

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

**April 29, 2008**

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



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
I Hereby Certify That This Instrument Was Filed for  
Record On The 30TH Day Of May, A.D., 2008 at 13:15  
And Was Duly Recorded as Instrument # 1527510  
Of The Records Of Santa Fe County  
Deputy *[Signature]* )  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

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

**April 29, 2008**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:10 a.m. by Chair Jack Sullivan 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 Jack Sullivan, Chair
- Commissioner Paul Campos, Vice Chairman
- Commissioner Harry Montoya
- Commissioner Mike Anaya
- Commissioner Virginia Vigil

**Members Absent:**

[None]

**V. INVOCATION**

An invocation was given by Adamina Pino from Administrative Services.

**VI. APPROVAL OF THE AGENDA**

- A. Amendments**
- B. Tabled or Withdrawn Items**

CHAIRMAN SULLIVAN: Mr. Abeyta, could you go through any amendments that you have?

ROMAN ABEYTA (County Manager): Yes, Mr. Chair. The first coming under X. Matters from the Commission. We have added an item K, Discuss upkeep of the Eldorado transfer station, L. Discussion and possible approval of expenditure of discretionary funds for the remainder of the fiscal year to L & L Portables in the amount of \$1000, and M. Discussion and possible approval of expenditure of discretionary funds for the HOST program at Cesar

Chavez Elementary School in the amount of \$2,500.

Under the Consent Calendar, Mr. Chair, XII. B. Miscellaneous, item #17, staff and the applicant are requesting that the Commission table this request at this time. There's some discussions and review that need to take place before we'll be ready to have that discussion with the Commission. So we're requesting that 17 be tabled. And item #20, Request approval to enter into a new lease agreement for Top of the World Farm, that that be tabled.

Under Staff and Elected Official items, XIII. A. Administrative Services Department, item #2 has been tabled. And finally, Mr. Chair, under Matters from the County Attorney, G, we are requesting that the discussion and approval of the settlement agreement between the City of Santa Fe and Santa Fe County and Las Soleras be moved to item #2 on the agenda, after we conduct our executive session. There are no further changes from staff.

COMMISSIONER MONTOYA: Move for approval as amended.

COMMISSIONER VIGIL: Mr. Chair, I have a request on that before – for an amendment to the agenda.

CHAIRMAN SULLIVAN: Okay, that's fine. And the next item is Consent Calendar withdrawals, so we're not approving the Consent Calendar at this time. Go ahead, Commissioner Vigil.

COMMISSIONER VIGIL: This is on the procedure. I actually need to be gone for a medical procedure that has to be done today by 3:30. I am hoping that the Santa Fe Studios item can be moved up to 1:30 and I'm requesting that maybe we budget our time so that we can finish the morning session by 12:00 and get back here by 1:30 and start that hearing so I can hopefully be here for that particular hearing. And I know, Mr. Chair, that there's another hearing that's been scheduled for around 2:00 so I'm hoping that that can be accommodated.

CHAIRMAN SULLIVAN: Okay, we'll certainly try to move as quickly as we can and get there. The item pertaining to Edgewood's request to participate in the Regional Emergency Communications Complex, which is – what item is that?

MR. ABEYTA: C. 2, on page 5.

CHAIRMAN SULLIVAN: There it is. In order that the Edgewood folks not have to sit through the entire morning meeting I suggested that they be here at 2:00 this afternoon. So as close as we can when we get to that point we'll hear that particular item. Are you okay, Commissioner Anaya, with that?

COMMISSIONER ANAYA: That's fine. Thank you.

CHAIRMAN SULLIVAN: Okay, so we have that direction. We'll try to deal with items B.2 and B.3 sometime immediately after lunch and to get Commissioner Vigil on her way, and we'll also deal around 2:00 with the Edgewood item.

COMMISSIONER VIGIL: Mr. Chair, I was also reminded that there's a gentleman here for a presentation that is only available early this morning. I'm requesting that we move item G, the National Heritage Fellowship, right after the presentation of the Pojoaque Elks. That would be on page 2, item X. G, to move it to item X. C.

CHAIRMAN SULLIVAN: And how long will that presentation be?

COMMISSIONER VIGIL: Is Mr. Rountree here? I believe it's ten to fifteen

minutes. We can request that.

CHAIRMAN SULLIVAN: Okay, so there's a request to move G in between B and C of X. And another request that that presentation be as compact as possible.

COMMISSIONER VIGIL: Limited to ten?

CHAIRMAN SULLIVAN: I do want to say that we had this organization on our presentations agenda last month and because of time we weren't able to get to them, so that's the reason they're on the agenda today. So it's not their fault; we just ran out of time on the previous presentations agenda. Okay, I think we've got everything. Are there any other changes or reconfigurations of the agenda? Seeing none, could we have a motion please?

COMMISSIONER VIGIL: The motion's already been made.

COMMISSIONER ANAYA: As amended.

CHAIRMAN SULLIVAN: So we have a motion as amended and a second as amended.

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

## **VII. APPROVAL OF CONSENT CALENDAR**

### **A. Consent Calendar Withdrawals**

CHAIRMAN SULLIVAN: Commissioner Montoya, do you have any withdrawals on the Consent Calendar?

COMMISSIONER MONTOYA: No.

CHAIRMAN SULLIVAN: None. Commissioner Campos.

COMMISSIONER CAMPOS: None.

CHAIRMAN SULLIVAN: None from Commissioner Campos. I have a couple. They would be B. This is XII. B. 8, B. 11, B. 16, and that's only because there's the wrong documents in that particular item. B. 17 has been requested to be tabled by the staff, and B. 18. B. 20 has already been requested by the staff to be tabled and we've approved that as part of our agenda approval. So that would be four withdrawals, not counting the tablings. Commissioner Vigil, any withdrawals?

COMMISSIONER VIGIL: None.

CHAIRMAN SULLIVAN: Okay. Commissioner Anaya, any withdrawals?

COMMISSIONER ANAYA: Mr. Chair, I always thought a couple was two.

CHAIRMAN SULLIVAN: You're absolutely right. I'll amend that to a few. Now you're going to say a few is three, right. Good point, Commissioner. A double couple. Any withdrawals, Commissioner Anaya?

COMMISSIONER ANAYA: No.

CHAIRMAN SULLIVAN: Okay. Then do we have a motion?

COMMISSIONER VIGIL: So moved, with amendments.



COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: With withdrawals. And a second from  
Commissioner Campos.

**The motion to approve the Consent Calendar with the exception of items B. 17 and 20 (tabled) and B. 8, 11, 16 and 18, isolated for discussion, passed by unanimous [5-0] voice vote.**

**VIII. APPROVAL OF MINUTES**

**A. March 19, 2008**

CHAIRMAN SULLIVAN: That was a presentation meeting.

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Are there any changes or corrections? Okay we have a motion for approval from Commissioner Campos and a second from Commissioner Montoya.

**The motion to approve the minutes of March 19<sup>th</sup> as submitted passed by unanimous [5-0] voice vote.**

**VIII. B. March 25, 2008**

CHAIRMAN SULLIVAN: I have a couple of clerical corrections to those minutes. Are there any other changes or corrections to the minutes of March 25<sup>th</sup>?

COMMISSIONER CAMPOS: Mr. Chair, are those typographical corrections?

CHAIRMAN SULLIVAN: Those are typographical corrections.

COMMISSIONER CAMPOS: Move to approve with the typographical corrections suggested by Commissioner Sullivan.

CHAIRMAN SULLIVAN: Okay. Is there a second? I'll second the motion. Is there discussion on the motion?

**The motion to approve the March 25, 2008 minutes as amended passed by unanimous [5-0] voice vote.**

**IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS**

CHAIRMAN SULLIVAN: These are items that the public may wish to bring

forward to the County Commission that are not on our agenda today. These are non-action items as it indicates on the agenda, but items which we'd be glad to hear about if there are specific concerns in the community. One gentleman has his hand up in the back. Come forward, sir. No political speeches, Mr. Sedillo.

PABLO SEDILLO: I'm not a politician. Good morning, Mr. Chair, Commissioners, Mr. Abeyta, Mr. Ross, and our County Clerk, Valerie. Good morning. My name is Pablo Sedillo, representing Senator Jeff Bingaman.

CHAIRMAN SULLIVAN: Welcome, Mr. Sedillo. We have to give you a little bit of a hard time, just to start.

MR. SEDILLO: That's fine. That's fine. I'm used to a hard time. I came before the body to let you know we received Commissioner Vigil's letter regarding restoring the Partnership for County Healthcare Costs Act of 2008. That's a real concern for Santa Fe County, for all of the 33 counties in the state of New Mexico. We need to restore that. That's before the Congress now. It's been introduced at the House of Representatives. It's not reached the Senate yet but Senator Bingaman is very much aware of the legislation and certainly you can count on his support when it comes to the Senate. It is going to be extremely important that that restoration act be enacted and acted upon.

The other piece of information that I'd like to share with the Commissioners – I had met with County Manager Abeyta, anticipating that there was going to be a change in our responsibilities at the Senate office in Santa Fe. Well, that's been reversed, Mr. Abeyta. The Senator has decided that I should continue being the liaison with the County, with the County officials, not the other County responsibilities that I had like with the County Health Department and other departments under your jurisdiction. The new marching orders that I am to be directly liaison with the governing board. So I'm back on track again.

CHAIRMAN SULLIVAN: We look forward to that.

MR. SEDILLO: Thank you. I don't know if the Commission has any questions for me.

CHAIRMAN SULLIVAN: I assume that that's a promotion and not a retribution for your behavior.

MR. SEDILLO: Oh, no. I was a little saddened when the Senator had asked that I take on Mora County and San Miguel. That is a big challenge and a long ways to go, but he felt that they need somebody I guess with some seniority and I guess it was my white hair that he asked me to do it. But nevertheless, I'm pleased that I'm going to continue with my relationship with the County Commissioners and the County Manager and other department heads.

CHAIRMAN SULLIVAN: As are we as well. I think Commissioner Vigil would like to say something, but we're not going to let her. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you so much for being here, Mr. Sedillo. I want the Senator to know that I received his response and I so appreciated it. I also want him to know that we're the first county to pass a resolution and this came to him as a unanimous decision. I believe there are three or four other counties who will be submitted resolutions of

that sort, so we really appreciate his support in this. It's critical for New Mexico. Thank you so much and express our gratitude.

MR. SEDILLO: Thank you so much. I'll pass that on to him.

CHAIRMAN SULLIVAN: Thank you, sir. Come by often as you do. Okay, are there any others in the public who would like to address the Commission this morning?

**X. MATTERS FROM THE COMMISSION**

**A. Presentation in Recognition of the Pojoaque Elkettes Basketball Team for Taking State Championship (Commissioner Montoya)**

CHAIRMAN SULLIVAN: The first two items are being brought forward by Commissioner Montoya and I'll turn the meeting over to him for those items.

COMMISSIONER MONTOYA: Okay. Thank you, Mr. Chair. It is with great pride and honor that I have brought this issue forward, Mr. Chair, to honor the Pojoaque Elkettes varsity basketball team who just completed their season with a state championship. This is the second state championship for the Elkettes. The first one I think was in 1999. So in terms of bringing pride to the community and bringing honor to the community, they have done that, and with that, Mr. Chair, I would ask that the Commission come down and help me in honoring these student athletes along with their head coach, Lance Carter.

Commissioner Montoya presented the following Elkettes with commemorative basketballs: Marissa Romero, Kiana Vigil, Audrey Smith, Diona Montoya, Ellen Cruz, Dominique Baca, Nicole Gonzales, Janelle Roybal, Aundria Gonzales, and Andrea Cruz. Coach Lance Carter was introduced, and his assistants Joe Estrada, Jacinto Garduno, Fran Lopez, and Michelle Ortiz, Ashley Herrera, the manager for the Elkettes were thanked.

LANCE CARTER: I just want to say thank you to the Commissioners. We appreciate this honor and as I told some of the girls, haven't seen them now for about a month or so so it's nice to get together with them and we just thank you again for this nice presentation. It means a lot to us. Thank you, ladies.

**X. B. Presentation in Recognition of the Pojoaque Elks Basketball Team for Taking State Championship (Commissioner Montoya)**

COMMISSIONER MONTOYA: Now we get to do a double treat. Not only did the girls win, but the Pojoaque Elks for the first time ever in school history took a state championship this year as well and I believe this is only the first time that one school has had two teams do a dual boys and girls state championship so way to go, Elks and Elkettes.

Commissioner Montoya congratulated and presented basketballs to: Ryan Gonzales, Eddie Ortega, Matthew French, Antonio "A.J." Oyenque, Ian Nakotte, Orlando Trujillo, Ryan Sullivan, B.J. Roybal, Michael Perez, Tom Nakotte, Justin Trujillo, and Christian Gonzales Baca. Managers Tim Maez, Jeff Maestas, and Kira Trujillo were also commended. Joey Trujillo, head coach was present and he along with assistants Kareem Edwards, Mark Loera, Mike Montalvo, Rick Roybal, and Crestina Vigil were thanked and congratulated.

JOEY TRUJILLO: Again, like Coach Carter said, I'd like to thank the Commission for having us here today. The students get to see a little bit about how government is being run. I know Ryan was here three years ago when we came and he was telling the kids what to expect, so it was nice. For my part and Coach Carter's part, our assistants weren't able to be here because they don't work at the school and they couldn't get off from their jobs to be here but on their behalf we'd also like to thank you for having us here.

COMMISSIONER MONTOYA: Thank you, Coach. Congratulations again to the Elks and Elkettes and we'll expect another one next year, okay? I also wanted to recognize, and he wasn't able to be here today with us, the athletic director, Matt Martinez.

MR. CARTER: He's trying to find a place to park the bus.

COMMISSIONER MONTOYA: Oh, so he's circling around. He should have had this in Pojoaque instead. There'd be a place to park the bus. Thank you, Mr. Chair. Again, it's an honor and a privilege because again, I graduated from Pojoaque High School and I also have the honor of being able to do the games as the public address announcer for the Elks and the Elkettes and to be associated with two state championships in one year is truly unbelievable. Good job again.

CHAIRMAN SULLIVAN: Thank you, Commissioner Montoya and thanks of course to all of you young ladies and young men who have done so well for your school. Coach, since your athletic director is circling the building we won't enforce mandatory attendance here for the rest of the meeting and will allow you to get on your way. I notice we had a Sullivan on that team. Carry on. Good job. We're infiltrating.

**X. G. Presentation of the National Heritage Fellowships, New Mexico Recipients  
(Commissioner Vigil)**

COMMISSIONER VIGIL: Thank you. And I'm going to turn this over to Mr. Russ Rountree.

RUSS ROUNTREE: Mr. Chair, Commissioners, staff, I'm Russ Rountree with Impressions Advertising. I was asked here today to give you a brief recap, quick recap of the National Heritage Fellowship Awards recognition luncheon that was held at Rancho de Chimayo on March 4<sup>th</sup>. I want to recognize Commissioner Vigil for her outstanding effort as far as our mistress of ceremonies that day. Just to bring you back up to speed, the

Commission had a proclamation that was given to these recipients. This program is 25 years old. It's the highest federal honor that the United States government portrays upon artists in our country and we have over the 25 years of this program have had 15 honorees from New Mexico, seven of which are still living, and we had all of the living honorees as well as members of the families for those that have passed away at this luncheon.

It was quite a powerful event, very spiritual and very uplifting and both the living honorees and especially the families of those honorees that are no longer with us were quite touched by the recognition that the County had bestowed upon them. I'd like to now draw your attention to the screen for a brief video that was put together for that afternoon recognizing these honorees.

CHAIRMAN SULLIVAN: While we're waiting for that to come up, Mr. Rountree, is there anything else that you wanted to add that you had as a part of your presentation?

MR. ROUNTREE: The honorees, in addition to the proclamation, received a glass award, a sort of trophy from the County Lodgers' Tax Advisory Board. They also received letters of commendation from Congressman Udall's office and Senator Bingaman's office. We had, again, a wonderful lunch that was hosted by Florence Jaramillo from Rancho de Chimayo, and again it was just a very nice afternoon. We have since sent off releases and story ideas for several media throughout the region in hopes that they'll pick up not only the recognition lunch but more importantly the idea of the cultural hotbed that we have here in northern New Mexico for this great concentration of artists in our area.

CHAIRMAN SULLIVAN: And this is something you're focusing on in your work with the Lodgers' Tax Board.

MR. ROUNTREE: Absolutely. It's one of our touchpoints that we promote to potential visitors, not only our abundance of natural resources and outdoor recreation opportunities. Obviously, the Native American cultural entities but also these artisans that are often cases, truly unique to our northern New Mexico region. You're not going to find straw appliqué artists in Mississippi or artists that sing cuentos and recuerdos from Arkansas, let's say. So obviously, it's a very unique opportunity for us to be able to portray potential items of interest for visitors here to our area.

[A video presentation was shown featuring the artisans of northern New Mexico.]

MR. ROUNTREE: Mr. Chair and members of the Commission, we thank you very much for your time. Thank you for accommodating our schedule, and again, another recognition for Commissioner Vigil for her admirable hosting of the event that day and recognize her and thank you again.

COMMISSIONER VIGIL: Thank you, Mr. Rountree. A question. Mr. Rountree, I just wanted to make this statement. Is this video copyrighted? Can it be used for public access television?

MR. ROUNTREE: Absolutely. Yes.

COMMISSIONER VIGIL: Okay. I would like, and I'll speak to our County Manager about directing that towards one of the public access television. I think these

artesanos should be recognized through that medium also. We really appreciate all that they presented that day. The families that were there. The humble experience that it placed me in. And I applaud you and the Lodgers' Tax for taking on this initiative. I hope it continues.

MR. ROUNTREE: Thank you very much.

CHAIRMAN SULLIVAN: Thank you, Mr. Rountree and we appreciate the work of all those artisans as Commissioner Vigil has said.

**X. C. Consideration and Approval of a Joint Powers Agreement Between the Board of County Commissioners of Santa Fe County, New Mexico and the Greater Chimayo Mutual Domestic Water Consumers Association Concerning Joint Efforts to Provide Regional Water Transmission Facilities to Serve the Community of Chimayo (Commissioner Montoya)**

COMMISSIONER MONTOYA: Thank you, Mr. Chair. This is the latest amended version of this particular contract. We've had our attorney, Steve Ross, along with the Chimayo Mutual Domestic Water attorney, Ted Trujillo working on this, and Barbara Deaux and also Doug Albin who are here have also been a part of this deliberation in terms of getting to a point where we believe that we're ready to move forward with this contract agreement. And I'll let Steve give us an update on what's happened to this point in time.

STEVE ROSS (County Attorney): Mr. Chair, some of you may remember this agreement. It's been before us two or three times. The last time it was before the body I believe it was in August, there were some concerns raised about the project as scoped out at that point that it might not be regional in nature and specific only to a particular neighborhood. Indeed, the last agreement that we reviewed proposed that the Board assist the mutual domestic with providing water lines and water to about 100 households within the community of Chimayo on the Santa Fe County side.

Several of you expressed concerns that that wasn't what the funds that we're working with, which are capital outlay GRT funds should be for, that they should be for projects that are regional in scope. So we heard that message and together with the mutual domestic, we rethought the whole project. And so what you have before you is a completely different joint powers agreement. There are relatively few elements from the earlier agreement in here. What this does is assist the water association in a different sort of way. What this agreement does is provide for the County to buy into the main transmission lines that the association has already installed in the community. They are 12" transmission lines. They have a number of components and the agreement proposes that the \$500,000 that was allocated by this Board to assist this particular water association be used to buy a share in the regional transmission line.

That's set for in Article I of the agreement, which is the operative part of this agreement. Naomi just handed out to you large maps which show the proposed infrastructure that the County proposes to – that this agreement would facilitate County purchase of. [Exhibit 1] And you'll see that Exhibit A is the Plaza del Cerro water replacement project,

which is originally what the joint powers agreement was for. Exhibit B shows the regional water transmission line, and Exhibit C I think is a blowup of the actual infrastructure that's proposed in the agreement to be purchased by the County.

Now the way the agreement provides for a determination of the County's interest in the waterline is fairly simple. It's on page 4 in the agreement and also on page 5. Essentially what will occur is that at the time the County purchases a share in the line we'll do an assessment of the total cost of the line to date and balance that with the County's contribution of \$500,000 and establish a percentage ownership of the facilities that are outlined on Exhibit C.

From that point we will keep records of the County's ownership interest vis-à-vis the association's ownership interest and if the County should propose to donate additional funds to this project, well, then the ownership interest will be reallocated. Now, why this is important, the 12-inch line that's proposed here, is a component of a system that is envisioned for the entire Santa Cruz Valley going all the way down to places like Cuatro Villas and all the way into the City of Española. As everybody knows, there are water shortages, water problems in all the communities between Chimayo and the river. One way to address some of those problems is to provide transmission capability and so that is how we have – that's why we've chosen this approach to this problem based on your comments last year.

So going over the agreement quickly, Article I is as I said the agreement for the County to purchase an undivided interest in the system. Article II of the agreement, starting on page 4 provides for the savings that are accrued by the association as a result of the County's purchase of the transmission infrastructure they will go ahead and perform the improvements to those hundred households and get those folks water from the existing system.

Article III starting on page 5 is a necessary article. I already described how it works. It provides for a system to evaluate the ownership interests of the parties over time. Article IV is a financing article. It describes the funds that are currently available and describes that the County can purchase additional interest in the water transmission line but only if certain steps are taken. Among those are an amendment to the agreement that's approved by all the necessary authorities.

Moving to page 7, Article VI, a simple paragraph describing that all purchases that are made by the association pursuant to this agreement have to follow the procurement code. Article VII, this is from the original agreement, we'd like to make sure that these systems work well on an engineering basis so to the extent we can we'd like to ensure that the systems are redundant and a failure in our part of the system doesn't affect water deliveries to customers.

Article X on page 8 clarifies that we're not purporting to run the association here and dictate what they charge their retail customers. Article XI is also from the earlier agreement. It creates a technical committee of the City and association staff to review technical aspects of operations of the regional transmission line. XII, operation and maintenance of the system,

clarifies that just as in the previous iteration of this agreement that the association is going to bear all the costs of operating the system except those that can be characterized as capital improvements. As a part owner of the regional transmission infrastructure we have an obligation to assist with the maintenance and capital expenditures that are necessary over time.

Article XIII just recognizes that the association has certain service area boundaries that include areas within Santa Fe as well as areas within Rio Arriba County. Article XIV, we all agree to work together to solve these many problems up and down the Santa Cruz River all the way into Española. One thing that the agreement specifically agrees to is the federal enactment, Public Law 108354, which is the Chimayo Water Supply System and Española Facility Act of 2004. The hope from the federal government side is that eventually there will be a regional transmission line that goes all way from some source of supply – I think it's envisioned at this point that that might be the City of Española, all the way up to Chimayo, to stabilize the service all the way up the valley there.

Article XIV that I just mentioned recognizes that we're all going to work together, either under the umbrella of 108354 or otherwise to try to achieve a safe and reliable water supply in the area.

Then Article XV from the previous agreement, it requires the association to install fire hydrants so that we can have more reliable fire protection in the area. That's been a problem for many years. And then the remaining articles are what you'd call boilerplate that are necessary for a joint powers agreement of this type. So with that I'll stand for questions.

CHAIRMAN SULLIVAN: Thank you, Mr. Ross. Are there any questions for Mr. Ross?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Ross, you talk about the investments and ownership being determined later, what about a formula for the determination of ownership later, depending on the investment of others? Is that correct?

MR. ROSS: Mr. Chair, Commissioner Campos, no. The formula is in the agreement and it's essentially the cost of the infrastructure that's described on Exhibit C, measured against our contribution right now of \$500,000. So let's say the infrastructure costs \$5 million. \$500,000 is ten percent of that, so if those were the numbers we'd immediately have a ten percent ownership interest in the regional transmission line, but that's an undivided ownership interest.

COMMISSIONER CAMPOS: As owners, do we have the right to [inaudible] different places?

MR. ROSS: Sure. It's undivided capacity, so it's undivided interest. So we'd have to work with the association on proposals like that. But no, I think that's the whole idea. If the County buys into the regional infrastructure there we'll be able to facilitate all kinds of arrangements that will benefit folks living there.

COMMISSIONER CAMPOS: Now, as far as repair, replacement of this



particular waterline, this trunk line, how does this affect the County? Will the County have to cover a certain percentage of replacement and repair costs or will it be covered by the association or some other party?

MR. ROSS: Mr. Chair, Commissioner Campos, the routine expenses of operating this system would be covered by the association but the costs of maintaining the system that could be characterized as capital expenditures, in other words, expenses that would normally be made over one tax year, those types of expenses would be shared between the association and the County based on our respective ownership interest. So in the example before, if we had a ten percent interest and a \$100,000 pump blew out we'd be obligated to contribute \$10,000 to that expenditure and we'd have to budget for that.

COMMISSIONER CAMPOS: I understand that. But does the association then have to have a sinking fund of some sort, charging at this point in time and reserving funds so that when the life ends or repairs are required then they will have funds available to make the necessary investments?

MR. ROSS: Mr. Chair, Commissioner Campos, that would certainly be wise. I don't know whether they've done that at this point. There's some heads nodding. They can certainly address that. But I think that would be wise. From the nodding heads I think they are already thinking down that line.

COMMISSIONER CAMPOS: I think that's key to any water system, that you have in your rate structure an amount for the future needs of the system. Ms. Deaux, do you want to address that?

BARBARA DEAUX: Mr. Chair, members of the Commission, my name is Barbara Deaux and I'm the executive director of the North Central New Mexico Economic Development District, and we've been assisting Greater Chimayo in some of their organizational issues. The Water Trust Board and the other state funding that's available to organizations like this requires both a budget and a five-year financial plan that demonstrates how those reserves will be created and maintained. So this is required and yes, we are.

COMMISSIONER CAMPOS: Let me ask you a question. Wastewater – has that issue been addressed or is this strictly a water issue?

MS. DEAUX: Well, this is strictly a water issue at the present time. Generally speaking, in an area of no water supply or contaminated water supply, establishing a clean water supply is the first step. And certainly wastewater would be an important thing to do in the future and no one is precluding that opportunity, but right now it's a water problem.

COMMISSIONER CAMPOS: Do you think you will address the wastewater in the near term? Long term? You have been thinking about this?

MS. DEAUX: Mr. Chair, Commissioner Campos, the organization has been thinking about it. I can't give you a timeframe right now. Expenses for capital investment continue to rise. And getting this water system up and running and generating the revenue that will produce the reserves and other things that we're required to do are going to take the time that they take.

COMMISSIONER CAMPOS: Because this water system could easily convert

into a water/wastewater system with the right rate structure and the right investment maybe from the federal government.

MS. DEAUX: The infrastructure questions I'd have to defer to an engineer. I know there are some issues about separating water and wastewater lines. There are certainly different treatment processes and other things. The administrative structure is clearly – could be the same.

COMMISSIONER CAMPOS: Right. And the importance is, one, you start cleaning up the aquifers, two, you can re-use your wastewater for agricultural purposes or outdoor watering purposes. It could be synchronistic. That's really important.

The other issue is the City of Española. The issue is that the City of Española may be a utility or water provider. What is their capability at this point in time?

MS. DEAUX: Mr. Chair, members of the Commission, I really can't speak for the City of Española. I do understand, having attended some of the meetings regarding Cuatro Villas that they are prepared and capable to provide water into that system at the Española end, but I can't speak for the City of Española.

COMMISSIONER MONTOYA: Mr. Chair, Councilor Herrera from the City of Española is here and we just recently had a brief conversation about that. He may be able to shed some light on that particular question.

COMMISSIONER CAMPOS: Okay. That would be fine.

ALFRED HERRERA: Mr. Chair, members of the Commission – look at my watch, see if it's morning. Good morning to all of you. Always good to come visit with you and have some discussion about some very important issues and obviously this issue is of great importance to all of us. What I can tell you in terms of your question, Commissioner Campos, about the wastewater issue is that the City of Española, as a matter of fact tonight at a City Council meeting, will be making a final determination in terms of where the City is going with its issue of a water system.

It appears that the City of Española will in fact be abandoning the notion of a surface water system and will actually be looking at groundwater for its continued water system. And the reason I mention that is because the reasoning behind that is that the surface water system is a very, very expensive endeavor for our community and our constituents. By us moving in this direction we are able to also recognize some funding that we can devote to wastewater systems within the incorporated area of the city. We have a lot of residents that have been annexed into the city for a number of years and they still don't have the appropriate infrastructure.

One of the groups that came before our Public Utilities Committee meeting last week are the residents there on State Road 76 which obviously is the road into Chimayo. And they're very concerned about their contamination of their water, the water system, even though in some areas they do have hookups to the City. And what we're trying to do is right now we trying to explore with our consultants and others our ability to move a trunk line if you will, hopefully up the Santa Cruz River, which kind of makes sense because we've got the capacity for gravity flow there. And if we're able to do that then we feel that on a long-

term basis we'll be well positioned to continue that movement up the Santa Cruz River.

And the reason we're confident about that, you may or may not know this but we just completed a state of the art sewer treatment plan in the City of Española and we feel we have the capacity to be able to accommodate our neighbors to the east. So there'll be quite a bit of activity happening in the very near future.

COMMISSIONER CAMPOS: Councilor, what about water rights and the ability of the City of Española to deliver water outside of its boundaries?

COUNCILOR HERRERA: My understanding in the meeting that we had last week is that we have sufficient water rights with the water rights that the City has secured now to be able to provide that service also to the Chimayo area. I asked specifically that question because I was kind of concerned about if we're going to start moving water lines to the east there, up through Cuatro Villas, which we're also going to be acting on tonight, do we have the water rights issue taken care of. I was assured that that was a non-issue and that we do have the appropriate water rights, and they don't necessarily have to come out of the Santa Cruz Irrigation District per se, although we do have some water rights there also as a City.

COMMISSIONER CAMPOS: Thank you, sir.

COUNCILOR HERRERA: You're welcome.

COMMISSIONER MONTROYA: Thank you, Councilor.

CHAIRMAN SULLIVAN: Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: This is for staff. I just need some clarification.

These dollars come from GRT, the GRT dollars that we've allocated per district. Is that correct?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, yes.

COMMISSIONER VIGIL: And my understanding was that was about \$400,000 for each district and there's an additional \$100,000. Was that divvied a little differently?

MR. ABEYTA: If I recall correctly, some Commissioners contributed a little bit of theirs towards this to make the \$500,000.

COMMISSIONER VIGIL: Okay. I do recall that, but I didn't know what the specificity was. I just wanted to make sure that was on the record. Thanks, Mr. Chair. For Mr. Ross, Mr. Chair, please indulge me one quick question. It seems to me like we have framed a contract like this with Edgewood for their waste management project. Similar undivided shares, similar, contract arrangements, would you say?

MR. ROSS: Mr. Chair, Commissioner Vigil, yes. We're trying to duplicate these kinds of arrangements when we do these intergovernmental contracts all over the place. Edgewood is one. We tried to do one with La Cienega, but that wasn't successful and we've also discussed the same thing with Cañoncito.

COMMISSIONER VIGIL: All right. I guess I believe my only concern with these, and I know Chimayo – I'm really happy to support this project. I think it's critical and essential to northern New Mexico. My only concern with these projects and these kinds of

contract arrangements, and I know I'm going through it with a project that I'm supporting in my district is how much exposure it puts Santa Fe County in with regard to future liability. So for the record, I hope there's a clear understanding that this initiative is intended to support these projects getting off the ground, that basically the reason why we have to enter into this agreement is because we're dealing with two public entities and that in fact I do believe in public entities helping each other, but I don't want us to expose one another also to liability. So I'm hoping that as we commit these dollars that those projects that we're committing them to know that really, they are responsible for the operations, the management, and it's depending on the project. The operations, the management, the infrastructure, the upkeep, and that Santa Fe County, depending on what ownership issues we undertake in the future, really, at least my intent and my vote, will go towards creating a catapulting experience for allowing these project to move forward. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Other questions? Seeing none, what's the pleasure of the Commission?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER CAMPOS: Second.

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

COMMISSIONER CAMPOS: Mr. Chair, I just think this is a great step forward for the Chimayo area and the northern county area in developing a regional water system. Step two will be the wastewater system. And we're geared to work with you because I think that's so critical. But thank you for all your work. We appreciate. You've done a great thing for our community.

COMMISSIONER MONTOYA: Thank you, Commissioner Campos. I just want to say the same thing. Ditto. Certainly this is a step in the right direction and thank you for your patience. It pays off to have patience once in a while. Certainly appreciate it and we look forward to continuing our working relationship with you and with the City of Española as well, Mr. Chair.

CHAIRMAN SULLIVAN: Further discussion?

**The motion passed by unanimous [5-0] voice vote.**

MS. DEAUX: On behalf of all of the folks in Chimayo I do want to thank you.

CHAIRMAN SULLIVAN: You're welcome.

