in essence we're paying for \$150,500 worth of Corps work as a part of this agreement.

MR. WILSON: That's correct.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, any other questions? What are the wishes of the Board?

COMMISSIONER VIGIL: Move to approve the agreement between the County and the United States Army Corps of Engineers for Santa Fe River Watershed study.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Sullivan. Discussion?

The motion to approve the agreement with the Corps of Engineers passed by unanimous [3-0] voice vote. [Commissioners Vigil and Anaya were not present for this action.]

XII. E. Water Resources Department

1. Direction and Possible Action on the Imposition of the Summer Surcharge for County Utility Customers

STEPHEN WUST (Water Resource Director): Thank you, Mr. Chairman. This first item is in essence a clean-up of the rate change the Commission approved last year. At that time you approved us changing from a fixed rate with various surcharges to an inclining rate. It was assumed at the time – we had a discussion of one of those surcharges which was the drought surcharge. The Commission agreed to eliminate that drought surcharge with the assumption that the inclining rate was effecting the same purpose.

We brought up a different surcharge at the time but staff, looking back on it was not clear whether or not there was any firm direction or decision by the Commission. That other surcharge is what we informally refer to as the summer surcharge. It's technically known as a water conservation surcharge. It's in the rate structure, and so it's due to automatically go into effect in May, so staff felt we should come in front of the Commission and get your sense and direction and decision on whether to let that go into effect or not. So that's the information you see in front of you. One page is the page out of the rate structure policy that explains what the water conservation or summer surcharge is. The second page is a listing put together by Dennis Gee who's doing a rate study for us about actually, what kind of numbers we're looking at there.

You can see that for the residential, it doesn't kick in until pretty far along. Based on some questions to earlier presentation, I had Millie Valdivia, our finance administrator, put together some numbers so I could tell you how much we actually collected on the summer surcharge last year. For fiscal year 05, we collected a total of \$27,312 from the summer surcharge. \$5,915 of that was residential, \$16,552 was commercial. \$3,073 was from state and Public Safety, and \$1770 was from IAIA and the jail. So the bottom line is compared with the inclining rate, it's really a small amount, comparatively, it's a small amount and even on its own the total of \$27,000 was last year's total. So we just need some direction and decision about whether that to automatically go into play. You can see from the residential it doesn't affect very many people except for the high-end uses.

So the question is whether the Commission would like to see it remain in place or not. Since it's automatic, if you want it to stay in place, we don't do anything it just gets added to the bill, but if you want to have us not have it, we can just throw a couple of switches on the billing system and it's not put on. So it's fairly easy to implement one way or another.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I'm inclined to believe that surcharges actually are water conservation measures. Is that the experience we've had with our utility?

DR. WUST: Mr. Chairman, Commissioner Vigil, that's correct that it is. In fact it's called a water conservation surcharge. The only difference here is it's not very noticeable with the new inclining rate. So it probably won't have much of an effect in terms of promoting conservation. However, it will allow us to have some additional revenue that we can utilize for things like improving pipes and fixtures and other items that we might need in our department.

COMMISSIONER VIGIL: In that case, do we need to re-evaluate it in terms of implementing some kind of a surcharge that would be promoting water conservation?

DR. WUST: Well, Mr. Chairman, Commissioner Vigil, that was the idea behind the inclining rate, which is why this question came up. The inclining rate is pretty severe. In fact Dennis Gee told us that it's one of the most severe inclining rates that he's

seen. And it actually has had a pretty good effect about promoting conservation, at least in the few months we've seen. We haven't seen in through a summer yet because it only got implemented last October and November. So we haven't seen its effect in the summer. So basically, that's what we're looking at here is the comparative difference with this water conservation or summer surcharge, compared to the inclining rate is not very noticeable. So its effect on its own is probably going to be minimal in terms of promoting conservation because the inclining rate is going to have a much greater effect in terms of that.

COMMISSIONER VIGIL: Is this the issue, Steve, whereby we discussed an exemption for the National Guard building?

DR. WUST: Mr. Chairman, Commissioner Vigil, no. This was just in the general discussion of the inclining rate, the summer surcharge was not an effect but the drought surcharge was. So we talked about is one substituting for the other, but we never really got around to the discussion on the summer surcharge. So we're just trying to kind of finish that discussion.

COMMISSIONER VIGIL: So you're asking us - are you saying that if we don't act on this, this will be automatic?

DR. WUST: That is correct.

COMMISSIONER VIGIL: Okay. Nothing further, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions, comments, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think that we should not implement this. I think, number one, with regard to the National Guard, they did come in and ask for an exemption to the new rates and we didn't give it to them. We stuck with the higher inclining rates and the bulk of this will hit the state and the commercial users. We don't have numbers yet on the difference in the inclining rate, but I would assume, Dr. Wust that it would be well over \$27,000, don't you think?

DR. WUST: You mean the inclining rate part?

COMMISSIONER SULLIVAN: Yes. As opposed to what we'd been charging before.

DR. WUST: Yes.

COMMISSIONER SULLIVAN: So the inclining rate is going to bring us in revenues far in excess of \$27,000 that we would have picked up had we kept the old rate structure and stuck with the summer surcharge. So I would like to see how the inclining rate does impact our summer usage and our revenues personally before continuing this water conservation surcharge. I think it hits people in the summer when even if they use the same amount of water they get penalized. And that's always the complaint in the city. Now I recognize in the city that it gets further down into the residential areas than it does with us in the county because of our new schedule.

But even just from a public perception standpoint, I think the 1300 hookups that we have on the system are pretty water-conscious in their usage. I know I've had complaints from people in the Valle Vista area on the size of their water bills and I just hate to get

something in the newspapers that we're going to increase them more, even though I see your chart that says at the lower end it's not going to effect them. People sometimes have a hard time understanding or believing that.

But my feeling is that the new rate structure that we went to, the inclining rate structure should do what it's supposed to do and that is it steeply increases the rate for 1000 gallons as your increase in usage occurs. I think that should be the keystone of our water rate structure and we shouldn't stick in these little gottchas unless we're really in a severe financial crunch and I'm not hearing that at this point. That's my thoughts.

CHAIRMAN MONTOYA: Okay. Any other comments? Commissioner Vigil.

COMMISSIONER VIGIL: I'm getting more confused now after those comments. Are we actually increasing more? Are we increasing the surcharge more? This is already operative. This is actually in existence right now, right?

DR. WUST: Mr. Chairman, Commissioner Vigil, the policy is in place. It's due to automatically go into effect with the May usage. So it's not actually being implemented right at this moment because -

COMMISSIONER VIGIL: Right. We did this last year, correct?

DR. WUST: Correct. It was done last year but we didn't have the inclining rate, and to help clarify or confuse even more Commissioner Sullivan's point, the real imposition will be on commercial, governmental. Institutional, because you can see from the policy page right away or over 20,000 gallons, and it's a surcharge of \$5 per thousand. So it's in essence doubling their base rate for anything over 20,000. And a lot of our biggest users are the commercial and institutional users.

COMMISSIONER VIGIL: And would you clarify - well, maybe you can't. But Commissioner Sullivan stated that if a user uses the same amount of water, they get penalized?

DR. WUST: Mr. Chairman, Commissioner Vigil, basically if you use the same amount of water next month that you did this month, and that kicks you into the surcharge then you have to pay a surcharge. So you're paying more for the exact same amount of water use. If we had just the inclining rate, it would be - let me back up. In the summer you would pay more for the same amount of water use in a given month than you would in the winter because of the summer surcharge. With the inclining rate, that's year-round. So if you use x-amount of water you'll always have to pay that rate, no matter what month of the year you use it. So it's not based on when you use it, it's just based on the amount.

COMMISSIONER VIGIL: So residents, when we implemented this last May, a year ago, residents will recognize because they've been through at least one cycle of this, that this implemented this year, under drought conditions they should expect to pay more. Is that correct?

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, if I could step in here. We had an existing rate structure that was not an inclining rate structure. So as a

consequence of that, we previously imposed a surcharge when we hit the summer point. However, last year, we adopted the inclining rates and as a consequence, that sort of multiplied the effect of the surcharge. And in the conversations I've had with the rate analyst, he believes that the inclining rate itself is probably enough, as Commissioner Sullivan suggested, to promote the kind of conservation that we were looking for, and that in a sense, by keeping that rider, which is the surcharge that would have kicked in under a lower rate, by keeping that on the higher rate we now have in place, in a sense we're kind of penalizing those and sending a double signal that accomplishes - there's probably not any significant gains in terms of conservation that we get. We may get a temporary blip in terms of additional revenue for the time being but in the long run, it's probably just as effective to have the inclining rates and let go of the surcharge.

COMMISSIONER VIGIL: Is that what staff is recommending?

DR. WUST: Mr. Chairman, Commissioner Vigil, yes, and as an extension of that I'll further elaborate that people's water use tends to go up in the summer, unless they're in one of the new subdivisions that uses recycled effluent, because of the outdoor water use. The idea of the summer surcharge was to wake people up when suddenly their water use goes up by 50 percent in the summer that they notice that. They just don't notice it in their water bill going up a little bit; it goes up a lot.

With the inclining rate it will have the same effect because of the change of rate structure, so people who use 8,000 gallons in winter per month and suddenly jump up to 14,000 gallons in the summer, they're already going to get hit with the inclining rate structure, which is why our rate analyst said this is kind of a double hit. The idea was to tell you, if you jump from 8,000 to 14,000 gallons in the summer, you're going to get a real hit on your water bill, so you better pay attention. So that's going to happen anyway. So this is kind of like a double hit on something that we're trying to do with the inclining rate structure anyway.

COMMISSIONER VIGIL: Okay. Thanks for that clarification.

CHAIRMAN MONTOYA: Any other questions, comments? So have you got clear directions, Steve?

DR. WUST: I'm waiting on it, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Chairman, just one thing. I believe our rates have to be set by resolution, don't they, Mr. Ross?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that has been traditionally how we have set rates.

COMMISSIONER SULLIVAN: So I think if the direction from the Commission is to stay with the inclining rates and not impose the rate structure that we'll need to come back with a resolution that does that.

MR. ROSS: That's correct.

COMMISSIONER SULLIVAN: But if there's a motion that's needed, I'd be glad to make one, or if the staff feels that sufficient direction -

DR. WUST: Mr. Chairman, Commissioner Sullivan, correct. That was my

error. I took this out of our rate structure, which doesn't say resolution on it, and I was informed by the County Attorney just the other day that we need a resolution. So what we thought is exactly what you said. If the Commission takes a vote, we'll put together a resolution or whatever needs to be done and signed to make this official.

COMMISSIONER SULLIVAN: I would move, Mr. Chairman, if that's appropriate that the staff be directed to, given the new inclining rate structure, to delete the drought surcharge from the Santa Fe County water rates structure.

