

2189167

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

April 30, 2002

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



1219495
COUNTY OF SANTA FE
STATE OF NEW MEXICO } ss
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 16 DAY OF Aug A.D.
2002 AT 1:35 O'CLOCK PM
AND WAS DULY RECORDED IN BOOK 2184
PAGE 167-205 OF THE RECORDS OF
SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
Marcella Palmer
DEPUTY

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
April 30, 2002 - 10:00 a.m.
(Public Hearing - 3:00 p.m.)

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda

- A. Amendments
- B. Tabled or Withdrawn Items

V. Approval of Minutes

March 26, 2002 approved w/changes

VI. Matters of Public Concern - Non-Action Items

VII. Matters from the Commission *40 41*

3-1 Abs A. Resolution No. 2002 - A Resolution Supporting the Pueblo of San Ildefonso Land Claims Settlement Legislation

B. Resolution No. 2002 *42* A Resolution Requesting the New Mexico Attorney General to Require that the Assets of the Los Alamos Medical Center Remain in Northern New Mexico

del for C. Resolution No. 2002 *43* A Resolution Changing the Name of Airport Road to Camino Cesar Estrada Chavez *filed*

VIII. Consent Calendar:

~~44~~ A. Request Authorization to Accept Amendment #1 to Professional Service Agreement #22-0170-CL with Ink Impressions for the Printing and Mailing of the Voter Information Cards (Clerk's Office)

B. Resolution No. 2002 *44* A Resolution Increasing the Equipment Recording Fee for the County Clerk's Office (Clerk's Office)

C. Resolution No. 2002 *45* A Resolution Requesting an Increase to the Clerk Recording Fees Fund (318) for Expenditure in FY 2002 (Clerk's Office)

D. Resolution 2002 *46* A Resolution Requesting a Net Decrease to the Comprehensive Improvement Assistance Program Fund FY 2000 Award (301) to Realign the FY 2001 Cash Balance Available for Expenditure in FY 2002 (Community & Health Development Department)

47 E. Resolution 2002 No. *47* A Resolution Requesting an Increase to the Housing Special Revenue Fund (230) to Budget Fiscal Year 2001 Cash Balance and a

Grant Award Received from the U.S. Department of Housing and Urban Development for Expenditure in FY 2002 (Community & Health Development Department) 49

- F. Resolution No. 2002 ~~48~~ ⁴⁹ A Resolution Requesting an Increase to the General Fund (101) to Establish a Budget for the RECC for Expenditure in FY 2002 (County Manager's Office) 48
- G. Resolution No. 2002 ~~48~~ ⁴⁹ A Resolution Requesting an Increase to the General Fund (101)/County Treasurer's Office to Budget Insurance Recovery Revenue Received for Expenditure in FY 2002 (County Treasurer's Office)
- H. Request Approval to Extend the Ban on the Sale and Use of Fireworks for an Additional 30-Day Period due to Wildland Fire Conditions (Fire Department)
- I. Request Authorization to Accept and Award Price Agreement to ISG Thermal Systems USA, Inc., the Lowest Responsive Bidder for a Thermal Imaging Camera- IFB #22-36 (Fire Department)
- J. Resolution No. 2002 ~~48~~ ⁵⁰ A Resolution Requesting a Budget Transfer from the General Fund (101) to the Community Development Block Grant Fund (250) and the State Special Appropriations Fund (318) for Expenditure in FY 2002 (Project & Facilities Management)
- K. Resolution No. 2002 ~~48~~ ⁵¹ A Resolution Requesting a Decrease to the Water/Wastewater/Road Improvements General Obligation Bond (GOB) 1977 Series (350) to Budget a Reduction in the FY 2001 Cash Balance Available for Expenditure in FY 2002 (Utilities Department)

IX. Presentations:

- A. Presentation of the Draft "Call to Action," the Santa Fe County Health Planning Commission 2002 Health Improvement Plan
- B. National Association of Counties "Acts of Caring Award" to Santa Fe County Health Planning Commission
- C. Update, Presentation and Request for Direction on the Santa Fe County Document Imaging Project

X. Administrative Items:

A. Committee Resignations:

1. Resignations from the El Rancho Community Center *accepted*
2. Resignations from COLTPAC *accept John Michaelson Peter*
3. Resignation from Santa Fe County DWI Planning Council *Freemore Eduardo Viscel*

B. Committee Appointments:

1. Appointments to COLTPAC *✓*
2. Appointment of Bruce Besser to the Northern Area Local Work Force Development Board *approved*

XI. Staff and Elected Officials' Items:

A. Community and Health Development Department:

1. Request Authorization to Submit a Grant to the Center for Substance Abuse Treatment to Provide Services to "Wings to Freedom Program" Inmates Released from the Santa Fe County Detention Center and to their Families *QJM*
2. Resolution No. 2002 ~~50~~ ⁵¹ A Resolution Changing the Name of the "Santa Fe County Health Planning Commission" to the "Santa Fe County Health Policy and Planning Commission"

Approved 3. Request Approval of a Professional Services Agreement Between Santa Fe County and St. Vincent Hospital in the Amount of \$40,000 to Fund the St. Vincent Emergency Room Diversion Project with the Recovery of Alcoholics Program, Inc.

gave direction 4. Request Direction Regarding Community College District Affordable Housing Regulations

B. Project and Facilities Management Department:

Approved 1. Request Approval of Amendment #1 to PSA#21-155-RD with Bohannon-Huston Inc. for Digital Ortho-Imagery Services

Approved 2. Request Approval of a Professional Services Agreement #22-0164-FD with HRJ Architecture, LLC for Professional Design Services for the Hondo Eastern Regional Fire Station

C. Public Works Department

Approved 1. Request Authorization to Enter a Professional Service Agreement with Oden-Miller & Associates for a Comprehensive Road Maintenance Plan

Approved 2. Request Approval to Revise Solid Waste Administrative Fee - \$25

~~*Approved*~~ 3. Resolution No. 2002 ~~4~~ A Resolution Creating the West Mutt Nelson Subdivision Improvement District and Acceptance For County Maintenance

Approved 4. Request Direction for Road and Parking Lot Improvements to the New Proposed Santa Fe Animal Care Campus

D. Utilities Department

Approved 1. Request Approval of a Memorandum of Understanding with Rancho Viejo de Santa Fe, Inc.: 1) Providing for the Use of the College District Production Well by Santa Fe County to Aid in the Immediate Alleviation of the Problem of Drought in the Santa Fe Region, and 2) Establishing a Pilot Project for Ascertaining Aquifer Characteristics Relating to the Aquifer Recharge

Approved 2. A Request to Ratify the Santa Fe County Board's Directive to Implement Stage 3 Emergency Water Regulations, Concurrent with the City of Santa Fe's Adoption of Stage 3 Emergency Water Regulations

Approved 3. A Resolution Delegating Signature Authority and Designating a Project Representative Regarding the Entrada La Cienega (CR50) & Paseo C De Baca Water System Line Extension

4. A Request to Set a Public Hearing Date for the Purpose of Reviewing, Evaluating, and Adopting an Increase to Existing Water Service Rates

E. Matters from the County Manager, Estevan Lopez

~~*Tabled*~~ 1. Discussion of the Gross Receipts Tax

2-1 approved 2. Request Authorization to Provide Heavy Equipment and Operator Assistance to Santo Domingo Pueblo for a Community Cleanup Effort

Approved 3. Request Authorization to Enter into Intergovernmental Service Agreement with the City of Albuquerque to Provide for Housing of Bernalillo County Detention Center Inmates at the Santa Fe County Detention Center

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F. Matters from the County Attorney, Steven Kopelman

4. Executive Session

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

XII. Public Hearings:

- A. Ordinance No. 2002 – An Ordinance Amending Exhibit A of Ordinance No. 1988-11, “Creating a Road Advisory Committee; establishing Geographical Areas of Representation for the Purpose of Citizen Input from all Communities within Santa Fe County” (One Public Hearing Required)

XIII. ADJOURNMENT

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

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

April 30, 2002

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

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

Members Present:

Commissioner Paul Duran, Chairman
Commissioner Marcos Trujillo
Commissioner Javier Gonzales
Commissioner Paul Campos [late arrival]
Commissioner Jack Sullivan

Members Absent:

None

III. INVOCATION

The invocation was given by Reverend Tom Anderson.

IV. APPROVAL OF THE AGENDA

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

CHAIRMAN DURAN: Are there any amendments?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, we have a couple of amendments, additions to the agenda. Under XI. E. Matters from the County Manager, we've added items 2. and 3. Number 2 reads as follows: Request Authorization to Provide Heavy Equipment and Operator Assistance to Santo Domingo Pueblo for a Community Cleanup Effort. Number 3 reads as follows: Request Authorization to Enter into Intergovernmental Service Agreement with the City of Albuquerque to Provide for Housing of Bernalillo

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County Detention Center Inmates at the Santa Fe County Detention Center.

Also, Mr. Chairman, at this time I'm requesting that you table item XI. E. 1. Discussion of the gross receipts tax. That item was erroneously put on the agenda. Those are the changes that I would recommend, Mr. Chairman.

CHAIRMAN DURAN: Okay. Any other amendments?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like for the Commission to consider withdrawing or tabling item XI. D. 1. That's a request for an approval of a memorandum of understanding which also includes establishing or taking over an aquifer wastewater recharge pilot program being done by Rancho Viejo. I think that has questions of the County's role and certainly needs a lot of public input that we haven't scheduled yet. I think it's every bit as important as the Los Alamos Medical Center sale resolution which is in our packet and indicates that we feel there should be more community involvement in that and it's every bit if not more important than that. So I'd request the Commission's consideration to withdraw that item from the agenda.

CHAIRMAN DURAN: Commissioner Sullivan, I've received numerous phone calls and e-mails concerning that same issue, but I think that there's a lot of misinformation out there and my desire is to have some discussion, have the issue brought forward and then have a public hearing about it. There's a lot of misinformation out there and we need to know what this is all about and the public needs to know what it's all about so that they can respond to it accordingly.

Any other amendments to the agenda? So the amendments would be only those—would not include the amendment that Commissioner Sullivan suggested. Is there a motion?

COMMISSIONER GONZALES: Move for approval with the amendments recommended.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: There's a motion to approve as amended. Those in favor signify by saying "aye." [Commissioners Gonzales, Trujillo, Campos and Duran voted with the motion.] Opposed? [Commissioner Sullivan voted against.] Motion carries.

V. APPROVAL OF MINUTES: March 26, 2002

CHAIRMAN DURAN: Are there any changes to those minutes?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had one minor change which I've given to the recorder.

CHAIRMAN DURAN: Okay, let the record note that there are some minor changes.

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STEVE KOPELMAN(County Attorney): Mr. Chairman, I also had some mainly typographical errors in the section on the gross receipts tax. Nothing of substance but if I could also give those changes to the recorder.

CHAIRMAN DURAN: Okay. The Chair will entertain a motion to approve as amended.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye."