**X. D. Resolution No. 2008-\_\_ . A Resolution in Opposition of the United States forest Service Proposal to Designate La Cueva and the Santa Fe National forest as an off Highway Vehicle Recreational Route (Commissioner Campos) [Exhibit 2: Revised Resolution Text]**

COMMISSIONER CAMPOS: Thank you, Mr. Chair. The national forest is planning an OHV plan for the Forest Service. I think this is a big issue that we have to discuss here at the County Commission. In 1972 the federal government became very concerned that having too many off-road vehicles in the Forest Service would damage the natural lands. The US Forest Service has also been given the task of implementing a travel management plan for OHVs in the Santa Fe National Forest. Executive Order 11644 mandates that the US Forest Service designates its routes that minimize damage to the soil, watershed, vegetation and other resources of the public lands, harassment of wildlife with significant destruction of wildlife habitats, conflicts between OHV use and other existing or proposed recreational uses of national forest system lands or neighboring public lands.

We understand that our national forests bring in a lot of money to New Mexico. Actually billions of dollars, \$3.8 is some of the numbers we have. It supports about 47,000 jobs. It generates about \$184 million in annual state tax revenues and produces \$2.5 billion annually in retail sales and services across New Mexico.

We are concerned in this resolution that the OHV use of remote forest trails exposes the Santa Fe National Forest and residential users to increased fire danger. We also believe that the La Cueva Canyon is a very fragile ecosystem with an intermittent stream, fragile wetlands, meadows, mixed forest. The concern is that this will increase traffic and affect Santa Fe County residents, will cause taxpayers to pay additional monies for damaged lands, roads. It will cost additional law enforcement monies and emergency response and medical care for people injured on these OHVs.

We also understand that the US Forest Service has a very small budget for law enforcement or monitoring. Without an adequate budget this is doomed to fail and cause a very bad result. Therefore, I propose that we adopt this resolution, that the USFS, the United States Forest Service develop a travel management plan that will allow motorized use only to the extent that it can be effectively monitored and enforcement; that the US Forest Service eliminate OHV routes in La Cueva Canyon entirely and limit Forest Service Road #375 to licensed street-legal vehicles only; that the US Forest Service close routes to OHVs on Glorieta Mesa and throughout Santa Fe National Forest to a level in direct relationship to the enforcement budget and manpower.

Members of the Commission, there are a lot of residents, a lot of citizens that are concerned about the noise and the damage to the land, to the water, to animal life, and the concern is real, because there's simply insufficient federal money to monitor and enforce the use of OHVs in the Santa Fe Forest. So I would ask you to seriously consider this at this time.

COMMISSIONER MONTROYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTROYA: Commissioner Campos, this is specifically for La Cueva Canyon, in terms of the area?

COMMISSIONER CAMPOS: It's for the US Forest Service to designate La Cueva and the Santa Fe National Forest – it encompasses the whole area, the whole Forest Service. But we pay particular attention to the La Cueva area and the Glorieta area.

CHAIRMAN SULLIVAN: Councilor, welcome. Would you like to comment on this?

MIGUEL CHAVEZ: Mr. Chair and members of the Commission, Commissioner Campos, if I could speak to this a little bit. I do have an interest in this and I think it is significant that you're working on this. One of the resources that's in that area, we all know, is the Glorieta Battlefield, the Gettysburg of the West. And so we have some cultural, more recent cultural resources that I think also need to be protected. There's history there. There's more recent history that we need to protect and of course there's the history of our Native American brothers and sisters. So I think the impact of off-road vehicles on those areas could be detrimental to safeguarding that future, so I think this is a good thing. So I speak in support of it.

COMMISSIONER CAMPOS: Thank you, Councilor for coming.

CHAIRMAN SULLIVAN: Thank you, Councilor Chavez. Okay, do we have a motion?

COMMISSIONER VIGIL: We have questions.

CHAIRMAN SULLIVAN: Are you finished, Commissioner?

COMMISSIONER CAMPOS: I'm finished. There's a Leslie Barnard who would like to address the Commission.

CHAIRMAN SULLIVAN: Okay, lunchtime is coming up on us here. Let's not spend all day this.

COMMISSIONER CAMPOS: Very briefly, could you address this issue?

LESLIE BARNARD: Yes, I'd like to speak in support of this resolution. I am friends with people in La Cueva. I live near the Glorieta Mesa and off-road vehicles are creating havoc. They're ruining watersheds. They're cutting fences, going onto private property. It has to be controlled. I'm in favor of the travel management plan, but unfortunately, the Forest Service is putting the cart before the horse in trying to enact a plan and then find resources – financial, and it's a drain our police, on our sheriff, our emergency services. I'd like to see this slow down and go forward in a much more comprehensible way. And I'd love to see this countywide for the whole Santa Fe County, not just for La Cueva or Glorieta Mesa, but I think we really have to protect what we have here. Culturally, traditionally, not fragment wildlife, not ruin watersheds. Thank you.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: I think there was a question from Commissioner Anaya, then from Commissioner Vigil.

COMMISSIONER ANAYA: Yes, thank you, Mr. Chair and Commissioners. We have in the audience Mr. Romero from the Forest Service. Maybe he could answer some

questions. I met with him and what he's trying to do – let me just get it clarified. Where is La Cueva? Is that on top of Rowe Mesa?

MS. BARNARD: By Rowe Mesa.

COMMISSIONER ANAYA: Where exactly is La Cueva?

MS. BARNARD: It's not far from Glorieta. It's on the way to Las Vegas, if you take 25 and you exit – is it the Glorieta exit?

COMMISSIONER ANAYA: Is it in Santa Fe County?

MS. BARNARD: It's in Santa Fe County, yes.

COMMISSIONER ANAYA: Okay. So my question is going to be to Steve. We sat down and we talked about this and apparently what's happening is there's a lot of roads out there that ATVs are traveling on. And what he's trying to do is minimize those roads. What this resolution says is eliminate everything, correct? Are you trying to eliminate every ATV road that's out there?

COMMISSIONER CAMPOS: I think we need to regulate them, but before we can regulate them we need resources and the United States Forest Service does not have the resources to properly regulate. The Sheriff's office does not have the manpower to properly regulate. There are so many issues that are still outstanding that have to be addressed before this plan is adopted and that's what we're talking about. Before this plan is adopted, we need to have a commitment from the federal government that there will be the resources to properly monitor this.

COMMISSIONER ANAYA: So instead of opposing it, shouldn't we be sitting at the table with them to develop a plan and maybe I should turn it over to Steve so he can clarify some of the things that are on here.

COMMISSIONER CAMPOS: I think that the resolution would allow for us to have a discussion and to share our concerns. I have already shared my concerns. I have written a letter to the Forest Service along with many residents in the area who have written letters and many people who have attended meetings. So there is a great deal of public concern about this out there. Not only fire, damage to the environment, damage to cultural resources, etc. It's a serious issue that we want to have resolved before the US Forest Service adopts a plan.

COMMISSIONER ANAYA: Mr. Chair, I'd like Mr. Romero to respond.

CHAIRMAN SULLIVAN: Mr. Romero, welcome.

STEVE ROMERO: Thank you. Thank you, Mr. Chair. My name is Steve Romero and I do work for the Forest Service, the Santa Fe National Forest, and I'm the district ranger on the Pecos/Las Vegas ranger district, which is basically the east side of the Santa Fe National Forest. I appreciate this discussion. I didn't expect it today but that's okay because I'm here on some other business. What I would like to say first and foremost is today's management of motorized vehicles on the Santa Fe National Forest and forests throughout the nation is that today we do allow, generally speaking, cross-country travel of motorized vehicles through the national forest in general areas. That means a jeep, if you will, or an ATV can basically cross-country travel today across the forest.

And what's happening is there's a lot of user-created roads that are being developed today. And so our goal is to minimize that. In this plan, what we're talking about, the Forest Service is talking about is eliminating cross-country travel or minimizing it, and pulling back motor vehicles onto designated roads. And then what we would do is we would identify those particular roads and what type of vehicle use would occur on the roads. So first, we would eliminate cross-country travel, which is occurring today. Second, we would come up with a plan of roads. Right now there's a couple thousand roads out there – I'm talking about the Pecos/Las Vegas district – and we're bringing that number of thousands of road mileage down to a few hundred. Then we would designate those segments of road to be user type roads.

So our plan is addressing I think what the concern is. What we're asking for right now is public input on the proposal. Right now we do not have a formal proposal. It's in the preliminary stages. We are getting public input. Then the next step is we're going into the National Environmental Policy Act, that's the NEPA process, where we will have a formal proposal and then that would be the best time for the public to give their input on that formal proposal.

But right now I think we are addressing what everybody's concerned about, the amount of motorized vehicle use out on Forest lands. Any questions?

COMMISSIONER ANAYA: Mr. Chair, I guess what I'm hearing is I'm definitely in support of your resolution but what they're trying to do is minimize and here we are opposing what they're trying to do. So I don't get it.

COMMISSIONER CAMPOS: Let me just add – we're not trying – I think the idea of minimizing and designating is a good idea but you can't have minimization and designation without law enforcement, and they don't have that. They don't have the dollars to do that. What they should do is increase their law enforcement, reduce the OHV violations and abuses of the land right up front, right now.

COMMISSIONER ANAYA: Well, that's what –

COMMISSIONER CAMPOS: They don't have the money. And they have to go get the money from the Congress. And they have to go to Senator Domenici and Senator Bingaman and our congresspeople to get that money. And that's critical.

MR. ROMERO: May I?

CHAIRMAN SULLIVAN: Sure.

MR. ROMERO: We're in the planning stages of this whole issue. On the other hand, if we don't do anything then the ATV OHV vehicles continue to do what they're doing. When we're talking about the law enforcement part, it's the implementation part. We're in the planning part of this to get this rule in place, and then the second stage for the Forest Service is to talk about the implementation part of the travel plan which will include law enforcement.

We do have partnerships with Santa Fe County, San Miguel County, Mora County. Those are just a few counties within the national forest partnership with them. We do have law enforcement. I will acknowledge we will never have enough law enforcement but we



look for partnerships. We do have Forest Service personnel who are LEOs. Again, if we're waiting for Congress to do something then today, and who knows how long, then there will be continued cross-country travel and continued networks of roads out there. So we're trying to finish the planning part so we can have this rule, and then generally speaking, when there is a rule, I believe the general public does obey the rule. It's just those few 10, 20 percent who we do have to enforce the law with, but if we don't do nothing now then the existing condition is still continuing, the cross-country travel, the network of roads are still being created.

COMMISSIONER ANAYA: Mr. Chair, if I may. I agree with what you're trying to do but we're saying we're opposing what they're trying to do and they're trying to help out.

COMMISSIONER CAMPOS: They're in the planning stage. I would ask that we have this resolution passed today. Let's take an aggressive position with the US Forest Service in support of our citizens, and go in there and really demand that this plan be good, that some areas be totally restricted because they're so fragile, and that we get the right amount of money to get the monitoring and the law enforcement that we need. It's easy to say that only a few people will disobey but OHVs are known for doing whatever they want to do out there. So it's very critical that we start the discussion with an aggressive position by the County Commission.

COMMISSIONER VIGIL: Commissioner Campos, if you're done, Commissioner Anaya. How much weight will this resolution bear with the federal government?

COMMISSIONER CAMPOS: It's hard to say but if the County Commission takes a stand I think the federal government will listen very carefully to what we have to say and what our concerns are.

COMMISSIONER VIGIL: Okay. I recognize the intent behind this. My concern is that these ATV vehicles are already creating a lot of problems within the US Forest Service, and that this process is intended to eliminate the problems that are impacting our environment and that would be sort of the focus for my support of something like this. If we don't have cooperation between governments to try to create a resolution to this and it cannot be a blanket prohibiting in the county, because that would be a takings. We really need to work cooperatively with our federal government, our City and our State in trying to create a resolution because I get complaints about ATV vehicles being on private property and that's very difficult for me to respond to because the County has no authority over private property. So it would be good for governments to create a focus.

This might be a little premature because I think the EPA, the environmental impact statement will be able to give us further information. It could be that through that environmental impact statement that this particular area is not appropriate or that there are particular areas within this area that are appropriate. I recognize your desire to be aggressive with this. I, however, think and actually am appreciative that the federal government has taken the initiative to try to do something about this and I know in my district there are

projects underway, that is joint projects between the City and the County to try to create a resolution for this.

COMMISSIONER CAMPOS: Mr. Chair, could I interrupt you? It's not about this issue. It's about someone we have here that needs to speak before they leave. Mayor Coss is here. We have to address an issue unrelated to this issue but he has to run off to another meeting.

COMMISSIONER VIGIL: Okay.

CHAIRMAN SULLIVAN: I don't know how long the discussion is going to go on this and we want to give everyone as much time as possible. If we have more discussion on this, and there seem to be a variety of opinions on this resolution. I would like to defer it for a moment and move forward another item here. This is taking a little bit longer than we thought. Is that okay with the Commission?

COMMISSIONER VIGIL: That's fine.

CHAIRMAN SULLIVAN: Thank you, Mr. Romero, for being available for that information. We need to move now, because we have some individuals here from the City, City Councilors as well as the Mayor, as well as persons from the staff of the RTD. We need to move over for the time being to item H.

[See page 32 for tabling motion.]

**X. H. Resolution No. 2008-\_\_ . A Resolution to Withdraw From the North Central Regional Transit District and Accomplish Santa Fe County Transit Needs By Direct Contracts and Agreements With Municipalities and Other Providers (Commissioner Sullivan)**

CHAIRMAN SULLIVAN: This is an item brought forward by myself for a number of reasons, and one of those reasons was last month, on the 25<sup>th</sup> of March we had a presentation by the RTD regarding a decision by the board to impose a 3/16 percent gross receipts tax and present that to the voters for approval or denial. In the discussions that we had during that meeting a number of questions arose about what the City's position was on this issue, about the use of federal funds, about the service plan, about the applicability of this amount of money to the actual project itself that was being proposed.

Accordingly, I met with the County Manager and he assigned Mr. Kolkmeier from our planning staff to look into this matter. Mr. Kolkmeier, our Land Use Director, he also met with City staff. They did a great deal of working looking at what had been put together by the district. I then had a meeting with district staff, along with our staff to discuss this. The district then had an additional two meetings where they modified their original proposal from 3/16 to 1/8 percent GRT. Having gone through that process I need to tell you that I still feel that that 1/8 percent GRT is extremely premature, given the level of planning that's done to date.

The service plan, in my opinion was not a demand-based analysis but rather it was a consultant compiled wish list with no real evaluation of unmet need. There have been no public hearings or public input in developing the plan or the size of the tax. Santa Fe County's priority

transit needs are in Eldorado, the Community College District, the Route 14 area and also connecting service with the Rail Runner as it's coming into town. Service to the north and Los Alamos is and can continue to be provided by the successful park 'n' ride program and of course RTD has already taken over three routes, I believe that were in place previously in Española, and that was reported to us last month, I believe, by Mr. Valencia. So there is service already being provided in the Rio Arriba County area through existing programs.

The City and County planning staffs, having looked at this, had estimated that about \$450,000 is sufficient to handle these priority Santa Fe County needs. In fact, City-DOT discussions are ongoing now regarding connecting bus service to the new 599-I-25 Rail Runner station. This could reduce that \$450,000 estimate. The 1/8 percent GRT that's being proposed by the Regional Transportation District will cost Santa Fe County taxpayers \$4.6 million per year of the \$8 million that would be raised. This is ten times the amount that's needed in Santa Fe County in the near-term future. Only \$3.9 million of the \$4.6 million will be used in Santa Fe County, which represents a loss to taxpayers of \$700,000 a year.

The proposed 1/8 percent GRT will be in addition to another 1/8 percent GRT for Rail Runner operations that has been proposed by the Governor and New Mexico Department of Transportation, which may be introduced again in a special session this summer or next year. That will create two transit authorities serving Santa Fe County resulting in double taxation and bureaucratic inefficiency. The RTD has been, I feel, unresponsive to Santa Fe County's needs. For a year it has been unable to initiate a modest \$100,000 bus route program for the Community College District and the Route 14 area, despite promises and several presentations that it would do this, and the funding being available and the direction from this Commission that this is a County priority.

Given this track record I don't see how the RTD can handle a total service program of \$8 million a year. The RTD has only been able to attract about \$1 million a year in federal funds. The advantage I see of a regional transit district is its ability to leverage 80 percent federal funds for rolling stock and 50 percent federal funds for operation. Any service plan should only expand as fast as federal funds can support it. If we agree to fund transit almost completely with local dollars, those federal funds will go elsewhere. If we are to fund transit on a dollar for dollar basis it will be more cost-effective for Santa Fe County to contract directly for its own needs with the City and the DOT and perhaps others, and avoid the high cost of the middleman.

While everyone agrees that some bus service is a good thing, all transit services are subsidized and should \$4.6 million of Santa Fe County taxpayer funds be committed to undocumented needs, as well as to subsidize Taos County to the tune of 239 percent and Rio Arriba County in the amount of 208 percent, and a very small district-wide ridership, including six to seven passengers a day from Edgewood, I wonder if this money couldn't be used elsewhere for better public purposes.

So I would propose that Santa Fe County withdraw from the Regional Transit District, and the reason I propose withdrawal is that we do not statutorily have any other options – to modify the tax, to approve the tax, to disapprove the tax – we are constrained only to one option

if we do not agree with the level of the tax, and that is to withdraw. I suggest we participate in ongoing discussions with the City and DOT regarding the County's service needs as well as the proposed 1/8 percent Rail Runner operations tax and the resulting transit authority.

If Santa Fe County is no longer a part of the RTD, the RTD will still have a function of providing connecting services in the northern counties, and the northern counties will not have the concern of Santa Fe County by virtue of its larger voting population dictating their gross receipts tax. We have in the audience – I want to have Mayor Coss visit with you about some of his opinions on this. We also have Councilor Chavez here. Jack Kolkmeier is here who has been leading the evaluation. It is an important topic, I feel, and Mayor Coss, I know you have a tight time schedule, so I don't the Commission will mind if I jump to you and ask you for your comments.

DAVID COSS: Thank you, Mr. Chair. And I only have a few comments, really, and they all come down to the timing is just wrong on this. And it's unfortunate for the RTD. They were formed before the Rail Runner was conceived. They were formed, and I got a lot of this this morning talking to Jack and Josette and I appreciate their visit. When Santa Fe and Santa Fe County's GRT was a lot lower than it is right now. I have a hard time thinking that the public is ready to vote on this when they don't know what all the options are on the table, when there's a possibility that Santa Fe County and the citizens of Santa Fe are going to end up in two regional transit districts and trying to support two regional transit districts.

In our discussions with the state we have put out the number of \$450,000 as the additional operating monies that would help us serve the Rail Runner coming into Santa Fe with Santa Fe Trails. So this tax is more than we need right now for making those connections, but not nearly enough to make Santa Fe a partner in the operations and the scheduling of the Rail Runner. And so as big a supporter of public transport as I've been, and the North Central Regional Transit District, I think right now is the wrong time to propose a 1/8 GRT that puts the City of Santa Fe over eight percent. We know GRT is a possibility also for the Rail Runner. It's just asking for two taxes for essentially the same thing, one right after the other when it's not clear to me or clear to the public which direction finally makes the most sense to go in terms of should we really belong to two transit districts? Do we foreclose options with one and then not have a plan or a position for the Rail Runner coming forward.

I've not been one for pulling out of the Regional Transit District but I think that if the rest of district is ready to go ahead and things it's critical to go ahead, because they're not dealing with the Rail Runner issue, then I don't see the County having much option. I would say the City of Santa Fe has had one presentation on this and it was very brief, so I'm only speaking for myself and how I see the public reacting to being asked to vote for gross receipts tax increases. And the Council has not reviewed or taken a position on the plan, the expansion plans, the transit plans, or the tax itself. Again, I think that's a timing problem that we're all having right now. I'd answer any questions, Mr. Chair, to the best of my ability.

CHAIRMAN SULLIVAN: Any questions of Mayor Coss? Commissioner Montoya.

COMMISSIONER MONTROYA: What would you propose, then, as an

alternative? Or maybe let's say an ideal situation?

MAYOR COSS: The ideal would be something that the County and the rest of the region, and the region that's served by the Rail Runner have a plan going forward. If it turned out to be a 3/16 gross receipts tax, but we knew that we were going to support the operation and the connectivity of the Rail Runner, and do this plan, that's something I think I could get behind and support. But right now, we're saying let's do an eighth, and then let's do – we don't know what. Maybe another eighth. But we keep going back to the well with the taxpayers saying, vote for this, now vote for this. I'm in the same position now with police and public safety. Vote for parks, and now, how do you feel about more police. And I think in the overall, how many times do you ask the public to vote for tax increases and what is the plan we present to them? I think the timing is just unfortunate. I understand how the North Central Transit District got to where they are right now. I understand if they don't do this now they're next bite at the apple under state law is 2010. But we're not ready. We don't have the plan for public transit that includes the Rail Runner which is the biggest public works project and public transportation project the state has ever undertaken or is likely to in my lifetime. That's not a whole plan yet, and that's my main problem with it.

COMMISSIONER MONTOYA: You'd like to see that as part of the equation then.

MAYOR COSS: I would like to see that addressed as part of the equation. I don't think it has been. When I first saw the plan from the transit district it didn't have anything about the Rail Runner. Today it does, but it's still not – but it has nothing about the operation of the Rail Runner. It's a start on some of the connectivity for the Rail Runner but it's not the operational funds.

COMMISSIONER MONTOYA: So, Mayor, is the City then considering withdrawing?

MAYOR COSS: The City doesn't have a vote one way or another. It's the County stays in or stays out and they take the City of Santa Fe.

COMMISSIONER MONTOYA: But you're members of the RTD, right?

MAYOR COSS: We have a member on the board – Councilor Chavez.

COMMISSIONER MONTOYA: So you're saying you don't have to consider withdrawing or keeping –

MAYOR COSS: We're saying we can't consider withdrawing or staying in. We could make a recommendation to the County Commission regarding that but it would be a non-binding type of recommendation.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: And following up on the Mayor's suggestion, one option that Mr. Kolkmeier has put together is the possibility of developing a task force to deal specifically with those issues jointly. In order to do that, the RTD would have to withdraw its proposal for a gross receipts tax and give us time to solve both of those issues simultaneously, rather than separately. So when Mr. Kolkmeier talks here in just a minute we'll ask him to elaborate on that a little further but if the direction, which has been the direction from the

Board, is strictly to go forward on this tax, then that places Santa Fe County in a corner with only one option. And Councilor Chavez is here too, and Councilor Chavez is a board member who is the City's representative, and we'd welcome your comments as well, Councilor.

COUNCILOR CHAVEZ: Thank you, Mr. Chair and members of the Commission. I'm not sure if my comments are misplaced at this point in time because you're questioning the merits of a service plan that I guess you can agree has been a work in progress. You can question timing and timing is never right when you're talking about any kind of tax, whether it's a bag tax or GRT or property tax. It's never the right time. Our GO bond for the parks started at \$20 million and mushroomed to \$30 million, so we could have used that \$10 million for other things as well.

Speaking just in support of public transportation and leaving all the nuances out and all the what-ifs and the unknowns and those things, I want to speak to, I guess the history. The Mayor touched on that a little bit, the history of the RTD. We went through a process of introducing resolutions to become a member, and then to establish a district, or maybe vice versa on that. But in that time period we worked to establish partnerships with our northern counties, and I hope that doesn't come to unravel, because I think that it would be a misfortune for that communication to be burdened with some of these details.

The notion that the County could go at it alone and then still depend on Santa Fe Trails, we don't know what that fiscal impact is either. We're expected to move those people around and to provide that connectivity. So I think there needs to be some consideration there. You have three items on your regular agenda, and one on your Consent that spoke to regional concept and regional cooperation and now we seem to be contradicting ourselves by saying we're going to go at it alone. I don't think we can solve any of our problems alone or in a vacuum. It's unfortunate that more City Councilors have not engaged in the RTD and public transportation. We focus on Santa Fe Trails, our internal system and haven't branched out. Maybe I can be responsible for maybe not doing more outreach but I think we all busy, but we're elected to do a job and we should also track the details and pay attention to what's going on.

If we push this behind and wait two years or four years, you know how government works, there's a two- or three-year lag between task force and another year. I really think the future of public transportation is now and I'm hoping that we move forward with the RTD portion, work with the Rail Runner and the connectivity on that, continue to provide the service that we're providing to the northern counties with the blue buses that are already running and build on that. So I really hope that you move forward with this, allow the RTD service plan and funding proposal to run its course and move forward. Thank you.

CHAIRMAN SULLIVAN: Thank you very much, Councilor, and thank you of course for your work, as well as Commissioner Anaya, who serves on the RTD board. Mr. Kolkmeier, could you give the Commission a brief rundown of some of your investigation and some of your recommendations?

JACK KOLKMEYER (Land Use Administrator): Thank you, Mr. Chair, Commissioners. Yes, I would be happy to do that. I'd also first of all, I'd just like to make sure

that we recognize Councilor Herrera from Española again, who's here for this issue, and Jack Valencia and Josette Lucero from the RTD, and also from City staff, Jon Bulthuis from Santa Fe Trails, and Shabi Rizvi from my staff.

I think there are a couple of really important things here that we really need to focus on, and then as you mentioned, Chairman Sullivan, before, I have a third option that I'd like to propose. One is, as Mayor Coss said, the RTD has really changed since we started. When we began the RTD, don't forget, park 'n' ride and the Eldorado commuter train were the issues that were on the table for the RTD. Well, the Eldorado commuter train has gone off the drawing board and park 'n' ride was taken over by DOT. So the initiative and the directives of the RTD have changed and focused on a number of different things. I would suggest that we do not have the correct regional transit structure in front of us at this point. If we don't have Rail Runner and the DOT at the table with us, we can converse with them all we want, but if we don't have them at the same table with the RTD, the City of Santa Fe and Santa Fe County, and I don't mean to leave out Rio Arriba and Española, but the metro area transit issues have really become a problem that was not on the problem when the RTD started.

So what do we do? How are we supposed to deal with that? Because the RTD has provided service to Eldorado whether we kind of like how it started or not. It's moving forward and I don't think we monitor things as well as we should at the RTD and we certainly haven't done the kind of surveying that we should for future programs. We could argue over a 1/8 or a 1/16 or whatever number that we want, but there are still some things that are programmatic that have to work or a regional transit is simply not working.

I would suggest – I have a couple of other comments too but I think Councilor Chavez struck on some of them. It's not a good time for a tax right now. We know that. We run the risk of perhaps not even having that tax approved regardless of whether it's 1/8 or 1/16 or what it is. There's also the possibility then that the MRCOG and the DOT could come forward with yet another tax. So I agree. I think it's not the right time for a gross receipts tax. I don't necessarily agree with Councilor Chavez that it would take us another two to three years to make a change here. It might because we're government. But I think if we structured things the right way right now, we could move forward and get to some conclusions that are necessary to resolve this issue in maybe three to four months if we do it right. So I would put – so there's two things. We could withdraw from the RTD, which is Commissioner Sullivan's resolution. We could agree on the 1/8 and go forward and see what happens. I would make the plea that the RTD not go forward with a gross receipts tax option at this time. Don't do it, until we form a task force through the RTD that includes the DOT and MRCOG and we jointly work out how we want transit programs to connect and to be cooperative and collaborative with the Rail Runner. Otherwise the service doesn't really provide the benefit that we need to and figure out how to do a GRT together with the state. Now, I understand the RTD's nervousness about doing that because they need funding and they need money and if Councilor Chavez is right and it takes us three years then we have a problem. But if we really want to get on this, I think we should send a message to the RTD that, don't do a GRT right now, because there has been discussion back and forth at the RTD board meetings that's been conflicting sometimes. And maybe there's a

majority of them that are in favor of the GRT right now, but I still think that does not solve the regional transit problems that we have to face. So I think as a third option I would suggest that we really implore the RTD, don't go forward with the GRT until we have worked out with the DOT and MRCOG at the RTD table with us, how we want to try to fund connectivity to the Rail Runner, then to the northern part of the state as well, the rest of the NCRTD and figure out how we want to move forward with the GRT collaboratively.

So I think that's three options that you have in front of us and if we can't get the third option and get agreement on that then I would suggest that it's up to you all to decide what you want to do, and I thank Commissioner Anaya again for his conversations with me the last couple of weeks as well as Commissioner Sullivan, but I think if we put another option on the table and I know we've looked at 3/16, we've looked at 1/8, and we've done this several times and there's a frustration in this but I think we have a bigger frustration if we don't get the transit services that we need done in the right way. So I would propose that as a third option.

CHAIRMAN SULLIVAN: Okay. Thanks, Jack, for that summary. Ms. Lucero. For those of you, I'm sure, all know Josette Lucero is the executive director of the RTD and we'd certainly like your comments as well and perhaps maybe the first question I would pose to you is would Mr. Kolkmyer's proposal be acceptable to the RTD to develop this task force and back off on the timing of this GRT?

JOSETTE LUCERO: Mr. Chair, thank you for allowing me to speak on this. I would agree to a task force because there is an uncertainty of the Rail Runner RTD but I think it would be a disservice not to move forward with a tax come November. We have had many discussions with County officials and in the board itself it's been unanimous decisions to move forward on this, so there hasn't been any conflict as far as the board's considered. We probably need to do a task force but it has to probably be in a limited time basis. If we can get all the parties in a room together and agree to do something within 30 days, to do something on this tax for the rail or the RTD then I would suggest us probably looking at that. But to not do this and pass the opportunity to November, I think that's a disservice.

CHAIRMAN SULLIVAN: Now, the tax can be in a special election as well, right?

MR. LUCERO: That is correct, but then we would have to pay for that.

CHAIRMAN SULLIVAN: It would have to be paid for of course, just like the school district does. So you don't feel that the board of the RTD would be amenable to this consolidation or task force effort that would engage both the DOT and – for those of you who don't know what MRCOG is, by the way, it's the Mid-Region Council of Governments that is managing the Rail Runner project. You don't feel the board would be amenable to that?

MR. LUCERO: Mr. Chair, I cannot speak for the board.

CHAIRMAN SULLIVAN: But you wouldn't recommend it as the director.

MR. LUCERO: As the director I would recommend it on a limited timeframe, but I think we need to move forward on a GRT tax.

CHAIRMAN SULLIVAN: Okay.

MR. LUCERO: So if we can get all the parties together, Mr. Chair, then I would



– within a 30-day timeframe, then I think we can do that.

CHAIRMAN SULLIVAN: I think Commissioner Vigil has a question for you.

COMMISSIONER VIGIL: I just would like to propose that that be done. We're not taking action on the 1/8 or 3/16. I'm not even sure how you're going to come forth with it. It seems to me the most recent I heard was the 1/8. I would propose that we table this resolution until the next BCC meeting. Based on the discussions that I've heard today I think more communications need to occur and I do agree that they need to be expedited. I have always been concerned about the cohesiveness of transit and I'd really like that to be a focus for this. I think that we can collaborate with the City. I think we can collaborate with DOT and the Regional Transit District. And I think it can be expedited or at least some progress can be made.

So of course I hope RTD understands that Santa Fe County is in a justapox situation here. Without removing ourselves from the RTD then we're required to take action on this. And it makes sense to me that if there are transit needs, and there are, out there, especially with the Rail Runner, but these transportation needs should work collaboratively, cooperatively, and cohesively towards a regional response. So my proposal, and I'll just motion that we table this particular resolution until our next Board of County Commission meeting, at which time we may or may not be considering. That motion would also require a task force to be created between now and then. That it be expedited and we move forward with that.

CHAIRMAN SULLIVAN: We'll accept that motion in just a second. I think Commissioner Campos had a comment and then Commissioner Anaya had a comment or a question. And we have Councilor Herrera here. We want to recognize you again of course, not overlooking you, and we have Mr. Valencia here if they have questions. And of course the Mayor and Mr. Kolkmeier and also Councilor Chavez. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, I think we have a great opportunity presented here to do something really good for the community, but I think the RTD tax go forward at this time is a bad idea. I like a lot of the ideas that Jack Kolkmeier came up and suggested. I think we need to work together for an integrated transportation system. If it's not integrated it's not going to work. The key here is the Rail Runner for us here in Santa Fe and probably for northern New Mexico. There has not been a lot of communication between the RTD and DOT and the COG.

From what I've seen from the RTD's proposal I don't feel that they're compelling. I don't feel that there's a compelling reason to propose a tax at this point. I think we really need to work with the City, the City transportation system, which is really the biggest, strongest transportation in the region, work with them very closely so that we have transportation not only in the city but maybe use the same system to provide key routes in the county. We have an opportunity to work with the Governor on this and to do something really important. But doing it piecemeal, I don't think people are going to support your tax and I don't think they're going to support two taxes. But if we come out with a good idea that's coordinated and well planned, the people may approve a tax increase for coordinated transportation.