DR. WUST: That would be the water conservation surcharge.

COMMISSIONER SULLIVAN: The water conservation surcharge. Excuse me. The drought surcharge has already gone. Okay. That would be my motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTROYA: Okay, motion, Commissioner Sullivan, second Commissioner Vigil. Discussion?

The motion to delete the water conservation surcharge passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. E. 2. Consideration and Approval of Amendment to Sheehan, Sheehan & Stelzner Professional Services Contract to Increase Contract Amount and Approve Subcontractor CH2MHILL Engineers

DR. WUST: Some of these remaining items, I'll primarily do the introductions and then various other folks will be providing details and answering questions. This one is amending the Sheehan & Sheehan contract, which is the contract for our attorney, John Utton, who does a lot of our water and water rights items and CH2MHILL is an engineering company who could provide some engineering advice and assistance to the legal team to assist us primarily with the Aamodt recommendations. Mr. Utton is here to provide some more details and answer any questions for you.

COMMISSIONER VIGIL: Are there any questions. John, are you ready?

COMMISSIONER SULLIVAN: Madam Chair, before we get started, and I see the chair is taking a break. I'm going to need to recuse myself from this item. Not that I have any dealings with Sheehan & Sheehan, but I see in here that they're subcontracting with an engineering firm that our firm works with.

COMMISSIONER VIGIL: I understand. With Commissioner Sullivan recusing himself and a quorum not being available, I think we need to wait until we have a quorum to hear the entire presentation and we'll just wait until Chairman Montoya gets back.

COMMISSIONER SULLIVAN: We can go to the next one, Madam Chair.

XII. E. 4. Consideration and Possible Adoption of the Facility Operations and Procedures Agreement for the Buckman Direct Diversion Project between the City of Santa Fe, Santa Fe County and Las Campanas LP

DR. WUST: The Facility Operating Agreement, also known aptly as FOPA, is an agreement that is being negotiated between the City and the County to try to direct how the operations of the Buckman Direct Diversion will take place. There's been a lot of discussion of a number of items under the FOPA, one of the more contentious of which was the cost-sharing arrangement. The BDD board at its last meeting recommended that moving ahead with a shortened version of the FOPA that saved the cost-sharing arrangement for a different agreement - the reasoning behind that was that the signed FOPA is necessary for the Environmental Impact Study to be completed.

County Attorney Ross has been doing pretty much all of the discussion and negotiation with the City with Kyle Harwood, one of the City Attorneys and he presented this to the BDD board. So I would like to turn it over to him to provide more details and answer your questions.

COMMISSIONER VIGIL: Thank you. Mr. Ross.

MR. ROSS: Yes, Madam Chair, members of the Commission. It's correct, everything that Steve just said is correct. The next agreement that will implement the Buckman Direct Diversion project in full is the Facilities Operations and Procedures Agreement. That agreement is to be a three-way agreement between Las Campanas, the County and the City and is intended, one of its purposes was to address the issue of how Las Campanas's ownership and management interest is to be addressed. Another principal objective was to designate the party who would receive the federal permits that are required to construct the facility. This agreement designates the BDD board as the permittee under those agreements.

A third objective, which wasn't met in connection with this agreement was to address the cost-sharing issues, both construction costs and operation and maintenance costs. We were unable to come to any agreement on the operational side of the equation, so those provisions have been punted to another agreement. We already have another - we have two agreements now that if this agreement is approved by the City and the County, that are contemplated. The first of which is essentially a fiscal agency agreement, which is an agreement between the BDD board and the City of Santa Fe as the project manager. And that's intended to discuss how the money flows between the constituent parties - the City, County, Las Campanas, the BDD board and the City as project manager.

That agreement hasn't even been started yet. That's an important agreement in my view that needs to get dealt with very quickly. But if this agreement is approved in the form that is before you today, we need to do another agreement, and that would be a cost-sharing agreement. Based on the discussions we've had to date that's going to be a very difficult agreement to work out, because we seemed to have over time developed a critical

difference of opinion as to what fixed and variable costs are.

That problem goes as follows: I think I've talked to enough of you to say this. I think that when we were negotiating the joint powers agreement and the other agreement with the City last year we were all laboring under the assumption that the operational costs of the diversion project, which includes the at-river diversion structure, the pipe line and the treatment facility, as well as the supply pipe lines that would then supply the City and the County with treated water, we were all laboring under the assumption that those costs would be shared in a different manner than the City representatives currently believe. We all understood, and I think we even used examples when the two bodies approved the agreement that the fixed costs would be shared like capital costs. In other words, things that are depreciable under the IRS Code would be treated as fixed costs and shared 50-50, and all other costs related to the operation of the facility would be shared proportionately, based on how much water the City or the County took. And of course at the at-river facility you'd also have a third participant in that sharing which would be Las Campanas.

It seems that over the last year the City staff has come to the conclusion that the fixed costs include more than I just described and should properly include things like personnel costs, maintenance, routine stuff, that will significantly drive up the costs for county rate-payers. So that's going to be a difficult discussion, which because of the perceived urgency of getting federal permits so this agreement is essentially punted to another agreement that we're going to have to work out.

I think those are the principal objectives. What we have in the packet here is the last version of the agreement that was presented to the BDD board, in strike-out, line-out form from the prior version. Those of you who sit on the BDD board are familiar with that version. You also have a clean copy of it. If we get into the merits of this thing, I also have some concerns about a single sentence, the last sentence of paragraph 10. I raised those concerns with City representatives and they have not consented to making any changes in that sentence.

The sentence, from my standpoint is vague and I proposed alternative language to the City representatives and they have not indicated that they will support that language. In addition, over time, paragraph 25 has become outmoded and in my view should be deleted. That's not a critical issue. I think the last sentence of paragraph 10 is a fairly critical issue because that's an important concept that we need to have visualized very, very clearly, and when you read it you'll see why.

But that's my presentation on the issue and if you have any questions I'd be happy to try and answer them.

MR. GONZALEZ: Mr. Chairman, just wanted to add from the practical standpoint that looking at the 80-20 versus 50-50 share of the operational costs that if the City view were to prevail we could potentially be looking at a customer minimum charge of \$200 a month for water, and that's without looking at additional costs of operating the County system.

CHAIRMAN MONTROYA: Minimum.

MR. GONZALEZ: That's a minimum.

CHAIRMAN MONTOYA: Okay, questions for Steve Ross?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Ross, is the sentence that you're concerned with in paragraph 10 the one that reads the BDD project in conjunction with operations procedures shall include controls to limit each BDD partner's water demand to its peak day and annual volume allocations?

MR. ROSS: Yes.

CHAIRMAN MONTOYA: What page is that?

COMMISSIONER SULLIVAN: That would be page 5 of 12, near the top paragraph. What are your specific concerns there?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that sentence suggests to me that the BDD project, which of course is not a defined term – this is a new term – has the authority – the way grammatically the sentence is put together, that the BDD project, whatever that is, can control a BDD partner's deliveries. I don't think that's what was intended at all. Later on in the agreement we talk about an annual procedure whereby each partner submits its demands for the year and they are incorporated into a delivery schedule, and that delivery schedule governs deliveries for the following year. This concept disturbs me because – and has from the get-go, we've had a lot of discussions about this sentence – because it implies that notwithstanding that process and procedure that's set forth later in the agreement that there could be controls imposed by whatever the BDD project is. So I'm uncomfortable with that ambiguity and I'd like to have it straightened out.

My suggestion to the City as a sentence that reads: "The BDD board shall adopt operational procedures including operational controls so that a BDD partner does not exceed the amount set forth in the delivery schedule provided for in paragraph 26." Which to me seems more consistent with the procedure that's set up later in the agreement.

COMMISSIONER SULLIVAN: Yes. That seems clear to me because the BDD project is a physical thing out there on the ground and in order for it to have controls to limit the partners' water demand those would have to be done by the BDD board, the governing authority. So the BDD project is not going to be implementing controls because it's just a piece of metal and pipe and stuff. I like your sentence. I think that's good. If you think that's critical I think perhaps we should include that and do what the City does which is change it and send it back to them. We've gotten plenty of those. I do think we need to move something forward today and not just give the impression that we're dragging our feet.

What was the problem with paragraph 25 on page 7?

MR. ROSS: We've discussed that paragraph. Because of other provisions in the agreement it's not outmoded. In particular, the design of the facility has changed in the last six months such that the facility can operate full time, 24 hours a day, 365 days a year.

Earlier designs had the facility being shut down for periods, which wouldn't work very well for the County with our limited storage capacity. So because of that engineering change, there's always going to be flow in the system and this paragraph was designed to address a concern that sediment might build up in the system over time if it weren't operated in a manner that would reduce the sediment.

Now we're told by CDM that that's no longer a concern. So we've talked for a while that item 25 is no longer needed.

COMMISSIONER SULLIVAN: And what's the City's take on that?

MR. ROSS: Well, the take on it was it wasn't in the principles and it wasn't in an earlier draft and therefore they wanted to leave it as is.

COMMISSIONER SULLIVAN: It sounds like something that's already been addressed by the revised design.

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: So if we left it in, it wouldn't hurt anything.

MR. ROSS: It doesn't hurt anything.

COMMISSIONER SULLIVAN: It doesn't help anything.

MR. ROSS: It doesn't help anything and my inclination with things like this is we've got an opportunity to do it right; we probably should do it right. These are important agreements and they're going to be around for a long time. That's sort of my take on it.

COMMISSIONER SULLIVAN: What if you just took out the second sentence and left in the first sentence, acknowledging that management of minimum and low flow in the shared diversion and conveyance system is important because of sediment and OMR&R concerns and because each BDD partner has separate needs in the shared facility. If you left that in and took out the sentence that says the project manager shall require that the design of the BDD project shall be capable of accommodating each of the BDD partners' expected minimum deliveries – because they've already done that.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that certainly helps. It leaves in the notion that even though we're acknowledging that management is important. It leaves the word management in the sentence, which is the same thing that bothered me about the last sentence in paragraph 10. It's how do you manage and who decides, who makes the decisions on management of the resource. There's ambiguity in there.

COMMISSIONER SULLIVAN: Okay, I'll make another suggestion. How about if we leave in the second sentence and take out the first sentence. The second sentence is just saying that the design shall be capable of accommodating each of the partner's expected minimum deliveries.

MR. ROSS: Mr. Chairman, Commissioner Sullivan, that's even better from my viewpoint.

COMMISSIONER SULLIVAN: To do it that way. That makes sense regardless. If it isn't, somebody's going to holler. So that's a suggestion, Mr. Chairman.

You could take out the first sentence in paragraph 25, leaving the second one and the substitute in the last sentence of paragraph 10 the language that Mr. Ross just read us. Be something for consideration.