COMMISSIONER GONZALES: Actually, Mr. Chairman, I'm not sure if I did that procedurally right. On the minutes, I wasn't here at the last, so I need to abstain. So I withdraw my second.

COMMISSIONER SULLIVAN: I'll second the motion.

CHAIRMAN DURAN: Okay. Those in favor signify by saying "aye."
[Unanimous] Opposed? Motion carries. [Commissioner Gonzales abstained.]

VII. Matters of Public Concern - NON-ACTION ITEMS

CHAIRMAN DURAN: Is there anyone out there in the public that would like to address the Commission on any issue? Please step forward and state your name for the record.

HANK DANNEMAN: Commissioners, my name is Hank Danneman. I live at 1304 Calle Ramon in the City of Santa Fe. Before I begin, I'd like to say to Commissioner Gonzales that we saw you on CNN giving testimony about housing and you did us proud. I thank you very much for your representation of Santa Fe. It was really fine.

About 15 years ago I was on the board of the Old Santa Fe Association. At that time, a member and owner of Rancho Viejo was also on the board and he outlined the long-term proposal for the build-out of Rancho Viejo. At that time, it was expected that it would take much longer than the lifetime of the existing owners. It was really for their children. The extent of this build-out was proposed to be larger by two or three times than the then size of the size of the City of Santa Fe. Since that time their plan has proceeded step by step to arrange to get water, by influencing the location of the Community College, churches, schools and an extension of Richards Avenue.

Recently, I went to visit Rancho Viejo to see what they were doing and they're doing a superb job of building. While waiting to talk to one of the realtors there, I listened to the conversation and the question was raised about water. Where would they get water for the future? And the salesman said at that point that there was absolutely no problem. They has all the water they could ever use. And it was asked what happens if you run out of water? He said, No problem. All we have to do is punch another hole in the ground. We

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are sitting on a pool, an enormous pool of water.

I regret that we have this cyclical situation where we have periods of drought and water. I'm hopeful that by various means the City of Santa Fe and the County can address this important question. We really have no control over the amount of water we get. What we can control is our demand for this water. Before we go ahead and make another tiny step by step arrangement to support Rancho Viejo's claim that they have infinite quantities of water, I would like to urge you all to have a public hearing which will allow everyone to discuss the various facets of that situation. Thank you very much.

CHAIRMAN DURAN: Thank you, Mr. Danneman. Next speaker please.

DON DAYTON: Mr. Chairman, members of the Commission, I'm Don Dayton, president of the Eldorado Water and Sanitation District. I also urge that you take steps to have a major public hearing on this Rancho Viejo issue. The people depending on water around the fringes of Rancho Viejo are very concerned about this. As you know, we are all mining the water in this water basin. So there again, I urge you to schedule far in advance a major hearing on this issue before pursuing it. Thank you,

CHAIRMAN DURAN: Thank you, Mr. Dayton. Next speaker please.

BOB MARGOLIN: Good morning. I'm Bob Margolin, 3101 Old Pecos Trail. I'm representing Axel, the neighborhood association. I'd like at this time to have those who are here to discuss the concerns regarding the activities on the property at 29-A Old Chamiso Road. Please indicate your presence here by raising their hand.

On January of this year, Axel, which is the neighborhood association representing Old Chamiso Road and de Vargas Heights and Sol y Lomas running to St. Francis Drive and past Old Pecos Trail, did write the County of its concerns regarding the activities of the Santa Fe Tree Company, operating out of 29-A Old Chamiso Road, operating what we think is in clear violation of County Code and zoning laws. The business continues to operate. As a matter of fact, the concern was raised to the County well over a year ago and the Code Enforcement Division of the County is to be commended for their response to our concerns.

On that property is a nursery tree business, multiple ten-wheel vehicles, front-loaders, two very sophisticated tree spades that extract trees from properties, move them. Maintenance is performed on that property early in the morning, after hours and to date, the business not only continues to operate but has grown in size with the number of employees, three, four full-time employees. Deliveries by 18-wheelers on a very, very narrow and treacherous road at a bend in the road. And to date, this matter has been referred to the magistrate's court as far as the number of violations has escalated and yet the magistrate's court date has really not been set on action of the magistrate's court.

We ask that the Commissioners and the County really try to expedite this matter. Of equal concern is the lack of cooperation and interest on the part of the owner of the property and the owner of the company to address the problem, which is in clear violation of County law. And if you read Saturday's *New Mexican*, a sense of contempt both for the law, the zoning requirements, and I must say the integrity of the County and its

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Commissioners is really being challenged by the comments made. And we ask that the County look at this matter, expedite this matter so that at the end, this business is moved from a clearly residential property.

Others that will follow will speak to particular issues and impacts that this business has on the neighborhood and on their property. And thank you for your time.

[Commissioner Campos joins the proceedings at this time.]

CHAIRMAN DURAN: Excuse me, sir. How many are there to speak?

MR. MARGOLIN: There's going to be five speaking, including myself.

CHAIRMAN DURAN: Okay. Thank you.

SUSAN EMMET REID: Good morning. I'd like to thank you for hearing us. My name is Susan Emmet Reid and I live next door to this Santa Fe Tree Company, which has been operating for about one year now. I thought it would be appropriate for me to personally describe what the day to day operations of the Santa Fe Tree Company are like, although as you already know from our petition, I speak for many others. Each morning, 5 to 6 days a week, I awaken to the singing of birds. Then I wait for the truckyard to road to life as it has each morning for the past year.

It is 6:45 and the workers of the Santa Fe Tree Company are arriving in their cars and pick-ups. The clanging and banging of truck maintenance begins. Soon the 10-wheeled diesel trucks are turned on and they are idled for upwards of 30 to 40 minutes. The diesel smoke bellows into our bedroom and kitchen windows until we run to close them. I can only liken this to the exhaust pipe of a large city bus being mainlined into your home. Eventually, a caravan of giant, truck-mounted tree spades, a goose-neck trailer with a back hoe and sometimes an enormous tanker filled with water designated for domestic use rumbles down the narrow driveway and onto the dangerous curve in the middle of Old Arroyo Chamiso Road.

This activity often repeats itself during the course of the day as trucks come and go for maintenance and supplies, finally dying down at about 5 p.m. when the fleet comes home to roost and the workers depart in their cars and pick-ups. This morning, the director of permits and inspections, Charlie Gonzales witnessed some of these activities for himself. I never thought that our neighborhood would have to beseech you, the County Commissioners, to put a stop to this.

Last summer, my husband and I spoke to Don Carpenter, the owner of the Santa Fe Tree Company, about the noise, the air pollution and the water issues that were raised by his operating a business of this scale in a residential neighborhood. We told him that it had completely changed the quality of our life and that we couldn't even leave our windows open in the middle of a hot summer afternoon. Mr. Carpenter acknowledged the problem and reassured us that he was looking for commercial land. We spoke to him again in October about the same issues. He said he was still looking for commercial land, but he claimed that he was within his rights, operating as a home business within the county.

In December, nine months after starting the business, he told us he was seriously thinking of keeping the business on Old Arroyo Chamiso Road, along with its irrigated tree

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farm. He added that people who didn't like such things shouldn't have moved to the county. I have always thought that patience was a virtue but I have my serious doubts now. Today, the Santa Fe Tree Company is bigger than ever and our neighborhood suffers more than ever.

The *New Mexican* article this weekend reported that Mr. Carpenter is not taking the County's enforcement action very seriously. This seems to be the attitude among many in the county, that they can violate the County Code as they please because the County's attempts to enforce the laws are ineffective. When the County files a criminal complaint in magistrate court, it literally sits there without any action for weeks, and in our case, for months. What the County needs to do in this case is to direct its attorneys to seek a preliminary injunction today to immediately halt the commercial operations at 29-A Old Arroyo Chamiso. The County has said that the operations are clearly illegal.

I ask you, Commissioner Duran, Commissioner Sullivan, Commissioner Campos, Commissioner Trujillo, Commissioner Gonzales, to help and support our neighborhood by immediately enforcing the zoning laws. Each day that the Santa Fe Tree Company is open for business on our street it is a victory for those who have no respect for the law created to protect the people, the land, the water in the place that we call home. Please assure us that right will prevail over wrong, that the laws will finally be enforced, that our neighborhood will soon return to some semblance of normality. Please assure us that the flagrant breaking of this County's laws will not be tolerated at the expense of so many families. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

MR. MARGOLIN: I will turn over to the Clerk petitions signed by about 42 of the neighbors in the area affected by the Santa Fe Tree Company.

CHAIRMAN DURAN: Thank you.

CARL LUFF: Good morning. My name's Carl Luff and I live at the end of Old Arroyo Chamiso and I use the road every day, myself and my family. And about four years ago, my middle daughter had a fairly serious accident on that curve and the reason is it's a blind curve. It's an ess curve. It goes from blacktop to dirt and there's been numerous accidents there. And I think it's a real safety issue for the County with big trucks, and actually I have a photograph of a semi tractor-trailer with a forklift blocking the entire road. This happens often and if someone coming down there loses control there's a real safety issue. So I'll submit this as well.

CHAIRMAN DURAN: Why don't you bring it up here. I'd like to see it.

CHRISTINA HALL STRAUSS: Thank you for listening to all of us. My name is Christina Hall Strauss and I'm speaking for myself and my husband, Ron Strauss, and my next door neighbors, Lee Cartwright and Ursula Hoeffler. I have a brief statement from them and the Reeves, who are also in the audience here. We all have wells that are very—we live very close to this property. We're bothered by all of these things that have been mentioned, but we all have wells. The Hoeffler-Cartwrights share a well with my husband and I and we're very concerned about our water table being lowered by him pumping out, and it's been documented. There are photos of him taking tankers of water from a domestic well and using it in a

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commercial use. And we're very concerned about this issue.

And that's what I'm speaking about. And then I'm also going to read this brief message from the Cartwrights. Dear County Commissioners. We live at 30-C Old Arroyo Chamiso Road. We are disturbed by diesel fumes and the noise from Don Carpenter's business trucks which often run for at least 20 minutes in the morning. We are also concerned about the potential traffic problems created by his vehicles, and the delivery trucks which come to his residence. In our opinion, a business of this size and nature does not belong in our neighborhood. Sincerely, Ursula Hoeffler and Lee Cartwright. Thank you for your time.

CHAIRMAN DURAN: Thank you. Next speaker please.

LYNN G. SCOTT: Good afternoon. I'm Lynn G. Scott from French & French real estate and also a neighbor in the community. I live right around the corner from this property and I just want to be here to support everyone else because I completely agree. Everything they have said is true. There are trucks coming and going at all times of the day. I bought my home in Sol y Lomas because it's the last bit of country right in the heart of town and I certainly didn't anticipate having a big commercial operation in the middle of all that.