So I would say let's table it, but really, if RTD persists in moving forward with a tax I would support Commissioner Sullivan's resolution to withdraw. Thank you, Mr. Chair.

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

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya, by the way is our representative on the RTD and also I believe the chairman this year of the RTD.

COMMISSIONER ANAYA: Thank you, Mr. Chair. As the representative and the new appointed chairman of the RTD, I would just want to say a few comments, and I would like to thank the staff that's worked very hard on putting these proposals together and going back to the table and working long hours. I'd also like to thank the members that sit on the RTD because their heart is in it. They really want to see the RTD succeed, and at those meetings you listen to them talk and you listen to the staff talk about how they're bringing people in from Questa and bringing people in from Moriarty and bringing them into Santa Fe and to their respective locations is very important, because they see it.

They live out there. I live in Stanley. I see the bus coming in carrying people, and it's important. We have it in our heart that we want this to succeed. I'm at the task, and thanks to Councilor Herrera who serves as the vice chair, we're trying to put this together. We're trying to rework it because we want it to work. We don't want to leave anybody out. We want to make this thing work and maybe it is important that we go back and develop a task force and bring in the DOT, and bring in MRCOG, and bring in Bernalillo County, and bring in Albuquerque, the City of Albuquerque, the City of Española, the City of Santa Fe, and let's all sit at the table.

Being chairman of the RTD, and I'm not speaking for the RTD. We still have to go back and talk about this 1/8 percent, but being chairman, I could write a letter to the DOT and maybe they can facilitate this meeting within 30 days. And we can say, look, this is our problem. We have this 1/8 here. You're going to propose something maybe later on. We're not sure. We've got the Rail Runner. We want to bring people from Taos, Questa, all the way to Albuquerque. How can we do that in a coordinated effort? So I would throw that out there. Write a letter to the DOT saying would you facilitate this? Bringing in all these elected officials from all these counties and let's sit down at the table and let's talk about it and see if we can come up with something.

But again, staff has worked hard. The RTD board has worked hard. We have held numerous special meetings to try to accommodate this, but again, bottom line is we've got to work together. You talk about regions. Councilor brought up regional items that we've had on the list. I've seen them. I was going to bring that up too. I'm glad you brought that up. But it's about region. You go talk to Senator Domenici's office and you talk to our Senators and Representatives. They're saying, what can you guys do regionally? It costs less to do it regionally. That's what I'm hearing.

So I don't have a problem tabling it, going back and seeing if we can bring everybody together. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you. Commissioner Montoya.

COMMISSIONER MONTOYA: I just want to add too that I think in discussions that I've had with Josette, I did ask the question about the possibility of seeing some

sort of consolidation with what's being proposed by the Governor and the Department of Transportation and what NCRTD is proposing. I certainly support what is being proposed in terms of public transportation. I just also would like to see, and I'm glad to hear the willingness to consolidate or possibly at least collaborate with DOT. What I don't have much faith in is DOT facilitating this type of a meeting and maybe ask Jack Kolkmeier to put this together so that this can be done in an expeditious manner because we have, what? 30 days? In order to put this before us, whether we're going to put it on the ballot or not?

So if we could do that. We ask that that be done during the discussions that we've had when we voted on your resolution, Commissioner, to oppose the tax that was being proposed at the legislature this year. Has anyone heard from DOT since then about this type of a consolidated effort? From staff? So those are the things that concern me. If we haven't heard from them at this point, this is a Santa Fe County issue. We're the ones that are being – considering withdrawing from this, the NCRTD. So I think we need to be proactive and take the lead and make sure that this does happen within the next 30 days, so that we can make a decision one way or the other in terms of what direction we're going to go in. So I would just propose and suggest to staff that you facilitate this and get this task force going as quickly as possible so that we can make an informed decision. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, in response to Commissioner Montoya, I did speak with Pego this afternoon, or actually this morning, and Pego has the same concerns. So they are on the same page with us. And again, they would happy to facilitate this.

CHAIRMAN SULLIVAN: Okay. It sounds like we're reading from the same liturgy here. Did you have a comment, Jack?

MR. KOLKMEYER: Yes, Mr. Chair, if I may, in response to Commissioner Montoya. I appreciate your comments about facilitating it but I think maybe – and I'd be happy to participate but I think that it's still incumbent upon the RTD to take the lead in that, because it does represent four counties and three municipalities, and there's sort of a strength in numbers with that, rather than it just be facilitated by a singular group. So I'd be happy to be the facilitator or lead that, but I would suggest that that should be the role of the RTD. I'm sure that's the point. They need to step up to the plate with the DOT and MRCOG and pull them together. So I would suggest that we do it that way.

COMMISSIONER MONTOYA: I have a little problem with that.

CHAIRMAN SULLIVAN: Mr. Valencia, you had a comment, suggestion?

JACK VALENCIA: Mr. Chair, members of the Commission, I will accept the lead role in trying to facilitate this, and we have had periodic outreach with the County, with the City, with DOT, the Governor's office. We have had all of these communications in the past. I think, and I concur with our executive director with regard to the short timeframe, which is necessary. And I will make the efforts, the communication. We'll work day and night, locking ourselves in the room, necessary in order to come out with a plan that is agreed upon, hopefully by all parties. I don't believe that we are far off. It's just the manner in which the process will take place, and if we can get concurrence and support from the Governor's office so we can

move forward in that manner.

So I will work to get this meeting done as fast as possible, get options on the ground, and hopefully we will have some recommendations that we can bring back to this body that will adopt in total. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Valencia. And I think, just to be sure we're all clear, that we not only are looking for support from the Governor's office for our transit plan or service plan, we are looking for them being a part of this so that we have one integrated plan and we don't end up with two taxes and two transit authorities in Santa Fe County. So we're looking for more than 'attaboys, we're looking for participation and we're also looking for County participation. By that means we're dealing, as Commissioner Montoya said, with Santa Fe County issues. That means we the County have to be at the table. We have to have some ownership into this plan way beyond that that proposed for example, back in House Bill 400, which was that the DOT would oversee everything and that we would rubberstamp the outcome and that we would tax the taxpayers. That's quite a bit less than I think we have an obligation to do.

So it's more than simply go for it. We're all at the table and how do we not only participate but how do we manage? Much in the way that we did with the Buckman project when we sat down with the City and said how are we going to deal with this project? We're putting money into it; we want a say in it. We're putting time, gross receipts tax, and we want something more than what we've seen to date. Mr. Sedillo. Glad you stayed for the discussion.

MR. SEDILLO: Thank you again, Mr. Chair. I was here for the discussion purposely. Mr. Chair, Commissioners, I have been involved since the inception of the creation of the RTD representing the Senator. And the Senator has said time and time again, I want to underscore what Commissioner Anaya said, that it's regionalization. We really need to work as a region. In this case, we need to include the Rail Runner. Governor Richardson was in Washington recently, lobbying Congress, including Senator Bingaman for the Rail Runner. I think it needs to be inclusive. I think we cannot exclude one from the other. I think that the RTD provides a very important and needed service, given the gas prices today and energy, everything that we're trying to do in this country. And what the Governor is trying to do, what you as Commissioners are trying to do and provide leadership. I think that it's incumbent upon these entities to come together and to develop a master plan that's going to benefit the citizens.

After all, it's the citizens that we're going to benefit. And if we have to pay for a tax then that's part of our responsibility. But I would encourage that we not leave the federal government out of these discussions because they are – eventually they are going to hopefully be in a position to appropriate money for these entities. And I would think that the RTD would benefit, hopefully would benefit, because I know the Senator is a strong supporter of RTD, that would benefit from this bit pot of money that would say, okay, we need the regional transit system to get people from wherever they go. Maybe they get them from – the Governor the other day said that he wanted to be here long enough to have it from Belen all the way to Colorado. That's great. I think that would be great. But for now, we have to deal with what we have. So I would certainly encourage this body and the RTD and DOT to come together and

discuss this and hopefully we can resolve this within the next 30 days.

CHAIRMAN SULLIVAN: Thank you, Pablo. I don't know if we can do it in 30 days but I believe, Commissioner Vigil, you had a motion to table, and would you want to have that come back on the next administrative meeting?

COMMISSIONER VIGIL: Because of the timeframe on this I think it does need to come back within the next meeting.

CHAIRMAN SULLIVAN: And with the direction that we participate in a task force in the mode that Mr. Kolkmeier has recommended and that we revisit this at the next administrative meeting at the end of the month of May. And I believe it was – Commissioner Montoya did you second that?

COMMISSIONER MONTOYA: I will second.

CHAIRMAN SULLIVAN: Okay. A second from Commissioner Montoya.  
Tabling motion.

**The motion to table item X. H passed by unanimous [5-0] voice vote.**

CHAIRMAN SULLIVAN: What is the pleasure of the Commission now with regard to lunch? It is 12:30. I hear one vote for lunch. Okay, we're adjourned for lunch until 2:00.

[The Commission recessed from 12:30 to 2:10.]

CHAIRMAN SULLIVAN: I'd like to call the meeting back to order at 2:10. We have two items that we've scheduled ahead to accommodate some of our folks that are here from out of town. First of all, let me ask Commissioner Campos, on item X. D, which we had to interrupt the discussion on regarding the resolution on the national forest off-highway vehicle route. Would you like to table that until the next administrative meeting?

COMMISSIONER CAMPOS: Based on our schedule I think we should table it and finish the discussion. I think it's almost over but let's move on. So I would move to table item X. D to the next administrative meeting.

CHAIRMAN SULLIVAN: Okay. Is there a second?

COMMISSIONER ANAYA: Second.

**The motion to table item X. D passed by unanimous [4-0] voice vote.**

[Commissioner Montoya was not present for this action.]

CHAIRMAN SULLIVAN: Thank you, Commissioner Campos. I think perhaps that does need a little more discussion.

COMMISSIONER CAMPOS: I think so.

CHAIRMAN SULLIVAN: It's a good topic and one that we need to learn a little more about than I think we know today.

**XIII. C. 2. Approval of an Amendment to the RECC JPA Between the County and City to Add the Town of Edgewood to the Agreement**

CHAIRMAN SULLIVAN: Is the Edgewood contingent here? Raise your hands. Okay, good. Excellent. I think we'd like to hear that item. We set aside 2:00, and then we want to go into the Santa Fe Studios items that Commissioner Vigil has, which I think may take a little bit longer.

MARK BASHAM: Commissioner Sullivan, I'm Mark Basham. I'm contract counsel for the RECC. If I can approach, I have a revised JPA. *[Exhibit 3]* The only changes to the existing agreement you have in your packet are strictly grammatical. Nothing substantive.

CHAIRMAN SULLIVAN: My English teacher always considered grammar substantive.

KEN MARTINEZ: Mr. Chair, members of the Commission, my name is Ken Martinez. I'm the director for the Santa Fe Regional Emergency Communications Center, and what is being brought before you today is the second amended and restated joint powers agreement concerning the operations of the Santa Fe RECC today as it pertains to the inclusion of the Town of Edgewood and the RECC providing 911 and dispatch services for the Edgewood Police Department.

On April 17<sup>th</sup> the RECC board of directors approved and submitted, or requested, recommended, that the JPA be brought before the Board of County Commissioners and the City Council for approval to allow Edgewood to come on as a client agency for the RECC. Negotiations between our dispatch center and the Town of Edgewood had been taking place for some time at that point and those negotiated terms were approved by the RECC board of directors in April. Before you are those terms and the changes made to the joint powers agreement. The Mayor of Edgewood, Mayor Bob Stearley and Chief Paul Welsh also attend this afternoon to hear this item brought before you. So we stand for questions.

CHAIRMAN SULLIVAN: Come on up front, Mayor and Chief. Sit next to Mr. Basham in case we need to ask you any questions. And my understanding is that as a part of this, the Town agrees to a commitment of \$20,000 a year on an annual basis for capital expenditures and \$75,000 – and I wasn't clear whether the \$75,000 was a one-time payment or whether that was an annual payment.

MR. MARTINEZ: Mr. Chair, members of the Commission, the terms state that the Town of Edgewood will be responsible for paying \$75,000 – it's on page 7, and it states that the Town agrees to pay \$75,000 annually to the RECC for operational costs of providing dispatch services for the police department. In addition to that there will be a –

CHAIRMAN SULLIVAN: Mine doesn't say that. Mine says the Town agrees to pay \$75,000.

MR. MARTINEZ: Okay.

CHAIRMAN SULLIVAN: But the intent is that they will pay \$75,000

annually.

MR. BASHAM: The intent, Mr. Chair, the intent is they'll pay \$75,000 this year. However, as their police force increases we intend to come back and review that amount and as their police force increases, that amount that they pay will also increase. For that reason we put in here that we agree to review these terms annually. That doesn't mean we're going to come back with changes annually but as their police force increases, so will their contribution and we'll bring it back before the County Commission and the City Council when that happens.

CHAIRMAN SULLIVAN: So it could say "no less than \$75,000 annually" couldn't it?

MR. BASHAM: It could.

CHAIRMAN SULLIVAN: And does that come back to the Commission for approval?

MR. MARTINEZ: Only upon renegotiation of the terms, sir.

CHAIRMAN SULLIVAN: Steve, Mr. Ross, any suggestions with regard to that? We're on page 7, B. 3.

MR. ROSS: Well, Mr. Chair, I think it probably ought to say \$75,000 annually, if that's going to be the annual payment from July to June 30<sup>th</sup>.

CHAIRMAN SULLIVAN: Well, he says it might change. It might be more than that depending on how many police officers they have. Am I stating that correctly?

MR. MARTINEZ: Mr. Chair, you're correct. The agreement is that annually it will be reviewed to determine if growth within the Edgewood Police Department would substantiate an increase in their payment annually to the RECC board for services.

CHAIRMAN SULLIVAN: Based on calls, I would assume.

MR. MARTINEZ: Correct.

MR. ROSS: Okay. So I guess the concept is \$75,000, so long as there are only four police officers being dispatched and if there are more, even within the first year, we'll have to review the charge to see if it's adequate and then in subsequent years we'll review the whole thing, I guess. Is that what the concept is?

MR. BASHAM: Mr. Chair, Mr. Ross, it's really kind of basic, and the intent and the agreement reached between the Town and the board of directors of the RECC was simply the Town would contribute \$75,000 this year. Now, based upon the review at the end of this year, this JPA, if it warrants an increase based on the traffic, increased traffic before the RECC, then we'll negotiate a new price that will be brought back to you. But at this point in time it will be \$75,000 until we do bring it back to you annually.

MR. ROSS: Mr. Chair, if that's what we're trying to say here I would just say the Town agrees to pay \$75,000 for FY 09 and I would just end the sentence right there. And then have the second sentence be there's an annual review. Because otherwise, the reference to four officers is confusing.

CHAIRMAN SULLIVAN: Yes, I think so too. \$75,000, FY 09, strike the rest, then go on with the City, County and Town agree to review these terms annually.

MR. ROSS: Right.

CHAIRMAN SULLIVAN: Right. That clears that up.

MR. BASHAM: So if I understand correctly, the Town agrees to pay \$75,000 to the RECC for fiscal year 09.

CHAIRMAN SULLIVAN: Right. Period. Strike the rest.

MR. BASHAM: The only problem with that I see, and I'm not trying to create problems here, but if we don't want to bring it back next year, another JPA, we would have to, to make it to FY 10.

CHAIRMAN SULLIVAN: Well, you've already agreed to bring it back next year. The next sentence says City, County and Town agree to review these terms annually. So it's not at your option to bring it back. You're agreeing to bring it back.

MR. BASHAM: We're going to review it and see if we need to bring it back.

CHAIRMAN SULLIVAN: No, no. That's not what the contract says. The contract says the City, County and Town agree to review these terms annually. That's us. That's not your determination. That's everybody's.

MR. BASHAM: The understanding, and I apologize for the lack of clarity here in this document was that the RECC board of directors would sit down, which has representatives from the City and County, to see if these terms need to be revised upwards. If they determine that they do need to be revised upwards, we will bring it back to the City and County. We just don't think there's always going to be a necessity to bring it back before the City and County on an annual basis. We just reserve the right to review these terms in the event we do need to bring it back.

CHAIRMAN SULLIVAN: What's the term of this agreement?

MR. BASHAM: It's perpetual until terminated by one of the members.

CHAIRMAN SULLIVAN: So, to me that sounds a little iffy. Things like, particularly the first year since it's an initial year when lots of things may be different from what we assume they might be. It would be a good thing to bring it back and revisit it. That's my feeling on that. But we can go into that a little further. Are there other questions from the Commission? Commissioner Anaya. Commissioner Campos. Well, let's get this squared away then. Let's say –

COMMISSIONER VIGIL: I have a motion.

CHAIRMAN SULLIVAN: City and County and Town agree to review the terms prior to FY 10 and annually thereafter. Something like that.

MR. BASHAM: If that's the wishes of the Commission, that's fine, but otherwise I think it speaks for itself right now and it's not necessary to make those changes. But if this Commission desires to see this on an annual basis, which would also require the City to review it, that's up to your discretion.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: What about just saying \$75,000 annually, or for 09, and annually thereafter unless and until changed by actions of – does that clarify or



does that confuse it, Mr. Basham?

MR. BASHAM: No, that in fact clarifies it some.

COMMISSIONER CAMPOS: Okay. Is that okay.

CHAIRMAN SULLIVAN: That's better than what's in front of us. So we'll work on that as a basis. And then how about the \$20,000? Can you explain what that's for?

MR. BASHAM: Mr. Chair, that's for their share of any capital improvements or capital purchases that are made by the RECC. Right now the City and the County share capital expenditures on a 50-50 basis. In this case the Town of Edgewood has agreed to commit up to \$20,000 for capital purchases on an annual basis. And again that will be reviewed annually.

CHAIRMAN SULLIVAN: Are they like – are we talking about vehicles or are we talking like pencils? What's a capital purchase?

MR. BASHAM: For example, the chairs that the dispatchers sit in. Those are somewhat technical and can be somewhat expensive. That is a capital expenditure. A good portion of the money that the RECC receives for capital expenditures comes from grants from the state, but not all those capital expenditures are covered. So this would be their contribution to the RECC.

CHAIRMAN SULLIVAN: Now, the City and the County each have dispatchers who are stationed at the RECC. Will Edgewood have dispatchers there or will you be using City and County dispatchers?

MR. BASHAM: Commissioner Sullivan, the dispatchers that sit at the RECC are all County employees.

CHAIRMAN SULLIVAN: I understand, but –

MR. BASHAM: When they were initially formed they brought in the City dispatchers and they brought in the County dispatchers which formed the RECC. No, the Town of Edgewood will not have dispatchers or be providing dispatchers. That is why they are providing the \$75,000.

CHAIRMAN SULLIVAN: Before we merged it was based on a call basis and everybody put in an amount based on calls. We don't do that anymore, I don't think.

MR. BASHAM: I'm not sure that they ever got to the point where they did do that before this revised as a result of the safety election that occurred a couple years ago.

CHAIRMAN SULLIVAN: Chief Holden, any comments, recommendations, suggestions, amendments?

STAN HOLDEN (Fire Chief): Mr. Chair, Chief Holden, Santa Fe County Fire Department and board member for the RECC board of directors. No, I think the issues that have been brought forth by the Commission are applicable and I think with the changes that have been recommended, if they're adopted by the Board will help clarify the document and the board is certainly in support of that.

CHAIRMAN SULLIVAN: Okay. Thank you. Mayor, welcome.

BOB STEARLEY: Thank you very much and thank you for hearing this today on pretty short notice. As you can see the Town is anxious to get our police department

started. We have our chief, Chief Welsh, and we're anxious to hire officers. Of course we have to have dispatch to do that. It just makes sense for the County to do it because our 911 calls are already going there. And so up until this time they've been forwarding those police calls to the State Police. The State Police contract terminates July 1. So now instead of forwarding those calls, hopefully, they'll dispatch our officers. So thank you very much for your support.

CHAIRMAN SULLIVAN: That would avoid the middleman, as it were.

MAYOR STEARLEY: It sure would.

CHAIRMAN SULLIVAN: Chief, any comments you'd like to add?

PAUL WELSH : No, other than the fact that I'd like to thank you for moving this up on the agenda as well. I believe Commissioner Anaya wanted to ask a question.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER ANAYA: Yes, Mr. Chair. I'd also like to recognize Councilor Rita Loy Simmons in the audience.

CHAIRMAN SULLIVAN: Hiding back there. Okay. Councilor, thank you.

COMMISSIONER ANAYA: If there are no other comments, I think this is a good MOU and I'd like to move for approval with the amendments that are made on page 7, item #3.

COMMISSIONER CAMPOS: I'll second that, and the amendments, Commissioner Anaya, are relative to the \$75,000 being paid in 09 and thereafter annually until changed.

COMMISSIONER ANAYA: That's correct.

CHAIRMAN SULLIVAN: We have a motion and a second. Discussion? Councilor, anything you'd like to add? I didn't see you back there.

RITA LOY SIMMONS: Sometimes a low profile is a little bit expedient. I really wanted to come and beg a little different cut if at all possible in the future. To strengthen Edgewood's police situation is to strengthen the County. To strengthen under this particular agreement, where you do the dispatch for us strengthens us all. There's the fine line between thinking locally and thinking regionally, and we tend to wobble on that line a lot and sometimes we'd like to keep more of our tax dollars so we can work with it immediately. If this is the best cut we get then we're grateful for it. But if in the future you find that there's a little – that it's in the best interest in the County to leave some more of our tax dollars down there to work with, we'd appreciate that review too. You will forgive me this opportunity to do the very thing that might embarrass my mayor and that is to plead, beg, bow and scrape and I humbly do so. Thank you.

CHAIRMAN SULLIVAN: Thank you, Councilor. We do that all the time here. Not to worry. We have a motion and a second for approval of the MOU as amended on page 7 and I assume it's this other one that supposedly has some minor corrections to it. Any other discussion?

**The motion passed by unanimous [4-0] voice vote. [Commissioner Montoya was**

not present for this vote.]

**XIII. B. 2. Resolution No. 2008-56. A Resolution to Approve Santa Fe Film and Media Studios, Inc. Project Application Submittal Pursuant to the New Mexico Local Economic Development Act in Accordance With Ordinance 1996-7 (Growth Management Department)**

MR. KOLKMEYER: Thank you, Mr. Chair. Good afternoon. We actually have two items on the agenda regarding Santa Fe Studios this afternoon. The first item will be to approve an application submittal pursuant to the LEDA Act, the Local Economic Development Act, and secondly, we'll be publishing title and general summary for an ordinance for an economic development project and public participation project agreement.

The first piece is a resolution approving the application of the Santa Fe Film and Media Studios pursuant to the Local Economic Development Act. We've made a couple of brief changes to it and my senior planner, Robert Griego is passing that out to you at the moment. *[Exhibit 4]* I would like to thank Robert and County Attorney Steve Ross for their diligence in bringing together the items that we have today. Also with us is Bruce Poster who prepared the assessment of the studio and the film industry that you heard at the last Board of County Commission meeting, and also Peter Franklin and Kevin Powers of Modrell Sperling are here, who helped also with the LEDA application and can answer any questions.

We have quite a few people in the audience that you see who have come out to join us today and I'd like to just single out a couple of them. Lisa Strout, the New Mexico Film Commissioner is with us. Eric Witt, director of the Legislative and Political Affairs Office of the Governor, and we have Jon Hendry, the business agent for the New Mexico Film Workers Union is with us this afternoon. Dr. Ortego was invited – oh, they're both here, and Chris Witting from Santa Fe Community College, an important partner in this activity are with us all together. Cathie Zacher, who's helped us formulate this project from the very beginning is also with us. And Gary Credle, the executive vice president for administration and studio operations at Warner Brothers is with us, and of course the whole Hool clan, Lance, Conrad and Jason are with us, and Javier Gonzales, who has been consulting to the Hools is with us as well.

The memo prepared by Robert Griego for you, I just want to go over real quickly the five really important pieces that the LEDA application covers today. If you look at the numbered items there on your memo from Robert, this is essentially what is in the LEDA application that we can discuss and review today as we are at a really important next step as to review quickly.

As you know we had a presentation from Santa Fe Studios at your last BCC meeting. We concluded the purchase of the land from the State Land Office last week, and so now we are at the point where you need to give approval to the project to continue to move forward in the steps that we need to take next to continue to make this a reality.

First of all, Santa Fe Studios, just to go over what is being requested so it's very clear, Santa Fe Studios is requesting that the County conceptually approve industrial revenue bonds, IRBs, for phase 1, for up to \$40 million, to be formally approved through adoption of an appropriate ordinance. Santa Fe Studios is also requesting that the County provide up to 16.84 acre-feet of water for phase 1 of the project. Santa Fe Studios is requesting that the County conceptually approve of a finance mechanism for public infrastructure for approximately \$3.6 million to be formally approved through adoption of an appropriate ordinance. The Studios and staff at this point have determined that tax increment financing may be the most appropriate finance mechanism for this particular project.

Number four, Santa Fe Studios proposed to purchase the land at the appraised value of \$2.3 million to be formally approved through an appropriate process. And finally, Santa Fe Studios proposes that the County consider IRBs and other public financing mechanisms for future phases of the project. We're happy to answer any questions about this that you might have, but before we do that, if it is okay with the chairman I'd like to ask Mr. Lance Hool to address you for a couple moments.

CHAIRMAN SULLIVAN: Sure.

MR. KOLKMEYER: Thank you.

LANCE HOOL: Thank you, Jack and thank you for allowing us to go forward with the project. We've been working hard for the last two weeks with your staff and really made some great headway. I also wanted to introduce to you, and if you don't mind, to have him say a few words, if it's okay with you with some of the people that will benefit from the partnership that we are establishing. If that's okay with you, Commissioners –

CHAIRMAN SULLIVAN: How many people do you have to speak? This is not a public hearing.

MR. HOOL: Well, there's Eric Witt and Lisa Strout, Jon Hendry, Gary Credle and Sheila Ortega.

CHAIRMAN SULLIVAN: That's five people. Okay, you each get a minute.

MR. HOOL: Okay, here's Eric Witt.

ERIC WITT: Mr. Chair, all the Commissioners, thank you very much for considering this project. As you know, the administration's made a great effort through the state to build up this industry. We've been very successful. The next step in our strategic plan is to build permanent physical infrastructure that will allow us to site more projects here in not just Santa Fe but throughout the region of north central New Mexico.

I think you all have seen the tremendous economic benefits it's brought to our respective communities and we very much appreciate your positive consideration of this project. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Witt.

MR. HOOL: Ms. Lisa Strout.

COMMISSIONER VIGIL: We know Lisa.

LISA STROUT: Mr. Chair, members of the Commission, thank you. I would just like to add that as we grow in this industry in this state we see the shift moving towards

Albuquerque and a bit away from Santa Fe with the lack of infrastructure. We think that it's very wise to look at having two bases, as we have two crew bases, a very strong base. Half of our crew is up here in Santa Fe and half in Albuquerque and I think your Santa Fe constituents would very much like to come home. Thank you very much.

CHAIRMAN SULLIVAN: Thank you, Ms. Strout.

MR. HOOL: I'd like to introduce to you Gary Credle who is a senior executive vice president at Warner Brothers. He's in charge of running the largest studio in the world and has been doing it for a long time.

[Commissioner Montoya rejoined the meeting.]

CHAIRMAN SULLIVAN: Okay, we'll give him a minute and a half.

GARY CREDLE: I'll try and do it quicker. Thank you for having me. I'm here as an interested observer. We, our studio produces a lot of films and New Mexico is a very attractive place for us to come for any number of reasons, as you are aware. Tax incentive reasons, there are economic advantages, but it's also a beautiful place. You have a crew base. You have a great infrastructure. It's a place that the creative talent like to come and want to come.

Helping – the more infrastructure you have, the more facilities you have, the more stages, the more crew, the more equipment, the more attractive it will be. Therefore, we can bring more projects here and hopefully you'll do it because we look forward to being here.

CHAIRMAN SULLIVAN: Thank you, Mr. Credle. Welcome back to Santa Fe.

MR. HOOL: Jon Hendry is actually here, but he's suffering. Jon, thank you very much for coming.

CHRIS ESTRECHET: Commissioners, my name is Chris Estrechet. I'm a 35-year member of the film industry here in New Mexico, and a 35-year member of the county. I've lived in this county for the last 35 years. Highway 14 has got the industrial development on Highway 14, is basically some place where we incarcerate our children. And I would love to see an industry developing there that we can train our children and provide good jobs for them. The vagaries of our economy right now lead me to believe that the film industry is going to be a strong industry here in New Mexico. As the economy has gotten weak over the last 35 years the film industry has retained its strength and retained its employment.

We now have in my local, 450 members living in Santa Fe County. That's a lot of raw material. That's a lot of good people. And they're traveling down to Albuquerque. As fuel prices increase, which we all know they will, commuting back and forth to Albuquerque and living in Santa Fe will become more and more difficult and we'll start to have a drain on that talent pool here. The concept of a studio in Santa Fe makes so much sense. We have an industry that requires no – we don't need freight cars of coal, we don't need a huge amount of water. We need some place to work. Some place when it's snowing we can continue to work. Some place where it doesn't make any difference if it's day or night. A stage is the only place we can do that.

Over the years we've made do with facilities that weren't built for stages and it made

life very difficult for the production companies coming in. I would encourage you please to give serious consideration to this. Thank you very much.

CHAIRMAN SULLIVAN: Thank you.

MR. HOOL: The last time I was able to address you we told you how we wanted the studio to be a teaching studio and we have had the pleasure of working with Sheila Ortego, Dr. Ortego, who has been a great champion for us and sees the benefits of a partnership with the studio just down the road from Santa Fe Community College. So let me introduce her. I'm sure you all know her.

SHEILA ORTEGO: Mr. Chair, members of the Commission, I'm here to support this project. This fits perfectly with our current and long-term training needs and technology for Santa Fe Community College students. We believe it will serve as a critical resource, although it's not something we envisioned when we started out in film tech training. This would just be an incredible resource for our students. And we've already partnered with Santa Fe Studios in concept. Our governing board passed a resolution to partner with them and to support them however we can because this would allow our students to have internships and training opportunities that are on real sets. We're already in the business of training. We took the lead in the state, and we'd like to notch it up a level and we just think it's going to be great advantage for economic development and our students in the future and we really appreciate your vision in creating a first media district in the state of New Mexico. So I encourage you to seriously consider this. Thank you.

CHAIRMAN SULLIVAN: Thank you, Sheila. I see a lot of others in the audience, but if you are here today just in support of this, if you would raise your hand we can at least acknowledge that you're here today. [A large number of audience members raised their hands.] Okay. That sounds good. Thank goodness you're not all going to speak because we didn't make dinner plans. Go ahead.

MR. KOLKMEYER: Thank you, Mr. Chair. That concludes our introduction. There's just one thing I wanted to say real personally, because I think that some of you don't know this but I originally came to Santa Fe in 1976 to study filmmaking at the Anthropology Film Center, and as you know, produced our little commuter train film for you a couple of years ago. And that's now almost 35 years ago, so thinking back that this project took us eight years to get this far, it's kind of a drop in the bucket compared to where I've been 35 years and seeing this kind of activity come to fruition. So with that, we stand for any questions.

CHAIRMAN SULLIVAN: I have two questions, Jack or staff. One is we're talking about conceptual approval of IRBs for phase 1. I don't have a map in the packet. What is phase 1 again?

ROBERT GRIEGO (Senior Planner): Mr. Chair, phase 1, the first phase of the project is four soundstages. It's comprised of approximately 16 acres on the property and I believe we had shown you a map at the last meeting. It's basically the center part of the proposal. So that's the phase 1.

CHAIRMAN SULLIVAN: Okay. So I understand that we're not approving

the IRB today, but the phase 1-A IRB, once it came to us, would be for that 16 acres. Is that the plan?

MR. GRIEGO: Mr. Chair, that's my understanding, yes.

CHAIRMAN SULLIVAN: Because I have some concerns about doing an IRB for the entire property, particularly the 17 acres that's not part of the studio but that's to be other leased facilities. But we won't have to address that now because we're only dealing with the 16 acres is my understanding.

MR. GRIEGO: Mr. Chair, yes. In this LEDA application, what they're asking for is approval of that phase 1 for IRBs and then they would go through a process for approval of the IRBs. They are also asking for conceptual approval to come back later based on the economic benefits of the project. So they would come back at a later time to request additional IRBs for the project. This request specifically in front of you today is for phase 1.

CHAIRMAN SULLIVAN: Phase 1-A.

MR. GRIEGO: Yes, I-A.

CHAIRMAN SULLIVAN: And then the second concern I had, in the public infrastructure, the \$3.6 million is included in an amount, I believe of about \$600,000 or so for water, for water rights, which appears that we're paying ourselves. We're billing ourselves and paying ourselves. And I have a concern with that because in seven years I've fought to be sure that everyone pays their fair share and that we have adequate water rights for what we want, and that we have an adequate capital structure so that we can purchase water rights in the future and do it on the open market and not have to necessarily go into battle with small purchases but we can do it as a bulk entity.