CHAIRMAN MONTOYA: Any other comments?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just a comment to what Commissioner Sullivan is suggesting. I think our Legal staff has carefully crafted this language or considered it, and I hate to come up here and start striking a word or a sentence. The discussion is pretty well defined and I think they're way ahead of us as to the content and the meaning of that discussion. I feel more comfortable leaving it as is by recommendation of Legal staff.

CHAIRMAN MONTOYA: Okay. I guess I'll start out just saying that this FOPA has a major faux pas in that the cost sharing was not included. The meeting that we had on March 23rd, I felt the direction from the board at that time was pretty clear, from the BDD board, to include the cost sharing, beginning on page 5, number 12, all the way to page 6, number 22. It was left out for whatever reason at the meeting that we had, the most recent one now in April. I don't know what the hesitation has been or is on the City's part to include that piece. I think that we need to know where we're standing in terms of our commitment.

We know that in terms of the capital costs, we're sharing that 50 percent across the board. We also know that that 50 percent is way above what we're going to be having to deliver in terms of the capacity. The operation, maintenance and repair of this is certainly something that concerns me, especially if we're looking at a minimum \$200 bill for the residents. I think that we, without some sort of cost sharing in this FOPA, I would not want to move forward with this. I just don't see that we're going to go anywhere with it. I think I agree with Commissioner Campos regarding paragraph number 25 on page 7 that if it's recommended that we delete that, that we delete that and move it out of this agreement.

Then number 10, I don't have any problem with the change in the language, but I think the major faux pas, again, is not including cost sharing in this agreement. This really is the foundation of what we should be following and working off of as far as I see it as my being a member of the Buckman Direct Diversion board. Commissioner Vigil.

COMMISSIONER VIGIL: It seems to me that the cost sharing is something that really needs to be ironed out. Really, the current posturing that's occurring right now is that nobody is really going into cost sharing and the proposals that we're getting, we're looking at what objections we have to them. I think the cost-sharing agreement is going to require us sitting down and really looking at the nitty-gritty of this. I believe that that has to happen at the Buckman Direct Diversion board. Is that correct? Is that not the BDD's responsibility? I'm seeing one say yes and one say no. Can staff answer that for me?

MR. ROSS: Mr. Chairman, Commissioner Vigil, strictly speaking, I suppose not, because this is an agreement very literally between the City, the County and

Las Campanas. The Buckman Direct Diversion is not a signatory. We have been asking the Buckman Direct Diversion board to recommend these agreements for obvious reasons because the mandate of the board is to focus on these issues and try and address them. But for whatever reason, staff has been unable to resolve the cost-sharing issue. The Buckman Direct Diversion has punted it to you and punted it to a future agreement. So we're kind at a point where we don't have a mechanism to get the issue resolved once and for all. It seems to me to be primarily a City Council/County Commission issue at this point.

COMMISSIONER VIGIL: And that makes sense to me, Mr. Chairman. I know we've spoken about what possibilities we should do here. I am very hesitant to not keep this project moving despite the cost sharing not being a part of it. Mr. Ross, with regard to your concerns on I guess it was paragraph 10 - is that correct?

MR. ROSS: That's right. The last sentence.

COMMISSIONER VIGIL: And getting that taken care of - let me back up. Has the City approved this?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I believe it's on their agenda for tomorrow.

COMMISSIONER VIGIL: Okay. It makes reasonable sense to me that the request you're making for that language is something that would protect both the City and the County. Am I accurate in that assessment?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I think that addressing ambiguities in an agreement like this protects all the parties.

COMMISSIONER VIGIL: Can we actually approve this and could the ambiguity be addressed by just deleting that sentence and section 25 as you recommended?

CHAIRMAN MONTROYA: Which sentence, Commissioner Vigil?

COMMISSIONER VIGIL: It's the last sentence of section 10 that states the BDD project in conjunction with operations procedure shall include controls to limit each BDD partner - I think the problem with that, and I agree with Mr. Ross, is that we really don't have a definition for BDD project.

COMMISSIONER CAMPOS: What page?

COMMISSIONER VIGIL: Page 5.

CHAIRMAN MONTROYA: Line 9.

MR. ROSS: Mr. Chairman, Commissioner Vigil, I see what you're driving at. I think that sentence was added fairly recently to the drafts to address the issue of how do we essentially police the annual delivery schedule that's developed and also to allow for physical controls over diversion, so that if one partner seeks to suddenly divert a whole lot of water, more than what the system can actually deliver, that the system would be protected from damage in those kinds of situations. I think that's what it was intended for originally. I never did really get a good explanation why we needed this sentence, but sure, deleting it is an option or the alternative language I've proposed I think is another option. And I'm sort of coming around to Commissioner Sullivan's view on paragraph 25 that the second sentence could be an important sentence.

COMMISSIONER CAMPOS: What's the page?

COMMISSIONER VIGIL: Seven.

CHAIRMAN MONTOYA: Line 25 through 27.

MR. ROSS: From the County's standpoint, designing the system so that it's capable of accommodating the County's needs seems to be a pretty important concept and I think this is the only where it is in the document. So I'm coming around to Commissioner Sullivan's viewpoint that maybe we should delete the first sentence of 25 as outmoded but leave the second sentence in.

COMMISSIONER VIGIL: Okay. With that a part of this agreement, let's go back to paragraph 10. Do you believe that that last statement in paragraph 10 - perhaps the intent was to say the BDD board, in conjunction with operations procedures shall include controls to limit each BDD partner's water demand to its peak day and annual volume allocation. Would that actually -

MR. ROSS: Well, the sentence that I drafted to replace this sentence does begin with "The BDD board". But the clause "in conjunction with operations procedures" doesn't make any sense. So I changed the sentence to provide the board shall adopt operational procedures including operational controls so that a partner does not exceed the amount set forth in the delivery schedule provided for in paragraph 26. I think that sets forth what I think was the intent of the sentence in clearer language.

COMMISSIONER VIGIL: That makes sense to me. And Mr. Chairman, with that, if we do not keep the inertia going on the Buckman Direct Diversion project I'm afraid it will just continue to have setback after setback. With that in mind, I would like to move that we accept this FOPA with the amendment to paragraph 10 as proposed by Steve Ross, and the amendment to paragraph 25 as proposed by Commissioner Sullivan, that specifically only includes the last statement in that section.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER CAMPOS: Mr. Chairman, can we take a short break?

COMMISSIONER VIGIL: Before we vote?

COMMISSIONER CAMPOS: Yes.

COMMISSIONER SULLIVAN: Thinking break.

CHAIRMAN MONTOYA: Let's take five.

[The Commission recessed from 5:00 to 5:27.]

CHAIRMAN MONTOYA: We convene now. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, after consultation with our attorney, John Utton, I'm going to withdraw my motion based on the fact that I think there's probably some issues that I personally don't have a clear understanding of by not participating in the Buckman Direct Diversion board and those issues probably need to be addressed by motion. So with that, Mr. Chairman, I think it's in the best interest that I withdraw that motion.

CHAIRMAN MONTTOYA: Your second?

COMMISSIONER VIGIL: My second was Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'll withdraw the second.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I think it's important that we move forward in this discussion. We need to find out where the City stands. Right now their position is unacceptable. My goal is to find common ground, and I need to know if there is common ground. So what I'm going to recommend is that we move forward with this FOPA agreement with certain changes and these changes are the ones presented by Steve Ross and I believe he was comfortable with some of the amendments by Commissioner Sullivan. Mr. Ross, would you clarify that for us?

MR. ROSS: Mr. Chairman, I recommended a change in the language to the last paragraph -

COMMISSIONER CAMPOS: Could you give a page and line?

MR. ROSS: That's page 5, line 9 and 9 through 12 on the interlineated version of the agreement, which is the first of the two in the packet. I had suggested substitute language for that that reads as follows: "The BDD board shall adopt operational procedures including operational controls so that a BDD partner does not exceed the amount set forth in the delivery schedule provided for in paragraph 26."

COMMISSIONER CAMPOS: And we would strike the last sentence and substitute it?

MR. ROSS: Right. And then going to page 7 of 12 of the interlineated version, paragraph 25, you'd strike the first sentence.

COMMISSIONER CAMPOS: Okay. Are those the only two that were pending?

MR. ROSS: Those are the only two pending.

COMMISSIONER CAMPOS: What I would recommend is that we bring this discussion with City Council as soon as possible. I think we should make part of this agreement a statement as to how we're going to divide operational costs, and send it to the City Council for their consideration, and I would ask you for language, Mr. Ross.

MR. ROSS: Mr. Chairman, Commissioner Campos, I previously circulated to the City's attorney, Mr. Harwood, some language that I thought reflected what our understanding on this side of the table was last year concerning the proper allocation of capital costs and O&M costs. And that language that I shared with counsel would replace language in 19 and 20 of the FOPA that's in front of you.

COMMISSIONER CAMPOS: Give us a page and line.

MR. ROSS: Okay. That's page 6 of 12 of the interlineated draft, lines 20 through 23 constitute paragraph 19 of the agreement. And I previously circulated to counsel the following language, and it goes like this: "Cost Sharing, Fixed Capital Replacement Costs of the Shared Facilities", as a title. And here's the text: "The capital

replacement costs of the shared facilities shall be shared by the City, County, and Las Campanas in the same ratio as set forth in Section 14, Construction Costs of the Shared Facility as above.”

Now I think that maybe that reference should be in the revised agreement. That reference should refer to Section 15.

And then I think we'd also have to add a second sentence to that paragraph that would say -

COMMISSIONER CAMPOS: Paragraph 15 or 19?

MR. ROSS: This is 19. That would say something along the lines that the fixed capital replacement costs of the City/County separate facilities shall be shared by the City and County in the same ratio as set forth in Section 15. So that preserves the two concepts. Number one, we have a three-way split down at the river, and a two-way split after pump station 2-A.

COMMISSIONER CAMPOS: Okay.

MR. ROSS: And then to complete that, you'd also have to amend paragraph 20, which begins on page 6, line 25 and goes through line 28, which is the paragraph on variable costs. And here's what I proposed for that quite some time ago. "Cost Sharing: Operating, Maintaining and Repair Costs of the BDD Project. And that would be the title of that paragraph. And it would go something like this. "The City and the County shall share the day-to-day costs of operating, maintaining and repairing the City/County separate facilities in proportion to each party's share of water deliveries from the separate facilities. Las Campanas, the City and the County shall share the day-to-day costs of operating, maintaining and repairing the shared facilities in proportion to each party's share of water deliveries from the shared facilities."

Mr. Chairman, Commissioner Campos, since I submitted this language to the City representatives, I think they have broken up some of the concepts into individual paragraphs, so if what we're discussing becomes the subject of a motion I'd like also some discretion to do some clean-up as necessary to make sure that all the cost-sharing provisions are consistent.