I also sell quite a few homes in that neighborhood and every time that I'm talking to a client about listing their home in that area, one of the things that comes up always is Are our values being hurt by this commercial activity. And I really think the answer is yes. My little boy who's nine, I can't let him ride his bike anymore in the area because of all the trucks and it is dangerous. So it's just something that really, somebody has to do something about this quickly. I also want to give you quite a few pictures that we've taken. I'm not sure if you have these yet either. Thank you.

TAMARA LICHTENSTEIN: Commissioners, my name is Tamara Lichtenstein. I live at 4861 La Junta del Alamo in Agua Fria Village. I feel great sympathy for the residents that are here speaking about this non-conforming business because I've been appealing for ten years to the County with no relief about a similar non-conforming and expanding business in my neighborhood, and I hear these neighbors with very similar complaints and I feel their pain. I see a pattern here and I wonder how many other neighborhoods are going to suffer this until the County starts truly enforcing its own ordinances.

But I'm here about the memorandum of understanding with Rancho Viejo. And I agree with Commissioner Sullivan that this is an issue of such great importance to the whole community that it doesn't belong on this agenda. It deserves, before any decision is made, a full public hearing, lots of public notice and lots of public input. And I'm afraid that if you go ahead and make this decision today without a full public hearing, it doesn't look so good for you guys. And I'm afraid it's going to come back to haunt some of you politically in the future if you have dreams of higher office. People are going to question the decision that's made here today.

I'm concerned about the water quality. Nobody's come and told the public about the safety of this wastewater injection and what effect it might have on the aquifer that so many people depend on, and I don't think you really can sit there and have the right to make that

decision about something that has probably the greatest health effects on the whole community. So it's a health issue; it's a water quality issue; it's also a supply issue.

When people are being asked to let their trees die and their yards dry up and they're see this looking like a go-ahead, a green light for lots more building, I'm wondering how many people are going to be willing to keep conserving water when they see this happening. When the enforcement officers come around and say You can't be watering that tree, some people may say, I'm going to water my tree as long as you're giving away our water to a brand new development. So I urge you to take this off of this agenda, give it a full public hearing. I don't see how a public hearing would hurt your decision. I think it could only inform it. Thank you.

CHAIRMAN DURAN: Next speaker please.

TOM NOBLE: Good morning, Commissioners. My name is Tom Noble and I live on Old Arroyo Chamiso Road. I'd like to just go back for a minute to the previous issue. And I want to put in a good word for the Santa Fe big tree movers of the Santa Fe Tree Company. I think it goes by both names. The service that Mr. Carpenter provides, I think is a very, very valuable service. I don't know if any of you have seen these big tree spades, but it's really the only way to move large trees. And the success rate I think is quite high and a lot of his work is out in Rancho Viejo where they badly need big trees, trees that in all of our lifetimes never going to grow if we started small as big as he can move them.

So it's a really valuable business to have in this community. The problem is it's just in the wrong place. And I guess you've heard enough about that to understand that this is not just a dispute among the neighbors. There was a thing in the paper on Saturday, something about a fence line between one neighbor and Mr. Carpenter is what started all this and that's pretty obviously not the case. This is a pretty serious violation and I think that Mr. Carpenter is probably just going to play along until the County gets tough.

There's been a lot of talk here also today about water and I live just down the road, also on a well, and my understanding is that his tanker truck holds 1,000 gallons and that each of the tree spades holds 400 gallons. So we're talking 1800 gallons a day to take the water out of this domestic permit to keep this business running. I hope that we won't take the short view and think that by shutting this guy down it will save water. I don't think that's the answer either. I hope the business thrives and survives and the water that it takes to move those trees, I think for the quality of life for all of us is water well spent and if we need to curtail some subdivision activity, there's some trade-offs there. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt. I live in downtown Santa Fe, and first I want to commend Commissioners Jack Sullivan and Commissioner Paul Campos for representing the County well at the RPA summit. I thought it was a good start and important work that we need to continue.

I'm here to discuss my concern over the request for approval of a memorandum of understanding with Rancho Viejo without a public process. I actually feel that it's fine for you to even discuss this today, but it would have been better had the public been here to hear that discussion as well. You're saying that we're not informed, but we're not informed to be here to

be informed. When I ran for public office, I ran on trying to keep Santa Fe, Santa Fe County, sustainable. And what I felt to do that was that we needed to not mine our groundwater anymore. And if we could not mine our groundwater, we could understand the human and environmental potential for our area in the future.

Now since then, I've realized that in fact the situation is beyond that and that we will be mining our groundwater. So the next question is How fast do we do it? And this is really, really important. The more we grow the less time we'll have. Rancho Viejo is suggesting a well and a partnership with the County. My feeling has always been that water, and the New Mexico constitution states this, belongs in the public domain. I think the wonderful work that the County has done, especially in terms of the RPA and the gross receipts tax that was just passed, has the potential for our community within the year, by December 31st of this year, coming up with a regional land use plan tied to available water, which I think is the only responsible way to deal with the future of growth and sustainable water in our community.

So I would implore you, before getting into partnerships with real estate developments, to hold the power in governmental jurisdictions, like the County and the City. I would rather see that partnership be between the City and County and you be the brokers for water, making decisions, influencing the rate, the kind, and where our development in the next 40 years takes place. That's what I would like to see happen, and that's not to say that some of the ideas that Rancho Viejo and what they will propose today shouldn't be looked at. I'm just saying they should not be in control, and government jurisdiction should remain independent from these types of developments, especially if they are of the scale that this development, at one point in history was seeking.

The other thing I want to say is that the State Engineer actually will make the decision on this. My understanding is let him make that decision on this, or take your own independent project in if you want to find out how the state would make a decision affecting precedents in the future. Take one of your own wells in, independent, on your own to test what the Engineer will do with this or in fact or with aquifer injection, rather than partnering with a development, because I think that it's too dangerous at this point in time and I'd rather the RPA manage our growth. Thank you.

CHAIRMAN DURAN: Next speaker please.

RAY ROMERO: Mr. Chairman, members of the Commission, I'm Ray Romero. I'm the mayordomo of the Acequia La Cienega. We too are concerned about the water. We have been here many times. For the past 35 years or so our water has been depleted pretty much down in La Cienega from 700 gallons a minute, 750 gallons a minute, to about 240 gallons a minute today. We would like to see a public hearing held on this, whether it be Rancho Viejo or anybody else mining the aquifer. Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

GREG FITZGERALD: I'm Greg Fitzgerald, 11 Avenida de las Casas. I also represent the Cases de San Juan Homeowners Association. We have some familiarity with injection back into the aquifer because of a proposed development called the Inn at the Opera. And I would urge all of you to think carefully on this because there's serious public policy

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issues. The calls for a public hearing I think are worthwhile, but I would also ask, as we've learned, as we've worked on this with the Environmental Department, who were quite helpful. There are serious technical issues and I would hope that you broaden the issue to consider all ways that wastewater can be reused.

There are higher and better uses for irrigation closer to dwellings than the law currently permits but are permitted in other jurisdictions. So I would say at the same time, hopefully, you will call for a public hearing, you will also get yourselves expert advice on this, because it does raise policy issues and I think you should broaden it to say are there other things we can change also, in addition to perhaps permitting injection wells. But the injection well is not the highly efficient way to use that water. It takes a long time to recharge the aquifer. So my request is hopefully you'll call for a hearing, but simultaneously you will get expert advice for yourselves and broaden the issue to cover all the ways that we can most effectively reuse that water. Thank you.

CHAIRMAN DURAN: Okay. Commissioner Gonzales.

COMMISSIONER GONZALES: I just wanted to ask a question concerning the Arroyo Chamiso neighborhood request. Is Charlie here? I guess, Steve, it seems to me by plain view and testimony here today, and looking at these pictures that the intensity in this neighborhood is far more and far greater than a home occupation. I'll wait till Charlie comes up. Charlie, my question to Steve Kopelman was concerning the intensity of the business that was brought forward today and looking at these pictures and looking at the trucks and the scale of activity at least that these pictures represent that this clearly is more than a home occupation business. Is that correct?

CHARLIE GONZALES (Code Enforcement): Commissioners, that is correct. It is way out of the scope of a private home occupation business.

COMMISSIONER GONZALES: So the next question, in looking at this road, what's the width of the road, and I guess my question more immediate in determining whether to support the call for an injunction at this point, what are the concerns or what could this level of traffic lead to in terms of danger for the community out there? Does it present a very dangerous situation with the level of activity that's occurring on top of these roads?

MR. GONZALES: Chairman Duran, Commissioner Gonzales, the property owner has two or three big trucks out there. There's also a road issue as far as it being a dangerous—not really an intersection but a dangerous portion of the road.

COMMISSIONER GONZALES: They talked about a curve. There was some input today about a blind curve.

MR. GONZALES: Right. There was also an issue that went down with Public Works a while back as far as the actual location or the alignment to the road. I believe that that road, the area it is right now, I believe that it's not in its exact location where it's supposed to be. I think over the years, I think there was a ponding area there one year so the road kind of like moved by itself over a couple of years or so forth. So there is an issue there as far as the original road alignment.

For example, I noticed that one property owner this morning had a sewer manhole in

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his property. Those are usually in the roads.

COMMISSIONER GONZALES: Help me with the time line that's left now. We're in court? We're pending a court hearing?

MR. GONZALES: Chairman Duran, Commissioner Gonzales, the arraignment hearing is on May 3rd. One thing that usually happens a lot is a lot of times when we issue these notice of violations and we get these court dates is that a lot of these people don't take us serious until they actually get their arraignment order and that's when people start trying to work with me to dismiss or continue or to try and get out of it.

COMMISSIONER GONZALES: So the arraignment hearing is where the judge will actually determine whether the County's been accurate in citing this person or not.

MR. GONZALES: Mr. Chairman, Commissioner Gonzales, the arraignment hearing is just when the property owner goes in front of the judge and pleads guilty or not guilty. And then from there on a court date is set from there on.

COMMISSIONER GONZALES: So you know the system better than anybody else. Give me a time frame when you think, knowing the court dockets, when you think it best—

MR. GONZALES: Commissioner Gonzales, I've seen so many different varieties coming out of magistrate court. Sometimes we won't even get notice. Sometimes we'll get the notice the day before. Sometimes from two to three months. I think the requirement is it has to be within six months because there's that six-month rule.

COMMISSIONER GONZALES: So let's say we go within six months and then the court issues an order. How much time do the courts usually allow people to remove?

MR. GONZALES: That could be different. There's been times when I've worked with applicants for like three months in trying to get a permit. And then I go to magistrate court and the judge give them, You have three more months to work with staff. And that's hard to call.

COMMISSIONER GONZALES: Mr. Chairman, it seems to me, and I agree with what many of the people have said today that the Land Use Code is something that is taken very lightly by many property owners across the county. We know in some of the surveys that we've done in the past that Code enforcement becomes the number one priority for many neighborhoods. They want to make sure that people are complying with it and our staff is limited to having to follow the bureaucratic process that the courts have laid forward. But it seems to me with commercial intensity to this level, and clearly looking at these pictures, this belongs in a commercial district, not in the middle of a neighborhood, that in fact it does warrant the County moving more expeditiously on something like this and asking the courts to grant some kind of injunction to force this property owner, prior to arraignment or whenever it's going to actually confront the situation and deal with it.