So my concern with the water rights is that we've allocated within the 500 acre-feet that we've gotten from the City of Santa Fe under agreement with the City of Santa Fe, a certain portion which this represents I think a majority of for economic development. And I think this is a good economic development purpose. However, in prior economic development projects, such as affordable housing, we have also set aside allocations but the applicants have paid for the water. And I understand they'll pay by virtue of being on the County water system, they'll pay the standard water service rates, but my concern is more the funds for the water rights. Again, I know it's included in the proposed tax increment financing but I essentially see that as paying ourselves for our own water which we've fought hard and long to get from the City of Santa Fe. So that's a concern that I have.

I feel that the contribution of the studios should include a payment for the water rights as we require of others and that we set perhaps a not so good precedent by waiving that requirement.

Those are the two issues that I have. Are there other concerns? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, they're not a concern, just a question, in terms of the timeline, Robert, what are we looking at here?

MR. GRIEGO: Mr. Chair, Commissioner Montoya, if the Board approved this resolution in front of you today we would come back at the next administrative meeting for

approval of the ordinance. After approval of the ordinance, then the project would also have to have a project participation agreement, which would include the agreement about how the land sale would be done. Then we'd have to go through a process which includes the Board of Finance, to go forward with the Board of Finance for their approval of the sale of the land to Santa Fe Studios.

As far as the Santa Fe Studios project, it's my understanding that the project would take six months to design and a year to build.

COMMISSIONER MONTOYA: Okay. So our portion of it is approximately the next 60 days before something is finalized? Are there going to be any public hearings also?

MR. GRIEGO: The ordinance would have to be approved by a public hearing. So this resolution in front of you today, then the next would be a public hearing to approve the LEDA ordinance, which we're requesting authorization for if this resolution is approved.

COMMISSIONER MONTOYA: Okay. And are we required just to have the one? Can we have more if we think we need to?

MR. GRIEGO: Mr. Chair, Commissioner Montoya, I'd like to refer that to Legal.

MR. ROSS: Mr. Chair, Commissioner Montoya, one is required and of course we always have the option to have more.

COMMISSIONER MONTOYA: Okay. Something I think maybe to consider, just particularly since this is kind of a first and just to make sure that we get as much public input as we can during this process and I think it would allow the citizens here in Santa Fe County to know exactly what it is that we're going to be doing and participating in as a partner over the next few months anyway. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: I think that's a good idea, particularly with regard to tax increment planning I think because that's a new mechanism in the state and it's certainly new for Santa Fe County. Other comments, questions? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, there is no doubt in anybody's mind that I have supported this project, this initiative for quite some time. I think it's an incredible opportunity for Santa Fe County. We should move forward on it. I do believe we're just looking at conceptual approval at this point in time. There's a few things that have to be worked out, but I think if this Commission takes action to continue to move forward on this initiative, we're, as I've said before, creating a phenomenal result for our community. With that, Mr. Chair, I move we approve Resolution No. 2008-56.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Discussion. Question, Mr. Ross. By approving this conceptually, have we agreed to all of the terms that are shown here with regard to the water rights issue that I just discussed or is that still upcoming in the negotiation process?

MR. ROSS: Mr. Chair, obviously, the critical document that we haven't done yet is the project participation agreement, so all this stuff will have to be transferred to that



document so in that sense we'd have a second bite at the apple. But I think since the issue of water rights is set out so clearly we'd have a hard time negotiating against the statement of the Commission, if that remained. I think for purposes of the application we're saying that we're going to dedicate 16.48 acre-feet to the project. As you know, we've set aside 25 acre-feet for this economic development park for many, many years, and we're holding some more for County purposes. So this would be consistent with what we all have said to the State Land Office and to the public.

CHAIRMAN SULLIVAN: And I guess my question is, set aside versus pay for. We've set aside water for affordable housing too but those entities pay for it. And I think that in terms of selling this proposal to the public, which in general I think they have a positive feeling about, it would be good to have a commitment from the applicant that they are coming up to the plate with regard to water which is really the scarce resource, and the advantage of this property is not only its location in Santa Fe and its sunsets, but the fact that we do have this water allocation available, and that we do physically have a water line that's there, that's capable of being utilized. And there's so much property in Santa Fe County that does not have that infrastructure that enables the project to move forward so quickly. Let me just ask Mr. Hool if he'd like to comment on that, the water rights.

MR. HOOL: Commissioners, as I said last time when we were here, it's a very competitive environment. We have a studio in Albuquerque that is giving rates. We need to be equal to them to be able to attract Mr. Credle and all the other studios and productions, local productions as well. We were told that there was 25 acres available with the land, of water. And every time that something else comes up, the cost goes up and it comes to a point where it doesn't really begin to make sense. You're right. This is a great piece of land. We liked it from the beginning. We're ready to go. But I think that it would be very difficult on the project to pay not only for what we are now confronting with Power New Mexico, which we did not know, which we told you about two weeks ago, but if on top of that now we're going to pay for the water and other things, it's very difficult to be able then to give very low rates. This is a low-margin business; it's not a high-margin business. The high-margin business is what the people come in and do at the studio and the businesses that profit from it. So it would be very difficult.

CHAIRMAN SULLIVAN: Okay. Thank you. Yes, I guess in New Mexico when we say there's water available, that's the first big step and that means that you have water rights and you have wet water. Those two things are usually the deal killers in almost any project. Usually the least controversial of the issues is paying for it. It's getting it there, because New Mexico is an adjudicated state and there's only so much water that goes around and the State Engineer has the authority to determine where that water goes. So through County Commissions before my time these water rights were acquired and set aside through agreements with Santa Fe City, which we subsequently formalized more recently.

That's my feeling on that. I think it's the one flaw in the agreement, but we I think have a motion and we have a second.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Yes. Thank you, Mr. Chair. I think this, as I said at our last meeting, this is a good public-private partnership, and it brings good, clean jobs to our community. And to me, I think we need to do everything we can to keep these folks here. We've got some big hitters in the audience and every time movie people come before us to get a special permit I offer my services. I want to get in one of those movies. So that's still out there.

CHAIRMAN SULLIVAN: Is that with or without the hat, Commissioner?

COMMISSIONER ANAYA: Well, we could do either John Travolta or John Wayne. That's what they said in the paper the other day. I don't know. But anyway, I think this is a good business and I'd like to call the question.

COMMISSIONER CAMPOS: I'd like to ask some questions, Commissioner.

CHAIRMAN SULLIVAN: Commissioner Anaya, do you want to vote on the question or would you like to –

COMMISSIONER ANAYA: Go ahead.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Ross, are we approving the sale of land today, or just the conceptual sale of the land? Is this all to be still negotiated? Or pretty much are we setting the parameters to the negotiation today?

MR. ROSS: Mr. Chair, Commissioner Campos, it's like I said a few minutes ago. Some of the parameters are in here. And among those parameters is the sale of the land. That's a critical component of all this. We're not approving it today, formally, because that will come in a subsequent agreement. When we do the ordinance we'll have the project participation agreement. It will include the terms of the land sale. So at that time you'll be actually formally approving it, but we do need this guidance to sit down with the group and finalize the project participation agreement with them. These are key terms we're talking about.

COMMISSIONER CAMPOS: So we're setting parameters. You're going to negotiate a final contract, and then we will approve the final contract including the sale, including the IRBs, the TIFs and all that.

MR. ROSS: Well, the IRBs and the TIFs, all those kinds of financing mechanisms are approved separately and later when they're needed.

COMMISSIONER CAMPOS: But that, you will agree that this is probably the road we will go down at some point.

MR. ROSS: Correct.

COMMISSIONER CAMPOS: So there's still some negotiation to go.

MR. ROSS: Yes.

COMMISSIONER CAMPOS: Okay. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay, other? Seeing none, we have a motion and second.

**The motion to approve Resolution 2008-56 passed by unanimous [4-0] voice vote with Commissioner Sullivan abstaining.**

CHAIRMAN SULLIVAN: Thank you everyone for your attendance here today and for your interest in Santa Fe County and we look forward to working with you and ironing out the remainder of the details of the agreement. Mr. Kolkmeier, we have another item?

**XIII. B. 3. Request Authorization to Publish Title and General Summary for an Ordinance for an Economic Development Project and Public Participation Project Agreement with Santa Fe Film and Media Studios, Inc. (Growth Management Department) [Exhibit 5: Ordinance Text]**

MR. ROSS: Mr. Chair, while he's getting his stuff together, this is the ordinance that is the method by which the transaction is approved, and that will be in one month, but we do need your authorization to move this document forward. It's a very simple document. It's very much like the document we used the last time we did this with a few tweaks. Obviously, the most critical document is the document I've been talking about, the project participation agreement, because it is incorporated by reference in this document.

MR. KOLKMEYER: Mr. Chair, I don't have any further comments as this is just a request to publish title and general summary. We stand for questions.

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and second. This was not in our packets. Let's give ourselves a minute to read it.

COMMISSIONER VIGIL: Robert, I have one that was placed on my desk. Is the one you just handed out. Is the one you just handed out any different from the one that was placed on my desk earlier today?

MR. GRIEGO: m, Commissioner Vigil, it's the same.

CHAIRMAN SULLIVAN: And then, Mr. Ross, the project participation and land transfer agreement is an exhibit to this. So those agreements have to be negotiated and finalized prior to or as a part of this ordinance?

MR. ROSS: Correct.

CHAIRMAN SULLIVAN: So they don't come later. Once the ordinance is passed it includes those documents as exhibits and that's the end of it.

MR. ROSS: Correct.

CHAIRMAN SULLIVAN: And do we have a schedule for that?

MR. ROSS: Well, we're going to try and accomplish it by the next administrative meeting. We have a largely complete draft and we just have to tweak it a little

bit and it will be ready.

CHAIRMAN SULLIVAN: Okay. So we have a motion by I believe it was Commissioner Anaya, and a second by Commissioner Montoya, to approve title and general summary for an ordinance for an economic development project and public participation agreement with Santa Fe Film and Media Studios incorporated.

**The motion passed by unanimous [5-0] voice vote.**

CHAIRMAN SULLIVAN: Anything else, Mr. Kolkmeier?

MR. KOLKMEYER: No, that concludes our presentation. Thank you, Commission.

COMMISSIONER CAMPOS: Thank you very much for all the good work.

COMMISSIONER VIGIL: Mr. Chair, I'd just like to thank staff and everyone who's worked on this. It's been such a cooperative effort. I'd really like to thank the Hools who have been great to work with thus far and I'm sure that this cooperative exchange will continue. Thank you very much.

CHAIRMAN SULLIVAN: Thank you, gentleman, and don't forget Commissioner Anaya, with or without the hat. He also has a horse. And he also has a guitar, I want you to know, and if that ain't something.

COMMISSIONER CAMPOS: The return of the singing cowboy.

**X. E. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of \$7,500 to the Santa Fe County Community Services Department for Energy Efficiency Retrofitting of the Santa Fe County Adult Detention Facility (Commissioner Campos)**

COMMISSIONER CAMPOS: Is there anyone from staff that's going to address this particular issue? Okay, essentially, I'm asking the Commission to approve the expenditure of \$7,500 of my discretionary money to be used for energy-efficient measures at the Santa Fe County Adult Detention Facility. I think it's a good investment; it will save us some energy, and it will show that we are leaders in the field of energy conservation and energy efficiency.

CHAIRMAN SULLIVAN: And would you so move.

COMMISSIONER CAMPOS: I would so move.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Discussion?

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

CHAIRMAN SULLIVAN: The next item is an item for Commissioner Vigil and she is not present right now so we'll move on to X. I.

**X. I. Resolution No. 2008-57. A Resolution Recommending that CHRISTUS St. Vincent Regional Medical Center and St. Vincent Hospital Support Co Open their Board Meetings to the Public (Commissioner Sullivan)**

CHAIRMAN SULLIVAN: This resolution was brought forward by myself and I will tell you just briefly, you can read the resolution in the packet, that in reading over the documents having to do with the sale or the partnership of St. Vincent Hospital and particularly the responses that Mr. Alex Valdez made reference to this morning in our Health Committee meeting, from the questions that were posed by the state, the thing that came very clear to me was that a key component or a key criterion for being on the St. Vincent board of directors, and the Support Co is confidentiality, i.e., being secret. And that was mentioned several times in the document in the responses to the state. And the state specifically asked will the board meetings be open to the public and their response was no, and they cited the need for confidentiality and that was also expressed as a criterion of the board members, board member who can, I guess, keep their silence is basically what I read in the document.

I feel that with federal and County funds in the St. Vincent Regional Medical Center operation over \$33 million that one of the things that's been missing for many years has been community connection in the hospital. And I don't think that that's something that costs them anything. I think it's something that would enhance their position.

I also understand that as a non-profit they can continue to have their board meetings in secret, and there's no requirement, even though we are providing federal funds and County funds in excess of \$10 million this current fiscal year, that those meetings be public.

So this resolution simply requests that they make the meetings public. And that's really all it does.

COMMISSIONER CAMPOS: Commissioner, you had this discussion with CEO Valdez this morning?

CHAIRMAN SULLIVAN: We had the discussion this morning about not this specific resolution, but this morning there was a discussion about the agreement, the CHRISTUS-St. Vincent agreement, which was brought up by Commissioner Vigil, and a resolution from the Health Policy and Planning Commission that they brought forward recommending that that agreement be made public. And Larry Martinez brought that forward. So we discussed that at the meetings and that's where Mr. Valdez talked about responding to the 107 questions from the state. He indicated quite clearly that that agreement would not be made public, so that discussion revolved around the agreement. We did not talk about the board meetings, although this has certainly been an issue that we have discussed with St. Vincent for many years, trying to get better community participation and outreach in the board's activities.

COMMISSIONER CAMPOS: But basically, Mr. Chair, CHRISTUS has now basically invested in and is probably the majority owner of the operation, is it not?

CHAIRMAN SULLIVAN: I'm not sure of the agreement. My understanding from reading the papers is that it's 50-50. And Mr. Valdez did say that the St. Vincent – that the Support Co board has already been established, and that's primarily with people that they and CHRISTUS have determined, coming primarily from the existing board of St. Vincent Hospital.

COMMISSIONER CAMPOS: So the argument is that even though this is a private corporation that you think it's perhaps quasi-public because of all the state, federal and County money it receives.

CHAIRMAN SULLIVAN: Yes. My argument is that I understand legally they don't need to do it. But I feel that with the high level of funding that Santa Fe County is putting into St. Vincent and CHRISTUS now, and the high level of federal funding that in turn engenders, that we certainly at least should not be timid in asking them to open their board meetings to the public.

COMMISSIONER CAMPOS: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Other discussion? Okay, then I would move for approval of Resolution 2008-57.

COMMISSIONER CAMPOS: Second.

**An initial vote came out 2-0, with Commissioner Vigil and Commissioner Montoya abstaining.**

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Did Steve Ross comment on that?

CHAIRMAN SULLIVAN: Would you like to comment?

MR. ROSS: Mr. Chair, as we've talked before, it's not incumbent on the hospital to open up their board meetings should they not want to, just like it's not incumbent upon them to withhold their private agreements. They certainly can. The way I interpret this agreement is we're asking them to consider opening up their meetings where it's no requirement. It's a request that they open up the meetings.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Is this like asking – is this like them asking St. Vincent people to come into our executive session?

CHAIRMAN SULLIVAN: I don't think so, because in any board meeting I'm sure that they have their executive sessions and if they were dealing with patient issues, which I think generally they're dealing more with policy issues, or anything that was of a litigation nature, they would certainly have an executive session. The intent is not to ask that we micromanage or that anyone micromanage their day to day operations. But I think that

community outreach is really important. And just the fact of doing it, even though there may be some specific parameters where the meetings would be closed, would, I think, give the public a much greater comfort level that St. Vincent is doing the public's business as our sole community provider.

So that's a long answer to your question but the answer is no. It would not make any stipulation that the public be included in executive session.

COMMISSIONER ANAYA: Then I vote no.

CHAIRMAN SULLIVAN: You want them to be in executive session? I'm not clear.

COMMISSIONER VIGIL: He's voting against the resolution.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: The question is how do we add up a vote to abstain? I think under Robert's Rules it's a vote yes. I'm not sure if our County rules have changed that. Mr. Ross, could you help me with that?

MR. ROSS: Mr. Chair, Commissioner Campos, a vote to abstain isn't a vote for yes, it just doesn't count –

COMMISSIONER CAMPOS: It doesn't count as a vote. Does Robert's Rules say differently, though? A vote to abstain is a vote for the motion?

MR. ROSS: No, what you're thinking of is how you arrive at whether there's a quorum present or not.

COMMISSIONER CAMPOS: No, I was pretty sure that Robert's Rules – that was the rule in Robert's Rules and I was wondering if we had changed that.

MR. ROSS: No, we don't use Robert's Rules.

COMMISSIONER CAMPOS: I understand that.

MR. ROSS: It takes three affirmative votes to pass any motion in front of this body and any local government that I'm aware of in New Mexico. So we need three affirmative votes and an abstention is not a vote at all.

CHAIRMAN SULLIVAN: Then if abstention is not a vote and we have two affirmative and one negative, doesn't the motion pass?

COMMISSIONER CAMPOS: Because we have a quorum.

MR. ROSS: You've got a quorum.

COMMISSIONER CAMPOS: Do you need majority or –

MR. ROSS: You've got a 2-1 vote.

COMMISSIONER CAMPOS: So it passes.

CHAIRMAN SULLIVAN: Yes. The motion passes.

**The motion passed by 2-1 voice vote with Commissioners Sullivan and Campos voting in favor, Commissioner Anaya voting against and Commissioners Vigil and Montoya abstaining.**

COMMISSIONER CAMPOS: Let me say one thing, Mr. Chair. I think this will allow the members of the Board of St. Vincent's to have a discussion amongst themselves to see if they do want to make their meetings public. And I think that's important.

CHAIRMAN SULLIVAN: And that's the only intent. Obviously, they're going to do what they want to do but we would like them to know that this is a component that we feel would make their community outreach more successful.

**X. J. Target Shooting Closure Due to Public Safety in the Glorieta Mesa  
(Commissioner Anaya)**

COMMISSIONER ANAYA: We have with us here Steve Romero who from the Forest Service spoke earlier, who's going to give us a background on what's going on there. Steve.

MR. ROMERO: Thank you, Mr. Chair, Commissioner Anaya. This topic is for your information, and again, thank you for inviting me here to point this out to you. If I could approach and give you some handouts. Again, my name is Steve Romero and I work for the Forest Service, Santa Fe National Forest Pecos/Las Vegas ranger district.

Recently, the Forest Service received informally complaints from some public regarding target shooting occurring too close to their homes in the north area of Glorieta Mesa. After field visits, the Forest Service recognized the issue as an urgent public safety concern. In addition to the close proximity of home shooting, we also found shot up and vandalized government property like stock tanks, a windmill and some signs. There's also significant littering of shot up targets like bottles, TVs, tires, and a bunch of other junk. Gunshot shells are scattered throughout. Because of this the Forest Service instilled a 2,000-acre firearm discharge closure at the sites impacted.

Target shooting is a legal activity on the Forest Service land as long as it does not impose danger to the public. We believe this particular situation did impose a danger. Our hope is that the closure will disperse target shooting away from homes and concentrate them into small sites. So with that I can kind of give you a better picture of where we're talking about on Glorieta Mesa for those of you who are not too familiar with the site.

What you have in front of you is a localized map of the area and I'll better describe to you the general area relative to some landmarks that you're probably familiar with. What we have here – basically, we're talking about the closure area within this area which is the northwestern area of Glorieta Mesa. This green here depicts Santa Fe National Forest, Forest Service land, within Glorieta Mesa. Here's Interstate 25, and you head north and you will find Cañoncito and you will find Glorieta. Then it heads on south and then back north up to Las Vegas. Glorieta Mesa is south of Interstate 25. There's a section here of about 2,000 acres where we found problems with shooting close to homes, and then some areas here where we had some vandalism and lots of littering, as you can see in that photo.

Do you have any questions?



COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER ANAYA: Mr. Romero brought this to my attention. I thought that the Board should know and the public should know. One of my friends got shot up there about two years ago. They were target shooting and he's the neighbor. He was going over there to see what was going on and as he was leaving he got shot. He's alive. But there's a lot of residents in that area even though it's heavily wooded. So I just want to thank Steve for coming and briefing the Commission on that and if anybody has any questions you're welcome.

CHAIRMAN SULLIVAN: Commissioner Vigil has a question, then Commissioner Campos.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Thank you for bringing this issue forward, Commissioner Anaya. It really is a problem throughout Santa Fe County, and BLM land, the area that I represent has this difficulty. My question to you is how can we help.

MR. ROMERO: Thank you. I had the privilege of meeting with Major Madrid of the Santa Fe County Sheriff's office and I sat down with him and we visited about it and we – the Forest Service does have law enforcement and just by making the Santa Fe County Sheriff's office aware of what we're doing would be a lot of help because if we do ever have problems up there, it's always nice to have that assistance if we do need it. So I am in communication with the County Sheriff's office.

COMMISSIONER VIGIL: Is this an incident that qualifies for a 911 call?

MR. ROMERO: No. What we've done here is just imposed a restriction to any kind of firearms shooting at this point. If somebody is up there shooting we'll probably get a report and go up there and we'll look around. We'll patrol the area to see if there's anybody up there shooting. If that's the case we may give them a violation notice, if that's the case.

COMMISSIONER VIGIL: I guess my question is a little more narrow than that. If someone in the area hears or sees that target shooting is occurring, can they call 911? Can they call our RECC, and can we dispatch through a 911 call? Do you go through other –

MR. ROMERO: I guess they can. If any public is up there and they don't know if they're on Forest Service land or private land or whatever, they can always call 911 or if they're familiar with the Forest Service process they can call a law enforcement officer as well. But I suspect, yes, they can also call 911.

COMMISSIONER VIGIL: I guess I'd like to know maybe through our RECC if they do receive these kinds of calls, because I think the best way to include law enforcement in combating this is to get them out there quick.

COMMISSIONER CAMPOS: It's always a question of resources, right? How many officers do you really have?

MR. ROMERO: The Forest Service, right now we have one law enforcement officer, and what I mean by that is we have what we call a Level 4 officer for the Pecos/Las

Vegas area, who does carry a gun. But we also have Level 2 officers. They're not qualified to carry guns but they are certified to give violation notices if we have to. Me, myself, if I'm ever out on the forest and I run into any kind of violation, I am certified to write a ticket, if you will, to anybody who may be violating any of our rules and regulations.

COMMISSIONER CAMPOS: Mr. Romero, if I understand correctly, you have a square here. It's in orange. In that square there is no shooting.

MR. ROMERO: That's correct.

COMMISSIONER CAMPOS: Now, most of this is Forest land, correct?

MR. ROMERO: Yes. If you see that, the Y indicates private land.

COMMISSIONER CAMPOS: That's private land.

MR. ROMERO: The green is Forest Service.

COMMISSIONER CAMPOS: So on private land do you have authority to make this no shooting?

MR. ROMERO: No, sir. We do not. Those are just maps. We just mapped it as that. Please don't take that as an indication that we have jurisdiction on private lands.

COMMISSIONER CAMPOS: Okay, now, outside of this square, I assume people can still shoot. Is that right?

MR. ROMERO: Yes, that is correct. We're hoping that – see this are that you see outlined there, in the dash. It's real concentrated with target shooting. So like I mentioned in my comments, we do provide shooting to the public. We're hoping we can disperse people out to the other 80,000 acres of Glorieta Mesa so it's not so concentrated. People can just go out into different spots throughout the Mesa and do their target shooting away from homes, away from facilities.

COMMISSIONER CAMPOS: Wouldn't it be better to have an area where everybody could go shoot? A designated area, limited, that would be safe? Like shooting ranges or anything like that?

MR. ROMERO: That could be a possibility, but again there's opportunities to go out and just get away to more remote areas and just shoot and we feel pretty comfortable with that.

COMMISSIONER CAMPOS: Okay. Thank you very much.

MR. ROMERO: You bet.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: And he also had – I had a concern with one of the deputies from the Game and Fish, Phil House. There still can be hunting on this square mile of state land, correct?

MR. ROMERO: That's true.

COMMISSIONER ANAYA: It doesn't preclude hunting on it.

MR. ROMERO: That is correct.

COMMISSIONER ANAYA: Okay. Just to clarify that up. Thank you, Mr. Chair. And thank you, Steve, for coming.

CHAIRMAN SULLIVAN: Okay, if there are no further questions on that, thank you for that update. It's not a public hearing; it's up to the Commissioner who brought it forward. Commissioner Anaya, you have the floor.

COMMISSIONER ANAYA: Go ahead, if it's short.

MS. BARNARD: Yes. I am very good friends with the folks who live within that area and I just want to commend Steve Romero and Dan Giron for listening to their pleas for help in this matter because they have called the Sheriff and the County many, many times and there's not a response or there's not a quick enough response. So I just wanted to thank them publicly and let you know that they've done a great job around this.

COMMISSIONER ANAYA: And I beg to differ on that one. When that guy got shot up there, the County officer was up there within ten minutes. So good job, Santa Fe Sheriff.

**X. K. Discussion of Upkeep of the Eldorado Transfer Station**

COMMISSIONER ANAYA: As I drove by the transfer station I looked over there and I saw all the wood chips. The pile just keeps getting bigger and bigger and I didn't know if we have a plan to do something with it. I don't want it to catch on fire. Maybe we can give it away, haul it off.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, we do give it away and we even load it for residents when they come to the transfer station to get mulch. It is a big pile. We are caught up with the mulching. There is no unmulched green waste at the transfer station but it is a large pile. We do advertise that it is free to the public, but like I said, we don't get a whole lot of people coming to the transfer station for mulch.

COMMISSIONER ANAYA: I'm wondering, Robert, and I knew we gave it away but we give it away to residents who have little pickup and it takes a lot to get rid of it. But I'm wondering if we could maybe contact the DOT. Can they use it for the Rail Runner project to cover up some of the dirt that they've kind of messed up?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, we will advise the DOT that it is available. At one point in time they did come to the County to see if they could get the mulch from the County and we did advise them that it was free. So they are aware of it but we will advise them again.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thanks, Robert.

CHAIRMAN SULLIVAN: Okay. Thank you, Robert, for that update.  
Commissioner Anaya, you have the next item.

**X. L. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of \$1,000 for L & L Portables**

COMMISSIONER ANAYA: Mr. Chair, these are the portable toilets that we have in Cerrillos and Madrid, I believe, and hopefully we won't be needing this anymore because I think we're going to – I know we're going to install some permanent ones. This is just to get us by for the year. Move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Motion and seconded by Commissioner Vigil.  
Further discussion?

**The motion passed by unanimous [5-0] voice vote.**

**X. M. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of \$2,500 for the HOSTS program at Cesar Chavez Elementary School**

CHAIRMAN SULLIVAN: The HOSTS program is the Help One Student to Succeed mentoring program for elementary school students. I have a HOSTS pin on today in honor of the group of volunteers there who help with those students in English literacy, primarily second and third graders. And so I would move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Discussion?

**The motion to approve passed by unanimous [5-0] voice vote.**

**X. OTHER ITEMS FROM THE COMMISSION**

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: I just, Mr. Chair, want to announce – and I'll reannounce this at our May meeting, but May 15<sup>th</sup> at 5:00 is the annual river blessing with the Agua Fria community at the San Ysidro Crossing. And that's it.

CHAIRMAN SULLIVAN: All right. Thank you, Commissioner.  
Commissioner Campos.

COMMISSIONER CAMPOS: I have nothing at this time.

CHAIRMAN SULLIVAN: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, one thing and that is, as you all know, I'm the president of the Association of Counties and one of my initiatives is trying to get all County employees CPR certified. I believe Roman Abeyta, our Manager, is helping

me out with that, to get our County folks certified. I've been traveling the state, meeting with County Managers and letting them know that that is my initiative. They've changed the way you do CPR, so I think it's critical that our staff get brought up to speed, but not our staff but the entire staff that works for the County. I've got nothing but positive feedback so that's just a heads-up. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner, and I've seen County classes are being scheduled for that now. So that's a real benefit for everyone. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I just want to invite the Commissioners and staff. I know we'll have some staff at the community meeting that we're having tomorrow evening to discuss the Pojoaque wastewater project, so that will be from 6:30 to probably about 8:00, 8:30 at the Pablo Roybal Elementary School, at the multi-purpose room. That's all I have.

CHAIRMAN SULLIVAN: Okay. Thank you. I had two items. One, just to let everyone know who may not already know that we now have a temporary recycling center at Rancho Viejo, and we'll have a permanent one later on once we complete the fire station there. But the Rancho Viejo Homeowners Association is going to be promoting the recycling through flyers and newsletters and so forth, and they're going to support us of course as we move forward to a permanent facility out there. But that is a recycling facility; it's not a trash dump, so we hope that the residents will treat it as it's intended to be treated and will take advantage of that recycling opportunity, because as we know, we don't have recycling pick-up in the County. We don't have street to street or driveway pickup. So this makes it a lot more convenient for folks in the growing area south of town to recycle. That was one thing.

And the other was, last administrative meeting I had a question in our audit that was brought up by the auditors and I believe our Finance Director said she was going to research it and get back to me. I hadn't heard anything. It had to do with an escrow account that had been established, over \$20,000, without the knowledge of the Finance Director. I wondered, Teresa, if you have an update on that.

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioners, yes. I checked with Helen and it was actually a closing on a property, and it was under the title company, and the escrow was set up with the bank. So we're working on procedure to prevent that from occurring again.

CHAIRMAN SULLIVAN: So we didn't lose \$20,000 as a result of this.

MS. MARTINEZ: Right.

CHAIRMAN SULLIVAN: Okay. But we're instituting procedures to track those types of things.

MS. MARTINEZ: Track it and alleviate the finding. Yes, sir.

CHAIRMAN SULLIVAN: Okay. Thank you, for following up on that. Commissioner Vigil, you have a question.

COMMISSIONER VIGIL: Are you done?

CHAIRMAN SULLIVAN: I'm finished. Do you want two turns?

COMMISSIONER VIGIL: Yes. Could we go on to item F. I do have to excuse myself, but that resolution is something – X. F.

**X. F. Resolution No. 2008-58. Resolution to Support the Santa Fe Regional Telecommunications Coalition and to Direct Staff to Submit an Application to New Mexico LambdaRail (Commissioner Vigil)**

COMMISSIONER VIGIL: I'm going to turn this over to Robert Griego who has been working on bringing forth lots of infrastructure, LambdaRail, I think, broadband, lots of other stuff. But this is particular to LambdaRail.

MR. GRIEGO: Mr. Chair, Commissioners, I can give you a brief background of where we came from with the coalition. This resolution in front of you today will basically allow us to move forward with the Santa Fe Regional Telecommunications Coalition and submit an application to the New Mexico LambdaRail Board for membership. What we would do at that point is we would identify – as a board member we would then try to identify infrastructure for the LambdaRail. We would try to figure out how we would be able to get there, so if you like, Mr. Chair, I can provide a brief background of the coalition.

CHAIRMAN SULLIVAN: Would we like a brief background, members? Sure. You have 30 seconds.

MR. GRIEGO: Okay. Mr. Chair, the County's media park, we identified a need for enhanced broadband infrastructure for that. There was a project that had come forward for the County's business park a couple years ago where they identified that there was not the adequate bandwidth for that particular development. We then hired a consultant who did a study for us. The study had recommendations that included developing a strategy for providing adequate broadband infrastructure. The County subsequently moved forward and met with the City of Santa Fe representatives from Santa Fe Community College and representatives from New Mexico LambdaRail.

This group has met and tried to identify that there was needs from all of the entities to try to gain access to LambdaRail. So we hired a consultant who has taken us through this process. He developed a feasibility study and an implementation plan. We also moved forward with House Memorial 32 requesting support for this coalition which was approved in the last legislative session. We've had support and participation from New Mexico LambdaRail representatives, the Regional Development Corporation, Los Alamos National Labs representatives, State Department of Information Technology, representatives from the Public Regulation Commission staff, the Governor's Science and Technology Advisor, and other broadband experts. So this resolution will help to support the goals of the coalition for enhanced broadband connectivity, and it will also authorize the County to submit an application to New Mexico LambdaRail.

The draft application submittal will request information regarding terms of membership. It , again, would then allow us to attend and participate in the New Mexico

LambdaRail meetings. This would also request support from the Board for development of infrastructure for connection for the media park and for the community college and for the City as well. It's our understanding that there will be no membership fee until the bandwidth has been provided by the LambdaRail connection. I stand for questions.

CHAIRMAN SULLIVAN: Okay. Has this been approved by the City?

MR. GRIEGO: This joint resolution, it is my understanding will be going forward to the City tomorrow.

CHAIRMAN SULLIVAN: Okay, questions for Robert?

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER MONTROYA: Second.