COMMISSIONER CAMPOS: Okay. That would be my motion.

CHAIRMAN MONTOYA: Second. Discussion. I second that for discussion. Commissioner Vigil.

COMMISSIONER VIGIL: Steve, is it necessary to put a deadline on this as to when the cost-sharing agreement should be completed by? I know you're identifying sort of a pro rata for the cost-sharing agreement but it still is going to be a separate agreement, correct?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I think the idea was to avoid a second agreement. This language was proposed to deal with the cost-sharing issue in this agreement.

COMMISSIONER VIGIL: Okay.

MR. ROSS: And this is the language that actually caused kind of the

problem.

COMMISSIONER VIGIL: Okay, so based on this proposal, a second agreement would be unnecessary. Okay. That's it, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes, I think the language is very reasonable and the only question is what's the best way to get it implemented, either through this process or through some other facilitation process or a process of dispute resolution which is provided for in the JPA? And we may be at that point anyway, if we can't agree. So I can support those changes.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER VIGIL: You can or you can't?

COMMISSIONER SULLIVAN: I can.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: It just makes sense to me that what we're proposing here is quite reasonable. All we're asking for, basically, in terms of cost sharing, is a pro rata share. And that is probably the fairest way to deal with cost sharing when it comes to three entities, or five entities or 20 entities. So it does not – it makes a lot of sense to me and I think we should move forward with this.

CHAIRMAN MONTOYA: Okay. I agree. I mentioned earlier that I thought unless we have something in this agreement that addressed the cost-sharing issue that I didn't feel we could really move forward with this in a reasonable manner. I think at least now we do have some language to at least guide and direct us in a way where we'll be able to discuss this in a way where hopefully we'll be getting something as BDD board members, something reasonably quick regarding the whole cost-sharing issue. So I also support the amendments as Commissioner Campos and Steve Ross have outlined and Commissioner Sullivan as well.

COMMISSIONER CAMPOS: And just to make it clear that we should give Mr. Ross clean-up authority on the cost-sharing issue if it's needed.

CHAIRMAN MONTOYA: That's fine with the seconder. Any other discussion?

The motion to approve the BDD FOPA agreement as amended passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

XII. E. 2. Consideration and Approval of Amendment to Sheehan, Sheehan & Stelzner Professional Services Contract to Increase Contract Amount and Approve Subcontractor CH2MHILL Engineers

DR. WUST: Thank you, Mr. Chairman. Just a quick review of this again. The Sheehan & Sheehan contract is primarily for John Utton, our water and water rights attorney, and this amendment would be to allow some engineering advice and assistance from CH2MHILL to the legal contract as we move forward on the Aamodt settlement. With that, I'd like to introduce John Utton, who could provide some more details and answer your questions.

JOHN UTTON (Water Counsel): Thank you, Mr. Chairman, members of the Commission. I'm John Utton and I'd like to just provide a little explanation for the proposed sub-contract amendment and approval. We are, as you'll hear shortly, getting to a point in the Aamodt settlement where we have the water rights portion done. There's an agreement for a consideration and action by you today regarding several years of negotiation over that agreement. The next step calls for some very careful and what I think may be difficult cost-share agreement.

The discussion with respect to the BDD has in many ways parallels to this and I have asked that we get some expert assistance on the engineering feasibility and costs that the County might incur as part of that. That would be in conjunction with negotiating the cost-share agreement, which is expected to come before you in the fall. And that's where a lot of the hard choices are going to need to be made and we need to look carefully at that to see if this is a good deal for the County? How much is it going to cost? How much is the fixed and variable going to be, to make sure that we only agree to an amount and to a settlement that we can pay for and to the extent that there may be some gaps, that we ask for those gaps to be filled with state and federal money to make this possible, or if that money's not available, to develop a schedule where we could build this thing out over time and just make sure that we don't agree to an encumbrance on the County's purse-strings and treasury that we cannot afford.

So really, there are two steps that this engineering firm, CH2MHILL, which has a lot of expertise in this kind of engineering feasibility work, that they would be helping us with. The first would be an initial phase evaluating the existing work today and advising us on some of the issues that we should pay particular attention to, and that is all that we're coming before you today to ask for funding, \$40,000 to do that evaluation. But once that's done, we will be coming back some time mid to late summer once we have a better sense of what the second phase will have as a scope of work and what the cost will be for that.

The two most important specific tasks that we'll be looking at is, again, trying to develop a sense of over the first ten to fifteen years of the project, what the OM&R costs are going to be and what we would be looking at. And the second part is advising us on where we should put in distribution lines. The Pueblo portion of the system, the Bureau of Reclamation is going to build right up front, and to the extent that we can build as much of

our system at the same time they do, they way the settlement discussions that have moved forward so far, we would just pay the marginal costs, and the state is going to help us pay that. So if we can build as much as we can up front, we will save quite a bit of money if we can do it kind of on the back of that federal system. But again, we don't want to overbuild. So they're going to advise us on where would be the most cost-effective areas to build up front and then those that are less cost-effective, we could build those later as the demand arises and we have a customer base to pay for it.

So I'm recommending to you to approve CH2MHILL to help us with that work and this contract amendment of \$40,000 to pay them to do this first phase.

CHAIRMAN MONTOYA: Thank you, John. Any questions for John?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Further discussion?

The motion to approve the contract amendment with Sheehan Sheehan & Stelzner passed by unanimous [3-0] voice vote with Commissioner Sullivan having recused himself. [Commissioner Anaya was not present for this action.]

XII. E. 5. Consideration of the Temporary Lease of Water Rights (Top of the World Farms) to the Village of Cuesta

DR. WUST: Thank you, Mr. Chairman. This is another where I'll do an introduction. Both John Utton and Steve Ross have worked on this so I'll be turning it over to them.

COMMISSIONER SULLIVAN: Mr. Chairman, before we start.

CHAIRMAN MONTOYA: Commissioner Sullivan. Welcome back.

COMMISSIONER SULLIVAN: I'm going to leave again.

CHAIRMAN MONTOYA: Oh, you're going to leave again? Okay.

COMMISSIONER SULLIVAN: I hadn't been aware of it until I saw it in the packet, but this next agenda item has to do with the Village of Cuesta and our firm is also an engineering consultant to the Village of Cuesta.

CHAIRMAN MONTOYA: Okay. You're just a busy guy all over.

COMMISSIONER SULLIVAN: We're pretty busy. Well, we also work with Bloomfield, so don't bring up anything about Bloomfield. So I'm going to have to recuse myself on this as well. Thank you.

CHAIRMAN MONTOYA: Okay. Dr. Wust.

DR. WUST: Mr. Chairman, as you're well aware, the County recently acquired the Top of the World farm along with the concomitant water rights and we have

since been looking at how to deal with those water rights prior to the BDD – or for some kind of facility that could operationally utilize those, Top of the World being to the north. It's difficult to move them past the Otawi Gauge so it's being looked at to help assist with the Aamodt settlement. But prior to having some place to use them, the County was looking at a way that we could utilize them through leasing or through other uses.

So this is one of those aspects of that. So with that very brief introduction I'll turn that over to County Attorney Ross and Mr. Utton to provide some more details and answer your questions.

CHAIRMAN MONTOYA: Okay. Steve.

MR. ROSS: Mr. Chairman, actually John Utton is probably the man with all the details on this. I've read a brief summary and I've reviewed the lease also but he's conducted the negotiations and certainly is probably better able to answer questions.

CHAIRMAN MONTOYA: Okay John.

MR. UTTON: Thank you, Mr. Chairman and members of the Commission. I'll try and be brief. The amount of acre-feet that is appurtenant to the land that we purchased is 1164. That's in addition to the 588 acre-feet that we're already transferring down to the Pojoaque Basin. And that water, I think we want to put to beneficial use and the Aamodt settlement, which we currently are in negotiations about and there isn't a final agreement on what assets might be made available to the settling parties, so we have not proposed anything to you that would commit these water rights, and in the meantime, the County owns a farm that has a farming lease on it. There's 720 acres, approximately in that lease. So that leaves about 460 acre-feet that is not currently planned to be used for irrigation on that farm, and the Village of Cuesta has approached us asking if they could temporarily lease that to offset some of their effects on the Rio Grande.

Apparently they have a deficit from overpumping and the State Engineer has told them they need to go out and find water rights to offset that deficit and to essentially pay back the river. So this proposes to lease the 458.6 consumptive use acre-feet that aren't needed for farming for up to four years to Cuesta at no charge. The only charge would be the administrative costs to them of getting the State Engineer permit. So it would have the benefit to them of providing a supply to help pay back the river. It would be a service we could provide to another local government. It would also keep the water rights in beneficial use for those four years.

Therefore, we're recommending this lease.

CHAIRMAN MONTOYA: Any questions for John? Commissioner Vigil.

COMMISSIONER VIGIL: John, I probably won't use the appropriate vernacular for this, but does that encumber the 456 for forty years?

MR. UTTON: For four years. I'm sorry. Not forty, four years. There's a provision in here that either party may terminate with one year's notice. So if the County Commission determined that at the end of year two we needed the water rights for some other purpose, we could give notice and get them back at the end of year 3.

COMMISSIONER VIGIL: We actually will likely need these water rights

for the Buckman Direct Diversion, correct?

MR. UTTON: Not for the Buckman Direct Diversion but they may be something that we could contribute to the Aamodt settlement that would be part of our local cost share. We've already spent \$5.3 million on this. This perhaps could be more than half of our up front costs. Again, that's going to be part of this negotiation that will come in front of you in the fall.

COMMISSIONER VIGIL: Does the State Engineer evaluate beneficial use in accordance with this kind of agreement, that we're actually entering into an agreement at no cost except for the change in use? Does the beneficial use, does that benefit Santa Fe County? I'm just saying because I'm wanting to draw the conclusion that it seemed to me that would be one of the benefits of entering into this agreement.

MR. UTTON: Mr. Chairman, Commissioner Vigil, that's exactly correct. In fact there's a provision in paragraph 5 of the lease that says the village agrees to make full beneficial use of the water rights during the term of the lease, and I think that that is important to us, that while they do get a benefit out of it, we do too, in that the water right that they're leasing from us is kept in use and I think that is a good reason to go ahead and provide a cost-free lease to them.

COMMISSIONER VIGIL: Thank you, John. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: All right. Any other questions?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second Commissioner Campos. Discussion?

The motion to approve the water rights lease with Cuesta passed by unanimous [3-0] voice vote with Commissioner Sullivan having recused himself. [Commissioner Anaya was not present for this action.]