Because that's really when you get the property owner's attention, especially if they're a commercial development. If you get a court order that actually puts the injunction in place they basically have to limit or stop doing business. Is that correct? If the injunction is granted?

MR. GONZALES: That's correct.

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COMMISSIONER GONZALES: So at that point then the property owner has to confront the situation as opposed to waiting quite possibly six months down the road until he negotiates a time to leave the property. I think we need to, and I know it's difficult on the attorney's office because of the level of staffing but I think for cases like this we need to be very strategic in sending out the right message, especially on large scale business use and residential activity that's non-conforming that the County's not going to go through the traditional time line. In cases like this that the we will seek the temporary relief from the courts to stop this so we can actually get this heard.

And I would—I know this is a matter of public hearing but I would lend my support to directing the staff to file that injunction and ask the courts to put a hold on this and force this property owner to confront this issue.

CHAIRMAN DURAN: I agree.

MR. GONZALES: At this time I would just like also to take the opportunity to remind you all that I'm probably going to be coming up before you guys in the next few months to try and get some penalty fees. That I think is going to be the key to getting compliance in the future for some of these Code violations. So like I say, it's really frustrating being in Code enforcement out in the field. You're out there trying to issue something and a lot of times the people they don't pay attention to you.

CHAIRMAN DURAN: Charlie, I got a call yesterday from Carpenter and he actually told me that he hasn't received anything. He's never been delivered a notice of violation.

MR. GONZALES: No, the notice of violations were delivered to him. And I would also like to go a little bit further—

CHAIRMAN DURAN: Did he have to sign for it?

MR. GONZALES: No, they're just dropped off. They're dropped in a mailbox or left on the door, tied to the wire. There's different ways we do it that way.

CHAIRMAN DURAN: So there's really no way of proving that he actually received them.

MR. GONZALES: No, and the intent of the notice of violations is just to put the people on notice so we can work with them. It's not really a—it doesn't really bind them to nothing. It just gets them to work with us.

CHAIRMAN DURAN: And if someone claims he never received it, there's no way that we can prove that he received it.

MR. GONZALES: To a point that correct but when we file in court, that's when they get the actual documents and so forth and then we can get them copies of whatever they need at that point as well. I'd like to say back to Mr. Carpenter, I've been out there on the property at least twice before. Once where he started a shop and got a permit after the fact. Another time he was out there with a back hoe changing drainage. So there has been issues on that property in the past.

CHAIRMAN DURAN: But for this particular issue—

CHRIS GRAESER (Deputy County Attorney): Mr. Chairman, the Land

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Development Code doesn't require that a notice of violation be given to a landowner before a criminal complaint is filed, which Code enforcement generally does, but you don't have to prove that the landowner received it before you can file a criminal complaint.

CHAIRMAN DURAN: What I'm saying is this guy says Code enforcement—he's claiming he's never been notified of any violation of the Code. All I'm trying to do is—I think we need to change that somehow because obviously if people get up and say they didn't receive anything and we have no proof that we gave it to them, we're at a disadvantage.

MR. GONZALES: I can't confirm that he received it. I do have our copies of the ones we left him.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Gonzales, is personal service required of the amended complaint? Does someone have to go out there and personally give it to Mr. Carpenter? Do you know if personal service has been done, or just a mailing or what?

MR. GONZALES: As far as I know, we amended the criminal complaint and we have not notified the applicant yet. I haven't spoken with his attorney. His attorney called me last Friday. His name is Steve Hamilton. I intend on calling him back this afternoon. I was off yesterday. I haven't had a chance to speak with him yet.

COMMISSIONER TRUJILLO: Mr. Chairman, I'd like to say that I empathize with the community. And it's no fault of yours Charlie. I think you're a pundit. You're an expert. You understand the Code. But I think that the process is totally aberrated. I think that it's not conducive to deterring Code violations. Like you say, we go to court to try and rectify a situation and it's put in abeyance for another three months and adjoining members says, If they can do it, I'm going to do it too. So there's a ubiquitous domino effect that people don't take the Code seriously.

There's no deterrent. So I'm asking what can we do to give impetus to a situation that there's more enforcement. It serves as a deterrent and people take the Code seriously? Because at present, not even at the judicial level do they take it seriously.

MR. GONZALES: I think at this time all we can really do is try to impose penalty fees eventually here and educate the public more. I think that's about all we can really do is just educate them about that there's permits needed for a lot of things. A lot of people don't realize they need permits for grading and so forth and things like that. Some of the smaller things. But I think that's about the only way we can go. Like I say, right now the people, a lot of people in the county have this attitude kind of like it's much easier to ask for forgiveness than permission and I deal with that every day just on the amount of permits that I issue after the fact.

COMMISSIONER GONZALES: Mr. Chairman, maybe, can I make a suggestion in an effort to move this along? Could we—and I know that this wasn't noticed for action. Could we send the direction or notice for action at least the consideration of filing the temporary restraining order, maybe at the May 14th and that gives two weeks to send the message out to this guy, have delivered to him, hand delivered or whatever the Commission is going to take this under consideration. I don't know if we can send that direction from up here

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today. If we could, then I'd rather do it today sooner than later. But that might be something—

MR. GRAESER: Mr. Chairman, I think as long as the Land Use Administrator feels that he has guidance he can make that determination to direct the attorney's office. I would like to say, I think that part of your problem with magistrate court, magistrate court doesn't actually have jurisdiction to issue an injunction. They can fine. They can send people to jail. They try to get people to comply, but when it comes down to it they don't have that jurisdiction.

COMMISSIONER GONZALES: So this would be taken to the state district court?

MR. GRAESER: Correct.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This isn't on this, so if anyone has anything else—

COMMISSIONER GONZALES: So I just throw that as a recommendation. I don't know how the rest of the Commissioners feel.

CHAIRMAN DURAN: I feel the same way. I think we should try to beef up our notice requirements.

ROMAN ABEYTA (Land Use Administrator): Mr. Chairman, I would just ask for clear direction then. Do you want us to pursue a temporary injunction from district court in this matter?

COMMISSIONER GONZALES: Yes.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question for legal, Mr. Graeser. The message I've been getting for a few weeks from legal is that there is no irreparable harm. Is that right? Is that the position taken by legal?

MR. GRAESER: Mr. Chairman, perhaps this would be better discussed in executive session, but in order to get a temporary restraining order you do have to show irreparable harm.

COMMISSIONER CAMPOS: What's the likelihood of getting one issued in this case?

MR. GRAESER: I'd feel more comfortable filing the complaint and asking for an expedited hearing on a preliminary injunction and my guess is we could get that within a couple weeks. I'd feel much more comfortable asking the court for that.

CHAIRMAN DURAN: I see irreparable harm. I guess it's pretty subjective.

MR. GRAESER: It is a legal issue. There is case law to support that violating the ordinance itself is irreparable harm to the citizens.

COMMISSIONER TRUJILLO: It's obvious that the intensity of the usage is over and above any home occupation, a commercial business over and above, and it is having a disparate impact on the community.

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MR. GRAESER: Mr. Chairman, Commissioner Trujillo, it certainly looks like that from what I've seen.

COMMISSIONER TRUJILLO: So why are we getting into vernaculars of irreparable harm when it is obvious that the impact is quite negative.

MR. GRAESER: Mr. Chairman, Commissioner Trujillo, this is simply the legal requirements for obtaining a temporary restraining order. The process is a temporary restraining order, a preliminary injunction, a permanent injunction. A temporary restraining order is something where you could go down to the courtroom today and get a temporary restraining order. The court is going to have to be convinced it's something very egregious though. They'll set an expedited hearing within a couple weeks for a preliminary injunction and take more evidence. It's my understanding that the courts will be much more agreeable to issuing a preliminary injunction after taking evidence than to try to a TRO right away. But we'll take whatever direction that the Board wants.

COMMISSIONER TRUJILLO: But even if we look at the Code as it exists today, in this situation, the Code is not complied with. There's non-compliance and on that basis we could give impetus to an injunction. There's non-compliance, totally. The intensity is—

MR. GRAESER: Absolutely. Mr. Chairman, Commissioner Trujillo, I'm quite confident that the court would be willing to shut this operation down and issue an injunction. And it's up this Board whether we want to ask for a TRO or not.

CHAIRMAN DURAN: Why don't you just go for the injunction and let the courts decide what they want to do, how they want to interpret the information.

MR. GRAESER: Mr. Chairman, to clarify. We ask for a temporary restraining order or a preliminary injunction?

CHAIRMAN DURAN: We want to shut them down.

MR. GRASER: Okay.

CHAIRMAN DURAN: Don't we?

COMMISSIONER GONZALES: Absolutely.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Now that we have that settled. I just want to add to or comment on the remarks made by the recent speaker with regard to wastewater injection on a previous project. I attended along with the County Manager and others a seminar that he arranged to have the hydrology staff of Los Alamos present some results, preliminary results that they've been working on on the effect on the aquifer in the Rio Grande area, particularly on the Buckman well system. And it was a complicated presentation and a very thorough one, but one of the things that struck me in that presentation was first, that they've modeled data that in fact the Buckman wells are taking water on the other side of the Rio Grande, from in essence from the aquifer under Los Alamos County.

But secondly, that they carbon dated the water in a number of test wells that they've

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done and that carbon dating has placed the water withdrawals between 6,000 and 30,000 years. So the water that we're withdrawing at Buckman and that Los Alamos is withdrawing is, depending on whether it's young water or old water, between 6,000 and 30,000 years old. So I like the comment that was made that there are other options and efficiencies that I hope we can look at as well as possibly aquifer injection because we'll be making a decision that we really wouldn't know the effect of for 6,000 to 30,000 years.

I might be here 6,000 years from now but I don't think I'll make it to 30,000. So I think when we hear this today, it's apparently the Commission's desire to hear this particular matter, I hope that we'll listen to the discussion but as the public has asked that we will defer it for additional public comment and work session if necessary based on the impact that our decision might have. Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: I'm concerned that the perception of the community and some of the Commission seems to believe that this is going to be a surreptitious, clandestine, a secret process, and by no stretch of the imagination is that what we're trying to derive. We're not going to make decisions in a vacuum. I think that it's imperative that the community get involved in the discussion, that we have the appropriate demographics in front of us in order to make final recommendations or decisions. By no stretch of the imagination are we going to have a secret process here.

We're here to make decisions in the best interest of the community and like Commissioner Sullivan says, these are long lasting impacts and we need to make sure that we're objective and have all the available information in front of us before we make those decisions.