CHAIRMAN SULLIVAN: Motion and second. Discussion?

**The motion to approve Resolution 2008-58 passed by unanimous [5-0] voice vote.**

CHAIRMAN SULLIVAN: Thank you, Robert. I think we've finally gotten through Matters from the Commission. This is a new record, 3:30.

[Commissioner Vigil left the meeting.]

**XI. Appointments/Reappointments/Resignations**

**A. Reappointment of John Romero the Road Advisory Committee**

MR. MARTINEZ: Mr. Chair, how much time do I have?

CHAIRMAN SULLIVAN: How much time do you need?

MR. MARTINEZ: Public Works is recommending the reappointment of John Romero to the Road Advisory Committee. I stand for questions.

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: Second. Discussion?

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

CHAIRMAN SULLIVAN: Robert, you have established a new County record. However, there is someone here who may best you on that.

**XI. B. Appointment of Kim Strauss to the Maternal & Child Health Council**

REBECCA BEARDSLEY (DWI Coordinator): Mr. Chair, Commissioners, I'm going to do the MCH appointments and resignations as well as DWI. We have item B which is the appointment of Kim Strauss to the Maternal & Child Health Council.

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: We have a motion for approval. I'll second that. Kim Strauss, I believe, is a he. Is that correct?

MS. BEARDSLEY: That's correct.

CHAIRMAN SULLIVAN: He's got an amazingly impressive résumé. It's exciting to see – he's not been on before has he?

MS. BEARDSLEY: No, sir.

CHAIRMAN SULLIVAN: Wow. I look forward to seeing what his inputs are. We have a motion and a second. Is there discussion?

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

**XI. C. Reappointment of Donna Bevacqua-Young, Shelly Mann-Lev and Allan Wheeler to the DWI Planning Council**

MS. BEARDSLEY: Mr. Chair, Commissioners, item C is the reappointment of Donna Bevacqua-Young, Shelly Mann-Lev and Allan Wheeler to the DWI Planning Council. We are recommending reappointment of all three.

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: Moved by Commissioner Anaya.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Montoya. These are all current members, is that correct?

MS. BEARDSLEY: That's correct.

CHAIRMAN SULLIVAN: And advertisement was made for other members or how did we do that?

MS. BEARDSLEY: We currently have a couple of vacancies so we are seeking additional members. However, we have changed our policy somewhat so that we are asking those individuals that are interested to attend at least two to three meetings so that we make sure that they are interested and will be a good fit before we're bringing them forward for appointment.

CHAIRMAN SULLIVAN: Okay. And these individuals have good attendance?

MS. BEARDSLEY: Yes, sir.

CHAIRMAN SULLIVAN: All right. So we have a motion. Any other questions?

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]



**XI. D. Resignation of Victoria Parrill From the Maternal & Child Health Council**

MS. BEARDSLEY: Item D is the resignation of Victoria Parrill from the Maternal & Child Health Council, and actually Kim Strauss is taking her place.

COMMISSIONER MONTOYA: So moved.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Montoya, seconded by Commissioner Anaya. Discussion?

**The motion passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]**

**XI. E. Resignation of Glenn Wieringa From the DWI Planning Council**

MS. BEARDSLEY: Item E is the resignation of Glenn Wieringa from the DWI Planning Council, and we did recognize him at the March 19<sup>th</sup> BCC meeting.

CHAIRMAN SULLIVAN: Okay, do we have a motion?

COMMISSIONER MONTOYA: Did we accept it already?

MS. BEARDSLEY: We're accepting it now.

COMMISSIONER MONTOYA: So we haven't acted on it previously.

MS. BEARDSLEY: No, we have not.

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: Moved by Commissioner Anaya. I'll be glad to second it. I think Glenn did a great job, has done a great job on that council. Discussion?

**The motion passed by 3-1 voice vote with Commissioner Montoya voting against the motion and Commissioner Vigil not present for this action.**

CHAIRMAN SULLIVAN: A ceremonial no by Commissioner Montoya.

MS. BEARDSLEY: Thank you, Commissioners.

**XII. CONSENT CALENDAR**

**A. Budget Adjustments**

- 1. Resolution No. 2008-59. A Resolution Requesting An increase to the Jail Operations Fund (518) to Budget SCAAP Revenue Received for Expenditure in Fiscal Year 2008 (Corrections Department)**
- 2. Resolution No. 2008-60. A Resolution Requesting an increase to the Economic Development Fund (224) to Budget a Grant Awarded**

through the New Mexico Department of Economic Development for the Regional Telecom infrastructure Coalition / \$5,000 (Growth Management Department)

3. **Resolution No. 2008-61. A Resolution Requesting an increase to the Road Projects Fund (311) to Budget Cooperative Grant Agreements Awarded Through the New Mexico Department of Transportation for Various Road Projects / \$1,134,385 (Growth Management Department)**
  4. **Resolution 2008-62. A Resolution Requisition A Budget Decrease to the GOB Series 2007a Fund (331) and An increase to the GOB 2007b Fund (332) to Realign the Fiscal Year 2008 Budget With the Separate Bond Issuance Amounts / \$20,045,151 (Administrative Services Department)**
  5. **Resolution No. 2008-63. A Resolution Requesting An increase to the Road Projects Fund (311) to Budget Prior Fiscal Year 2007 Grant Balances for Road Materials Purchased for Cibola Circle Project / \$5285.45 (Growth Management Department)**
  6. **Resolution No. 2006-64. A Resolution Requesting An increase to the Fire Protection Fund (209) / Hondo Volunteer Fire District to Budget forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2008 / \$17,176.50 (Community Services Department)**
  7. **Resolution No. 2008-65. A Resolution Requesting An increase to the General Fund (101) to Budget A Grant Awarded Through the U.S. Department of Justice/ Bureau of Justice Assistance to Purchase Software for Mobile Data Display Terminals for Patrol Vehicles / \$39,242 (Sheriff's office)**
- B. Miscellaneous**
1. **Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of March 2008 (Administrative Services Department)**
  2. **Resolution No. 2008-66. A Resolution Authorizing the Surplus of Fixed Assets in Accordance With State Statutes (Administrative Services Department)**
  3. **Request Authorization to Enter into an Equipment Lease Agreement With Document Solutions. This Agreement Will Serve for Copier Leasing and Maintenance Services Which Will Be Located At the Adult Facility (Corrections Department)**
  4. **Request Authorization to Accept Amendment No. 3 to Agreement No. 26-1826 CORR/MS Between Santa Fe County and SED Medical Laboratories. The Purpose of this Amendment Is to Extend the Term of the Agreement Through June 30, 2009 and increase Compensation By \$56, 000 for A New Agreement total of \$102,000 (Corrections**

- Department)
5. **Authorization of 1.0 FTE Term Cook for the Eldorado Senior Center (Community Services Department)**
  6. **Authorization of PRN Term Cook for the Eldorado Senior Center (Community Services Department)**
  7. **Authorization of PRN Term Driver/Cooks Assistant for the Eldorado Senior Center (Community Services Department)**
  8. **Approval of MOA Community Benefits Fund Award of \$10,000 to Catholic Charities (Community Services Department) ISOLATED FOR DISCUSSION**
  9. **Resolution No. 2008-67. A Resolution Authorizing Execution By the County Manager of A Lease Agreement With Youth Shelters and Family Services for the Use of County Owned Buildings At 5686 Agua Fria Road in Santa Fe County and Authorizing Approval By the State Board of Finance of the Lease (Community Services Department)**
  10. **Request Approval of Amendment No. 4 to Contract # 27-0701-PFMD/MS Between Santa Fe County and NCA Architects for the New 1<sup>st</sup> Judicial District Court Facility \$125,320.00 (Community Services Department)**
  11. **Request Approval of Change Order No. 18 for the Public Works Facility \$104,095.00 (Community Services Department) ISOLATED FOR DISCUSSION**
  12. **Request Approval of An Agreement Between Santa Fe County and the Eldorado Community Improvement Association for the Construction and Maintenance of An Extension of the Paved Multiuse Trail Along Avenida Vista Grande (Community Services Department)**
  13. **Request Approval to Submit An Application for A Long Term Lease With the New Mexico State Land office for Approximately 40 Acres of Property Located Within the La Cienega Area, Section 32, Township 16 N, Range 8 E. NMPM Within Santa Fe County (Community Services Department)**
  14. **Resolution No. 2008-68. A Resolution Authorizing the Donation of Fire Department Rescue Equipment to the Harding County Fire Department in Accordance With State Statutes (Community Services Department)**
  15. **Request Approval of Corrected Amendment #3 to NCA Contract #27-0701-PFMD/MS With NCA Architects, P.A. to Allow for Changes to the Floor Plan and Changes to the Exterior of the New First Judicial Courthouse in the Amount of \$107,906.35 Correcting the Stipulated Sum in Article 1.2.1 From the Original Amendment #3 of \$2,733,060 to \$2,840,966.35 (Community Services Department)**

- 16. Approval of JPA With State Department of Transportation for independent Peer Review Engineer for Rail Runner Project (Growth Management Department) ISOLATED FOR DISCUSSION**
- 17. Consideration of An Amendment to Water Service Agreement Between the Board of County Commissioners of Santa Fe County and Burro Alley Partners to Eliminate Stand By Fees (Growth Management Department) TABLED**
- 18. Request Approval of AFC Agreement #28 -0121-Mg/Ms for Planning Consultant to the Highest Rated Offeror. The Planning Consultant Will Develop a Galisteo Basin Area Plan; A Natural Resources Growth Management Amendment to the General Plan; A Capital Improvements and Public Services Program; and Amendments to the Land Development Code Pertaining to Public Facilities and Gas/Oil/Geo-thermal Extraction (Manager's office) ISOLATED FOR DISCUSSION**
- 19. Resolution No. 2008-69. A Resolution Authorizing the Public Sale of Seized Personal Property in Accordance With State Statutes (Sheriffs office)**
- 20. Request Approval to Enter into a New Lease Agreement for the Top of the World Farm (Community Services Department) TABLED**

[For action on Consent Calendar see page 4.]

**XII. B. 8. Approval of MOA Community Benefits Fund Award of \$10,000 to Catholic Charities (Community Services Department)**

CHAIRMAN SULLIVAN: That is being brought forward by the Community Services Department, Mr. Shepherd.

STEVE SHEPHERD (Health & Human Services Director): Mr. Chair, Commissioners, we asked Catholic Charities to provide us some short information about their teen parenting program, which is this letter. I believe it was the last piece of paper in the packet material. We talked with them about concerns of teens being referred for medical help or other medical advice that they may not get from Catholic Charities and their teen parenting program, and that does happen. They do get referred to clinics, such as La Familia. Staff is recommending approval and it may be a moot point, to be honest with you because we were informed last night that the hospital had already made a payment to Catholic Charities. I wasn't able to verify that with the hospital this morning.

CHAIRMAN SULLIVAN: This was a concern to me, Mr. Shepherd, for two reasons. One is because I felt initially that we need to provide these types of teen parent services that included contraception information and not require them to go to yet another provider and not require us to pay yet another provider through the community benefit

program. I was concerned and distressed to hear that this had already been paid. Our procedure of course is to approve the MOAs which have a series of organizations that are being proposed for funding, and then to approve the individual funding contracts with these organizations. And I recall specifically Larry Martinez' letter and also, Mr. Shepherd your letter. Larry Martinez' letter was January 15<sup>th</sup> saying that it was all right to move forward, which was to Alex Valdez of St. Vincent, with the approved contracts and organizations but not with the one until some of the questions and issues were discussed.

Do you know when this funding was made by the –

MR. SHEPHERD: Mr. Chair, as far as I can tell it was probably made last week. I was told by Catholic Charities that they'd received it a day or two ago. They told me that last night when I talked to their director.

CHAIRMAN SULLIVAN: This may perhaps be a coincidence but I believe Mr. Valdez told us they had concluded the agreement with CHRISTUS on either April 8<sup>th</sup> or 9<sup>th</sup> he said today.

MR. SHEPHERD: To be honest with you I did discuss this with him prior to the Healthcare Assistance program meeting this morning and he seemed to be surprised about it, that it had been made. He assumed it was still being held back in anticipation of this meeting.

CHAIRMAN SULLIVAN: So what are we supposed to approve here if payments are being made without any authorization from the Commission? I'm certainly not interested in retroactively acknowledging someone that hasn't complied with our contracts.

MR. SHEPHERD: Mr. Chair, my suggestion, and I yield to Mr. Ross if he's got one, is to take a look at our MOU this year and be very specific. [audio difficulties]

Chairman Sullivan moved to table and Commissioner Campos seconded. The vote tied 2-2 with Commissioners Sullivan and Campos voting with the motion and Commissioners Anaya and Montoya voting against. The matter was automatically tabled to the next meeting.

**XII. B. 11. Request Approval of Change Order No. 18 for the Public Works Facility \$104,095.00 (Community Services Department)**

CHAIRMAN SULLIVAN: I have some questions on this. This is a request for a change order for this project, this \$17 million project. And I understand, and correct me if I'm wrong, Mr. Olafson, this change order was an older requested change order?

MR. OLAFSON: Mr. Chair, that's correct.

CHAIRMAN SULLIVAN: And that's beginning to concern me as well, for this reason. We establish a budget for a project and we require the architect to design to that budget, and we establish the budget here amongst the Commission as a part of our annual budgeting process. It seems that we have here a third budgeting process, and that is that as

soon as the project gets underway we start adding in items that weren't within the budget originally, and we just begin to add. It's nice to have things, and I'm not saying it's not good to have any of these things because I'm not familiar with the security system infrastructure or why that had to be changed, but once we establish a budget – we understand there are going to be changes for unforeseen conditions. But then to use the contract as a mechanism for increasing the project, just for nice-to-have things, it seems that we've gone outside the budget process. Do you understand what I'm getting at, Mr. Olafson?

MR. OLAFSON: Mr. Chair, yes. I don't know if I would characterize it quite that way. I think these are issues that are determined as we're going through the project with these owner requested issues, that they are important and necessary and they will be required at some point, and it is less expensive to do it today than it would be in the future time, five years from now. And I don't think – they're not adding bells and whistles. It's not extra fluff. It's quite literally security which can be used at the site, obviously.

CHAIRMAN SULLIVAN: Well, video surveillance is a nice idea, but we didn't include that in the original budget. Now we're deciding to pay \$90,000 for it. What brought us to that change or heart, other than that we had some graffiti appear on the site?

MR. OLAFSON: Yes, we actually had a break-in this weekend as well at the site. But that was post this change order being produced. The determination to put in security, to my understanding, and again, I wasn't involved in the project way back, but it was never clearly decided yes or no, and as we were into the process it was determined that it was in the County's benefit to add the security infrastructure now, versus at a later date.

CHAIRMAN SULLIVAN: Okay, well we –

MR. OLAFSON: And I understand your concern about budgeting and not running amok, as it were. I don't think that that's happening here. I think we're putting in practical, simple things that are going to be more cost-effective at this point in the project than at a later date when everything's completed.

CHAIRMAN SULLIVAN: According to our report we have \$770,000 in change orders to date and \$282,000 of those are owner requested. That just seems like, as I say, we're developing a phantom budgeting process. It says that, well, we got this project underway and there's nothing we can do. We have to approve that. We have to approve that. We have to approve that, and in many cases, they're after the fact. So we have very little discretion anyway. I conceptually have a problem with that and I hope we don't get into it in the courthouse, in the judicial complex, because we're dealing with five times the amount of money when we get that guy started. Or four times.

MR. OLAFSON: Mr. Chair, I think your caution is correct. I think this project is unique in the timeframe that it was developed and the quite lengthy time of getting it to the place and getting it underway. I think the courthouse project is being handled in a different manner. We obviously never plan to spend more than we plan to spend and we're doing everything we can to be diligent and manage our budgets in that manner.

CHAIRMAN SULLIVAN: Okay, well, those are my comments and questions. Does anyone else on the Commission have any comments or questions regarding the change

order #18 for the Public Works Facility in the amount of \$104,095.

MR. ABEYTA: Mr. Chair.

CHAIRMAN SULLIVAN: Yes, sir.

MR. ABEYTA: Before you get a motion, I appreciate the comments and the concerns that you raise and I think it brings to light the need for a policy when we're dealing with these large projects. Maybe these change orders shouldn't be done without prior approval from the Commission. But this is one of the first projects of this magnitude that we've done and we're learning, as Mr. Olafson said. But it does point out the need that we need to maybe document or formalize the process for doing these owner changes, especially in light of the new judicial complex that we're going to be undertaking soon. So I appreciate your bringing this to our attention and we definitely do need to formalize this process and improve it. And we'll do that.

CHAIRMAN SULLIVAN: Thank you, Mr. Abeyta. I'd move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Campos. Any discussion?

**The motion to approve passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

CHAIRMAN SULLIVAN: Thank you, Mr. Olafson. Sorry for the wait, but it's been a busy day.

MR. OLAFSON: Thank you all.

**XII. B. 16. Approval of JPA With State Department of Transportation for independent Peer Review Engineer for Rail Runner Project (Growth Management Department)**

CHAIRMAN SULLIVAN: This is the approval of a JPA, which was not the document that was in the book. What was in the book was an agreement between the City of Santa Fe and Santa Fe County for joint regional water and wastewater projects. So I just thought that the Commission might like to see what this was. And Mr. Ross, would you want to give us a quick rundown on this?

MR. ROSS: Well, Mr. Chair, I'm sorry. It's obviously a mix-up in my office. I don't know really how it occurred but this is the correct agreement. This is the agreement that we'll use to get reimbursed for the peer review engineer we've hired for the Rail Runner project. There was a lot of discussion about this subject over the – during the winter. Since then the County has hired an independent contract engineer and that person is working the Rail Runner and reporting to Mr. Lujan. This is the mechanism by which we'll get reimbursed for his services. It's limited to \$28,000 and the agreement terminates at the end of

the fiscal year. Other than that, it's fairly straight forward.

CHAIRMAN SULLIVAN: Okay. Any questions on – everyone has a copy of the agreement now. Questions on that? Seeing none, do we have a motion?

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: Motion by Commissioner Anaya.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Montoya.

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

**XII. B. 18. Request Approval of AFC Agreement #28 -0121-Mg/Ms for Planning Consultant to the Highest Rated Offeror. The Planning Consultant Will Develop a Galisteo Basin Area Plan; a Natural Resources Growth Management Amendment to the General Plan; a Capital Improvements and Public Services Program; and Amendments to the Land Development Code Pertaining to Public Facilities and Gas/Oil/Geo-thermal Extraction (Manager's office)**

MR. ROSS: Mr. Chair, I'll take care of that. As you recall, I think it was last month, we engaged Mr. Freilich To serve as the legal consultant for the oil and gas project. This is the planning firm that will assist us. They will work with Dr. Freilich and assist us. We have two other firms that need to be brought on board, one of which will be a small contract for a gentleman to work the capital improvements plan along with this firm and the fourth contract will be a petroleum engineer, petroleum geologist, someone of that nature to advise us on the technical aspects. There's a possibility that we'll need a fifth contract for a professional hydrology firm, but for right now, we're using Ms. Torres and she's proven to be very valuable. So this is the second in a series of possibly five contracts. This team will all work together and deliver us the Galisteo Basin Area Plan, followed by amendments to the Land Development Code as appropriate, and the capital improvement plan. These folks will conduct all the public meetings and ensure that the public is involved fully in the process. They'll conduct a number of public workshops, some staff workshops, some charettes, I understand, and will make at least two presentations to this body.

CHAIRMAN SULLIVAN: Okay, and Planning Works is whom and from where?

MR. ROSS: This company is one of the most prominent planning companies in the country. They are in Kansas City, Missouri, or Kansas City, Kansas.

CHAIRMAN SULLIVAN: All right. And there was also something indicated in the staff report about completing the Land Development Code rewrite.

MR. ROSS: Oh, yes.



CHAIRMAN SULLIVAN: How does that fit into this?

MR. ROSS: Well, it does in the sense that this firm and Dr. Freilich are both also specialists in helping communities with, or revise their Land Development Code, and if time and money permits we will ask Dr. Freilich and this firm team up and help us push that Code rewrite out of here, perhaps in conjunction with the oil and gas work that they're going to do later in the year. We haven't decided that definitively yet. We don't know if there's money available or interest in hiring outside firms to finish this, but we thought we would throw it in. They understand that they're not contracted to do that at this point. But if time and money and the interest is there then we'd like to bring them on to assist us with that. We'll see how it goes.

CHAIRMAN SULLIVAN: And Planning Works is Freilich's firm?

MR. ROSS: No, Planning Works is a planning firm. Dr. Freilich is in southern California. He's in a larger law firm.

CHAIRMAN SULLIVAN: But the firm that would help us with the Code rewrite is Planning Works?

MR. ROSS: Planning Works with the assistance of Dr. Freilich.

CHAIRMAN SULLIVAN: So you're going to write the agreement that way. We may or may not implement it. Is that what you're saying?

MR. ROSS: That's correct.

CHAIRMAN SULLIVAN: Okay. Any questions then on this professional services agreement, #280121 MG/MS? Seeing none, I'd move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Campos. Discussion?

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

CHAIRMAN SULLIVAN: Thank you. I believe that takes us through the Consent Calendar. We're now on item XIII. A. 2 has been tabled, regarding issuance of gross receipts tax, bonds. A. 1 is a review and discussion of the quarterly financial report by the Administrative Services Department.

### **XIII. STAFF AND ELECTED OFFICIALS' ITEMS**

#### **A. Administrative Services Department**

##### **1. Review and Discussion of the Quarterly Financial Report**

TERESA MARTINEZ (Finance Director): Mr. Chair, members of the Board, what we presented in this quarterly report were the general fund analysis and the enterprise fund analysis. And we gave you like charts summarizing revenue and summarizing expense. The first chart is a pie chart that shows you a revenue breakdown for the general fund,

identifying by revenue type the collected funds to date. Obviously, the lion's share of revenue in the general fund is the property tax collected by the County, and to date we have collected \$23.5 million. And then the next largest share of revenue if you will comes from gross receipts tax, and to date we have collected \$6.6 million.

The remainder of revenue sources are construction permits, Clerk fees, landfill fees, investment income, and then summarized grants and other revenue.

The second graph, if you will, will show you for  $\frac{3}{4}$  of the fiscal year having been expired, where the revenues are falling. And you can see that investment income has shot off the chart. And for the most part everything else is just at or just under 75 percent. Grants are down, but those are reimbursements so we are working on the March reimbursement and that revenue collection would not be reflected through March. We would see that in April. And we know the Clerk's fees are down. We know that the construction permits are down, and landfill fees, property tax, are cyclical, if you will, in that their big time is coming up now in May and June. So that would be the general fund revenue.

The next pie chart breaks down the expenditures, which are true expenditures, do not include encumbrances, and it breaks that down by category. Again, the largest share for the general fund is salaries and benefits at \$16 million, and then every other category – travel, maintenance, contractual, supplies, even further split to see how the general fund has expended funds through the quarter ending March 2008.

And if you look at the next chart it will break down for you what has been expended, what is remaining in encumbrances, and what balance is remaining. And then the percentages at the top would reflect what has been expended for this time of the fiscal year. So if you look at all the percentages we're well within the 75 percent and actually under in some of the categories. And again, some of these are sensitive by time, and a lot of the things may occur at the latter part of the fiscal year, such as travel.

CHAIRMAN SULLIVAN: Is that the last chart?

MS. MARTINEZ: This would be the general fund expenditures and encumbrances through March. The last one in that group.

CHAIRMAN SULLIVAN: That's the last in our packets as far as I can tell.

MS. MARTINEZ: You didn't get the enterprise funds?

CHAIRMAN SULLIVAN: It came before the general fund. Are you going to go to enterprise funds and summarize that. Total revenues again, broken down by major source or revenue. This is going to be the housing enterprise fund, the corrections enterprise fund and the RPA summarized in this chart. Obviously the big, large red portion is the care of prisoners, and that would be prisoner charges and other income. And then the next largest would be operating transfers in, which are typically from the general fund or from GRT. And then we further break down housing and utilities and grants.

Then the next bar chart would indicate again for this time of the fiscal where we stand with regard to revenue collection. Again, grants are down on a reimbursement basis so hopefully when we bring you the April and June quarter ending you'll see that the revenue has materialized. And again when we get to June, we'll be submitting the June quarterly

reimbursements, so that won't have been collected until the following fiscal year. But if you look at the revenues we're right in line for this time of the fiscal year with the exception of grants.

And then the same process for the expenditures. It does not include encumbrances, just hard expenditures, and these are for all the enterprise funds. The lion's share, salaries and benefits at \$10 million, and then the remaining category is broken down as such. And then the same concept, the bar chart would show the expenditures to date and it would identify what has been encumbered and the balance remaining and again percentage expended to date.

CHAIRMAN SULLIVAN: And which ones, Teresa, are the enterprise funds?

MS. MARTINEZ: That would be the housing, the jail fund, if you will, jail enterprise fund, and the RPA, the Regional Planning Authority.

CHAIRMAN SULLIVAN: Housing being the federally funded –

MS. MARTINEZ: Our federally funded Housing Authority, yes.

CHAIRMAN SULLIVAN: Housing Authority. So the big gorilla there is the jail.

MS. MARTINEZ: Yes.

CHAIRMAN SULLIVAN: Questions for Teresa on either expenditures or revenues from the enterprise or general funds for the quarter?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Teresa, could you set up an appointment with Jennifer so I could go over this with you?

MS. MARTINEZ: You bet.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Overall, Teresa, are we doing okay where we're at?

MS. MARTINEZ: We're doing okay where we're at. Revenues are definitely where they should be. Grants are always behind. We're working on grants and special appropriations to make sure that we submit timely reimbursement requests so that we can receive the money in a more timely fashion. So we'll always be a quarter behind on the grants. With regard to the other revenue sources, I think we've started to see a small decline in GRT already, so our forecast for next year will be less.

COMMISSIONER MONTOYA: Overall GRT?

MS. MARTINEZ: Overall GRT. So next year's forecast took that into consideration. So I think that we're fine in terms of revenue collection and we're definitely fine with regard to expenditures for this time of the fiscal year.

COMMISSIONER MONTOYA: Okay. And what about the collection of the taxes? How's that going? Are we where we should have been after the November collection? And now, April 10<sup>th</sup> was the other deadline, right?

MS. MARTINEZ: Right.

COMMISSIONER MONTOYA: So people are still –

MS. MARTINEZ: People are still paying –

COMMISSIONER MONTOYA: Paying their taxes.

MS. MARTINEZ: I don't think we've noticed a major decline with regard to payment, and then if the payment is lacking, penalty and interest. It will be interesting when we get to May so we can show you what we've collected, but we haven't seen a huge decline yet.

COMMISSIONER MONTOYA: Okay. All right. Thank you, Mr. Chair.  
Thank you, Teresa.

CHAIRMAN SULLIVAN: Okay. Anything else? Thank you, Teresa, for that update. Commissioner Campos.

COMMISSIONER CAMPOS: Quick question. A lot of people are forecasting a long-term recession, maybe even years. Can you give us your ideas as to how we should best address the situation of declining governmental revenues in case of a long-term recession, what we have to do?

MS. MARTINEZ: Okay. Mr. Chair, Commissioners, we're already doing that. When we started the budget preparation cycle we started it with the fact that we know a recession is coming and that the economic outlook is not going to be good, so first of all we're recommending that we take a close look at any recommended new growth. We are recommending to the County Manager that there not be an FTE rolling list July 1<sup>st</sup>, that we look at maybe doing that mid-year when we have a better feel for how the revenues are coming in. We did go ahead and recommend a four percent inflation factor, when people prepared or the staff prepared their budget this year. But when the requests came in and we looked at projected revenue, we knew four percent was not a valid number. So we did some cutting in the initial reviews and asking staff what they could live with with regard to the project, knowing that revenues are down, and we're currently preparing a summary for Roman to review and then we're trying to coordinate with Naomi so that we can have a budget study session with the Board mid-May. So yes, sir. We're very aware of the recession and it could get to the point where we recommend a flat budget if times get that tough.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Okay. Thank you, Teresa, for that update. We have one item in category B left to do and we have one item in category C. But we also have a bond ordinance, and I see some distinguished bond attorneys lounging around in the back of the room, and I wonder if we might not put them to work and then get them on their way, if you don't mind, Commissioners. I'm guessing they're here for that ordinance. Is that correct, Mr. Franklin?

COMMISSIONER MONTOYA: We don't start paying them until they actually start presenting.

CHAIRMAN SULLIVAN: Oh, is that right? Well, I hadn't seen the contract. So if it's all right with the Commission I'd like to go to item D under XIII and take care of

this ordinance.

**XIII. D. Solid Waste Management**

- 1. Approval of Ordinance No. 2008 –3. An Ordinance Approving and Ratifying An Ordinance of the Santa Fe Solid Waste Management Agency Which Authorizes the Execution and Delivery of (1) A Loan Agreement By and Between the Agency and the New Mexico Environment Department in the Amount of \$2,000,000 and (2) A Loan Agreement By and Between the Agency and the New Mexico Finance Authority in the Amount of \$1,000,000 Each for the Purpose of Acquiring, Constructing, Extending, Enlarging, Bettering, Repairing or Otherwise Improving or Maintaining Solid Waste Disposal Equipment, Equipment for Operation and Maintenance of Sanitary Landfills, Sanitary Landfills, Solid Waste Facilities or Any Combination of the foregoing; and Ratifying Action Previously Taken in Connection therewith (Solid Waste Management)**

PETER FRANKLIN (Bond Counsel): Mr. Chair, Commissioners, I just wanted to make sure we're talking about the same ordinance. We're talking about the ordinance ratifying the Santa Fe Solid Waste Management Agency ordinance?

CHAIRMAN SULLIVAN: Yes. It says approving and ratifying.

MR. FRANKLIN: Correct. Approving and ratifying. Mr. Chair, Commissioners, this ordinance ratifies an ordinance already adopted by the Santa Fe Waste Management Agency, which had authorized a loan agreement between that agency and the New Mexico Environment Department for \$2 million, and a loan agreement between that agency and the New Mexico Finance Authority for a million dollars. Both those loans are intended to be used to fund improvements to solid waste facilities owned and operated by that joint powers agency between the City and the County.

The loan agreements are going to be secured solely by net system revenues generated by the solid waste facilities in the county. The New Mexico Environment Department loan is for \$2 million at a three percent annual interest rate for a term of 20 years. The Finance Authority loan is for a million dollars at a 2.878 percent interest rate for a term of five years. I think the way they've divided that is the 20 year loan is funding probably improvements to real property and facilities that are going to last longer and the five-year loan is for equipment that will wear out more quickly.

Basically the County's approval is needed as is the City's, because the joint powers agreement between the City and the County require that both those governing bodies ratify any debt ordinances adopted by the joint powers agency itself. I'm happy to answer questions.

CHAIRMAN SULLIVAN: Questions for Mr. Franklin or staff?

COMMISSIONER MONTOYA: Mr. Chair, is there on this on the possibility of paying it off early, if for some reason we were to have the opportunity to do so?

MR. FRANKLIN: Mr. Chair, Commissioner Montoya, yes. The New Mexico Environment Department loans can be paid off at any time. The Finance Authority loans can be paid at any time after one year.

COMMISSIONER MONTOYA: Oh, okay.

MR. FRANKLIN: I just mention one procedural thing, which may have just been resolved. We need a  $\frac{3}{4}$  vote of all the members.

CHAIRMAN SULLIVAN: He's wandering back and forth and we'll get him in here for that. Are there any other questions? There doesn't seem to be any other questions.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN SULLIVAN: Okay, there's a motion from Commissioner Montoya. This is an ordinance.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Campos.

**The motion to approve Ordinance 2008-03 passed by unanimous [4-0] roll call vote with Commissioners Anaya, Campos, Montoya and Sullivan all voting in the affirmative.**

**XIII. B. Growth Management Department**

**1. Resolution No. 2008-70. A Resolution Accepting a Portion of East Pine for County Maintenance in the Silverado Subdivision Within Commission District V**

MR. MARTINEZ: Mr. Chair, the residents of East Pine within the Silverado Subdivision are requesting for the BCC to accept .3 mile of East Pine for County maintenance. The County currently maintains East Pine up to the intersection of Spruce. The portion that the residents are requesting is to begin at Spruce and extend east .3 mile up to the intersection of Piñon North and South. The residents have provided plats which shows there's a 50-foot easement for East Pine. The residents have met all of the requirements outlined in the road acceptance policy, Resolution 1998-119. The residents have also acquired legislative funding in the amount of \$30,000 for the improvements of East Pine. Public Works is recommending the acceptance of this portion of East Pine. I stand for questions.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Questions, Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Martinez, \$30,000, is that enough for the improvements?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, it is.

COMMISSIONER CAMPOS: Okay. The other question is I thought when we decided – we had a policy that when we were going to accept new roads we would look at all the roads that were up for acceptance in the County, prioritize them, not do it piecemeal, but do it together so that we wouldn't over extend ourselves. It's just an impression that I have that that was our policy and that was a good idea to keep us in line with our budget.