XII. F. Matters from the County Manager

1. Consideration and Approval of the Settlement Agreement in the Case of *New Mexico ex rel. v. Aamodt*

COMMISSIONER VIGIL: Mr. Chairman, before Gerald speaks – it's my turn, Commissioner Sullivan. I think I'm going to recuse myself on this and I hope Commissioner Campos comes back in here so that you will have a majority, and I will wait until he does.

MR. GONZALEZ: Mr. Chairman, Commissioners, I'll do briefly an introduction then turn it over to John Utton and Steve Ross. As you know, for some time there have been discussions going on with respect to settling the Aamodt case. Of course they've been going on for a super long time but right now, it appears that the discussions

are nearing a point where we now have a settlement agreement that can be presented to you for your consideration and approval in order to move forward. That's what we've presented to you. The details of that I'm going to leave to our counsel, John Utton and Steve Ross to go into any detailed explanation that you may need, but it appears that we're beginning the concluding phase of the Aamodt case and as part of that process, I think the expectation is that those participants who are ready to move it forward will do that by approving the settlement agreement.

As you know, there are other parallel discussions going on simultaneously. The Taos settlement agreement has apparently been approved by those parties and in terms of ensuring that that train doesn't leave the station without leaving the door open to Aamodt, I think that's part of the concern that we all have, is making sure that we bring this to you so we can have both of those vehicles moving forward and not necessarily missing out on the possibility of getting federal funding and perhaps even state funding to move forward with the settlement agreement. With that I'll turn it over to John.

MR. UTTON: Thank you, Mr. Gonzalez and Mr. Chairman, Commissioners. I know we've had a number of briefings on the Aamodt settlement over the last five and a half years that it's been in negotiations and mediations, so I will try and distill the facts down to where we are today, because I know that you're familiar with this. I do want to mention that over the last two years there's been a fair amount of restructuring of the agreement. As you recall, two years ago, a draft proposed agreement that came out that had a water system as a central feature of a settlement and had a fairly high price tag, and it also required county residents to hook up to that system.

There were two problems with that agreement that arose when it went public. One was that the cost was too high, especially from the federal government's perspective. We still have a high cost but it is lower than that proposed two years ago. The second problem was that many of the domestic well owners objected to being forced to hook up to this water system. They agreed to come into the settlement discussions and over the last two years the agreement was modified to have an elective process where well owners could choose to hook up to the water utility or continue with their domestic well but potentially at a reduced amount. There is a floor below which they would not have to reduce.

You may recall that two years ago when there were public meetings there was quite a number of residents of the Pojoaque Basin attending and vociferously opposing the settlement. I think we have now gotten to the point where we have addressed as best we can those concerns. There certainly will always be people who will not support the settlement, but I think we've gotten to the point where we have, by and large support for the settlement. The public meetings that have been held this spring really have been kind of non-events, not even really covered by the media. I understand from Senator Bingaman's office, whereas he had hundreds of people calling him two years ago, I think the last time I talked to him he only had three people calling to complain, some of whom I think are in this room today.

The parties have finally, I think, been able to reach the first of what will be two

settlement agreements that will come before you. The first one is the "settlement agreement". To my mind it is the water rights settlement agreement. By court order from Judge Vazquez, all of the governmental agencies except the federal government have to take up and consider that agreement by the end of this month. So by Friday, I understand that the Pueblo councils, if they have - I think all of them have done that and already approved it. The City Council has this set on their agenda tomorrow for approval. I believe that the State Engineer has already approved it and I think has already gotten approval from the attorney general's office. The governor has already gone ahead and set a signing ceremony for May 3rd - you're all invited - at 10:00 am in the cabinet room. Of course assuming that you approve it. But that is on the schedule for May 3rd at 10:00.

The timing of this is interesting because this is the 40th anniversary of the filing - this month is the 40th anniversary of the filing of the Aamodt lawsuit. Many people when they've heard that is their reaction is, it's about time that we settle this. I think we still have a ways to go. This is really just the first step but I think this is a very big step. The water rights agreement would set a road map for various other steps that would need to be taken and completed successfully for this agreement and settlement to actually be effected.

The second step, which I mentioned earlier, is this cost share and system integration agreement, which is equally critical and perhaps to the County, perhaps more important because it really lays out the project. I think of it as the project agreement. It lays out where the pipe lines are going to go and who's going to operate those pipes, who's going to own them, who's going to pay for them, and that is not yet done. So I don't want to give anyone the impression that we've accomplished more than we have; I don't want to oversell this. At this point all that we have done is written a water rights settlement agreement that settles the Pueblo claims and then provides a road map for what has to get done down the road in order for this settlement to occur.

The agreement that's before you today settles the Pueblo claims essentially by recognizing their historical, agricultural and other uses as opposed to future rights claims or reserve claims that they might possibly succeed in making, plus providing an additional 2500 acre-feet of imported supply of water that the United States would have to go and acquire. And that would be a diversion from the Rio Grande and imported into the basin.

The Pueblos would provide forbearance for existing uses by acequias against priority calls by further development by Pueblo in-basin senior rights. I think the purpose there was to attempt as much as possible to capture the status quo and as long as those acequias continue to irrigate, they will be protected from priority calls and we'll get forbearance. If they cease operating, if they cease diverting, then they can lose that protection. The water right would not disappear, it's just the agreement, the contractual agreement that the Pueblos would refrain from making a senior priority call would disappear if the junior does not continue to irrigate.

And then the third point, and I'm just giving you some of the rough points is that the well owners would be protected along the lines that I described earlier, that as long as they participate and elect either to hook up to the system when it becomes available or to

continue using their wells but at a reduced amount, potentially. If they're above the floor they wouldn't be subject to priority call.

The last part of the agreement then does set out this road map: where do we go from here? It calls for federal legislation to authorize the United States to sign this agreement. So the only governmental entity that wouldn't be signing this agreement on May 3rd, assuming that all those that have it on their agenda approve it, would be the federal government. We would have the four Pueblos, the County, the City and the State all signing. The federal government would not sign until the legislation is approved and that would also authorize funding for the settlement. There would need to be state legislation, there would need to be a court decree. I think Mr. Ross has passed around a schedule that's entitled the projected Aamodt settlement implementation process. [Exhibit 5] This is from the State Engineer website, and I should tell you that item 1.b, the draft proposed cost-sharing agreement, we will be asking Judge Vazquez to extend that date until this coming fall at our status conference in front of her coming up in May.

The other key feature of this road map is that the County would agree to establish a water utility. It would expand its water utility to provide service in the basin. The project that the Bureau of Reclamation is building is to provide water service to the four Pueblos and the Pueblos would oversee the distribution to their members. The County would oversee the distribution to the non-Pueblo residents, to the county residents who are customers of the utility and hook up to the utility, and the County would have 1500 acre-feet of capacity compared to the 2500 acre-feet that the Pueblos would have that I mentioned earlier.

We're only expecting to receive about 750 acre-feet from in basin residents who hook up and transfer their water rights to the point of diversion at the Rio Grande, and therefore the County will need to go out and acquire an additional 750 acre-feet. So by signing this agreement we would be obligating ourselves, assuming that all the steps in the settlement are completed successfully, to acquire that additional 750 acre-feet, 588 of that could come from the first Top of the World purchase and the balance could either come from the second purchase or from other water rights.

There would be a regional water authority, similar to the BDD board that would govern the shared system, the diversion, the treatment and the main trunk line. The contours of that entity are still being discussed. Right now, the discussion is that it would be a non-profit entity with half of its members either County representatives or appointed by the County Commission and the other half by Pueblo representatives. So it would split equally between Pueblo and non-Pueblo board members.

The details of the cost-share agreement are going to take some time to work out and will spell out much of what I'm describing to you, but I want to make it clear that there will be substantial local and state cost-share that will have to be paid for by the state, the County and the ratepayers. And obviously, they're going to have to be in amounts that we can afford. We will not present to you a proposed cost-share agreement until we've completed the negotiations including with the assistance of CH2MHILL doing the

engineering feasibility.

The state has already indicated that they will make available \$17 million. The recent appropriation that Speaker Lujan was able to get through both houses of the legislature would have appropriated \$20 million, but that was vetoed. We're hopeful that at least that amount will be made available from the state to help fund the County's portion of the system.

So just to summarize, I think this is a very important step. We are at the 40th anniversary and maybe on the tenth anniversary of today, or the 50th anniversary, we could say that we've ended this long-standing and divisive case. This has pitted neighbor against neighbor and if the County can be of assistance in trying to end the fighting and also bring services to the community in the form of good, clean drinking water, that's something we should try and do and I recommend that we take this first step. Thank you.

CHAIRMAN MONTTOYA: Okay. Questions for Steve or John?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: John, let me just understand a couple of things. The cost sharing that was originally discussed in terms of the red line and the blue line and so forth, none of that is incorporated in this agreement, although I see the term red line is in there.

MR. UTTON: Mr. Chairman, Commissioner Sullivan, I believe that the red line will be eliminated. But that's part of the discussions that are happening now. To what extent is that system – the original Cadillac system was proposed and now we're trying to cut it back to the Chevy that we can afford. And where those cuts are going to be made, I think one of the cuts are going to be in some of the deep wells that were proposed. I think there was \$17 million for deep wells. There was a system for Chupadero that was proposed. I think that's going to be cut. I think one of the big issues will be the timing of the County distribution lines. It may be the case that there are areas that we cannot integrate because there are non-Pueblo residents and we may just decide to put those in later as demand warrants, and only build a system that's cost-effective immediately.

COMMISSIONER SULLIVAN: The red line was the non-potable line, right?

MR. UTTON: That's correct.

COMMISSIONER SULLIVAN: Okay. So the cost sharing and the details are going to be worked out later, similar to the debate we just had over the Buckman Direct Diversion.

MR. UTTON: That's true.

COMMISSIONER SULLIVAN: I imagine that everyone will vote the same way. So we don't know how much yet or are you at liberty to postulate as to what these shares might be?

MR. UTTON: Let me give you some rough numbers, Mr. Chairman and Commissioner Sullivan. Capital costs for the state and local portion is expected to be about \$50 million for the total build-out. So that would mean increasing the size of the main

trunk line and all the distribution lines, all the treatment, all the pumping stations, and that would be to build out the full system. I expect that the most that the County would have to pay over the first ten years would be, in terms of capital costs that would not be reimbursed by ratepayers and would not be subsidized by the state would be \$8 to \$10 million. But those are very rough numbers.

The other big issue is the operation and maintenance costs. It's a similar issue that we're discussing on the BDD. If we build a system we need to have ratepayers to help pay for the operation. And I believe that the analysis of CH2MHILL is going to show that over the first ten to fifteen years that's going to be too expensive for us to do and the state is going to have to help pay for that cost. They're willing - they've so far said they're willing to put in \$17 to \$20 million that may not be enough. So I think there are going to be some difficult discussions to get this to a point that if we built it we can afford to operate this.