CHAIRMAN DURAN: Thank you for saying that, Commissioner. I think we need information. There has never been any indication that this Commission is in favor of this or against this proposal. In order to make a decision on whether or not we're going to support it, we need to have input. And I'm sorry there are so many that feel that this is not a public hearing but this is the beginning of the process. And if it's determined that it needs to go to a public hearing, well, then I guess that's where it will go. You just have to believe in us for about another two or three hours. Okay, that concludes the Matters of Public Concern.

I'm wondering if the Commission might consider amending the agenda to bring this Rancho Viejo issue forward after item VII. A so that those who came to speak to the issue can get on with their day.

MR. LOPEZ: Mr. Chairman, I'm not sure if some of the people that spoke about this matter had intended to come back this afternoon, but I know that some of the people that did speak about this matter have since left so I'm not sure if perhaps they were intending to come back or not. I just raise that as a concern.

CHAIRMAN DURAN: When is it coming up?

MR. LOPEZ: Given where it is on the agenda I would anticipate that it would early afternoon at best, probably 2:00 or so.

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CHAIRMAN DURAN: How many of you that came to speak to this issue are still here?

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, several people asked me about what time it would be heard. I told them to wait for the agenda, the adoption of the agenda, and that if it wasn't moved up that it would probably be about 2:00. Whether or not these people will come back I don't know.

CHAIRMAN DURAN: Okay. We'll leave it the way it is.

VII. Matters from the Commission

A. Resolution No. 2002-41. A Resolution Supporting the Pueblo of San Ildefonso Land Claims Settlement Legislation

MR. LOPEZ: Mr. Chairman, several weeks ago, the Governor of San Ildefonso, John Gonzales, requested a meeting with some of our staff and with Commissioner Trujillo to present to us a proposed settlement and to seek our support of a land claim and to seek our support for that settlement. We did have a meeting which was attended by the Governor, the Pueblo's attorney, Mr. Peter Chestnut and two of the tribal council members as well as representatives from the Forest Service.

The overall land settlement was presented to us and based on that presentation we felt like we could draft a resolution in support of that. The Governor and the tribal attorney and a number of the councilors are here today and I would ask that they be allowed to speak regarding this resolution, but I think that—well, I'll let the Governor present it first and then see if the Commission would like act on this resolution.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Question for Mr. Lopez. Isn't there some dissention within the Pueblo about this? I got some calls yesterday.

MR. LOPEZ: Mr. Chairman, I would ask that the Governor address that. He's aware of the calls that you've received and so forth.

COMMISSIONER TRUJILLO: I'd just like to say that during the meeting with the Governor and the two members from the tribal council, the discussion was quite harmonious and we did ask the hard questions and got the information that we needed and with that, the Governor and the council agreed that they'd come before the County Commission and articulate and represent their position regarding this issue. And I also got the same questions, Commissioner Campos, about a schism within the Pueblo. But the Governor, I talked to him this morning, and he says that the process has been inclusive and that the majority of Pueblo members agree with the direction of the process. So I'll pass it over to the Governor Mr. John Gonzales.

CHAIRMAN DURAN: Well, for the record, I'd like to just enter, rather

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than read the resolution into the record. Just enter it into the record.

GOVERNOR JOHN GONZALES: Mr. Chairman and Commissioners, Commissioner Trujillo, I would like to thank you for allowing us to come before you to talk about a very important issue. Before I begin I'd like to make some introductions here of some very important people here who are here with us, here with me today. We have some traditional leaders from the community. Mr. Robert Gonzales, Mr. Julian Martinez, and Mr. Eric Fender. The other individuals who are present are all council members. We have first Lt. Gov. Timothy Martinez. We have tribal councilman Dale Martinez. We have tribal councilman Erin Gonzales. We have tribal councilman Myron Gonzales, tribal councilman Sean Hughes, tribal councilman Terrance Garcia.

CHAIRMAN DURAN: Welcome.

GOV. GONZALES: Thank you for allowing us to share this moment with you. I know that you have some very important business at hand to take care of so we'll try to be brief and answer all questions that you have. For decades, and yes, literally decades, we have been involved in trying to resolve the last land claim settlement, land claims case that was originally filed with the Indian Claims Commission. Back in 1951, San Ildefonso filed its claim, its land claims case before the Indian Claims Commission. Today, that case is still open. We are currently negotiating with various agencies within the federal government, namely the Department of Justice, the US Department of Agriculture, specifically the Forest Service, the National Parks Service and the Bureau of Land Management.

We from throughout have from the first time that this case was filed to as recent as last week Monday night have been in communication, constant communication with the people at San Ildefonso Pueblo. This case could not have gone forward without the input of the people from San Ildefonso Pueblo. There have been numerous meetings that have been held at San Ildefonso Pueblo. I just wish to point a few out to you. In February, February 26, 2001, a meeting of the general voting membership was held and at that time they all supported, over 94 percent of the people present voted in favor of the settlement as it was being presented at that time.

In December, December 4, 2001, the governing body of San Ildefonso, the tribal council adopted a resolution in support of the land claims settlement. In October 1, 2001, another meeting was held with the general voting membership to brief them on the land claims settlement as well. And then as recent as last week, Monday night, we had a community meeting which was one of the items that was presented to them was a report on what we refer to as Docket 354, which is the land claims settlement that we're here to ask your support in.

And one of the messages that has been always presented by the membership is that San Ildefonso would never, ever agree to settle this case for money. And that was what was one of the things that had been presented to us time and time again by the US government that they will only settle this case for a monetary settlement. And that was rejected time and time again throughout the years, throughout decades. That has been

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reject. Land had to be included in the settlement.

So in the recent administration with former Governor Perry Martinez, we were successful in persuading one of the main land holders in the aboriginal area to put land on the table, and this is the Forest Service. We were successful in doing that because we persuaded them that the significance of this land lies in our culture, lies in our religion and without these lands there was no way that our continuance as a people would survive without having access to these lands that we still use, although they're in another jurisdiction.

What I'd like to do is point out a few things to you. The land that I'm talking about is the Forest Service property here. All this green is Forest Service land. The aboriginal area is outlined in red. It goes all the way to Pojoaque. It includes the community of White Rock. It includes the town of Los Alamos. It includes all the Department of Energy lands. It includes Bandolier National Monument, part of it. It includes the Bureau of Land Management down here and the Bureau of Land Management here. And some of these lands up here are private lands. Up here to the north is Santa Clara.

What we have been successful in persuading the Forest Service to do is if they are given congressional authority to do so, they will sell us approximately 7700 acres of Forest Service land. What we will use is monies that we will be given through the settlement of this case and that amounts to \$6.9 million. San Ildefonso does not want any of that money. We want to be allowed to buy \$6.9 million worth of Forest Service lands. If anything is left over, we haven't decided what that might be used for. We're hoping that's sufficient to purchase this amount and that Congress does authorize the Forest Service to allow them to sell these lands to us.

For the first time in almost 50 years we have been—last year we engaged with one of these land agencies in return of some of our aboriginal homelands. And we were very, very grateful for that. This was the first time that we were able to present to the membership. We have not the ability, or the possibility of purchasing lands in exchange for settlement of our land claims. What will happen is that if we are successful in purchasing these lands here, we agree to extinguish title of San Ildefonso lands, aboriginal lands. So in exchange for 7700 acres, we extinguish title to almost 90,000 acres.

Our preliminary estimates of the value of this land is \$480 an acre. So we will be allowed to buy back these lands at \$480 an acre. The value of the taking of the property, the aboriginal lands is at almost six dollars. So yes, there is concern that is expressed within the communities. How can this injustice be allowed to occur? That is one of the very concerns that we are trying to address and there's no adequate explanation to provide anybody. I cannot understand how the US government is saying, At the time we took your land, it was worth \$6 an acre and that's all we're going to give you. But we will allow you to buy back some of your lands at almost \$480 an acre.

I don't know if you agree that there's an injustice here, but to us it is very clear. So a couple of other things I wish to point out to you and I wanted to state this publicly for the record that I wanted to thank you for your support that you gave us in transferring Bureau

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of Land Management lands to San Ildefonso and Santa Clara. Those lands are right here, this T-area here. And San Ildefonso will receive the southern portion here. The Forest Service lands, there's approximately 5,000 acres that are within Santa Fe County. The balance is within Rio Arriba County. There's a little thumb here within Los Alamos County.

Forest Service included that because they didn't want this island of Forest Service lands to be left out by itself for management reasons. We have briefed Los Alamos County. We will be briefing Rio Arriba County. We will be briefing the Pueblo of Santa Clara as well to try to gain their support. We will be also briefing environmental groups to try to gain their support as well. They gave it on the Bureau of Land Management lands.

So those are some of the important points that need to be raised with you and I wish to again emphasize or point out that the tribal governing body, the tribal council has time and time again supported the direction that we are moving in and I'm hoping that when we get to a point of going to Congress and saying, Yes, we are ready. We have the support. We are ready to have this legislation introduced, that we will be able to provide them in our hearts something that is acceptable to us, which is the extinguishment of our homelands, title to those homelands.

It may be a hard pill to swallow but the return is that we will receive 7700 acres, hopefully a little more. But that's what I'm here to present to you and ask for your support in this resolution.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Thank you, Governor. Commissioner Campos.

COMMISSIONER CAMPOS: Governor, just a couple of questions. Could you describe the land generally?

GOV. GONZALES: It is canyon lands. Right now there's very limited use. Brush lands. There's not very much timber on the lands.

COMMISSIONER CAMPOS: Are there any private claims in this area?

GOV. GONZALES: There are some private claims and the Forest Service has indicated to us that a condition of any sale that they would agree to is that the preservation of those access rights have to be preserved. Los Alamos County also has a water line that runs through the canyon there. They've indicated that we have to preserve that access. The other access is for the Forest Service as well, for management reasons.

COMMISSIONER CAMPOS: Any roads, highways, County roads?

GOV. GONZALES: There's a dirt road, there's a couple dirt roads and they're numbered here. There's 446 Forest Road, 416 and 442. This is State Road 502 going up to Los Alamos. I don't know if some of you are familiar with it but this is the Guaje Canyon Road that goes to San Ildefonso and it goes up to this area. If you keep going this way, this is Rendija Canyon that goes into Los Alamos.

CHAIRMAN DURAN: That's the back way?

GOV. GONZALES: Yes, sir.

COMMISSIONER CAMPOS: As far as public access now, I assume there

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are hiking trails and things in the area that the public has a right to enter.

GOV. GONZALES: Actually there isn't and the access will be limited to what I had described which is the access of the private land holders in the northern part of that area as well as the Forest Service, and Los Alamos County for maintenance of those well lines.

COMMISSIONER CAMPOS: Okay. Any power easements? Anything like that?

GOV. GONZALES: No power easements.

COMMISSIONER CAMPOS: So basically, all the access easement issues have been taken care of?

GOV. GONZALES: We have agreed and negotiated with the Forest Service on these particular issues.

CHAIRMAN DURAN: Governor, isn't it restricted access presently?