MR. MARTINEZ: Mr. Chair, Commissioner Campos, that is correct. This is a unique situation because they do have legislative funding and the County has already entered into an agreement with NMDOT for this \$30,000.

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay we have a motion by Commissioner Anaya, seconded by Commissioner Montoya. As I read the Exhibit A, and correct me if I'm wrong, Mr. Martinez, this section would extend between Spruce and South and North Piñons. Is that correct?

MR. MARTINEZ: Mr. Chair, that is correct.

CHAIRMAN SULLIVAN: And then a side street I noticed there is Jennifer Way. That wouldn't be anyone that has any relationship with Santa Fe County, would it?

MR. MARTINEZ: Mr. Chair, it could be Jennifer Anniston. I'm not sure.

CHAIRMAN SULLIVAN: All right. We have a motion. Any other discussion or questions?

**The motion to approve passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action]

### **XIII. C. Community Services Department**

#### **1. Discussion of Financial Strategies for County Capital Projects (Community Services Department) [Exhibit 6: Power Point Presentation]**

MR. GUTIERREZ: Mr. Chair, in front of you we've prepared a presentation in Community Services that kind of gives an overall picture of where we are in infrastructure financing and the status of bonds and opportunities for the future. In Community Projects we're always exploring our financial opportunities and we're excited to take on projects.

Currently, the first slide shows the current outstanding bonds that we have. In 2001 there was a GO bond of \$8.5 million. In 2005 there was a GO bond sale for \$20 million, and that was part of a \$72.5 million voter authorization in 2004. In 2007A there's a GO bond for \$25 million and that was the sale for the courthouse. Also in 2007, there's a 2007B GO bond, that's \$20 million sale. That's also out of that \$72.5 million voter authorization. So, so far out of that \$72.5 million we've sold \$40 million worth of bonds.

The status of these bonds, out of the \$8.5 million GO bond sale \$4.5 million was used for public safety, and those funds were used to build the Arroyo Hondo fire station and we

also use it to equip the RECC. The other \$4 million was for public works. Most of those funds were put into the new Public Works building which is being constructed now. We also set aside \$725,000 for two transfer stations. One of those transfer stations is Stanley and that is actually out for a construction bid right now. It was advertised in Sunday's paper, so we're expecting some bids for the Stanley transfer station. \$725,000 may not be enough to do two stations but we'll see when the bids come in.

The status of the 2005 \$20 million GO bond sale - \$1.5 million was set aside for the renovation of four fire stations. That is for the Tesuque, Chimayo, La Puebla and Glorieta fire stations. And with the exception of La Puebla, the other three are bid out and they're actually going to be starting those remodels on that. We're going to rebid La Puebla and use part of that \$1.5 million for that. Those funds will be expended by the end of this year. Also there was \$8.5 million for Public Works. Six million dollars was used for the new Public Works facility and a half million dollars was used for roads.

Also, there was \$10 million for water. So far we've spent \$6.2 million. Most of those dollars were expended for Top of the World and there's a balance of \$3.4 million remaining for the purposes of Buckman.

The 2007A, that's the courthouse. To date we've spent about \$3.2 million. There's a little over \$22 million left. If we award a construction bid before the end of this year our expectation is by the end of 2009 most of that \$22 million would be spent on actual construction costs.

The 200B, that \$20 million bond sale, \$11.5 million is for roads and the new Public Work facility. Again, \$2.5 million is going to be used for roads and \$9 million is to finish the Public Works facility. And we expect that to be finished before the end of this year and all the dollars that were allocated will be expended for that. There's \$8.5 million that's available for water, and the expectation is that will be used for Buckman.

For 2008, what are the opportunities that we have? We're looking at another \$30 million revenue bond sale out of the 1/16 GRT and the Commission actually took some action at the last Commission meeting and tabled something on today's agenda, but that will be coming forward to you in the months to come. The next item is we have the potential for another \$30 million general obligation bond opportunity and that would be for infrastructure projects. In order to do that we would need to put this on the ballot and we would need voter approval for that. So that's an opportunity that we have. Also, there's fire tax that's in effect right now and it's scheduled to sunset at the end of this year. In order to keep that tax enacted we would have to go to the voters for approval on that also.

There are also, the balance of the \$72.5 million, there's \$32.5 million in bonds that need to be sold. Based on what Peter and Kevin have told me, the transaction would have to occur in August of this year. And again, the bulk of those funds or all those funds would be used for water and probably Buckman at that point.

One of the things that we probably will need to look at if we go out to the voters for infrastructure and a \$30 million GO bond question is that the funds used for existing projects that we can complete in the next one to three years. I think the timing of our bond sales and



the implementation of projects maybe haven't been coordinated in that one to three-year time frame, but we really need to look at that. Another thing is we make sure that we promote the projects that we're working on with public dollars and the public sees the activity and the benefit. We want to make sure that we don't have arbitrage penalties. On some rare occasions we have had those penalties on prior bonds. We want to make sure that the funds are applied as a coordinated – part of a coordinated action plan with here in the County, and that we look at public outreach and education regarding the capital needs of the County again.

How would we use the \$30 million? On the next page, we haven't allocated the dollars but we've met with staff and the uses of those dollars could be for roads, facilities, fire stations, water, and open space. And any combination of that. Again, based on input from the County Manager we're going to follow up to meet on this and see what recommendations we can make to the Commission on this. But these would be the possible uses for the \$30 million.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I like them in that order.

CHAIRMAN SULLIVAN: In that order. Well, I was going to ask also, there was a recommendation, I believe from the Road Advisory Committee for some bonding. Does that play into this particular bond?

MR. GUTIERREZ: Mr. Chair, that recommendation, the dollars for that recommendation would come out of this bond sale, if that was the wishes of the Commission.

CHAIRMAN SULLIVAN: How much did they recommend?

MR. MARTINEZ: \$30 million.

CHAIRMAN SULLIVAN: \$30 million. They wanted the whole thing. All right. So how do we go about that process while we're on this slide, we being the staff and then the Commission?

MR. GUTIERREZ: Well, the staff, this has been presented to the staff and the staff is in the process of developing a list that applies in these areas, but also we need to look at things that are project-ready. So I think that roads can always use it, facilities, fire stations, water and open space, but again, we need to look at what's project-ready. And I believe in the area of roads there is several projects that are project ready. But I'm not so sure that the recommendation or the Commission would want to commit all \$30 million just to one of these areas. But we will be looking at it as staff and bringing that back to you. And one thing to consider is this would not be a tax increase to the voters. This doesn't increase the property tax rate. And also, in addition to this \$30 million, if you go to the next page, we still have some opportunities in 2010.

In 2010 we have the ability for another \$30 million GO bond sale. Again, that would need voter approval and based on our financial advisors' analysis, again, we're not looking at any tax increase at that point, where the property tax would be increased. These are non-tax rate increases, or non-tax rate GO bond sales. In addition in 2010, the 1/16 that's allocated for the courthouse, we're not taking that full allocation of 1/16 and coming into the courthouse,

we still have the ability in 2010 to commit at least a minimum of \$15 million for another revenue bond sale, and that would be used to fund the renovation of the old courthouse. Again, we had talked about County administrative offices down there and also some other opportunities that may occur for the County.

And again, that revenue bond sale wouldn't have to go to the voters for any questions. It wouldn't be a question to the voters. We could do that with Commission approval. Again, on the last slide, this was just for information and it was interesting to put all these things together and see really what great opportunities the County has in terms of funding infrastructure. But again, I think the criterion is what's project ready and how we can match the sale of the bonds with implementing those projects and completion. And staff, at the direction of the Manager is looking to that and we'll come back to you with recommendations.

In addition to that I'd like to have Kevin Powers speak in terms of the bond climate and then Peter will speak to you in terms of actions that need to take place in the upcoming months.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Before we do that, it looks like we have a couple questions. Commissioner Campos and then Commissioner Montoya.

COMMISSIONER CAMPOS: Mr. Gutierrez, next steps, you talk about determining whether the County should pursue 2008 bond election and types of projects for funding. What are our pressing needs or what would your priorities be right now? What do you think?

MR. GUTIERREZ: Mr. Chair, and I can only speak from the project side but I hear definitely about roads, and most of the road funding was used for the Public Works facility, and I know that there's a great need for roads. I know that there's great opportunities and need for water infrastructure. From the building side, we seem to kind of take the leftovers but again, we're looking at maybe satellite offices in the north and the south and those types of things. So I think we'll have some very strong recommendations for you. But again, I think the key to all this is what we can successfully complete in the one to three years and make sure that we make the public very aware of the actions that the County is taking, that their public funds are being used in a timely manner.

COMMISSIONER CAMPOS: Are you looking at renovating this building that we're in?

MR. GUTIERREZ: The renovation of this building, Mr. Chair, Commissioner Campos, we are looking at that, and that would be actually the last step after we renovate the courthouse. One thing that we need to do to this building is we need to sprinker this building. So we would be doing that. But we would be looking at some renovation, probably not a whole lot of renovation. I think most of the old courthouse will definitely make the County services more available and easier access to the public, especially with Sweeney having close to 600 spaces of parking for the public right across the street. We'll have more parking opportunity at the old courthouse and we can move the services that the public needs

to interact with very easily over there. And we'll still have the opportunity because the County probably doesn't need 60,000 square feet of service space.

COMMISSIONER CAMPOS: As far as the courthouse is concerned, you had talked in the past about partnering with the state of New Mexico with the parking structure that will be nearby, I think where the old NEA building. Is that discussion still going on?

MR. GUTIERREZ: Mr. Chair, Commissioner Campos, I had a couple meetings with them. Commissioner Montoya was involved and Commissioner Vigil was involved and we expressed a strong interest of the County to participate in the infrastructure of that process, and we never – although they seemed receptive, there was never follow-up by them, and we did place calls. I believe, a couple weeks ago in the paper – at that point they were looking at 400 spaces, and it seems that they found some additional dollars to go up to 600 spaces. One thing that we feel in Community Projects, parking in the downtown area, the City is going to have close to 600 spaces at Sweeney. In the railyard facility there's 700 to 900 surface parking spaces. There's a 400-space parking garage, and then with the state building, a 600-space parking garage. We feel once they're built and it's going to be a period over two years, that they're going to be looking for customers at that point. Because that's a significant amount of parking for the Santa Fe area.

COMMISSIONER CAMPOS: So we're not concerned right now about additional parking for the courthouse?

MR. GUTIERREZ: Mr. Chair, Commissioner Campos, we're always concerned about that. And we have requests in to the City to participate or to set aside spaces at both of their parking lots. I don't know that we'll be successful at that but we definitely are pursuing that.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, does the water include wastewater or just water?

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, no, definitely wastewater would be – I didn't mention wastewater because I typically just say water but it would be water or wastewater projects or both. So that would be a use of those dollars also.

COMMISSIONER MONTOYA: Okay. And how much has been identified in terms of need for water/wastewater projects?

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, I don't have that number.

COMMISSIONER MONTOYA: Oh, okay. And I guess the same would apply to each of those. We know it's \$30 million for roads. Then facilities, fire stations, water and open space. I'd like to have those numbers. Where there's projects in these categories, maybe the percentage of completion.

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, we would do that and probably somewhat in that order. And again, if you look at the opportunity, not only in 2008 but also in 2010, that opportunity comes around again also, so there is a significant amount of

potential dollars to invest in County infrastructure to invest over the next probably two to four years or five years.

COMMISSIONER MONTOYA: Because I think it's important, Mr. Chair, and I mentioned it at a meeting where we were allocating funds for project by district, that we look at funds throughout the entire county regardless of district in terms of prioritizing and getting things done, which means I may not get something in my district for one or two years and that's just the way things need to work, but I agree that we need to start doing them in terms of completing them and not leaving them out there if there's nothing to put the money towards. So I certainly would advocate for that. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: A question comes to mind about growth areas and land use planning and the idea would be that we would have growth areas where the County would invest in infrastructure. Have you had discussions with Mr. Abeyta or Mr. Kolkmeier about it?

MR. GUTIERREZ: Mr. Chair, Commissioner Campos, we did, when we talked about this initially in growth management. Jack was in the presentation and is aware of this and again, that's the discussions we will have in the future to make sure that again it ties into the County action plan and the strategic plan also.

COMMISSIONER CAMPOS: Because that would be critical. If we have growth areas and no money for infrastructure it would be a failure. And I would assume that the sums are going to be significant that were going to need for our growth area, for infrastructure. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: The only question or comment I would make – on the road issue, while we're developing this breakdown, more than six years ago we did a road inventory study throughout the county that Robert and his staff put together, several volumes. I still have my copy by the way, if anybody has conveniently lost it, I've got mine. One of the things that was looked at at that time, which of course would need to be updated is what the condition of the road was, what the priority was, what the recommendation was for paving or drainage work or signing or any kind of safety improvements.

I'd like us to update that study, whether we need to bring in a consultant to do that or whether we need to do it in-house. Because I think that study I know has been the basis for some of the projects that have come forward, but if we're looking at a big chunk now, I'd like to be able to go to the public and say, we have this updated master plan for roads and here is it. Robert, comments on that?

MR. MARTINEZ: Mr. Chair, I as well have the copy and I look at it almost –

CHAIRMAN SULLIVAN: We have the only two in the county.

MR. MARTINEZ: Unfortunately, the costs that they have projected to bring all the roads up to County standards were at that time I believe about \$14 million. It's probably about more like \$50 million today. But the roads that are on the County's five-year road improvement plan were derived from that study that our contractor did for us. So we are trying to improve the roads that are on that plan. Unfortunately, the costs aren't the same but

we are working with that plan. And I agree, the things that probably need to be updated are the cost estimates.

CHAIRMAN SULLIVAN: Yes, what I'd like to see, as you say, the cost estimate is the critical part, and then a matrix summary that would help the Commission as to which roads are prioritized in that, which ones we've completed, and which ones are remaining. Because we have made progress. We've done some roadwork. It hasn't been as much we'd like to. So I think that would be useful. And again, if we needed to update that and if we need funding to do that I think we can find it. I'd like to see us have that plan in hand, just pretty much the way we do for water, where we're tracking along a water master plan.

MR. MARTINEZ: And I agree. We have made progress on our five-year road improvement plan that the Board adopted. There was approximately 90 projects on there. I believe we've completed approximately half those projects or have funding and they're waiting to be scheduled.

CHAIRMAN SULLIVAN: In the original master plan, how many projects were there?

MR. MARTINEZ: I believe probably about 60 percent of our roads were on that study to have improvements.

CHAIRMAN SULLIVAN: Well, several hundreds anyway.

MR. MARTINEZ: That's correct.

CHAIRMAN SULLIVAN: So if we could get a total list like that and then we can look at the ones that are on our five-year plan then look at the ones that are completed or however you want to block it out so we can see our progress, see where we're going and have updated cost estimates. I think that would help Joseph too in coming up with some rationale to the voters as well as to the Commission.

MR. MARTINEZ: Right.

CHAIRMAN SULLIVAN: And again, if we need to do some work in terms of consultant work and you need some discretionary funds to do that let me know because I think our road program is one place where we really need to focus this year. Any other questions, comments? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I wasn't going to say anything but –

CHAIRMAN SULLIVAN: I know you're a road man.

COMMISSIONER ANAYA: You pulled it out of me. Just looking at and listening to what we've been talking about, we're pretty lucky. We have a lot of [audio difficulties]

Kevin Powers, financial advisor to the County, was asked to speculate on the direction the bond market would take, followed by comments from bond counsel Peter Franklin.

MR. FRANKLIN: Actually, Mr. Chair and Commissioners, it will be a few

seconds. I just want to emphasize something Kevin said which is that the remaining authorization that we got in November 2004 from the voters for the \$32.5 million, it was originally \$72.5 million. We've got \$32.5 million left in that authorization for GO water bonds. I think we're looking at using those funds to fund the Buckman project, the County's share of the Buckman project for a portion of that and we will lose that authorization if those bonds are not delivered, meaning the whole transaction is closed within four years of when the authorization was given, which was November 2<sup>nd</sup>. So we will be looking at coming to the Board of County Commissioners in August, probably the first August meeting with a Notice of Sale resolution, selling the bonds at the next meeting, and then closing the transaction sometime probably in October. I just wanted to emphasize that point because if we don't do it then we've lost that authority. Thank you.

CHAIRMAN SULLIVAN: Okay. Any further questions? Joseph, is that it?

MR. GUTIERREZ: That's it, Mr. Chair. Thank you.

CHAIRMAN SULLIVAN: All right. Good. Thanks for the update.

Commissioner Montoya.

COMMISSIONER MONTOYA: In terms of the timeline, what is it?

MR. GUTIERREZ: Mr. Chair, I would imagine the County Manager would want to bring you back in terms of the plan. It would either be at the May admin meeting or the June admin meeting at the very latest.

COMMISSIONER MONTOYA: Okay. I would, Mr. Chair, encourage us to do so. I think we need to stay on this schedule. There's a lot of capital needs out there and I think whatever we can do to maintain what's been projected long term I would certainly support that. So that would be my feeling, Mr. Chair.

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, just one thing I want to mention in terms of the project and things like that. From what I see within the County, the County has a lot more capacity now to implement and deliver projects than maybe it had three or four years ago and I think this is an exciting time and we've learned a lot with the water projects, the courthouse and those types of things, so I think the experience is there to be able to implement and complete these projects at this point.

CHAIRMAN SULLIVAN: All right. Thank you, Joseph.

**XIII. E. Regional Planning Authority**

**1. Discussion of Santa Fe Farmer's Market institute Project Application Submittal Pursuant to the New Mexico Local Economic Development Act in Accordance with Ordinance No. 1996-7**

MR. GRIEGO: Mr. Chair and Commission.

CHAIRMAN SULLIVAN: Is this -- well, go ahead. Is this for another tax waiver through economic?

MR. GRIEGO: No, it's not.

CHAIRMAN SULLIVAN: It's not?

MR. GRIEGO: No.

CHAIRMAN SULLIVAN: We're not getting into another – what am I thinking?

MR. GRIEGO: No IRBs on this one.

CHAIRMAN SULLIVAN: Okay. No IRBs. So then tell me why we're making them an economic development project.

MR. GRIEGO: Okay. Mr. Chair, Commissioners, this project came forward actually through the RPA. Mary Helen Follingstad, the director of that, was going to present this. She's out of the office today. So we got their application, as a result of the RPA's action, where they approved an allocation of funds in the amount of \$200,000 from the joint regional gross receipts tax. This funding was pursuant to County Ordinance No. 2002-5. The funding that was allocated by the RPA would be used to assist the Farmers' Market Institute for the building of the farmers' market on the railyard project.

CHAIRMAN SULLIVAN: Okay. It's coming back to me. It's late in the afternoon. We decided to go this route rather than funneling it through the City. Is that what we're doing?

MR. GRIEGO: Yes, Mr. Chair.

CHAIRMAN SULLIVAN: Because the City already had an economic development venue but we figured we could do it probably even faster ourselves, is that right?

MR. GRIEGO: That's my understanding, Mr. Chair.

CHAIRMAN SULLIVAN: Now it's coming back to me. Continue.

MR. GRIEGO: Okay. So we have a Local Economic Development Act. We have an application process for that, and that's what's coming forward today to make a presentation and get direction from the Board. If the Board gives direction to go forward we'd bring back a resolution at the next Board meeting, and also a request for authorization for the ordinance to approve the project, similar to the one you heard earlier today.

So for the project, as part of the application process, they have submitted their entire application to us. Staff will need to review that application. We've also hired Bruce Poster to an analysis of their project proposal and he's here today to present a brief presentation, a summary of his findings from that. We also will have his full assessment at the next Board meeting. So I just wanted to introduce Sarah Noss. She's the Farmers Market Institute director.

CHAIRMAN SULLIVAN: And Robert, we have to do this because that enables us to provide funds directly to this non-profit, whereas otherwise we'd be in a problem with the anti-donation clause. Is that right?

MR. GRIEGO: Yes, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Ms. Noss, welcome again.

SARAH NOSS: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Remember what Shakespeare said.

MS. NOSS: Brevity is beautiful? Something like that?

CHAIRMAN SULLIVAN: Brevity is the soul of with. Go ahead.

MS. NOSS: Thanks for the opportunity to present. The Santa Fe Farmers Market Institute has been working on the building of the permanent site in the railyard since 2002. We've currently raised a little over \$4.2 million towards the project. Our publicly stated goal is \$4.6 million. With debt service it gets to about \$4.7 million. The RPA money is part of that \$4.2 million that I'm talking about. Our building is going to be a LEED certified, hopefully silver LEED certified building. We were able to use about 35 percent of our construction materials from local sources.

The Farmers Market will be held there on Tuesday and Saturday mornings. The building includes a 9800 square foot market hall that we'll use year-round, and on the days that we're not using it for the Farmers Market we plan on making it available very affordably for groups who are also in the agricultural realm, and leasing it out to non-profits for their events in the evenings. We've been approached by other groups that want to do conferences and that kind of thing also for the use of the market hall.

The building pro forma has been very carefully put together. It includes 3200 square feet of leasable office space upstairs and 5800 square feet of leasable restaurant and retail downstairs. That third party leasing will create enough operating revenue for us every year to operate the building over the course of the 80-year lease. It will generate about \$25,000 a year in building maintenance funds that we'll set aside and hopefully we'll also come out in the black at the end of the year and we can put that extra revenue into farm programs that the institute also does.

So I think it's a really sustainable project. As I said, we have an 80-year lease in the railyard. We're real excited to build a green building and we really appreciate the support of the County Commission.

CHAIRMAN SULLIVAN: Thank you, Ms. Noss. We'll get questions in just a minute here. Did you, Robert, want to have Mr. Poster give a summary?

MR. GRIEGO: Yes. Bruce is going to provide a brief presentation. Before he does that I just also want to inform the Board, there's also, as part of their application they identified the farmers that were in each area in the county and there's actually about 53 farmers that are part of the Farmers Market Institute in Santa Fe County. So I just thought that was useful piece of information.

MR. POSTER: Good afternoon, Mr. Chair and Commissioners. My name is Bruce Poster and I'm going to be very brief. I have done an analysis of the potential benefits and cost of the project. The only real cost is the \$200,000 that the County's being asked – or the RPA through the County is being asked to contribute. There are a number of jobs that would be created for construction of the project and for the operation. I've been very conservative in looking only at the increment of what is new here, not taking into account the existing sales of the Farmers Market, but only the increase in sales related to the expansion and the other opportunities for retail, office and restaurant that Sarah mentioned a moment ago.



If you'll look at the summary sheet that Robert just passed out, [Exhibit 7] if you'll go to the area that says Santa Fe County revenues and costs, you'll see the cost would be the \$200,000. Half of that would be recovered through gross receipts tax related to construction going to Santa Fe County. Again, this section of the table is only Santa Fe County, not the City or the schools or the state. So \$93,000 would come back at construction, and then annually, the County would collect about \$50,000 in gross receipts tax related to the market, and another \$18,000 in property taxes. So after two years the County would have recovered the \$200,000. That doesn't take into account the rest of that page that shows the revenues being generated on behalf of the City, the State, the public schools and the Community College, including parking revenues. So it seems pretty clear to me that the benefits greatly exceed the costs. I'd be happy to answer any questions.

CHAIRMAN SULLIVAN: Questions for Mr. Poster or Ms. Noss? I had one question. In the appendices that were apparently done by – or economic development Section 8 by the Regional Development Corporation, by RDC, someone has made some annotations there questioning some of the assumptions, such as one statement that the products sold do not complete with local businesses, and someone has written in “not true”. It's estimated that 20 percent of the products are exported outside the region, and someone has written “too high”. So I just wondered who was commenting on that and whether those comments had been addressed.

MR. GRIEGO: Mr. Chair, what we did was I provided a copy, an electronic copy of the report to the RPA director, Mary Helen Follingstad and maybe that's what she used for your copy in front of you today. So I'm understanding that our consultant made those comments. Part of his – well, go ahead.

CHAIRMAN SULLIVAN: So these are your comments, Mr. Poster.

MR. POSTER: Just to continue, yes. I didn't realize those copies would go to you, Mr. Chair. But those were some questions I had when I first read the application and I've been asked to provide an independent view, so I didn't rely on those assumptions if I disagreed with them. What you have before you in that summary are my own conclusions that are independent of that Section 8, Appendix 8 analysis.

CHAIRMAN SULLIVAN: Glad to see we're questioning data. It's always difficult. We see data and it just kind of scrolls by us without questioning it. Okay, any other questions for Robert or for Ms. Noss on the Farmers Market? And I assume what we're doing here is we're – it says discussion. We're not approving this application? What are we doing?

MR. GRIEGO: Mr. Chair, you're giving us direction to come forward at the next meeting with a resolution which would approve the project. If you approve the project at the next meeting then we'd come forward with an ordinance to approve the project. The project must be approved by an ordinance.

CHAIRMAN SULLIVAN: And as Robert said, this was a regional gross receipts tax recommendation from the RPA, and if my recollection serves me, it also matched an amount that the City put in, which I believe was \$200,000 as well. So do we have direction to move forward? Is there anyone who is in opposition to that direction? I don't see

it, so I think you've sold the group.

MR. GRIEGO: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: All right. Thank you, all and thank you Sarah for keeping this thing moving.

**XIII. F. Matters From the County Manager**

**1. Final Update of 2008 Legislative Session**

MR. ABEYTA: Mr. Chair, we have a final report for the 2008 legislative session that Rudy Garcia, our staff lobbyist will be handing to each of you. [Exhibit 8] He'll just briefly summarize what's in there and we'll be available for any questions you may have, not just today but as you have time to review the packet over the next several days. And this was specifically requested by Commissioner Vigil at our last meeting and I had indicated to her that we would have this report ready for you by today.

CHAIRMAN SULLIVAN: They really jumped in there on the courthouse, didn't they, Ten grand.

RUDY GARCIA (Community Services): Mr. Chair, Commissioners, as Roman, the County Manager stated, I pretty much gave this presentation a couple of months ago after the session. We were just waiting on any vetoes that the Governor hopefully didn't do but he did actually veto one item from the Santa Fe County that was for the Agua Fria Community Center phase 2, which was for \$75,000.

On the third page is actually the capital outlay funding that Santa Fe County did receive. That is a final list there. If you look on the fourth page there, the fourth page is some additional projects which deal a lot with the acequias. The majority of them are up in the northern part of the County. There are some in the La Cienega area. There's some additional potential funding down there which is under State Parks, which is \$1 million, economic development grant fund, state of New Mexico film initiative. Robert Griego has been working on those with Katherine Miller and the Governor's office.

Also, on the fifth page there I put bills that will have an effect on Santa Fe County. These are all the bills that did get passed, did signed by the Governor, will become law or some of them are law already, and I kind of have categorized them through the different departments that Santa Fe County has. The first one is the Administrative Services Division. The second one is any bills that did pass that affect the Assessor's office. I don't know if you care for me to go these individually but if you all have any questions on these you're welcome to give me a call on them.

Down there, the third department is the County Clerk's office. There was several election bills that did pass. For an example there on House Bill 249, the Community College and school board elections. Those will actually be held now on the first Tuesday of March in odd number years, and the reason for that is so that way they can hopefully get a larger turnout for these school board elections.

The Community Services, which is Housing, Fire and Health, there are some auditing purposes here under housing, volunteer firefighter retirement amendments, tobacco settlement fund. One of the things that we were all interested in was House Bill 625, the distribution of sole community provider funds. We at the County, Steve Shepherd, were very involved with that with Representative Varela. There were several amendments to that bill. It did get passed and I believe it got passed for – it's basically for a year to see how it does work out and whether it does affect our sole community provider, which is St. Vincent Hospital.

The next page is actually Growth Management Department, which is Land Use and Water. There are several bills that will affect that.

CHAIRMAN SULLIVAN: On the issue of the House Bill 615, the sole community provider, I understand that there were several amendments and everyone's final understanding of the bill is that that distribution is voluntary. Is that your understanding, too, Rudy?

MR. GARCIA: Mr. Chair, I'm going to have to ask Steve Ross actually, to assist me on that as to whether that House Bill 615. That was the distribution of the sole community provider, whether that was voluntarily or not. I do know it actually had a year sunset clause meaning it's basically good for a year to see if the communities – if it works for certain counties that are sole provider counties.

MR. ROSS: Mr. Chair, it's up to the discretion of the Board of County Commissioners.

CHAIRMAN SULLIVAN: Okay. And is there something that the County Commissioners need to do? I've seen a draft or model letters going to State Tax & Rev saying XYZ County instructs you not to divert our sole community provider funds. Do we need to do that or do we not have our funds diverted unless we tell them to.

MR. ROSS: We don't have our funds diverted unless we tell them to, and the fix, the extension of the moratorium has passed the US Senate and is in the House of Representatives moving very quickly. So it's possible that they may alleviate the need for the bill in the first place by having the United States extend the moratorium against the new rules taking effect another year. Whether it's deferring the problem for yet another year. So we should watch that and see whether Congress is successful dealing with that and if they're not then we should jump.

CHAIRMAN SULLIVAN: But there's no action that we need to take as a Commission here to say that we don't want our sole community provider funds diverted into the state kitty.

MR. ROSS: No, no. It's a positive thing. If we affirmatively decide that we need to happen then we contact them and let them know.

CHAIRMAN SULLIVAN: Okay. Good. Because if we did I wanted to recommend that we get moving with that. Okay. Excuse me, Rudy. Go ahead.

MR. GARCIA: So in going through the different pages here, there's some bills that are actually affected by the Corrections Department, that was one of Representative Rhonda King's bills last year or the year before last, which actually is hopefully going to help

these communities or counties that actually do have jails that are in some sort of debt to assist them.

The next page, Growth Management Department, which is the land use, water issues. There are several bills there that will affect those two different departments. From the Manager's office, Human Resources, there's that Senate Bill 66 which is a minimum wage act on the Human Resources Department as well as the Manager's officer were pretty much on top of that as soon as the Governor signed that. I believe that was one of the first five bills that the Governor did sign.

On our legislative initiatives that the County Commission passed, there were several of them. One of them was amending the Economic Development Act to allow for public and private activities. We did not pursue that. Eliminating the County surveyor position in Santa Fe County. It was actually introduced by Senator Grubestic. That bill was determined to be germane, which whenever the analysts look at that they determine that there's some sort of a fiscal, budget impact, so that bill did not move anywhere. It's something that we need to work on on the interim committees on the LFC and their analysts.

The requests that were made for additional monies for projects that had previously been funded but had shortfalls. One of the things that we've been talking with the Manager's office and the presentation that Joseph just gave a few items before my presentation where hopefully we can all work together on whether or not these bonds can complete projects and how they will complete projects and come forward with a list of whether they are fire stations, community service facilities and/or water or sewer projects.

The document imaging program for the County Clerk, we received an additional \$50,000 so we now have a total of \$100,000 for that. The continuation of support of House Bill 316 is the one that I spoke about a little earlier, which was Representative Rhonda King's bill. That did get some additional monies into the larger House Bill 2.

One of the bills that we wanted to move forward on was the submission of a joint bill with both – it actually was the County wanted to take over the wastewater treatment facility plant at the penitentiary. That required the state legislature to grant approval for that. Senator Griego did introduce a Senate joint resolution which was Senate Joint Resolution #10. It did go through several committees. Unfortunately, in my opinion it was something that we should have worked out with the General Services Department because it didn't seem like we really had the details worked out on that, and there were several Senators that were asking questions on that and Bill Taylor from the GSD decided to pull that and work on it during the interim.

We actually submitted some requests for \$700,000. That was for some substance abuse program for vouchers. We did submit that with Representative Lucky Varela as well as Speaker Lujan and unfortunately that bill did not move anywhere. That was another bill that they told us we should work on during the interim as well.

Copies of these bills will actually be given to each of the department heads that are affected by it. I can sit down with them and actually go over it with them, definitely get them

a copy, and they can see what we need to do to proceed and how and when they affect their departments. That's all I have, Mr. Chair.

CHAIRMAN SULLIVAN: Questions for Rudy or staff?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya, then Commissioner

Anaya.

COMMISSIONER MONTOYA: A comment. Rudy, for pretty much being the one-man lobbyist this year, I've gotten more information out of this than I have in previous years, so you did a great job. Just want to thank you. Appreciate it.

MR. GARCIA: Thank you, Commissioner.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Ditto.

CHAIRMAN SULLIVAN: You got two dittos. Or three.

MR. GARCIA: Thank you.

COMMISSIONER MONTOYA: If you got three you're doing good.

CHAIRMAN SULLIVAN: Any other questions of staff? If not, appreciate the update, Rudy. I think we came out reasonably well in the session, all things considered and I'm sure that you'll continue the work next year in the absence of the two favorite members of the County Commission.

MR. GARCIA: Thank you, Commissioner.