COMMISSIONER SULLIVAN: How much of the estimate is federal?

MR. UTTON: There's be \$94 million, Commissioner Sullivan, for the federal capital costs, and these numbers are likely to go up, because we keep getting these engineering numbers and the next time they look at it, because of the costs of construction, they go up again. So all these numbers I'm telling you will go up. These are 2005 dollars that I'm describing to you. But the other federal portion, if you add in water rights acquisition, operation and maintenance funding for the Pueblos, some smaller projects, currently, it's \$158 million.

COMMISSIONER SULLIVAN: And the federal share will only apply to capital costs and O&M costs vis-à-vis the Pueblos, is that correct?

MR. UTTON: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: So there will be no federal participation in the state or local or the County's system that it develops.

MR. UTTON: Only to the extent that the way that the discussions are unfolding now is we would pay the marginal costs. So the way the Bureau of Reclamation has costed this out, what would be the cost of building a Pueblo-only system? And then if the County wants to piggy-back on that we have to pay the extra costs of going from a 20" diameter pipe to a 24", which is actually a good deal for us. And then if you throw in some of the state funding, it begins to look feasible. But we need both of those. We need the ability to piggyback plus get a state subsidy for this to work.

COMMISSIONER SULLIVAN: And who would operate and manage that system that we're piggy-backing on? Would that be the regional water authority? Would that be the Pueblos?

MR. UTTON: The discussions at this point are that the regional water authority that's made up of this joint board of County appointed members and Pueblo officials would operate the shared facilities, potentially would be the diverter, treater and transmitter - kind of the bulk supplier. And then it would go off into the five distribution systems, each Pueblo would manage its system and then the County would manage the rest

of the system to serve its customers.

COMMISSIONER SULLIVAN: So very similar to the BDD board. Okay. Then at one point there was some discussion, and some contention, over the makeup of the regional water authority and who would have how many members and what would be the controlling interest. And your statement was that the direction is that it would be half-County and half-Pueblo. That's the thinking now.

MR. UTTON: Mr. Chairman, Commissioner Sullivan, that's correct, although this is a discussion item that is in current negotiations and there's various proposals about how that board might be made up. But that's the current version I think that probably has the most support.

COMMISSIONER SULLIVAN: Okay. I'd throw a suggestion out on that. We did as you know, on the Buckman Board, have the board itself appoint a member so we didn't have an even membership on the committee. I suggest something be thought of in that line as well so we're not bogged down forever.

Okay, then the last question is - two last questions, the last and second to the last. The federal interests would be represented by the Bureau of Reclamation. Is that the plan now?

MR. UTTON: Mr. Chairman, Commissioner Sullivan, initially, yes. The Bureau would build the system, but then it would turn it over to the local entities. So the County would own the system that - its separate system. The Pueblos would own their separate systems and then the regional water authority would own the shared system.

COMMISSIONER SULLIVAN: Okay. As opposed to the Corps of Engineers.

MR. UTTON: It would not be a federal project.

COMMISSIONER SULLIVAN: Okay. Then the last question is, on, as I recall the governor's veto message on the \$20 million fund revolved around his opinion that the feds should make their commitment to this project, put some cards on the table, or to put it less nicely, put their money where their mouth is, and that was the reason that he gave for vetoing that. Now we're talking about the possibility of \$17 million from the state. What's the chicken and egg result here? Are we going to get the federal - are the feds going to agree to come forward with some money? Is the governor going to back down and say, I'll give you \$17 - or I'll approve, rather, not give you, but I'll approve the legislative authorization for \$17 or \$20 million, or as you indicate, probably more. What's the prognosis there? That doesn't sound too good.

MR. UTTON: Mr. Chairman, Commissioner Sullivan, I think you've put your finger on a very difficult issue. Negotiating with the federal government is very difficult in these Indian water rights settlements because the administration's position and Congress' position are not only the same, and of the 21 Indian water rights settlements that have passed Congress, only two of those has the administration supported the funding. So 19 of those have been passed by Congress over the objection on the monetary aspects of the administration. And what it has done to us is put us into the position of trying to

second-guess what the federal government might accept when they're, from the administration's standpoint not being cooperative in trying to negotiate a cost share.

So what I think our approach is going to be is we will go ahead and try and get all the local and state and other parties to agree to a cost-share agreement by this fall, and those numbers would go into legislation and we will find out - we certainly are going to get some guidance from our delegation. In fact there's a proposed trip to Washington, DC in mid-May to meet with - we have meetings scheduled with Senators Domenici and Bingaman together on the afternoon of May 16th and we're meeting with Congressman Udall, meeting with Congresswoman Wilson, hopefully with Congressman Pearce and with representatives of the administration to discuss where we are and to get a sense of where we are and how much money in particular our delegation can support.

And we may find out that \$158 million is too high and we may have to cut costs further. But I think our thought is to get some guidance from there, try and get a cost-share agreement. Once we have that finished then that portion that's the federal share, we would ask for authorization from Congress for that amount. And when that happens and the United States signs the settlement agreement, which that legislation would also do, then we can start looking at appropriations from the state. In a sense, although I like the symbolism of the money being appropriated, it really was early. When he has a news conference and a signing ceremony on the 3rd of May, is he willing to put the state money on the table or is he waiting on a congressional authorization? Is he waiting for a congressional budget allocation? What are the signals here? It sounds like we've got everybody saying, After you, Gaston, and we're here in the middle eventually being the operating entity.

So my point is, what's the government, in your judgment going to commit to here?

MR. UTTON: I think he's probably more adept at doing that dance than I am but I think he will say that if the settlement agreement gets signed that the state will live up to its commitment, its cost-share commitment. I think in fact he did say that in his veto message and I know Bill Hume, one of his assistants, wrote an editorial, letter to the editor, saying that if this settlement is approved by all the parties, the state will live up to its cost-share obligation.

COMMISSIONER CAMPOS: Approved meaning also by federal approval.

MR. UTTON: Yes.

COMMISSIONER CAMPOS: And who signs it for the feds?

MR. UTTON: Well, the Secretary of the Interior, if Congress approves the legislation would be authorized to sign the settlement.

COMMISSIONER SULLIVAN: Okay. That will be interesting to see what he says on the 3rd of May. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just a couple of questions. Mr. Utton, how many people are going to be affected in the Pojoaque Valley, non-Pueblo and Pueblo? Do you have any numbers?

MR. UTTON: Mr. Chairman, Commissioner Campos, I think that's a good

question. I think that all residents of the basin are affected one way or the other. When you become a resident of that basin or you buy property there, you automatically become a defendant, although you may not even realize it, in the Aamodt case. Buy a home, get a deed and be served with your summons. And so I think, hopefully this will give to those who settle and hopefully, I'm hopeful that by and large the vast majority will think of this as a good deal. It will give them greater certainty in what their water right use is. There undoubtedly will be some people who do not settle and what happens with those unsettling parties, non-settling parties, the court will have to sort that out. There may have to be a trial and litigation over those claims to resolve that. Maybe their opinions will be heard by objecting to the settlement agreement. Those are things we're going to have to work out with Judge Vazquez.

But probably there are 3,000 well owners who would be affected in that either they could continue the use of their wells without threat of curtailment or priority administration, or could know that they could hook up to a water system. We certainly hope that we would over time have a couple thousand or more customers that would hook up to this system over time. Surface water users, although maybe it's not a perfect agreement, I think one thing we have to realize is that these settlements are a compromise, so you never get everything that you want, but I think by and large the acequia groups, both the two acequia associations in Tesuque and Pojoaque, I think, are supportive of this, because they get protection of existing uses as long as they continue to use their acequias.

COMMISSIONER CAMPOS: Okay. I have a question for Mr. Gonzalez. As far as County financial commitments, could you just briefly outline what they are and what our plan is to address those demands in the future?

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, a portion of the County share will obviously be satisfied with the water rights that we're bringing to the table. The other portion in terms of any construction of the system and so forth will depend of course on the feasibility of being able to do that. The County would first have to undertake a financial analysis to see whether constructing the system could actually be supported by the ratepayers. Obviously, we'd look to rates in part to support the County, but I think there's a certain portion of capital that the County would also have to bring to the table, but that's more of a long-term commitment but that's more of a long-term commitment than a short-term commitment.

We're looking at somewhere – and this is just my projection. John may have better figures, but we're looking at five or six years down the road before we even need to bring money to the table from that standpoint. So hopefully, as we continue to do our bonding and work with our GRT, that's something that we would work into the financial plan at that point to move forward. There is some component of that that's already worked into the financial plan that our financial advisor has been working on.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Okay. I'll just say that I think – and a lot of it's been said in terms of the settlement agreement, this is something that has been going on

for a long time. It's certainly something that not everyone is going to agree to. I think the parties that have been involved since the negotiations have been going on, I guess seriously with Judge Nelson, for what? The last 2 1/2 years now, John?

MR. UTTON: It's been six years.

CHAIRMAN MONTROYA: Six years? But seriously, the last two years, when everyone objected to capping the wells and everything. I think that significant progress has been made through that process over the last two years I guess it's been when that was - I know it's been longer than two years, but the significant progress. It's certainly something that the County is going to be responsible for in some form or fashion and I think that it's good to hear that there's other parties out there that are looking at this favorably as well.

This is not a public hearing but in talking with my colleagues, asked for permission, Paul to go ahead and let you speak. We received your correspondence, your e-mail and stuff, so we'll give you a couple of minutes to go ahead and address us.

PAUL WHITE: Thank you, Mr. Chairman and Commissioners. First of all I'd like to address John Utton's assertion that there is approval in the basin. I'm on the board of the Pojoaque Basin Water Alliance and a couple of months ago we had a meeting of our membership and there's about 400 or 500 people on our membership, which is a significant number of people in the Nambe-Pojoaque-Tesuque Basin. When some of the issues came up that would address the loss of our rights in this settlement, everybody in that auditorium stood up and objected to these provisions that would lose our rights.

John Utton said that about 1500 people would probably sign up to this system. Doug Sayre says there's no real demographics to support this. It's doubtful that 1500 users will hook up to a system like this, especially if the costs to those people are \$200 a month, \$300 a month. Who knows what it will be in 2010?

I'd like to mention something that wasn't in my letter which is that there was a recent Arietta decision regarding - I believe you're familiar with this. This had to do with an altercation in Pojoaque and it had to do with the lands that the Pueblos or they call them Indian Country claims to those lands. The Arietta decision basically stated that the Pueblos still had essentially, what I understand is title to those lands because those lands have not been extinguished by Congress. I met with Senator Bingaman two weeks ago and discussed this issue. It's a serious concern. I believe that ownership of the water utility on non-Pueblo lands is a concern and I have spoken to you about this in the past.