GOV. GONZALES: Yes, sir. And San Ildefonso is currently looking at its reservation management, management of the reservation lands more from a resource management standpoint. And one of the things that we had found is that in the closure of the Guaje Canyon Road, which we did back a couple years ago, we found that it actually benefited the regrowth of vegetation in the area. We found increasing game and so forth. So what we're beginning to, and we don't have much resources to do it ourselves but we're trying to locate those resources to look at resource management from our overall reservation-wide perspective.

CHAIRMAN DURAN: So this actually goes to Barranca Mesa, right? The back road to Barranca Mesa?

GOV. GONZALES: Yes, sir. It goes through Rendija Canyon, past the gun club and then into Los Alamos.

CHAIRMAN DURAN: Right. Okay.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Governor, you've articulated quite eloquently that the process has been inclusive and there has been an abundance of community meetings and discussion regarding proceeding with this acquisition. I got a fax just now regarding a proposed change in the resolution and I want to run it by you, okay? This is, the present resolution reads "Whereas the County of Santa Fe wishes to support this request by the Pueblo government holding lands within the exterior boundary of the county." The proposed change, Governor, is: "Whereas the County of Santa Fe wishes to support this request provided it is the will of the people of San Ildefonso to accept settlement of its aboriginal land claims under government holding lands within the exterior boundaries of the county."

Since you've already articulated that this has been an inclusive process, and I think that this change does reinforce that it has been an inclusive process, do you have any problem in making this change?

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GOV. GONZALES: Mr. Chairman and Commissioner Trujillo, the responsibility of public input, the responsibility of community input lies with us. That is our responsibility. It lies with us. We as, myself as Governor, the tribal councilmen and as well as the traditional leaders. We have that responsibility and we have carried that out a number of times in regards to this land claim settlement. And what I would ask is that the resolution that has been submitted to you in the draft form be kept as is, because the insurances, and as I indicated for the record, we have undertaken that process. It is not necessarily the same as Santa Fe County Commission, the state of New Mexico, the City of Santa Fe. It's our process that we follow and we have gone through those steps. We have followed it. We have, as I mentioned, gotten direction from the membership. For example the only way that this land claim settlement can occur is with land. They will never accept money.

So that was the direction of the administration's pass to try to arrive at a land settlement. So we are at that point where we have actually taken that message, that directive from the membership and we are at the point where we are actually almost about to accomplish that. So I would ask that you not include that kind of language because again, like I said, that's our responsibility.

COMMISSIONER TRUJILLO: I agree. I agree. I think we're in a precarious situation if we start listening to all the internal positions and then there's nothing that we can do about that. The process of healing, like you said, or participation, comes from within. So I agree with you and I will propose, or I will make a motion that the resolution for this land acquisition be approved by this Commission.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: For discussion. I used to play in that canyon and I had a dream about it last year. It's a beautiful canyon and I can see why you would want it back so I'm going to vote in favor of the motion. And hopefully, you'll get it.

GOV. GONZALES: Thank you.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman. One question, Governor. On the land immediately to the north of the 7700 acres that you've identified, which appears to be out of what you term the aboriginal boundary, is there any discussion like the BLM land of that going to Santa Clara?

GOV. GONZALES: The Forest Service, for whatever reason—well, for management reasons, included this little section here which is outside of our aboriginal area. And we didn't want that included and the reason being is because we believe that falls within Santa Clara's. So now we have to deal with Santa Clara and how to get their support for the land claims settlement as proposed. There's a tiny green area here and all of this is Forest Service.

We are only concerned with what lies below this red line. That is the only thing that we are concerned with. And if we end up with this here, we will work something out with Santa Clara so that they receive that. We don't want to keep that. Now as far as these lands

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here are concerned, although they are here designated as being private, we believe that Santa Clara has already bought some of that. They already purchased some of that land.

COMMISSIONER SULLIVAN: Governor, is there any private land within the 7700 acres?

GOV. GONZALES: I believe there's a little bit right in this area.

COMMISSIONER SULLIVAN: And how do you deal with that? Do you continue to provide access?

GOV. GONZALES: Yes, sir.

COMMISSIONER SULLIVAN: And is that land excluded from the 7700?

GOV. GONZALES: Yes, sir. Forest Service has required us to provide access to all, not only these land holders within the aboriginal area, but the lands up here as well, north of this aboriginal area. So we have agreed to that.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: It seems like a lot of Pueblos are involved and they all have to give their consent. Do you think it might be premature to vote yes at this point until we get Santa Clara on board and some of the other counties? Governor, how serious is your discussion with Santa Clara? Are you close to settlement? Is there a serious dispute about lands or trades of lands or anything like that?

GOV. GONZALES: We have undertaken a consultation process, which we are required to do, not only by the Forest Service but the congressional delegation has indicated that we need to go through that process. So not only do we have to come to Santa Fe County, we have to go to all the other entities involved, not only the governments but some of the environmental groups. So to answer your question specifically, we have not met with Santa Clara Council. They have assured me that they will include me in their agenda some time real soon here, hopefully this Friday and to brief them on the overall land claims settlement that we've been working on.

COMMISSIONER CAMPOS: And you also spoke with Los Alamos County Council?

GOV. GONZALES: We spoke with Los Alamos County back about a month ago.

COMMISSIONER CAMPOS: Did they respond?

GOV. GONZALES: They've indicated that they have two concerns. One is the formal designation of the Guaje Canyon route as an emergency evacuation route. We did that with the Cerro Grande fire. We opened that up and there was emergency evacuation through that canyon there, through our lands. And also the preservation of the water lines that go through the canyon. And that's also a requirement on the part of the Forest Service as well. So we have indicated to them that we will of course work with them on this matter and preserve that access.

COMMISSIONER CAMPOS: These accesses and easements, are they in

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perpetuity or are they subject to termination?

GOV. GONZALES: The water wells, what we're trying to do is we're trying to include language that states as long as the are in use, as long as those easements are for that use. If they abandon the well field of the lines then we're asking that they then be returned to the Pueblo.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, I cannot speak for Santa Clara Pueblo or Los Alamos or Rio Arriba County, but I think that Santa Fe County needs to take a position regarding this land acquisition and send a message to the other governmental entities that this is a good thing. It will preserve a life style. There are religious, traditional and cultural implications with this land acquisition. It will solidify a people, a Pueblo, in perpetuity and that's a message that I would like to send and I think that it is appropriate to vote on this motion today.

COMMISSIONER CAMPOS: Mr. Chairman, I think I would like to have the Santa Clara input, frankly. I'd feel more comfortable if everybody's on board, there are no disputes. The issues raised by Los Alamos County have been resolved. That way we do have a consensus. And it seems that we're a little bit ahead of everybody else on this issue if we go forward today.

CHAIRMAN DURAN: Okay. Those in favor of the motion to approve Resolution No. 2002-41 signify by saying "aye." [Commissioners Trujillo, Gonzales and Duran voted in favor.] Opposed? [Commissioner Campos voted against.] Motion carries. [Commissioner Sullivan abstained.]

Thank you, Governor. Good luck.

GOV. GONZALES: Thank you, Mr. Chairman and Commissioners. We certainly do appreciate that and in our prayers you will be kept in mind and we will share those prayers and pray that you provide guidance and leadership to the people that you are responsible for here in the community. And I wish to, a last word, I wish Mr. Trujillo the best of luck because I know that he's going to be going off the Commission but I look forward to working with him on some other matters. So thank you very much.

CHAIRMAN DURAN: Good. Thank you, Governor.

[The Commission recessed from 12:00 to 1:30.]

CHAIRMAN DURAN: We'll call the meeting back to order.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I'd like to ask the members of the Board if they would allow for an adjustment of the agenda. There are several people who've taken off of work to hear item C. 3, which is a resolution that would create a West Mutt Nelson Subdivision improvement district and acceptance for the County maintenance. And considering how our schedule is moving somewhat slowly, it might be I think helpful to

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the individuals who've taken off work to see what our action is. That way they could go back as opposed to waiting all afternoon till we hear it. So I just ask if you'd ask Public Works in the interest of accommodating the public if we can hear that.

COMMISSIONER CAMPOS: What item is it, Commissioner?

COMMISSIONER GONZALES: Page 3, under Public Works Department, number 3.

COMMISSIONER CAMPOS: Okay. I would go along with that.

COMMISSIONER GONZALES: Is the Public Works Department here? Is that okay, Mr. Chairman? Robert, could we—

XI. C. Public Works Department

3. Resolution No. 2002-42. A resolution creating the West Mutt Nelson subdivision improvement district and acceptance for county maintenance

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, last year the residents of West Mutt Nelson Subdivision area attended a BCC meeting and requested assistance from this Board for improvements and maintenance on their portion of West Mutt Nelson Road that is not currently County maintained. At that time, the Board advised the residents that it was a private road and they could not assist them, but they directed staff to meet with these residents and give them some guidance.

Staff has met with them numerous times over the past six months and at this time, the residents wish to create an assessment district for the improvements of this road. They are also requesting that the road be accepted for County maintenance. They have provided a petition and they are petitioning the Board via the petition method and it's required that they have 66-2/3 of the residents in the boundaries in favor of this district. There are 46 lots in this boundary that I showed you on that map. Actually, there are two more lots because in the past month a family transfer was done that created two more lots.

So there are 48 lots and roughly 33 signatures. And the rough estimate for these improvements are \$228,000. And I'll just go quickly through the rough estimate. Surveying and construction staking, \$10,000; grading and drainage, \$3,000; six inches of basecourse, \$45,000; utility relocation is a big cost, \$82,000. And equipment and manpower, \$75,000. That is just a rough estimate.

In the event that the Board does create this assessment district, the resolution directs us to do an engineer's estimate and proceed with the preliminary hearing. So at this time, Public Works is waiting for further direction from the Board. There's quite a few residents here that live on that area and have taken off time from work. I believe they want to address the Commission.

CHAIRMAN DURAN: Are there any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Robert, there was a couple of questions I had to understand this a little better. Number one, as I understand it, you're going to put this out to bid and if you feel that the County forces can do it less expensively than the bid costs, then you're going to do it with County forces and I assume the County is then reimbursed through the assessment district. Is that correct?

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

COMMISSIONER SULLIVAN: I didn't see, and I don't have your breakdown that you just read off in the packet here, but I didn't hear any engineering costs. I heard some surveying costs in there but if it goes out to bid, obviously, you're going to need to have an engineer and I assume you're going to have to prepare the assessment roll and the contract documents and specifications. Did I miss the engineering?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, we did not include engineering on this rough estimate because if you do create this district, then we will do a more detailed estimate. Some projects we can engineer in house. It's just based on what the Commission directs us to do.

COMMISSIONER SULLIVAN: And again, if that were engineered in-house, ultimately the County would have to be reimbursed for that, just like you would be for the construction.

MR. MARTINEZ: Mr. Chairman, that is up to the Board. They direct us whether to bill them for services or whatever they want us to do.