### **XIII. F. 2. Update On Various Issues**

MR. ABEYTA: Mr. Chair, briefly, I just wanted to inform the Commission that we have been holding standing meetings with the Mayor from the City of Santa Fe and the City Manager, myself and Chairman Sullivan. We've met twice so far. Our meetings are at the end of every month, and I've found them to be really productive. For example, we were able to discuss the RTD proposal with the Mayor and get a feel from their staff as to where they're coming from. We've talked about the courthouse project and so we're going to continue to meet with them on a monthly basis, myself and the chairman. Myself and Commissioner Montoya have met with the Pueblos to talk about mutual interest and to continue the dialogue with each of the Pueblos and talk about the different projects we have going, so we've begun that dialogue.

I've met with the Mayor of the Town of Edgewood. We addressed the RECC concern today. We're going to be talking about future annexation and roads in that area, and we continue to meet with the – the City of Española, I've talked to Gus Cordova, their manager and he and I are working together on an economic development board for northern Santa Fe County and northern New Mexico. Lorenzo Valdez, the County Manager from Rio Arriba is also on that board, so that has given us a time to meet regularly to discuss different issues with them also. So I just wanted to provide that update to the Commission.

As I talk to you individually in our standing meetings or when we talk, if there's any concerns or things you would like me to bring up in any of these meetings I'll certainly do that. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Roman, recall that fax I got that was cut off from the City of Española? Did someone finally get a full copy of that?

MR. ABEYTA: We got the full copy and we responded and let them know that we will be participating in that discussion and we will be sending Annabelle Romero to those hearings. That fax that Commissioner Montoya is referring to is in regards to a discussion in northern New Mexico related to a regional correctional facility. So they have invited us to join in that discussion and we will be attending that.

COMMISSIONER MONTOYA: I suggested we sell them ours.

CHAIRMAN SULLIVAN: Except we can't do that unless we get the bonds reissued.

COMMISSIONER MONTOYA: I know. And then, Mr. Chair, Roman, did you finally get all of your evaluations? And Steve?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, I've received two so far, one from you and one from Commissioner Vigil. And the same with the County Attorney.

CHAIRMAN SULLIVAN: I need to do that.

COMMISSIONER MONTOYA: By when do you want them, from Anaya, Sullivan and Campos?

MR. ABEYTA: I need at least one more, right? At their earliest convenience. It's up to them.

CHAIRMAN SULLIVAN: We'll get it. Questions for staff?

**XIII. G. Matters From the County Attorney**

**2. Executive Session**

- a. Pending and Threatened Litigation**
- b. Limited Personnel Issues**
- d. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations With A Bargaining Unit**

**Commissioner Montoya moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, and 5) to discuss the matters delineated above. Commissioner Anaya seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya Campos, Montoya, and Sullivan all voting in the affirmative.**

[The Commission met in executive session from 5:15 to 6:37.]

**Commissioner Montoya moved to come out of executive session having discussed**

**only the matters outlined in the agenda, and Commissioner Anaya seconded. The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

**XIII. G. 1. Discussion and Approval of the Settlement Agreement Between the City of Santa Fe, Santa Fe County and Las Soleras**

MR. ROSS: Mr. Chair, as you recall from the last time we discussed this, I think it was the last meeting, the City had adopted a version of the proposed settlement agreement and had forwarded it to us with one small change from what we had been discussing previously and that change is in Section 2.F, page 4, the third and fourth sentences. Since that date I proposed some language to the City to substitute for their language that was in the version that they sent over to us. They have accepted that language tentatively. They're going to hear it formally tomorrow night.

So that is the only change between the agreement that we saw last time and the agreement that's before you today. Since the last meeting we have had some input from the Sheriff concerning the implementation of the agreement with respect to law enforcement and it was very helpful input. What we're going to do, of course paragraph R, Section 2.R of the agreement requires essentially a transition in law enforcement upon annexation of any particular area. And it calls for a separate joint powers agreement. What we're going to make sure is that the Sheriff is involved directly in the negotiation and implementation of that second agreement. As you recall, this agreement has a number – it calls for a number of subsidiary agreements including the joint powers agreement to deal with the EZA, agreements between the City and the County Manager concerning water and sewer and issues like that. This is yet another task that needs to be done to implement this agreement. Aside from that, I really have nothing to add. There's only that one small change I was discussing just a minute ago and I think it's ready for your consideration. It's on the City Council agenda for tomorrow. So if you approve it and they approve it we have an agreement.

COMMISSIONER MONTOYA: Mr. Chair, I move for approval.

CHAIRMAN SULLIVAN: Motion from Commissioner Montoya.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Campos. Discussion?

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

CHAIRMAN SULLIVAN: Any further business from Mr. Ross or Mr. Abeyta?

MR. ROSS: Not from me.

MR. ABEYTA: No, Mr. Chair.

**XIV. ADJOURNMENT**

With no further business to come before the Board, Chairman Sullivan declared this meeting adjourned at 6:45 pm.

Approved by:

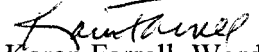
  
Board of County Commissioners  
Jack Sullivan, Chair

ATTEST TO:

VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

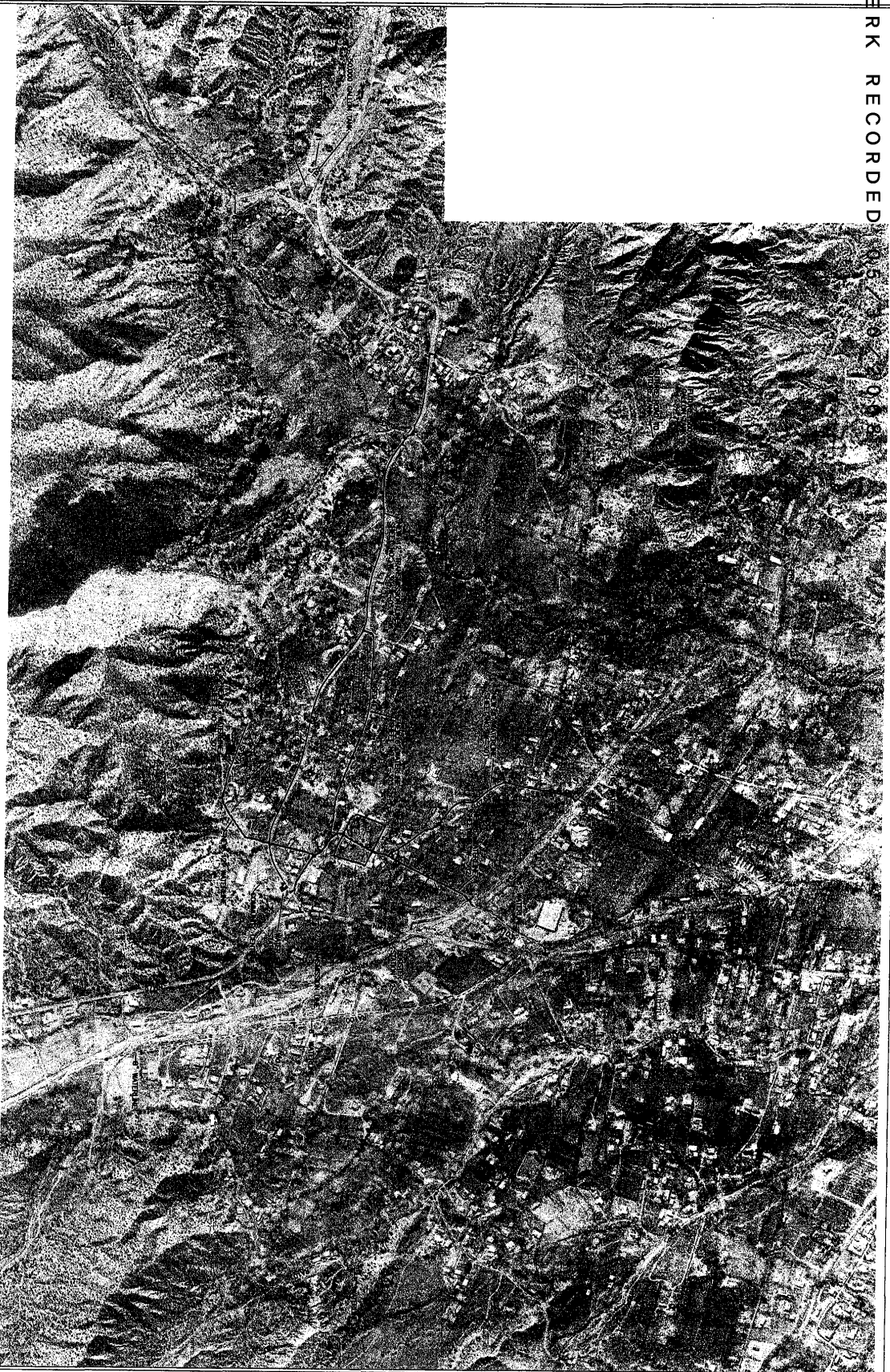


Respectfully submitted:

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







**LEGEND**

NEW WATERLINE  
 EXIST WATERLINE  
 SPOT ELEVATION  
 CHIMAYO STATE WATER

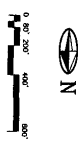


EXHIBIT A

PLAZA DEL CERRO  
WATER REPLACEMENT PROJECT

SANTA FE COUNTY AND THE GREATER CHIMAYO  
MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION  
JOINT POWERS AGREEMENT

REV NO.	REV DATE	DESCRIPTION

PROJECT NUMBER: CHI31-19  
 DESIGNED BY: DWA  
 DRAWN BY: M/C STAFF  
 CHECKED BY: AEA  
 PROJECT ENGINEER: AEA  
 PROJECT DATE: FEBRUARY 2008

Moisen-Corbin  
PVE  
Albuquerque, NM

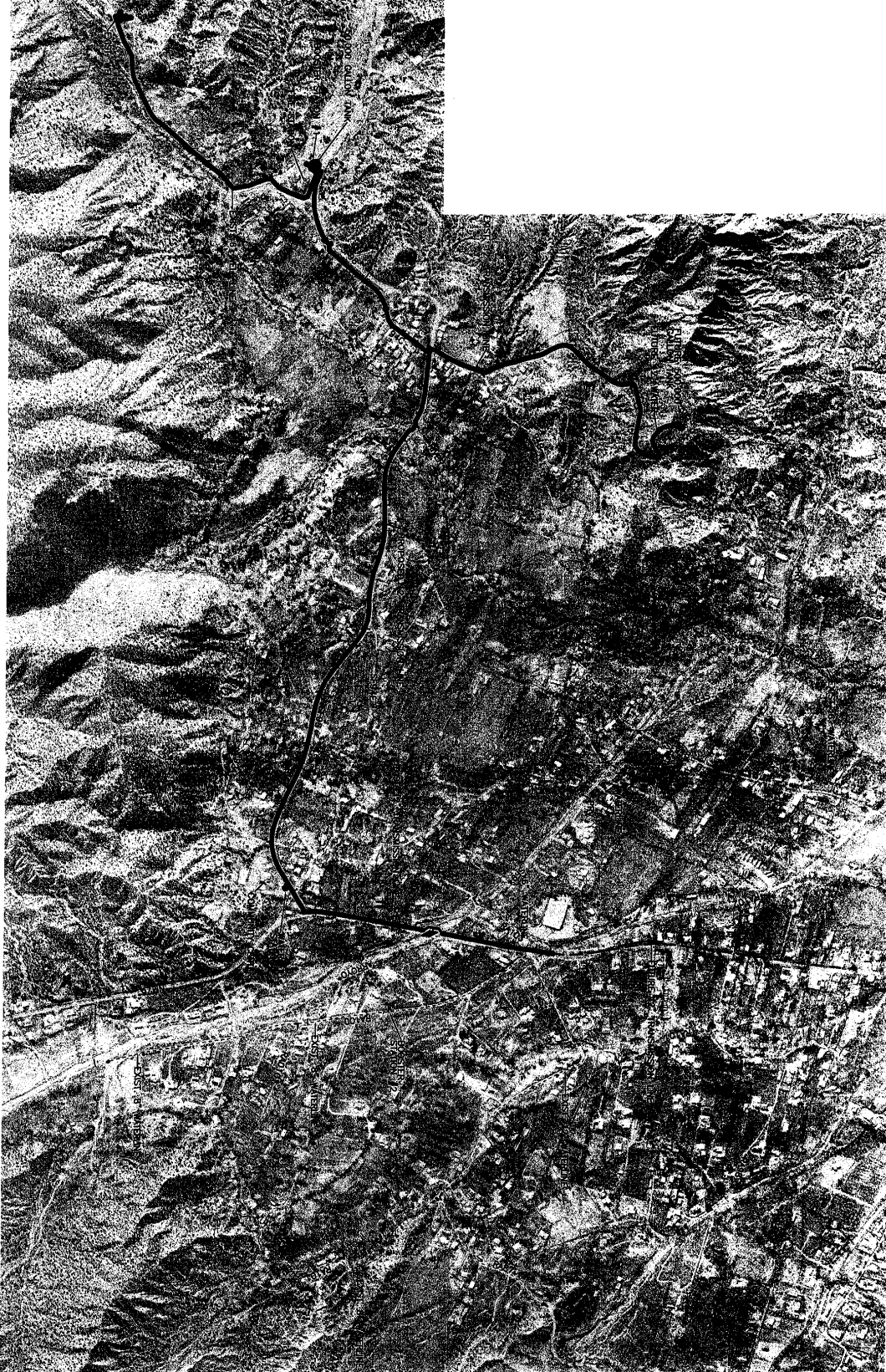
EXHIBIT

Public Law 108-354  
Chimayo Water Supply System  
and Española Filtration Facility Act of 2004



2004-05-10  
KOLTER FORBURN  
SANTA FE, NEW MEXICO  
SANTA FE, NEW MEXICO

Greater Chimayo Mutual Domestic Water Consumers Association  
Regional Water Transmission Line  
Preliminary Engineering Report  
EXHIBIT B



**LEGEND**

- REGIONAL WATER SYSTEM COMPONENTS
- EXIST. COCONINO WATER LINES
- 8073 SPOT ELEVATION
- SF92A COUNTY ROAD NAME

1" = 200'

N

EXHIBIT C

<p><b>REGIONAL WATER TRANSMISSION LINE COMPONENT LAYOUT PLAN</b></p>	<table border="1"> <thead> <tr> <th>REV NO</th> <th>REV DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV NO	REV DATE	DESCRIPTION																<p><b>SANTA FE COUNTY AND THE GREATER CHIMAYO MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION JOINT POWERS AGREEMENT</b></p>	<p>Molzen-Corbin &amp; Associates 2701 Miles Road S.E. Albuquerque, New Mexico 87106 voice (505) 848-5700 fax (505) 848-0675</p>
REV NO	REV DATE	DESCRIPTION																			
<p>PROJECT NUMBER: CH31-19 DESIGNED BY: DWA DRAWN BY: DWA CHECKED BY: DWA PROJECT DATE: FEBRUARY 2008</p>	<p>PROJECT DATE: FEBRUARY 2008</p>																				

# SANTA FE COUNTY

## Resolution No. 2008 -

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### A Resolution in Opposition to the United States Forest Service Proposal to designate La Cueva and the Santa Fe National Forest as an Off - Highway Vehicle Recreational Route

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**WHEREAS**, in 1972, in response to the problem of escalating Off-Highway Vehicle (OHV) damage, Executive Order No.11644 mandated the United States Forest Service ("USFS") to manage OHV traffic on public lands to protect natural resources, and

**WHEREAS**, the USFS intends to implement a Travel Management Plan for OHVs (all terrain vehicles and dirt bikes) in the Santa Fe National Forest, including designating OHV routes and publishing maps encouraging OHV use in areas traditionally used by quiet recreationists, and

**WHEREAS**, Executive Order No. 11644 clearly mandates that the USFS designate routes which minimize --

- ❖ damage to soil, watershed, vegetation, and other resources of the public lands,
- ❖ harassment of wildlife or significant disruption of wildlife habitats,
- ❖ conflicts between OHV use and other existing or proposed recreational uses of national forest system lands or neighboring public lands; and

**WHEREAS**, quiet recreation in New Mexico -- including bicycling, camping, fishing, hunting, paddling, snow sports, trail and wildlife viewing --

- ❖ contributes \$3.8 billion annually to New Mexico's economy,
- ❖ supports 47,000 jobs across New Mexico,
- ❖ generates \$184 million in annual state tax revenue,
- ❖ produces \$2.75 billion annually in retail sales and services across New Mexico -- accounting for 4.6% of gross state product; and

**WHEREAS**, recreational OHV use on remote forest trails exposes the Santa Fe National Forest and residential property to increased fire danger, and

**WHEREAS**, the USFS proposal designates La Cueva Canyon as an OHV recreational route; and the La Cueva Canyon is a fragile ecosystem with an intermittent stream, fragile wetlands, meadows, a mixed pine forest and threatened Mexican spotted owl habitat. The area currently receives little use by OHVs and has not yet suffered the erosion and destruction typically caused by OHV traffic, and



**WHEREAS**, the USFS draft Travel Management Plan dated September 12, 2007, encourages the use of La Cueva Road (Santa Fe County Road 63A) as an OHV access route to Forest Service Road No. 375. This county-maintained road crosses a residential area of 60 homes, which will expose the community to the inherent dangers and noise pollution generated by OHVs and their support vehicles, and

**WHEREAS**, the increased traffic from vehicles using County roads to transport OHVs will require increased maintenance costs to Santa Fe County, and

**WHEREAS**, Santa Fe County will suffer increased taxpayer costs resulting from damaged lands, mounting law enforcement needs, and emergency response and medical care, and

**WHEREAS**, the USFS does not have a budget or plan for law enforcement or monitoring, or adequate enforcement personnel, and

**WHEREAS**, the USFS does not presently have an adequate budget for maintenance of existing roads and trails and is facing further budget reductions, and

**NOW THEREFORE**, to protect the quality of the forest, maintain safety of users, prevent fires, preserve the right of quiet users to enjoy their chosen recreational activities, protect the lifestyle of residents, protect wildlife and habitat, and avoid increased costs to Santa Fe County and its citizens, the Santa Fe County Board of County Commissioners urges that:

1. The USFS develop a Travel Management Plan that allows motorized use only to the extent that it can be effectively monitored and enforced;
2. The USFS eliminate OHV routes in La Cueva Canyon entirely, and limit Forest Service Road No. 375 to licensed, street-legal vehicles only; and
3. The USFS close routes to OHVs on Glorieta Mesa and throughout the Santa Fe National Forest to a level in direct relationship to the USFS enforcement budget and manpower.

**PASSED, APPROVED AND ADOPTED this 29<sup>th</sup> day of April, 2008.**

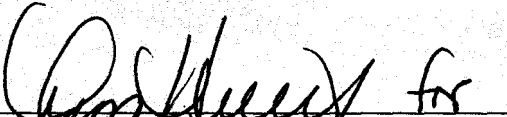
**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Jack Sullivan, Chairman

**ATTEST:**

\_\_\_\_\_  
Valerie Espinoza, Santa Fe County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Stephen C. Ross, Santa Fe County Attorney



**SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT  
CONCERNING THE OPERATION OF THE SANTA FE REGIONAL EMERGENCY  
COMMUNICATIONS CENTER ("RECC") BETWEEN THE  
GOVERNING BODY OF THE CITY OF SANTA FE, NEW MEXICO,  
THE TOWN OF EDGEWOOD,  
AND THE  
BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY, NEW MEXICO**

CLERK RECORDED 05 / 30 / 2008

**THIS SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT** (hereinafter referred to as "the Agreement") is entered into by and between the City of Santa Fe, New Mexico (hereinafter referred to as "the City"), a municipal corporation organized and existing under the Laws of the State of New Mexico, the Town of Edgewood, New Mexico, a municipal corporation organized and existing under the Laws of the State of New Mexico (hereinafter referred to as "the Town"), and the Board of County Commissioners of Santa Fe County, New Mexico (hereinafter referred to as "the County"), a political subdivision of the State of New Mexico.

**PURPOSE**

The purpose of this Second Amended and Restated Joint Powers Agreement is to include the Town as a party to the Agreement, and to further define the terms and conditions under which the parties will jointly operate, maintain and administer the Santa Fe Regional Emergency Communications Center (hereinafter referred to as "the RECC"), to further define the roles and responsibilities of the RECC to provide emergency telephone access for citizens of the City, the Town and the County, obtain needed emergency services including fire, EMS and law enforcement, and provide emergency communications within the City, the Town and the County.

**RECITALS**

**WHEREAS**, on or about November 5, 2001, the parties hereto entered into a Joint Powers Agreement to Operate the RECC;

**WHEREAS**, the RECC was established and, since 2001, has provided enhanced 911 communications within the City and County with corresponding improvements to emergency response, emergency medical care, fire, rescue and law enforcement services;

**WHEREAS**, on or about October 11, 2006, the Board of County Commissioners and the Governing Body of the City of Santa Fe executed a Joint Resolution (County Resolution No. 2006-164 and City Resolution No. 2006-125), wherein the County agreed, in the event the County's proposed Countywide Emergency Communications and Emergency Medical Gross Receipts Tax was approved by the voters, to be "... solely responsible for the costs of the day to day operation of the RECC ...", to become the fiscal agent for the RECC, and to employ RECC employees as County employees;

**WHEREAS**, the voters approved the Countywide Emergency Communications and Emergency Medical Gross Receipts Tax during the general election of 2006 and proceeds from that tax have been collected since July 1, 2007;

**WHEREAS**, the Town has recently created its own police force and desires to join with the City and the County so that emergency communications with the Town's law enforcement forces are provided by the RECC; and

**WHEREAS**, the parties desire to further amend and restate the 2001 agreement to conform to the Joint Resolution, to correct the agreement to conform with amendments that have been made to the Enhanced 911 Act, and to set forth herein their covenants and agreements thereto.

**NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT:**

**ARTICLE I**  
**ESTABLISHMENT OF THE REGIONAL EMERGENCY COMMUNICATIONS CENTER ("RECC")**

Pursuant to the New Mexico Enhanced 911 Act, NMSA 1978, Sections 63-9D-1 *et. seq.* (1989) (as amended) (hereinafter referred to as "the Act"), the Joint Powers Agreements Act, NMSA 1978, Sections 11-1-1 through 11-1-7 (1961)(as amended), and the general authority possessed by City and County government, the RECC is established for the express purpose of exercising the powers conferred upon local governing bodies by the Act. Pursuant to this Agreement, the RECC shall continue to provide enhanced 911 emergency communications within the City of Santa Fe, the Town of Edgewood and the County of Santa Fe, and act as the vehicle through which the parties receive funding pursuant to the Act.

**ARTICLE II**  
**BOARD OF DIRECTORS**

**A. THE RECC BOARD.** The RECC shall be governed by a Board of Directors consisting of members described in the next paragraph. The Board of Directors shall be known as the "Santa Fe Regional Emergency Communications Center Board" (hereinafter referred to as "the Board").

**B. BOARD MEMBERS AND TERMS:**

- 1. The Board shall consist of the following persons:
  - a. The Police Chief of the City of Santa Fe;
  - b. The Fire Chief of the City of Santa Fe;
  - c. The City Manager of the City of Santa Fe;



- d. The Sheriff of the County of Santa Fe;
- e. The Fire Chief of the County of Santa Fe;
- f. The County Manager of the County of Santa Fe;
- g. The Police Chief of the Town of Edgewood;

and

g. One member representing the community at-large appointed by agreement of the City Manager of Santa Fe, Town Mayor and County Manager.

2. The term of office of members of the Board of Directors shall coincide with that member's term of office or term of service with the respective party, except the member representing the community at-large shall serve at the pleasure and upon consensus of the City of Santa Fe Manager, Town Mayor and County Manager.

3. A person appointed on a temporary or indeterminate basis to one of the positions specified in Article II(B)(1), subsections (a) through (f), shall serve as a member of the Board of Directors until the appointment terminates.

**C. DUTIES AND RESPONSIBILITIES.**

1. The Board of Directors shall provide oversight and direction for the operations of the RECC and shall regularly advise the governing bodies of the City, the Town, and County concerning the operations of the RECC.

2. The Board of Directors shall interview candidates for the Director of the RECC (hereinafter referred to as "the Director"), as provided in Article III of this Agreement and only those candidates recommended by the Board shall be considered for hire. The County Manager shall not have the authority to hire, fire or discipline the Director of the RECC without the recommendation of the Board of Directors. The Director shall be a County employee but shall report solely to the Board of Directors. The Board of Directors shall have general supervisory authority over the Director and shall have the right to recommend any necessary personnel decisions concerning the Director to the County Manager. The Board of Directors shall describe in writing the duties and responsibilities of the Director, shall conduct an annual performance review of the Director, and shall conduct other periodic reviews as needed.

3. The Board shall not have general supervisory authority or have authority to make any personnel decisions concerning other employees of the RECC.

4. The Board of Directors shall conduct periodic meetings with the Director and staff of the RECC to receive reports and provide guidance and direction.

5. The Board of Directors shall periodically review revenue and expenses of the RECC and shall propose to the County an annual operating budget for operation of the RECC which shall be submitted for approval to the County prior to March 1<sup>st</sup> of each year.

6. The Board of Directors shall review and approve any proposed capital expenditure for the RECC on an annual basis, which shall be submitted to the City, the Town and the County prior to March 1 of each year as a supplement to the proposed annual operating budget. Capital expenditures are assets over \$5,000 each item including delivery, installation, and other related costs of equipment, machinery, or vehicles with a life of longer than one year

7. The Board of Directors shall ensure that the proposed annual operating budget of the RECC is adhered to, and that the finances of the RECC are properly managed.

8. The Board of Directors shall approve standard operating procedures and policies as developed by the Director for operation of the RECC. Standard operating procedures shall not be valid unless first approved by the Board or, in the case of an emergency, adopted by the Director and ratified by the Board at the next meeting of the Board.

9. The Board of Directors shall review and approve quarterly reports prepared by the Director and shall submit copies of the approved report to the governing bodies of the City, the Town and County.

10. The Board of Directors shall create and appoint, by resolution, such committees as it deems necessary.

11. The Board of Directors shall adopt procedural rules of order for Board meetings and meetings of any committees.

12. The Board shall, through the Director, comply with requests to inspect public records pursuant to the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 *et seq.* (1974)(as amended).

13. The Board shall coordinate compliance with and take all requisite actions pursuant to the Enhanced 911 Act, NMSA 1978, Sections 63-9D-1 *et seq.* (1989)(as amended)

**D. MEETINGS:**

1. The Board of Directors shall, at least annually, adopt a resolution that specifies what notice for a public meeting of the Board is reasonable pursuant to the New Mexico Open Meetings Act, NMSA 1978, Sections 10-15-1 *et seq.* (1974)(as amended).

2. The Board of Directors shall annually elect one member to act as the Chair of the Board alternating yearly between a city and county representative and a fire and police representative. The Chair shall be entitled to vote.

3. Each Board member shall have one vote; proxy voting shall not be permitted.

4. A majority of the members of the Board of Directors shall constitute a quorum and a majority vote of members present shall decide any issue.

5. Members of the Board may attend a meeting by means of a conference telephone or other similar means of communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Board who speaks during the meeting.

5. The Board shall meet regularly but no less than quarterly, upon the call of the Chair, or upon the call of a majority of the members of the Board of Directors.

6. The Board shall cause minutes of all meetings to be kept and shall provide copies of said meeting minutes to the City, Town and County Clerks for retention as public records.

**E. LIMITATION.** The Board shall not be involved in the day-to-day management of the RECC except as outlined above and shall only have such duties and responsibilities as have been expressly delegated by the City, Town and County pursuant to this Agreement, along with such incidental powers as may be reasonably necessary to effectuate the purposes and intent of this Agreement.

**F. INDEPENDENT COUNSEL.** The Board shall be represented at all times by independent counsel, and not by the City Attorney, the Town's attorney, or the County Attorney. The Board shall include the costs of such representation in its annual recommended budget.

**ARTICLE III**  
**ORGANIZATION OF THE RECC**

**A. THE DIRECTOR.**

1. The Director shall be responsible for the day-to-day operation and management of the RECC.

2. The Board of Directors shall recommend to the County employment of the Director, who shall be an exempt employee of the County. The Director shall report solely to the Board of Directors. The Board of Directors shall have supervisory authority over the Director and shall have the sole right to recommend any necessary personnel decisions concerning the Director to the County. The Board of Directors shall describe in writing the duties and responsibilities of the Director, and shall conduct an annual performance review of the Director and conduct other periodic reviews as needed.

3. The duties of the Director shall include the following:

- a. The Director shall plan, direct, operate and manage the RECC.
- b. The Director shall have general supervisory authority over employees assigned to the RECC.
- c. The Director shall recommend to the County, consistent with the County's personnel rules and any applicable collective bargaining agreement, the hiring, firing and disciplining of all employees assigned to the RECC.
- d. The Director shall assign, train, schedule and supervise employees assigned to the RECC.
- e. The Director shall serve as the liaison between the RECC and the City, the Town, the County and agencies utilizing the RECC, concerning the operation, management and funding of the RECC.
- f. The Director shall report to the Board on matters related to operation, management and funding of the RECC, including the annual operating budget and proposed capital improvements associated with the operation of the RECC.
- g. The Director shall prepare a recommended annual operating budget for the RECC and shall present it to the Board for approval prior to submission to the County.
- h. The Director may delegate and perform the preceding tasks, other tasks assigned by the Board, and such other tasks and functions as may be reasonably necessary to implement this Agreement.

**B. RECC EMPLOYEES/TRANSITION TO COUNTY EMPLOYMENT.**

- 1. Upon the effective date of this Agreement, RECC employees shall become employees of the County, subject to the personnel rules and applicable collective bargaining agreements of the County, and subject to the policies and standard operating procedures of the RECC.
- 2. In order to facilitate the orderly transition to County employment, the parties agree that RECC employees shall receive the employee's hourly rate or salary immediately preceding the transition to County employment. After becoming County employees, employees of the RECC shall receive the County's normal benefit package, including participation in the Public Employees Retirement Association retirement plan, State of New Mexico health plans, term life insurance plans, sick leave and vacation pursuant to the County's then-current personnel rules and any applicable collective bargaining agreement, and other incidental benefits provided by the County.

3. Accrued annual leave and sick leave balances of RECC employees shall be carried forward upon County employment. Funds held by the City as Fiscal Agent for the RECC as security for the sick leave and vacation balances shall be transferred to the County. After the employees become County employees, employees assigned to the RECC shall accrue annual leave and sick leave as provided in the County's personnel rules, any applicable collective bargaining agreement, and based on their total years of service for the RECC.

#### ARTICLE IV FINANCIAL MATTERS

**A. RESPONSIBILITIES OF THE FISCAL AGENT.** Santa Fe County shall act as the Fiscal Agent for the RECC and shall collect all revenues accruing to the RECC and shall make all disbursements for the RECC. The County shall periodically cause financial reports to be created pertaining to the operations of the RECC, and shall ensure an annual audit is accomplished. So long as the County is Fiscal Agent of the RECC, it shall be strictly accountable for all receipts and disbursements of the RECC, and shall maintain appropriate records thereafter as prescribed by law.

#### **B. FINANCIAL RESPONSIBILITIES OF CITY, TOWN AND COUNTY.**

1. The County shall provide all funds needed for day-to-day operation of the RECC.
2. The City and the County shall equally provide funds for needed capital expenditures. The Town agrees to contribute 20% towards the needed capital expenditures that do not exceed \$100,000.00 (i.e., the maximum the Town will contribute on an annual basis for capital expenditures is \$20,000.00). The City, County and Town agree to review these terms annually.
3. The Town agrees to pay \$75,000.00 to the RECC based upon its initial police force which will consist of four officers. The City, County and Town agree to review these terms annually.
4. The RECC shall be housed in space provided by the County.
5. All funds received by the parties to support operations of the RECC or to support capital expenditures shall be provided to the County, including funds provided by the State of New Mexico or the federal government, and any and all such other funding or grant agencies, and disbursements from the Enhanced 911 Fund. Such funds shall become the property of Santa Fe County but shall be expended by the County solely to support operation of the RECC; no party shall be entitled to a credit, offset, deduction or other compensation for said funds regardless of who solicited, applied for, sought or obtained said funding.

6. The County shall acquire public liability insurance in such amounts and with coverage appropriate to the risks inherent in the RECC's operations, including specifically all risks for which immunity has been waived pursuant to the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1 *et seq.* (1976)(as amended).

7. Any funds being held by the City of Santa Fe, as fiscal agent for the RECC, shall be transferred to the County, as fiscal agent for the RECC, as soon as practicable after the effective date of this Agreement.

**C. NATIONAL CRIME INFORMATION CENTER.** The National Crime Information Center (NCIC) functions of the RECC may be contracted to the New Mexico Department of Public Safety.

**D. MULTIPLE STREET ADDRESS GUIDE.** The RECC shall be responsible for maintaining, updating and providing the necessary information to the telephone company as needed to maintain an accurate Street Address Guide for the City, the Town and the County.