I don't believe that the Commissioners should support this until some of these issues are resolved. The Department of Justice, not only did they say that they would not contribute, they said they would contribute only what their exposure or the amount of money that they felt that they would owe to the Pueblos if they did not enter into an agreement. I believe the figure was somewhere around \$11 million out of Domenici's office. They in fact said they would oppose the settlement at that point. Part of my letter, I believe that about 20 percent of the people in the basin will be willing to sign this, from what I've spoken to. I've spoken to a lot of people. We've had our meetings out in the

community. There's been a paltry amount of people showing up for the meetings with the State Engineer. Most of the underlying feeling from the community is that they're not going to sign this thing. They're not very happy about this settlement.

I would recommend to the Commissioners that you go out into the county and meet with the people in the county and actually find out, do a poll of what people feel in the county on this. Many of the people just can't even understand the settlement. It's 70 pages long and I've been reading it for the last three years and I'm still finding things hidden in the settlement that I don't understand.

My concern about the Top of the World water rights that have been recently purchased, there's a Section 9.6.5 in the settlement document which gives some of the 750 acre-feet of our future water rights over to the Pueblos as offsets for out-of-basin pumping by the County and possibly Buckman pumping. I believe that this provision is possibly illegal. I've contacted the Interstate Compact Commissioner in Texas and discussed this issue, and this is a mechanism to basically not just take direct water from the Rio Grande above Otawi, but it is a mechanism to take underground waters out of the Nambe-Pojoaque-Tesuque Basin which will affect all wells in our basin.

I spoke to a hydrologist who told me that the Top of the World water rights were semi-perched water rights. He worked on some of the reports in the past, and he believes that it would take 50 years, if ever, for a significant amount of those water rights ever to reach the Rio Grande. This morning I spoke to an attorney with the Navajo Nation. He told me that at one point the Chama diversion, at one time only supplied 6,000 acre-feet, I believe in 2002. He also told me that the funding has not come through on the Navajo settlement and that isn't completely wrapped up yet. There are potential diversions that the Navajo can make, which could significantly affect the amount of water that will end up in the Rio Grande if that's not addressed.

There are no provisions to address the County pumping and impairment in the settlement. The impairment from the Pueblo pumping has not been completely or adequately addressed. We also would like to have definitive language as to what the other uses of the 750 acre-feet that the County is going to provide for future growth in the Nambe-Pojoaque-Tesuque Basin. That's unclear. It's not discussed at all in the settlement.

John Utton just basically said that the deep wells will not be in the settlement. However, we will be providing 2500 acre-feet of Top of the World water or other water rights to this settlement, and if that water is not available in the Rio Grande, we will be basically making a new appropriation for drilling and taking water rights out of the Nambe-Pojoaque-Tesuque Basin. This is not a benefit to the basin, the County or even the Pueblos. There is hydrologic evidence that this kind of pumping and the proposed deep wells could affect the safety of Nambe Dam. By authorizing this settlement, the Commissioners are agreeing to a settlement which could have potential disaster and possibly death if the Nambe Dam fails.

The PBWA has written a letter to both the State Engineer and the Bureau of Reclamation regarding this, because I was told by the State Engineer that they did not

cover the Nambe Dam and the BOR told me the same thing. So we wrote a letter to both of them basically outlining our concerns about this pumping. There is precedent that pumping from the aquifer can affect the safety of the dam. I believe a dam in California failed because of pumping of the aquifer. So I'd like the Commissioners to keep this in mind.

CHAIRMAN MONTOYA: Paul, can you kind of wrap it up, because Commissioner Sullivan needs to leave pretty shortly and we need to -

MR. WHITE: Well, one of my other concerns is that this is going to be taking water rights from the acequias. All new wells will be basically looking for water rights from the acequias and the Pueblos also maintain a right in circumstances to make priority calls on the acequias and the wells. That is still in the settlement. The water authority will be comprised of the Pueblos and non-Pueblo county portion and there are eminent domain issues regarding their ability to condemn property. The non-Pueblo citizens have little or no say in the decision making of this water authority.

I believe that the cost to the County will be far more than the numbers thrown out there. But that remains to be seen later. That's about it. Thank you very much.

CHAIRMAN MONTOYA: We did get your comments from your e-mail so thank you.

MR. WHITE: Thank you very much.

CHAIRMAN MONTOYA: Okay, any other discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Are you ready for a motion?

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: I move that the County Commission approve the settlement agreement and become a party to it.

CHAIRMAN MONTOYA: Okay, motion by Commissioner Campos.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Sullivan, for discussion.

COMMISSIONER CAMPOS: Just a question for legal. Is there anything else we need in the motion to make it complete and effective?

MR. ROSS: Mr. Chairman, Commissioner Campos, motion to approve the settlement as presented would probably be appropriate.

COMMISSIONER CAMPOS: Okay. Then I think that's satisfactory. Just basically, I think there's a community consensus. I think we understand that the status quo is not acceptable, that this does the best in a very difficult situation. You're never going to get everybody on the same page. Never. We've been working at this for 40 years. I think it's best to move on to the future. I think it's our best hope. We have a basin that lacks water, has serious water quality issues that's rapidly urbanizing. I think it's time that we start working together and I think it's our best solution. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd just add that for five and a half years I've been advocating for a regional approach to water and we've known that it's got to happen and it's going to happen in the northern part of the county and it's got to happen in the balance of the county. We can't deal with these water planning and delivery issues unilaterally and this moves us forward to that next level of regionalization of an important natural resource and we have to continue doing that countywide and so I'm supportive of that effort.

CHAIRMAN MONTOYA: Okay.

The motion to approve the Aamodt settlement agreement passed by unanimous [3-0] voice vote with Commissioner Vigil having recused herself. [Commissioner Anaya was not present for this action.]

CHAIRMAN MONTOYA: Thank you, John. Thank you, Steve.

COMMISSIONER CAMPOS: Thank you, staff. Appreciate all the hard work.

XII. F. 2. Resolution No. 2006-82. A Resolution Accepting the Obligations Set Forth in Paragraph 9.6.4 of the Settlement in the Case of *New Mexico ex rel. State Engineer v. Aamodt*

CHAIRMAN MONTOYA: Steve, did you want to take this?

MR. ROSS: Mr. Chairman, members of the Commission, Lisa and I collaborated on drafting this resolution which - what it specifically does is recite some concepts from the settlement agreement that the County understands that it's pledging 750 acre-feet as set forth in the settlement agreement and described in paragraph 9.6.4 of that agreement. But until such time as the water is needed to fulfill the terms of the settlement, the County reserves the right to use the water for other purposes.

CHAIRMAN MONTOYA: Okay. Any questions?

COMMISSIONER CAMPOS: Move to approve the resolution.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Discussion?

The motion to approve Resolution 2006-82 passed by unanimous [3-0] voice vote with Commissioner Vigil having recused herself. [Commissioner Anaya was not present for this action.]

XII. F. 3. Updates on Various Issues

MR. GONZALEZ: Mr. Chairman, members of the Commission, just two quick ones. First of all, in order to move toward the final phase of the strategic planning work that we've been doing, there's a request to try and set a half-day concluding session with the Commission on the strategic planning process. The dates that were proposed for me to present to you were either the afternoon of May 8th, the afternoon or morning of May 10th, and the afternoon or morning of Friday, May 12th. So I was just asked to poll you, see if any of those dates would work to do a half day conclusion of the strategic planning process at the Commission level.

COMMISSIONER CAMPOS: Can you give us those dates again? 8th, 10th and 12th?

MR. GONZALEZ: The 8th, 10th and 12th, except – 10th and 12th were either morning or afternoon, a three-hour session, and the 8th was just an afternoon session of three hours.

COMMISSIONER CAMPOS: How far are we on that discussion with staff?

MR. GONZALEZ: At the staff level, I think we have some substantive conclusions to bring forward to the Commission indicating what we think needs to be the next steps and how to incorporate that in the budget but we want to make sure that we get some guidance from you as well.

COMMISSIONER CAMPOS: Would afternoon work?

MR. GONZALEZ: Afternoon would work.

COMMISSIONER CAMPOS: I would suggest Friday the 12th in the afternoon.

CHAIRMAN MONTOYA: That's the week that Western Interstate Region Conference is happening and the 9th is the date that it's just going to be you three on the days here.

COMMISSIONER CAMPOS: Let's cancel the WIR.

CHAIRMAN MONTOYA: We could do that.

COMMISSIONER CAMPOS: Let's do that. That way we'll all be here and have a good time together.

CHAIRMAN MONTOYA: Brother and sisterhood.

COMMISSIONER CAMPOS: This is really important.

CHAIRMAN MONTOYA: I know.

COMMISSIONER VIGIL: How about starting May 8th in the afternoon? Is that something at least four of us can be here for?

CHAIRMAN MONTOYA: Because Commissioner Anaya is going to be leaving that afternoon.

COMMISSIONER CAMPOS: I guess if that's the best, if we can't cancel the trips to the WIR. I guess there's no sentiment to do that, Mr. Chairman.

CHAIRMAN MONTOYA: I've got to be there. We have a NACo board

meeting.

COMMISSIONER CAMPOS: Monday afternoon? That would work. What time? Monday afternoon?

MR. GONZALEZ: One to four?

COMMISSIONER CAMPOS: One to four.

MR. GONZALEZ: And then the final item, I had indicated earlier today that I was going to give you the dates for that proposed joint session with the St. Vincent's board and the dates that are being proposed - I was off a little bit this morning but we're talking about June 9th and 10th, or June 16th and 17th. And I don't know that we necessarily have to have agreement at this point but if there's a sense that either of those would be better dates, I can pass that along.

COMMISSIONER CAMPOS: What are the dates again, Gerald?

MR. GONZALEZ: It would be June 9th and 10th, that's a Friday afternoon, Saturday morning. Or June 16th and 17th, which would be the same situation. I think there's a preference for the 9th and 10th from the St. Vincent's side, but that's just what I understand.

COMMISSIONER CAMPOS: You're looking at the 9th and the 10th?

MR. GONZALEZ: Yes. It would be an afternoon session on the 9th and a morning session on the 10th.

COMMISSIONER VIGIL: Either dates are good for me, Gerald.

MR. GONZALEZ: Okay.

CHAIRMAN MONTOYA: Either one. I would prefer the 16th and 17th.

MR. GONZALEZ: I'll pass that along, along with the items I indicated this morning but I would e-mail to you indicating the proposed discussions and agenda and so forth.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd prefer the 16th and 17th but I can do it on the 9th and 10th.

MR. GONZALEZ: Okay. And that's all I had, Mr. Chairman, Commissioners.