COMMISSIONER SULLIVAN: Okay. I think we just need to be careful that we follow the statute on improvement districts in that regard and also the anti-donation clause. The other thing I didn't see in your estimate was legal or legal costs that are always involved in these assessment districts. Have we factored those in or again, is that going to be done in house? What's your thinking on that?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, like I said, that will all be done when we do—we didn't want to expend a whole lot of staff time unless the district was created. So basically, this is just a very rough estimate. You're right. Some right-of-way mapping will have to be conducted or performed to convey these easements to the County. So like I said, this is a rough estimate.

COMMISSIONER SULLIVAN: Okay. And you mentioned in your write-up, or actually, it's in the resolution, the improvements include additional easement acquisition. I didn't hear an estimate for that in your summary there. Or maybe I just missed it. Is there easement cost in there?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, if you look on the map that I gave you, if you look south of Mutt Nelson Road, you don't see any lots. It's one big lot and that is owned by Peter Komis. It is our opinion that an additional 25 feet of easement would be needed to be acquired to accommodate the utility relocations and the construction of this road. And speaking with the residents, it's my understanding that Mr. Komis has said in the past that he will grant or donate this additional 25 feet for the

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mile in length, which equates to roughly about three acres of property.

COMMISSIONER SULLIVAN: You do say that you're providing that additional necessary easements are donated but you also anticipate some acquisition. At least that's what it says in the resolution.

MR. MARTINEZ: Correct. There is one other lot. If you look to the east, it would be just to the right of the solid yellow line where the road cuts through the upper right corner. I believe we would probably need to acquire additional easement on that parcel.

COMMISSIONER SULLIVAN: And what's the County width requirement for this level of road? Is it 60 feet?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, it's 50 feet.

COMMISSIONER SULLIVAN: Fifty?

MR. MARTINEZ: Fifty feet of right-of-way or easement. But there is an exception to the rule under the Land Use Code, I believe that they will allow 38 feet.

COMMISSIONER SULLIVAN: But new subdivisions are coming through with 60 feet, aren't they?

MR. MARTINEZ: I couldn't answer that. It depends on the amount of lots or the classification of the road. This is still classified as a local road because it has less than 60 lots.

COMMISSIONER SULLIVAN: I know where I live there's only 16 lots and they required 60-foot right-of-way. So, well, you'll check on that when you get into the details. The other question I had was you're going to base the assessment, most of the time assessment is based on front footage, and this one I see is going to be based on area of lot. First of all, is there a particular reason for that and then second of all, the Komis property to the south then, are they assessed for the whole area of that very large lot to the south?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, the reason we based it on per-acreage as opposed to per-frontage was because it wasn't only the people that fronted West Mutt Nelson Road that were benefiting by this. All of those lots that you see in that yellow boundary need to use West Mutt Nelson Road for access. So that's why we opted to go with the per-acreage option. And the second reason was because the lots are not all equal in size. You have some large lots that are about 8 acres, 15 acres, 20 acres, so we felt it was equitable to do it on a per-acreage basis.

COMMISSIONER SULLIVAN: Okay, then as I understand the Komis property is to the right of where you have the words NM 599?

MR. MARTINEZ: Correct.

COMMISSIONER SULLIVAN: And that goes all the way to that yellow line that's to the left of the words "Mutt Nelson." Is that right?

MR. MARTINEZ: Correct.

COMMISSIONER SULLIVAN: So my question is does the Komis property, because obviously they benefit from this road even if they're donating some

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right-of-way, do they contribute on the basis of the acreage of their lot?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, we were not including them in the district, because they have approximately 600 acres and if they were to develop that property they would need to build their own secondary or a totally different access to that property, because even the first portion of Mutt Nelson Road that is County maintained does not have the right-of-way or the surface width to accommodate a 600-acre subdivision.

COMMISSIONER SULLIVAN: Between the long yellow line which is Mutt Nelson Road that you're paving, right?

MR. MARTINEZ: Correct.

COMMISSIONER SULLIVAN: And is there, between that and the end of the district boundary, is that property Komis property?

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

COMMISSIONER SULLIVAN: Okay, so as long as they're fronting on your property and there's not an area in between, and correct me if I'm wrong, we have to provide them access through that public road, particularly if it becomes a County Road. So I would think that they could have access off this road, whether we liked it or not.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, basically, the resolution that we have put forward is something to start the process. The Commission has the right to expand the boundaries. Basically, the boundaries were put together so the residents knew how many signatures they needed to get to achieve the 66-2/3. So this Board has the authority to change anything that's being proposed here.

COMMISSIONER SULLIVAN: I'm just trying to be sure—then to the right of the Komis property is another large lot, right? Who's the owner of that one?

MR. MARTINEZ: I don't have that plat with me here, but—

CHAIRMAN DURAN: What are you leading to, Commissioner? We need to get to the point here.

COMMISSIONER SULLIVAN: Well, number one, my point is, Mr. Chairman, I'm asking questions to understand this better, if that's okay. If that's in order.

CHAIRMAN DURAN: Sure.

COMMISSIONER SULLIVAN: Okay, and number two, as I'm getting this information from Robert, I'm seeing that there may be additional property to the south that benefits from this improvement district. If the intent is to pave—how far are we going on Mutt Nelson Road, Robert? Does it go right through the end of the word "Nelson"?

MR. MARTINEZ: Mr. Chairman, it starts, do you see where the yellow boundary steps down to the south and there's those four lots just to the right of there? You can see the road is a different color and it's wider? That is the end of the County road. So the improvements, which would be basecourse improvements, not paving, would be from that point all the way to the left of that sheet to the yellow border.

COMMISSIONER SULLIVAN: Robert, you've lost me. Can you just draw it on here or something, how far the County road goes. Coming in from the right to the

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left. From here. Okay. So it would seem in considering the size of your district that you do have at least two other major property owners that may ultimately benefit from the basecoursing of this road and it would seem that it would certainly be a benefit of the property owners there to help share the cost more between those property owners. That's one point that I was getting at, Mr. Chairman, was that we have other beneficiaries.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, you say two property owners, there's only one property owner to the south of Mutt Nelson. That is Peter Komis.

COMMISSIONER SULLIVAN: Okay, I saw a yellow line there.

MR. MARTINEZ: Right. He owns both those parcels.

COMMISSIONER SULLIVAN: Okay, that's what I was saying, who owned that tract to the right there and you said you didn't know. So that's Komis that owns both of them. So I guess one suggestion I would have as you move forward with this would be to make some estimate of what the benefits would be to that property owner because they would seem to be substantial to me to have a County approved, maintained and basecoursed road right going along my whole northern boundary. That would seem to be a substantial benefit. And I understand you're negotiating or you will be negotiating for right-of-way acquisition in there but I would conjecture that that benefit is worth more than just the land acquisition itself and in turn it would reduce the per-lot cost to the rest of the participants in the district. That's all the questions I have, Mr. Chairman.

CHAIRMAN DURAN: Robert, hasn't the neighborhood been in touch with Komis? Hasn't this thing really generated or arisen from all the property owners in there wanting to have this road improved? I guess my only concern is if we include Komis, is that going to delay the process? Is he going to be able to object to the assessment district? Because if we include his land, he's probably going to experience the burden of the cost and he's not the one that wants the road; it's the people that have been out there trying to get us to accept this road for years.

MR. MARTINEZ: Mr. Chairman, that is correct. I believe that if we include Mr. Komis in the assessment district, he wouldn't be amenable to donating the additional right-of-way that is needed. And it's my understanding that he's even moved his fence back off his property line to the south, probably about ten or fifteen feet to accommodate the utilities.

COMMISSIONER SULLIVAN: But Robert, just to follow up on that, Mr. Chairman, that your feeling is, or your opinion is that even once this road is basecoursed and widened, it still wouldn't meet the classification necessary for development on Komis' property. He would have to come in with an alternate access. Is that what you're saying?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I believe the threshold for paving versus basecourse is 60 legal lots of record. And what we have here is 48. So if he would come in with more than a 12-lot development, the developer would be required to improve that road to accommodate the extra volume.

COMMISSIONER SULLIVAN: Okay, I understand. It's not that he

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couldn't use it. He could use it. It's just that he would have to pave it in order to get access to his lots if there were more than 12 of them.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is correct. Now on the first mile that is County maintained, we probably have about 30 to 32 feet of right-of-way so I don't see how a large scale development could be approved to go through Mutt Nelson Road, even on the County portion.

COMMISSIONER SULLIVAN: Because he would need the 50 feet of right-of-way?

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

COMMISSIONER SULLIVAN: So he would have to acquire through all those lots which would be time consuming and expensive. So the chances are that this wouldn't, in your opinion, be a primary access for any development off Mutt Nelson?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, not for a large scale development.

COMMISSIONER SULLIVAN: Okay, thank you.

CHAIRMAN DURAN: Commissioner Sullivan, we've been here now for three hours and we haven't even, we've only touched a few things and I know you have a need to ask questions, but in this particular case, if you would have just asked who owns the property on the south and why not get him to participate, we could have saved 20 minutes listening to you trying to get to that question. So all I'm asking is that you try and be a little bit more succinct. We have a large agenda here. I'd like for you to get to the point a little bit quicker. Thank you.

COMMISSIONER SULLIVAN: You're welcome.

COMMISSIONER GONZALES: Mr. Chairman, on this resolution, this is the first step. This allows for us to begin to publish title and general summary of the creation of the district. Is that right?

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, the total process takes three resolutions and one ordinance. So this is just the first step. After this resolution is passed, we will prepare the engineer's estimate, start working on the assessment roll and then come back to the Commission for another resolution.

COMMISSIONER GONZALES: But then we still have to go back to where we actually create the district through ordinance, which means there'll be a full-blown public hearing at that time where the residents and property owners could come and at that point, the Commission could amend the boundaries or support whatever you bring forward, is that right?

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, that is correct. Property owners are notices within 30 days prior to the hearing and at that time, they have the option to speak up to the Commission and mention their concerns to the Commission.

COMMISSIONER GONZALES: Mr. Chairman, with that in mind, we asked the neighborhood last year to begin this process. They've done it in good faith. I

think the Commission should respond in good faith by allowing this process to go forward. I'd move for approval of Resolution 2002-42.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I need to ask a couple of questions of Mr. Martinez. This improvement district, is this going to be in perpetuity or is it just for the initial improvements?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, it is just for the improvements. Not to address any maintenance after the fact.

COMMISSIONER CAMPOS: Well, let's say in ten or fifteen years you have to redo these roads, are you still going to have the assessment district when you have to redo the basic infrastructure? Or is this a one-time deal?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, it is just strictly to pay for the improvements that are stated in the resolution.

COMMISSIONER CAMPOS: That's it?

MR. MARTINEZ: That is it.

COMMISSIONER CAMPOS: Do you think that's the right way to go?

CHAIRMAN DURAN: Say yes.