**ARTICLE V**  
**TERM OF AGREEMENT**

**A. TERM.** This Agreement shall become effective on July 1, 2008 so long as the Agreement has been previously approved and executed by the parties hereto and approved by the Secretary of the Department of Finance and Administration. If this Agreement has not been approved and executed by the parties hereto and approved by the Secretary of the Department of Finance and Administration as of July 1, 2007 this Agreement shall become effective when approved and executed by the parties hereto and approved by the Secretary of the New Mexico Department of Finance and Administration. This Agreement shall have perpetual existence unless terminated as hereinafter provided.

**B. TERMINATION.** This Agreement may be terminated by any party upon delivery of a written notice to the other parties at least 180 days prior to the intended date of termination. By such termination, no party may nullify or avoid any obligations required to have been performed prior to termination.

**C. LIABILITY.** No party shall be responsible for liability incurred as a result of the another party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1 *et seq.* (1976), as amended, and the express immunity granted pursuant to NMSA 1978, Section 63-9D-10 (1989)(as amended).

**D. AMENDMENT.** This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto, which shall not become effective until approved by the Secretary of the Department of Finance and Administration.

**E. APPROPRIATIONS.** The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the governing bodies of the City, the Town and the County for the performance of this Agreement. If sufficient appropriations and authorization are not made, this Agreement shall terminate upon written notice being given by one party to the others at least 180 days prior to the intended date of termination. Any party's decision as to whether sufficient appropriations are available shall be accepted by the other parties and shall be final.

**F. GOVERNING LAW.** This Agreement shall be governed by, and construed in accordance with, the Laws of the State of New Mexico.

**G. STATUS OF AGREEMENT; JOINT POWERS AGREEMENTS ACT.** The parties acknowledge and agree that this Agreement constitutes an agreement as that term is used in the New Mexico Joint Powers Agreements Act, NMSA 1978, Sections 11-1-1 through 11-1-7 (1961)(as amended) .

**H. INSPECTION OF FINANCIAL DOCUMENTS.** During the term of this Agreement and for a period of three years thereafter the parties shall maintain accurate and

complete records of all receipts and disbursements under this Agreement and, upon receipt of reasonable written request, each shall make such records available to the other party and to the public, including any federal, state or local authority during regular business hours.

**I. DISTRIBUTION OF RESIDUAL PROPERTY.** At the end of the term of this Agreement, the parties hereto shall distribute and dispose of all property acquired in connection with this Agreement. Such property shall be distributed to the party that acquired it or, if the property was acquired by more than one party or purchased with funds provided by a third party, the property shall be distributed to each party *pro rata* based on the proportion of each party's total contribution to the RECC since the inception of the first Joint Powers Agreement in 2001.

**J. CONFORMITY WITH JOINT POWERS AGREEMENTS ACT.** The parties intend that this Agreement conform in all respects with the Joint Powers Agreements Act, and that this Agreement shall be construed and enforced in conformity with that Act. In case of any inconsistency between this Agreement and the Joint Powers Agreements Act, the provisions of that Act shall control and this Agreement shall be deemed amended.

**K. ALTERNATIVE DISPUTE RESOLUTION.** The parties agree that in the event the terms and conditions of this Agreement are disputed, including but not limited to all financial calculations, expenditures, bills and related matters, the parties will attempt to resolve the dispute through mediation. Notwithstanding the foregoing, the decision of any party to terminate the Agreement under Article V, Section B, or the decision of any party as to whether sufficient appropriations are available and its effect on the other parties under Article V, Section E, shall not be subject to mediation.

**IN WITNESS WHEREOF** the parties have executed this Agreement as of the dates documented below.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNT**

By: \_\_\_\_\_  
Jack Sullivan , Chair

**ATTEST:**

\_\_\_\_\_  
Valerie Espinoza, County Clerk

**Approved as to form:**

\_\_\_\_\_  
Stephen C. Ross, County Attorney



**THE GOVERNING BODY OF THE CITY OF SANTA FE**

By: \_\_\_\_\_  
David Coss, Mayor

**ATTEST:**

\_\_\_\_\_  
Yolanda I. Vigil, City Clerk

**Approved as to form:**

\_\_\_\_\_  
Frank Katz, City Attorney

**THE TOWN OF EDGEWOOD**

By: \_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Town Clerk

Approved as to form:

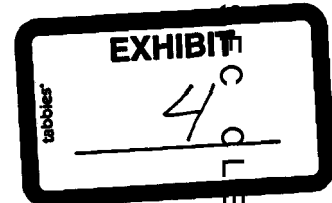
\_\_\_\_\_  
Town Attorney

**Approved:**

**STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION**

By: \_\_\_\_\_

Date: \_\_\_\_\_



THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

RESOLUTION NO. 2008-

APPROVING THE APPLICATION OF SANTA FE FILM AND MEDIA STUDIOS PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT, SECTIONS 5-10-1 THROUGH 5-10-13 NMSA 1978 AND ORDINANCE NO. 1996-7

WHEREAS, Santa Fe Film and Media Studios, Inc. ("Santa Fe Studios") has submitted a Project Application to Santa Fe County (the "County") pursuant to County Ordinance No. 1996-7, which establishes procedures for seeking economic development assistance from the County pursuant to the Local Economic Development Act, Sections 5-10-1 through 5-10-13 NMSA 1978 (the "Act"); and

WHEREAS, the County has received and reviewed an application submitted by Santa Fe Studios for economic development assistance (the "LEDA Application"); and

WHEREAS, Sections 5-10-3(I)(2) and (3) of the Act define a qualifying entity as, among other things, a commercial enterprise for storing, warehousing, distributing or selling products of agriculture, mining or industry, and/or a corporation that is a business in which all or part of the activities of the business involves the supplying of services to the general public or to governmental agencies or to a specific industry or customer; and

WHEREAS, the Board of County Commissioners has reviewed the LEDA Application; and

WHEREAS, pursuant to the findings set forth in Section 1 of this Resolution, the County has determined that the Santa Fe Studios project is consistent with the County's economic development plan and that it is in the best interest of the welfare of the citizens of Santa Fe County to take further steps to provide assistance as requested in the Application pursuant to County's economic development plan; and

WHEREAS, the LEDA application includes the following requests for economic development assistance from Santa Fe County:

A. That the County conceptually approve industrial revenue bond financing for Phase 1A for up to \$40 Million to be specifically approved through adoption of a an industrial revenue bond ordinance at the time that Phase 1A construction is scheduled to commence;

B. That the County provide up to 16.84 Acre Feet of water for Phase 1A of the project (including, but not limited to four soundstages, office and warehouse facilities);

CLERK RECORDED 05/30/2008

C. That the County conceptually approve a finance mechanism for public infrastructure for approximately \$3.6 Million, through a tax increment development district or other method, which will be specifically approved through adoption of an appropriate ordinance or resolution;

D. That the County acquire and sell to the Santa Fe Studios approximately 65 acres (the "Project Land") and located in the Media District established by the County, at the appraised value of \$2.3 Million Dollars, to be formally approved by the County and the State Board of Finance pursuant to Section 13-6-2 NMSA 1978; and

E. That the County authorize the use of industrial revenue bond financing and other public financing mechanisms such as tax increment development district financing, and allocate additional water for future phases of the Project (consisting of up to 6 additional soundstages, as well as related commercial and retail development on the Project Land), as the Project develops and to be specifically approved in connection with the development of those future phases.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County commissioners of Santa Fe County, as follows:

1. Findings. As proposed in the LEDA Application, Santa Fe Studios is a film and production facility providing technology, experience and expertise to local, regional, and national productions in film and digital media and is therefore a "qualifying entity" as defined in Section 5-10-3(I).

2. Approval of Application. In accordance with Ordinance No. 1997-6, the Santa Fe Film and Media Studios, Inc. Project Application is hereby accepted and conceptually approved in connection with Phase 1A of the Project and conceptually accepted for further proceedings of the County in connection with the matters requested in the Application as described in the preambles of this Resolution, including, without limitation, development of additional necessary financial information concerning the Project and the Applicant, financial controls, remedies for insufficient performance, business plans and other information required by Ordinance No. 1996-7 and expected to be required by the State Board of Finance in connection with the County's sale of the Project Land to Santa Fe Studios.

3. Publication of Notice of Hearing on Ordinance. Notice of a public hearing concerning the adoption of a ordinance approving the sale of the Project Land shall be published in a newspaper of general circulation in the County at least two weeks prior to the date of the public hearing.

**APPROVED, ADOPTED AND PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2008.**

**BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY, NEW MEXICO**

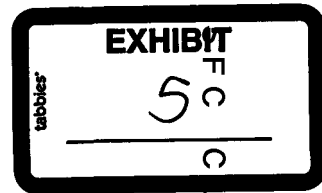
\_\_\_\_\_  
Jack Sullivan, Chairman

ATTEST:

\_\_\_\_\_  
Valerie Espinoza, County Clerk

Approved as to form:

\_\_\_\_\_  
Stephen C. Ross, County Attorney



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

**ORDINANCE NO. 2008- \_\_\_\_\_**

**AN ORDINANCE APPROVING A SANTA FE COUNTY  
ECONOMIC DEVELOPMENT PROJECT WITH  
LA LUZ HOLDINGS, LLC AND  
SANTA FE FILM AND MEDIA STUDIOS, INC.**

CLERK RECORDED 05/30/2008

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:**

**Section One. Short Title.**

This Ordinance may be cited as the "Santa Fe County Economic Development Project with Santa Fe Studios."

**Section Two. Authority.**

This Ordinance is enacted pursuant to the authority of the Santa Fe County Economic Development Ordinance, Ordinance No. 1996-7, and the Local Economic Development Act, NMSA 1978, § 5-10-1 *et seq.* (1993, 2007).

**Section Three. Required Project Review.**

La Luz Holdings LLC and Santa Fe Film and Media Studios Inc. (hereinafter referred to as "Santa Fe Studios") have submitted an application for public support pursuant to Santa Fe County Ordinance No. 1996-7 and the Local Economic Development Act, NMSA 1978, §§ 5-101 *et seq.* (1993, 2007). The Board of County Commissioners and the County staff specified in Ordinance No. 1996-7 have reviewed the Application.

**Section Four. Approval of Application.**

A. The local economic development project proposed by Santa Fe Studios shall be and hereby is approved consistent with the terms of this Ordinance, County Ordinance No. 1996-7, the Local Economic Development Act, and the proposed Project Participation and Land Transfer Agreement attached hereto as Exhibit 1.

B. The Application meets the criteria set forth in the County Ordinance No. 1996-7 and the Local Economic Development Act, NMSA 1978, §§ 5-101 *et seq.* (1993, 2007). Santa Fe Studios is a qualifying entity as defined in NMSA 1978, §5-10-3(G)(3) of the Local Economic Development Act and Sections VI and VII of the County Ordinance No. 1996-7.

C. Approval herein of the Application is conditioned upon those matters set forth in the

Project Participation and Land Transfer Agreement to be entered into by the County and Santa Fe Studios, and all applicable local, state, and federal laws.

**Section Five. Incorporation By Reference.**

The County of Santa Fe Project Participation and Land Transfer Agreement with Santa Fe Studios attached hereto as Exhibit 1 is hereby incorporated by reference and made a part of this Ordinance.

**Section Six. Project Revenue Fund.**

The Santa Fe Studios Project Revenue Fund is hereby established pursuant to Ordinance No. 1996-07. All revenue related in any way to the economic development project (except for the proceeds of the sale of the property) shall be deposited into the project revenue fund and any such revenue deposited into the fund shall only be expended for the project. Any unexpended and encumbered balances in the project revenue fund shall be transferred to the general fund upon termination of the economic development project as set forth in Section Eight, herein.

**Section Seven. Effective Date.**

This Ordinance shall become effective thirty (30) days from its recordation by the Office of the County Clerk.

**Section Eight. Termination.**

Termination of the economic development project that is the subject of this Ordinance shall be by ordinance. The ordinance shall provide for termination of the County of Santa Fe Project Participation and Land Transfer Agreement. The ordinance shall provide for satisfying contracts and the rights of parties arising from those contracts.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of June, 2008.

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

\_\_\_\_\_  
Jack Sullivan, Chair

**ATTEST:**

\_\_\_\_\_  
Valerie Espinoza, Santa Fe County Clerk



**APPROVED AS TO FORM:**

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Stephen C. Ross, Santa Fe County Attorney

SFC CLERK RECORDED 05/30/2008

EXHIBIT 1

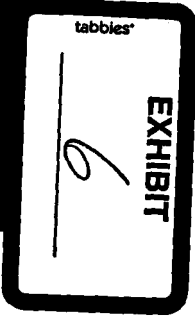
PROJECT PARTICIPATION AND LAND TRANSFER AGREEMENT

(see attached)

# Santa Fe County

## 2008

# Infrastructure Financing Overview



# CURRENT OUTSTANDING BONDS

- 2001 GOB Bond \$8.5 million
- 2005 GOB Bond \$20 million
- 2007A GOB Bond \$25 million
- 2007B GOB Bond \$20 million

# 2001 \$8.5 million GOB

- \$4.5 million for Public Safety
  - Arroyo Hondo Fire Station
  - RECC equipment
- \$4.0 million for Public Works
  - New Public Works Bldg.
  - Two New Transfer Stations

# 2005 \$20 million GOB

- \$1.5 million to be used for renovation of four fire stations – scheduled completion Fall 2008.
- \$8.5 million for Public Works
  - \$6 million used for new Public Works facility
  - \$2.5 million used for roads
- \$10 million for Water
  - \$6.2 million expended
  - \$3.4 balance remaining for Buckman

## 2007A \$25 million GOB

- \$25 million to be used for the new 1<sup>st</sup> Judicial Court facility
  - \$3,175,000 expended to date
  - \$22,280,000 balance to be expended by end of 2009 for construction

## 2007B \$20 million GOB

- \$11.5 million for roads and the new Public Works facility
  - \$2.5 million for roads
  - \$9 million for the new Public Works facility
- \$8.5 million for Water
  - No funds have been expended to date, will be used for Buckman



# Opportunities for 2008

- \$30 million revenue bond sale for completion of new 1<sup>st</sup> Judicial Court facility out of 1/16 GRT.
  - Ability to sell bonds exists without ballot question
- Potential for \$30 million General Obligation Bond for Infrastructure Projects
  - Voter approval needed – ballot question Fall 2008, will not increase property tax rate
- Renewal of existing Fire Tax to sunset Dec. '08
  - Voter approval needed
- Future GOB sale of \$32.5 million for balance of Water projects (Balance of \$72.5 million GOB)
  - Ability to sell bonds exists without ballot question

## Ideas to be Considered for new \$30 million GOB in 2008

- Funds applied toward existing projects that can be completed in 1-3 years
- The public sees project activity occurring in Santa Fe County
- Avoidance of arbitrage penalties
- Funds are applied as part of a coordinated action plan
- Expenditures/projects tied to County Strategic Plan
- Public outreach and education regarding capital infrastructure needs

# Potential Uses of \$30 million GOB in 2008

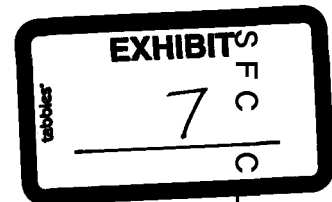
- ? million - Roads
- ? million - Facilities
- ? million - Fire Stations
- ? million - Water
- ? million - Open Space

## Future Bond Options - 2010

- Another \$30 million GOB sale
  - Voter approval needed – ballot question Fall 2010
  - Will not increase property tax rate
- \$15 million Revenue Bond sale for renovation of old court facilities for County administrative office expansion and service enhancement
  - Ability to sell bonds exists without ballot question

# Next Steps

- Determine if County should pursue 2008 bond election and types of projects for funding
- Develop project list and ballot question
- Follow-up with BCC in 45 days



**SUMMARY OF REVENUES AND COSTS RELATED TO  
SANTA FE FARMERS MARKET**

The following are the one-time and annual revenues and costs related to the Santa Fe Farmers Market project. These figures include the impacts of employee spending and a conservative spending multiplier. In summary, Santa Fe County will receive one-time revenues of **\$93,408** (compared with a contribution of **\$200,000**) and annual net revenues of **\$69,122**. Thus, the County would recover its contribution of \$200,000 within two years. Other entities (the City of Santa Fe, the State of New Mexico, the Santa Fe Public Schools (SFPS) and Santa Fe Community College (SFCC)) will, in aggregate, receive one-time revenues of **\$565,634** and annual net revenues of **\$458,522**.

**SANTA FE COUNTY REVENUES AND COSTS**

**One-time revenues and costs**

- Contribution to project--\$200,000
- Construction-related GRT revenue--\$93,408

NET OF ONE-TIME REVENUES AND COSTS--(-\$106,592)

**Annual revenues**

- GRT related to project--\$50,687
- Property tax related to project--\$18,438

SUM OF COUNTY ANNUAL REVENUES--\$69,122

**REVENUES ACCRUING TO OTHER ENTITIES**

**One-time GRT revenues on construction**

- City--\$252,200
- State--\$313,434

SUM OF OTHER ONE-TIME REVENUES--\$565,634

**Annual GRT revenues**

- City--\$136,854
- State--\$170,082

**Annual property tax revenues**

- City--\$3,025
- State--\$1,899
- SFPS--\$11,255
- SFCC--\$6,267

**Annual parking revenues**

- City--\$129,140

SUM OF OTHER ANNUAL REVENUES--\$458,522

ERK RECORDED 05/30/2008

tabbles  
EXHIBIT  
SEC 8  
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CLERK RECORDED 05/30/2008



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# 2008 Santa Fe County Final Legislative Report

## MEMORANDUM

Date: April 29, 2008  
To: Board of County Commissioners  
From: Rudy Garcia  
Re: 2008 Legislative Report

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The Legislative Session came to an end on February 14, 2008. The session was a very fast one. Santa Fe County did receive funding for Capital Projects. In previous years there was an abundance of dollars for Capital Outlay Projects. This year was a little different due to the fact that the States Revenues were not as high as previous years. There were also State Wide Projects on the Governors agenda.

The Session also consisted of bills that were passed by the legislative body and sent to the Governor. The Governor also had some bill of his own that passed or had changes.

I have prepared a list of the funds we have received for Capital Outlay. This list includes funding that was approved for the entire County. The list includes projects that the County will act as fiscal agent.

I have also included a list of bills passed that will affect the County. These bills were signed into law. This list includes the bill number, title and a short summary about the bill.

I would like to thank the Commission and the County Manager for allowing me to represent Santa Fe County as their Lobbyist. I really enjoyed the opportunity and will still continue to work on any issues that pertain to the Session.

If you should have any questions, on any Legislative issues, please contact me at 490-2274.



**CAPITAL OUTLAY FUNDING 2008 LEGISLATIVE**  
**SESSION\***

(Projects to be administered by Santa Fe County)

1	1st Judicial District Court House	\$10,000
3	Agua Fria St. Water/Sewer Line Extension	\$200,000
4	Agua Fria Park Improvements	\$40,000
5	Canoncito Apache Canyon MDWC&MSWA Water System	\$100,000
6	Canoncito/El Dorado Regional Water Project	\$10,000
7	Cundiyo Community Center/Room Addition	\$140,000
8	Edgewood Sr. Center Improvement	\$15,000
9	El Dorado Roads	\$99,000
10	La Barbaria Road Improvements	\$25,000
11	La Puebla Multipurpose Center	\$75,000
12	La Puebla Park Restroom Facility	\$35,000
13	La Tierra Road Improvements	\$25,000
14	Nambe Head Start Park/ Purchase	\$600,000
15	Santa Fe Club House Facility	\$300,000
16	Children's Zone	\$70,000
17	County Clerk Imaging System	\$50,000
18	County Detention Facilities	\$40,000
19	Esperanza Shelter Building	\$50,000
20	Head Start Facilities Improvements	\$50,000
21	Mountain Center Construction	\$205,000
22	County Public Housing Improvements	\$120,000
23	County Road 42	\$25,000
24	County Road 67G/Ravens Ridge Road	\$25,000
25	Tennis Courts in the Pojoaque Valley	\$49,000
26	Vehicles & Equip in Santa Fe County	\$24,000
27	Vista Grande Library Expansion	\$55,000
28	Chimayo Senior Center Improvements	\$25,000
29	Chimayo Museum Construction	\$75,000
30	SFC Senior Center County Wide Meals/Equip	\$57,000
31	Santa Fe County River Corridor Impv./acquire	\$390,000
32	Women's Health Facility	\$45,000
33	Stanley Agricultural Facility	\$50,000
		<b>\$3,154,000</b>

**Additional Projects in Santa Fe County**

(Not administered by Santa Fe County)

1	<u>Acequia de Chupaderos</u>	<u>\$10,000</u>
2	<u>Acequia delano Improvements-Nambe</u>	<u>\$10,000</u>
3	<u>Acequia Barranco Alto</u>	<u>\$35,000</u>
4	<u>Acequia de Cienega</u>	<u>\$15,000</u>
5	<u>Acequia de Los Gardunos Dam and Head Gate</u>	<u>\$35,000</u>
6	<u>Acequia de Los Indios-El Rancho</u>	<u>\$35,000</u>
7	<u>Acequia de Los Rios-Cuyamungue</u>	<u>\$20,000</u>
8	<u>Acequia Nueva/Comunidad/Llano-Nambe</u>	<u>\$25,000</u>
9	<u>Galisteo Water System Improvements</u>	<u>\$10,000</u>
10	<u>Pojoaque Irrigation Dist. Nambe Dam Repair</u>	<u>\$25,000</u>
11	<u>Chimayo Museum, from Junior Bill (programming)</u>	<u>\$40,200</u>
		<b>\$260,200</b>

**Additional Potential Funding for Santa Fe County**

1	<u>State Parks &amp; Recreation</u>	<u>\$1,000,000</u>
2	<u>Economic Development Grant Fund</u>	<u>\$7,000,000</u>
3	<u>State of New Mexico Film Initiative</u>	<u>\$7,000,000</u>
		<b>\$15,000,000</b>

## **BILLS THAT WILL HAVE EFFECT ON SANTA FE COUNTY**

### **ADMINISTRATIVE SERVICES DIVISION**

#### **HB 184 Local Government Investment Provisions**

Investment and Pensions Oversight Committee and the Revenue Stabilization and Tax Policy Committee) Clarifies provisions regarding investment of public funds by local public bodies and other eligible governing bodies. Changes the name of the Short-term Investment Fund in the state treasury to the Participating Government Investment Fund. Defines "participating government" to include the state treasurer on behalf of the general fund, local governing bodies of political subdivisions, the governing authority of a tribe or other governmental or quasi-governmental body created pursuant to New Mexico statutes. Requires tribes or quasi-governmental bodies to adopt a resolution authorizing investment in the fund.

### **ASSESSORS OFFICE**

#### **HB 324 Charitable Care Property Tax Valuations**

Clarifies that certain nonprofit properties are not subject to property tax because they are not subject to valuation. Property operated either as a retirement home, retirement community, home for the aged or other place that undertakes to provide care under the Continuing Care Act or as a nursing facility, skilled nursing facility, adult residential care facility, intermediate care facility or intermediate care facility for the developmentally disabled licensed by the Department of Health may qualify. To qualify, the facility must be owned by a charitable nursing, retirement or long-term care organization that (1) has been granted 501(c)(3) status by the IRS, (2) donates or renders gratuitously a portion of its facilities or services and (3) uses all funds remaining after necessary expenses to further its charitable purpose.

#### **HB 661 Valuation Impact From Affordable Housing Programs**

Requires county assessors to consider the decrease in value that would be realized by an owner of residential property from the effects of any affordable housing subsidy, covenant or encumbrance under a federal, state or local housing program, including those imposed by a nonprofit organization but approved by a governmental entity.

#### **SB 116 Raise Property Tax Limitations Income Limit**

Freezes the valuation of owner-occupied single family dwellings if the owner is 65 years of age or older and the owner's modified gross income is not more than \$32,000 (up from \$18,000 in current law). Owners whose modified gross income is \$18,000 or less may choose to base the valuation freeze on provisions of current law or this amendment.

#### **SB 177 Monthly Property Tax Payments**

Allows class A counties (presently Bernalillo, Dona Ana, San Juan and Santa Fe Counties) the option of offering property owners a plan to pre-pay property taxes over ten months. Payments begin June 1 of the year in which the property tax bill is prepared. Payments for the first nine months equal 10 percent of the prior year's tax bill. The final payment equals the difference between the tax billed for the current year and the amount prepaid. This payment is due March 1 of the following year. The property tax bill prepared for property owners choosing this prepayment plan must show the amount of the final payment due.

### **COUNTY CLERKS OFFICE**

#### **HB 237 Atomic Election Recounts**

(Similar to HB113) Requires an automatic vote recount when the returns for a state or federal office in a general election indicates that the margin between the two leading candidates is less than one-half of one percent of the total vote cast or that officer

#### **HB 249 Community College and School Board Elections**

Permits community college boards to hold their elections at the same time as school district elections, the first Tuesday of February in odd-numbered years, or the college boards may continue to hold their elections on the first Tuesday of March in odd-numbered years.

**HB 327 County Clerk Recording Instrument Fees**

Expands the purpose for which recording fees collected by county clerks may be spent to include the rent, purchase, lease or lease-purchase of equipment and vehicles associated with all regular duties of the office. Also includes supplies, maintenance and training.

**SB 1 Primary Ballot Access For Certain Candidates**

This bill restores language stricken by the 2007 Legislature which provides that a candidate who fails to garner at least 20 percent of the convention vote may still get on the primary ballot by collecting additional nominating petition signatures equal to four percent of the total vote of the candidate's party in the state or congressional district and file a new declaration of candidacy with the secretary of state.

**SB 81 Eliminate Election Use of SS Numbers**

Removes the voter ID card as an accepted form of identification for voting purposes. Adds the voter registration address to the verbal or written statement made by a voter in order to vote. Deletes the requirement that the last four digits of voters' Social Security numbers must appear on voter checklists and signature rosters. Requires county clerks to prepare and certify accuracy of checklists and rosters and to supply a voter list for public use for each precinct. Requires precinct presiding judges, after polls are closed, to deliver the signed signature roster to the county clerk and mail the checklist to the secretary of state. Absentee ballot applications and mail-back envelopes would be required to bear voters' registration addresses. Voter checklists would not contain voter addresses or any other personal information.

**COMMUNITY SERVICES (HOUSING/FIRE/HEALTH)****SB 8 Housing Audit Service Purposes**

Changes the term and purpose of a 2007 appropriation of \$200,000 to the State Auditor to conduct an audit of regional housing authorities. Authorization is extended through 2009 and the scope is expanded from simply conducting an accounting of all assets acquired by the authorities to conducting a complete financial audit of regional housing authorities. Any remaining funds would revert to the General Fund.

**SJM 44 Volunteer Firefighters Retirement Amendments**

Calls upon the PERA, state fire marshal, Volunteer Firefighter Association, Fire Service Council, Municipal League and Association of Counties to report to the appropriate interim committee after June 1, 2008 to propose amendments to improve the Volunteer Firefighters Retirement Act.

**HB 546 Tobacco Settlement Fund Programs**

Appropriates \$3 million from Tobacco Settlement Program Fund to the Department of Health for tobacco use cessation programs.

**HB 615 Distributions to Sole Community Provider Fund**

Changes the flow of money from a county's imposition of the second one-eighth increment of county gross receipts tax. Before distributing the revenue to the county, the Taxation and Revenue Department (which collects the tax) first will distribute the county's approved contribution to the Sole Community Provider Fund. Any amount left over would then go to the county's general fund or county indigent claims fund, as appropriate

**CORRECTIONS DEPARTMENT****HJM 22 Study County Jail Overcrowding & Related Law**

Resolves that the Legislature must recognize that current New Mexico law is insufficient to permit counties to effectively manage county jail operations. Requests that an interim committee, in collaboration with the New Mexico Association of Counties, study the current laws related to jail operations, report its findings and make recommendations for new legislation to remedy problems.

**SJM 34 County Jail Overcrowding Law Study**

In response to the serious overcrowding of county jails and the cost of compliance with federal constitutional standards for confinement, the joint memorial requests an interim legislative committee and the New Mexico Association of Counties to study current law relating to jail operations and report its findings prior to the first session of the next Legislature.

**GROWTH MANAGEMENT DEPARTMENT(LAND USE, WATER)****HB 245 NMFA Economic Development Fund**

Authorizes the NM Finance Authority to participate in up to 49 percent of loans and up to \$5,000,000 per project from the Economic Development Revolving Fund for 38 private industry projects around the state as follows:

**HB 308 NMFA Water Project Fund**

Authorizes the New Mexico Finance Authority to make loans or grants from the Water Project Fund to various specified municipalities, counties, pueblos, water user associations, water authorities, soil and water conservation districts, State Parks Division and Interstate Stream Commission for 48 specified water projects.

**HM 32 Support Santa Fe Regional Telecom Coalition**

Resolves that the PRC should facilitate the work of the Santa Fe Regional Telecommunications Coalition to organize primary telecommunications bandwidth users in the Santa Fe region. Requests that the Department of Information Technology support the coalition's efforts to gain access to the New Mexico lambda rail telecommunications infrastructure; and that the governor's science and technology advisor be requested to assist the coalition to arrange for installation of a gateway to the computing applications center at the Santa Fe Community College as a primary node on the lambda rail connection for the coalition region.

**SB 532 Approve Zoning Special Exceptions Authority**

Allows a municipal or county zoning authority to authorize in appropriate cases special exceptions to the terms of a zoning ordinance when an appeal shows the project in question is not contrary to the public interest, the denial of the zoning permission results in unnecessary hardship, or if the spirit of the zoning order is still observed.

**SJM 13 Traditional Ways of Life In Forest Plan**

Requests the U.S. Forest Service to consider and protect the traditional rural culture of local ranchers and farmers, and the preservation of wildlife habitat and natural resources, when evaluating any plans to designate open routes for motorized travel through the National Forests.

**SJM 17 State Engineer Review of Water Exports**

Declares that exportation of mined ground water from the Estancia basin must be supported by proof of need and proof that there are no alternatives in the area before the State Engineer approves an application to export the water.

**SJM 40 Study Off-Road Motorized Vehicle Use**

Citing the need for a centralized study on the economic benefits and costs upon which to formulate a sound recreational policy, the Energy, Minerals and Natural Resources Department and the Department of Game and Fish, in cooperation with state agencies, are asked to conduct a study and provide recommendations on the impact of off-road motorized vehicles in outdoor recreation areas and how to resolve conflicts and prevent resource damage.

**MANAGERS OFFICE (HUMAN RESOURCES DIVISION)****SB 66 Minimum Wage Act Exemptions**

Corrects an unintended consequence of a 2007 state minimum wage bill that was signed into law when it also removed an exemption from the Federal Fair Labor Standards Act. This bill amends the State Minimum Wage Act to restore that exemption thereby providing public employers (state and local government) with the ability to offer employees flexible scheduling and compensatory time payments

rather than cash for working overtime. (Without the change cities would reportedly have to spend \$25 million to comply with the overtime pay requirement; counties would have to pay \$10 million a year.)

### **SHERIFFS OFFICE**

#### **HB 263 Sheriffs Fees For Service of Process**

Would increase the fee for service by county sheriffs of writs, citations, orders, subpoenas or summons from \$30 to \$40.

## **LEGISLATIVE INITIATIVES 2008 SESSION**

**Amending the Economic Development Act to Allow for Public/Private Activities**  
Not Pursued

#### **Eliminating the County Surveyor Position in Santa Fe County**

Introduced by Senator Grubestic, Bill was determined to be germane.

**Requests will be made for additional monies for projects that have been previously funded, but have shortfalls**

This was done and completed to the best of funding that was available

**Re-authorizations for previously funded projects, (if language change is needed)**

#### **Document Imaging Program for the County Clerks Office**

Bill was introduced and additional funding was granted in the amount of \$50,000 for a total of \$100

#### **Continuation of Support for House Bill 316,**

AN ACT RELATING TO COUNTIES; ENACTING THE COUNTY DETENTION FACILITY REIMBURSEMENT ACT; PROVIDING REIMBURSEMENT TO COUNTIES FOR THE COSTS OF INCARCERATION OF CERTAIN PERSONS CONVICTED OF A FELONY; CREATING THE COUNTY DETENTION FACILITY REIMBURSEMENT FUND.

#### **Submit Joint Memorial/Bill with Both Houses in order for Santa Fe County to Acquire the New Mexico State Penitentiary Waster Water Treatment Facility**

Bill was introduced by Senator Griego, SJR 10. This bill was forwarded to Senate Rules Committee, Senate Judiciary Committee and was tabled indefinitely in order to work it out during the interim committees.

**Submit Bill in the Amount of 700K, to pay for Vouchers for Substance Abuse Treatment**

Bill was introduced by Rep. Lucky Varela, Speaker Lujan and was tabled indefinitely in the Appropriations Committee.