XII. G. Matters from the County Attorney

1. Executive session

b. Limited personnel issues

Commissioner Vigil moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, 8 and 5) to discuss the matters delineated above. Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, and Vigil all voting in the affirmative.

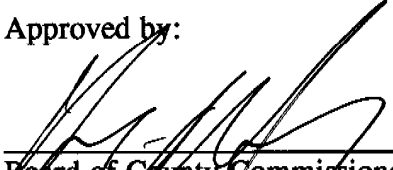
[The Commission met in executive session from 6:35 to 7:20.]

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

XIII. ADJOURNMENT


Chairman Montoya declared this meeting adjourned at approximately 7:20 p.m.

Approved by:




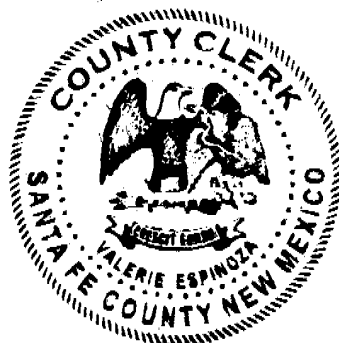
Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:


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

ATTEST TO:

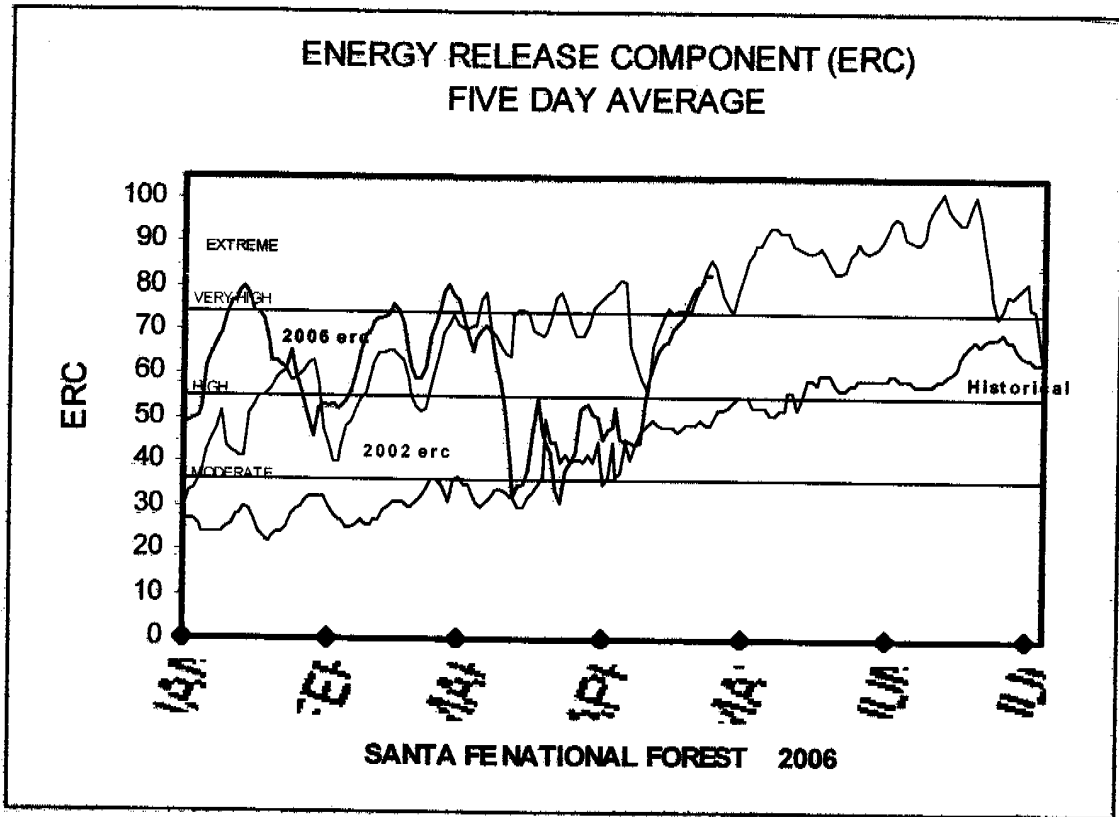

VALERIE ESPINOZA
SANTA FE COUNTY CLERK



ERC for April 24, 2006



SHC
CLERK RECORDED 06/19/2006



This Resolution and Proclamation shall be effective for 30 days from the date below, but may be reissued if extreme or severe drought conditions warrant. Further, this Resolution and Proclamation may be modified or rescinded within the 30 days of their effectiveness if the Board of County Commissioners, after conducting an emergency hearing, determines that weather conditions have improved.

APPROVED AND ADOPTED this ____ day of April, 2006.

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY, NEW MEXICO
BOARD**

By: _____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney

REC
CLERK RECORDED 06/19/2006

IV. VOLUNTARY SEIZURE/IMMOBILIZATION

Notwithstanding any other provision of this Ordinance, in the interest of public safety and health, the Sheriff may seize a vehicle at the time of an arrest of a person for driving under the influence of intoxicating liquor or drugs or, if that person only has one (1) previous conviction of record, and may offer the owner an opportunity to voluntarily request the alternative of (i) immobilization of the vehicle for a period of thirty (30) days and/or (ii) installation, at the owner's expense, of an ignition interlock device for a period of one (1) year. ~~If the owner elects to accept alternative, the owner shall agree to the voluntary seizure/immobilization and/or installation of the ignition interlock device in writing, on a form provided by the County. Such immobilization may be accomplished by an Immobilization Device (Boot) at the owner's designated location within the County of Santa Fe, or by impoundment at a secure facility, in accordance with procedures established by the Sheriff. The owner shall pay the Sheriff a fee for any such voluntary, temporary seizure/immobilization and sign an Immobilization and/or Ignition Interlock Agreement with the County of Santa Fe.~~

Deleted: this option is elected

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SHERIFF CLERK RECORDED 06/19/2006

Joint Regional GRT Open Space and Trail Projects

FY 2004 Estimated Revenue	FY '04	FY '05	FY '06	FY '07	FY '08	GRT
Difference between FY '04 Estimate and Actual/Projected Revenue						
Five Year Plan - Approved by RPA in June 2003						
RIVER TRAIL & PARKS						
SF River Trail - Alire to 599	\$36,044	\$56,053	\$50,045	\$66,921		
Rio Vista Pocket Park as part of River Trails system	\$222,500	\$200,000	\$100,000	\$100,000	\$0	\$622,500
River Trail- DeFourt St. to Don Gaspar	\$0	\$0	\$110,000	\$0	\$0	\$110,000
River Trail - Don Gaspar to Old Santa Fe Trail	\$0	\$50,000	\$100,000	\$0	\$0	\$150,000
Agua Fria Park	\$20,000	\$50,000	\$0	\$50,000	\$50,000	\$100,000
San Ysidro	\$0	\$50,000	\$40,000	\$0	\$0	\$90,000
Sub-total:	\$242,500	\$350,000	\$350,000	\$150,000	\$50,000	\$1,142,500
RAIL-TRAIL & RAILYARD PROJECTS						
Railyard	\$160,000	\$50,000	\$55,000	\$0	\$0	\$265,000
Rail Trail- Zia to I-25	\$0	\$25,000	\$50,000	\$50,000	\$50,000	\$175,000
Rail Trail- Rabbit Rd to Lamy (13 miles)	\$10,000	\$0	\$0	\$0	\$0	\$10,000
Railyard - Trails and Sideway over/underpass	\$0	\$0	\$45,000	\$314,000	\$362,000	\$721,000
Sub-total:	\$170,000	\$75,000	\$150,000	\$364,000	\$412,000	\$1,171,000
OTHER TRAIL & PARKS PROJECTS						
Arroyo Chamisero Trail- Routes to Carrillos	\$45,000	\$0	\$0	\$25,000	\$25,000	\$95,000
Arroyo Honda trail - Rail Trail to Highway 16	\$20,000	\$50,000	\$0	\$0	\$0	\$70,000
Foothills Trails System	\$65,000			\$0	\$0	\$125,000
Ruffin St. ROW- South Mendocino to MRC	\$0	\$16,000	\$25,000	\$36,000	\$39,000	\$119,000
South Mendocino County Park	\$10,000	\$25,000	\$0	\$0	\$0	\$35,000
Southside to River and MRC Trails	\$0	\$15,000	\$15,000	\$0	\$62,500	\$92,500
Trails Connections	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$125,000
Sub-total:	\$165,000	\$161,000	\$95,000	\$89,000	\$151,500	\$661,500
TOTALS	\$577,500	\$586,000	\$595,000	\$603,000	\$613,500	\$2,975,000

Projected Aamodt Settlement Implementation Process

- I. Settlement Agreement Process
 - A. Agreement completed and approved by governments (excluding U.S.) April 30, 2006
 - Agreement open for signature by individuals February 1, 2006
 - B. Draft Proposed Cost-Sharing Agreement completed June 16, 2006
- II. Federal Legislation Process
 - A. Parties submit draft legislation to congressional delegation that would approve Agreement and authorize the settlement project As soon as possible after Agreement approved by governments (excluding the U.S.)
 - B. Legislation passed As soon as possible
 - C. Secure authorized funding Ongoing, after legislation passed
- III. Administrative Process
 - A. Develop Rules re: Impairment Fund Beginning April 30, 2006
 - B. Develop Water Master Rules and Regulations Beginning April 30, 2006
- IV. State Legislative Process
 - A. Enabling Legislation Meet with Interim Legislative Committees beginning May 1, 2006 for introduction in the 2007 Session
 - B. Construction Fund
 - C. Impairment Fund
 - D. Connection Fund

- V. Court Process
 - A. Motion re: process, addressing Nov. 1, 2006
 - 1. Procedures for notice
 - 2. Schedule for joinder
 - 3. Opportunity to join the agreement
 - 4. Opportunity to object
 - 5. Process to address objections
 - 6. Process to consider Interim Administrative Order for Administration and Water Master Rules
 - B. Court order approving process At Court's discretion
 - C. Motion to Approve Settlement Agreement and to Enter Interim Administrative Order No sooner than 60 days after legislation enacted
 - 1. Notice sent
 - a. Opportunity to accept settlement or object (Deadline for individuals to sign)
 - b. If no response, then Motion for Order to Show Cause
 - 2. Objections heard and resolved At Court's discretion
 - a. Informal-meetings
 - b. Formal-litigation
 - D. Interim Administrative Order entered At Court's discretion
 - E. Complete non-Pueblo adjudication Before Dec. 15, 2012
 - 1. NonPueblo surface water priorities Beginning June 1, 2006
 - 2. Complete adjudication of domestic wells Beginning Nov. 1, 2006
 - 3. Errors and omissions To be determined after completion of 1. & 2.
 - F. Final Decree entered, after any necessary inter se phase Before Dec. 15, 2012