MR. MARTINEZ: Yes.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, there's a lot of private roads throughout the county that the County just cannot do anything to assist the citizens on. This is an effort to allow the citizens to pay to bring their roads up to County standards for safe driving conditions and then the County would have to assume responsibility, correct? But let's keep in mind that many of the citizens who are going to be benefiting from this will continue to pay property taxes that will go into the general fund that should be used to support a lot of these roads that aren't being used right now. So this is a venue for neighborhoods to come forward and through their own tax dollars, their own money—

COMMISSIONER CAMPOS: I understand the concept, Commissioner. I'm just asking the question should it be in perpetuity so that in ten years when we have to replace it at a cost of \$300,000 to \$500,000 there'll be some money there. It would be better for the residents because they will have the money there and you know how many demands there are on the County for roads and we just can't meet them. We never have been able to meet them, in fact we're way behind. So in ten years, we may not be in a position to put in a half a million dollars. But if they decide to make this in perpetuity they will always be guaranteed of a source of money to take care of the basic infrastructure needs. That's all I'm asking about.

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, if the

Commission does accept this for a County road, we would be getting funding from the Highway Department out of gas tax and motor vehicle tax.

COMMISSIONER CAMPOS: On a per-mile basis, right?

MR. MARTINEZ: On a per-mile basis.

COMMISSIONER CAMPOS: And how much would that add up to? A few hundred dollars?

MR. MARTINEZ: I really don't know.

COMMISSIONER CAMPOS: That's about it, I would think. It's not a lot of money. I'm just saying if these folks really want to have secured funding to keep their roads in A-1 shape, I think they should consider having a longer term improvement district. We have trouble with the money. We may not have half a million dollars in ten years to redo this.

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, some of the residents from that area had indicated to me that they supported this quarter per cent gross receipts hoping that this would assist their efforts here at getting this district created. So I just wanted to bring that to your attention.

COMMISSIONER GONZALES: Commissioner Campos, they're paying in perpetuity their property taxes. To some degree it's coming out of the County in return for some level of service that's going to go back, right? I think it's unfair to ask them to pay a greater share to have a safer road than other county residents because other county residents have safer roads or were done prior to this. So maybe we can get into that discussion later. I don't know if this—

COMMISSIONER CAMPOS: I think it's a good idea. I'm just saying maybe we can make it a little bit better. I agree that we should get this road improved. But I'm just saying we have to think of the consequence for the future what fiscal impact it's going to have. We have hundreds of miles of dirt roads. A lot of them need improvement and I don't see that we're going to have that money in the near future. There's no revenue source right now that's really reliable. The quarter cent tax is going to address some of these issues but we have over 600 miles of County dirt roads and there's just not enough money coming in and everybody pays taxes. They're paying taxes now. So I think we've got to look long-term on this one. On all of these. I'm not just picking this group of people out. I think we have to think about our funding for the next ten or twenty years and we just don't have it right now.

CHAIRMAN DURAN: I think this has been common practice of the County to allow neighborhoods to improve the roads, to meet County standards and then we adopt them in our maintenance program. I think the last time we did this, it's been a few years since we've done it, so we don't do it all the time. But I think that we have to realize that at some point in time we need to provide services to the community. Property values are going to increase. It will give us more revenues to pay for the road improvements. I think it's something that we have to do. I think the community expects us to do it and I don't think that we abuse it. I think we do it occasionally and in this particular case, these people

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have been asking us to help them with this road for two or three years.

COMMISSIONER CAMPOS: Mr. Chairman, I don't have—I think the idea's a good one. I'm just trying to improve on it. That's all I'm saying. I think it's a good idea.

CHAIRMAN DURAN: Well, come up with another idea.

COMMISSIONER CAMPOS: I just did. Let's do it in perpetuity.

COMMISSIONER TRUJILLO: Mr. Chairman, I think we did it in perpetuity by addressing the property taxes.

CHAIRMAN DURAN: Your suggestion also is a double tax. You're asking them to not only pay property taxes. They've already agreed to tax themselves for the initial improvements, but then you want to charge them for property taxes and then keep on charging them for the improvement of the road. And we don't do it that way.

COMMISSIONER CAMPOS: Mr. Chairman, the thing is if they want good roads, we don't have the money. We have 600 miles of roads that we're not taking care of and we're fantasizing if we do it otherwise. If these folks really want a good road all the time, they're going to have to pay for it. I think this is the time—

CHAIRMAN DURAN: And you want to double tax them for that.

COMMISSIONER CAMPOS: Well, you look at the facts, Mr. Chairman. I don't want to indulge in that rhetoric.

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

I was wondering if the Board would allow me to bring something from Public Works forward now too, and that is the Santa Fe Animal Care Campus. It would be item 4 in Public Works. It's request direction for road and parking lot improvements to the new proposed Santa Fe Animal Care Campus. Would that be okay?

COMMISSIONER SULLIVAN: I have to conserve my speaking time here.

COMMISSIONER GONZALES: You made him feel bad.

CHAIRMAN DURAN: We've been here for four hours and we're still on page one.

COMMISSIONER CAMPOS: Let's get with it then.

COMMISSIONER SULLIVAN: I've been here four hours too.

CHAIRMAN DURAN: Well, I know. I'm trying to get through the agenda, that's all. I don't know—

COMMISSIONER SULLIVAN: Well, then shorten the presentations.

CHAIRMAN DURAN: I thought I was nice about it.

COMMISSIONER SULLIVAN: I didn't.

CHAIRMAN DURAN: Well, I apologize.

COMMISSIONER SULLIVAN: Aplogy accepted.

CHAIRMAN DURAN: I'm sorry.

XI. C. 4. Request direction for road and parking lot improvements to the new proposed Santa Fe Animal Care Campus

JAMES LUJAN (Public Works Director): Mr. Chairman, members of the Commission, we have been approached by the Animal Care Campus about helping them with some improvements to their new facility out on Caja del Rio Road, off 599. Basically, what they are asking us to do is help them, assist them with improvements to their accel-decel lanes off of our County road, Caja del Rio. Also to do some assistance inside the parking lot and clearing and grubbing their area and then they will buy all the materials. We would just be helping them out with some of the equipment work from our Public Works facility.

CHAIRMAN DURAN: Do we run into any anti-donation issues?

MR. LUJAN: I'm not real clear on that. We have discussed it.

MR. KOPELMAN: Mr. Chairman, members of the Commission, James and I have discussed that issue and I think that in order to avoid any issues on the anti-donation clause, we probably would need to offset whatever the cost is going to be for these improvements against what we would normally pay them under the contract we have for them to take care of the animals for us. So Mr. Chairman, I guess if the Commission does want to go forward and assist in some of these improvements, I would ask that we be directed also to get the cost of that and to work that into the contract so that it's an offset of what we would otherwise be paying them.

CHAIRMAN DURAN: What's the cost of these improvements?

MR. LUJAN: They are in your binder there. Approximately \$15,000.

CHAIRMAN DURAN: So what if we directed staff to negotiate with the Animal Shelter on that amount. It doesn't have to be a lump sum payment. If we enter into a contract with them it could be stretched out over a period of time, right. Other services could be provided. There's a lot of ways of being able to spread that expense out. And the reason I say that is initially, when they build this facility, they're going to need as much help as possible, financially to make sure that it works. I think \$16,000 right off the top might be a little too much at the beginning but if we could stretch it out that would be helpful.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I'd like to make a motion to go forward with this. If we can get an MOU with the credits as advocated by Attorney Kopelman.

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

Mr. Best, you can get with James and see if we might be able to work something out on that. I think there's a way of doing it.

VII. B. Resolution No. 2002-43. A resolution requesting the New Mexico Attorney General to require that the assets of the Los Alamos Medical Center remain in northern New Mexico

COMMISSIONER TRUJILLO: Mr. Chairman, I'm the sponsor of this resolution and I'm going to yield to Mr. David Bouquin, who's going to touch on the health care financial impacts to the community regarding this transfer of Los Alamos Medical Center.

DAVID BOUQUIN: Thank you. My name is David Bouquin. I live in Los Alamos. Los Alamos Medical Center 12 percent of the charges for the last year went to people in Santa Fe County. So Santa Fe County is a user of Los Alamos Medical Center, primarily in the Pojoaque area. What's happening, the minister said this weekend, blessed are the brief so I'll try to be as brief as possible. You're aware that Los Alamos is a non-profit hospital currently, and it's being sold to a for-profit. And when you do that, sell from a non to a for-profit, the original intention of the non-profit is—and this is our read on it—that this was a charitable asset for the community.

The Atomic Energy Commission gave Lutheran Health Systems this hospital that was valued over \$2 million for one dollar. So we consider this really a donation. This was a donation to the community of Los Alamos. And when I say the community of Los Alamos I mean the people who use the medical center, which is Rio Arriba County, Los Alamos County and Santa Fe County are the primary counties that use the medical center. And I have breakdown I put in your package, we looked at the zip code data of charges from last year and our analysis of the zip code data—you don't have it? I'm sorry.

CHAIRMAN DURAN: Excuse me, sir. We may not need to have much more discussion.

MR. BOQUIN: Okay. Let me sum up real quick. Right now the Attorney General has the discretion to approve this sale, disapprove the sale or approve it with conditions. And we would like you to support—it's a pretty apple pie thing here I think, is these principles in the resolution that we did, is the process open and such. And ideally, this money, if it does, the Attorney General can secure some of these assets from the sale because we believe the community owns these assets, not the present owner, Banner Health, that we could make it into a health care foundation that could be used for very critical health care resources in northern New Mexico.

And if you know the Blue Cross Blue Shield sale in New Mexico, which is an insurance type thing, they did that. It's a different law because this is a hospital but that's about it. If you have any questions, I think it's do we want money to go to Colorado or Arizona, or do we want to keep it here?

CHAIRMAN DURAN: Easy question.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Motion to approve Resolution 2002-43.

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COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would just add, as I mentioned previously, that I think a key aspect of this is having full community involvement and that's a precept that we want to keep our eye on.

MR. BOQUIN: We've been contacting community organizations in Santa Fe County and keeping them abreast. Santa Fe Maternal Child Health Policy Commission, we've been talking to them and they've been seriously looking into this. So we've been trying to get the relevant health care type organizations in Santa Fe County to be involved in this and be aware of this.

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

XI. C. Resolution No. 2002-__ . A Resolution Changing the Name of Airport Road to Camino Cesar Estrada Chavez

ERLE WRIGHT (GIS Coordinator): As the memorandum before you states, this is a City-initiated joint City/County resolution to change this road name. The basic facts, I was asked to look at this due to the responsibilities for 911 addressing and road names within the county. The road in question, and let me just, if you'd like I can hand out these maps just to show you an illustration of how the road affects the City/County. Which parts of it are in the city and which parts in the county. [Exhibit 1]

Essentially, this road segment is just over three miles long. It's 3.1 miles. It stretches from the intersection with Cerrillos Road West to the intersection with New Mexico 599 or the Veterans Memorial Highway. As far as our County ordinance is concerned, Santa Fe County Ordinance 1996-14, actually prohibits road names this long, but essentially that prohibition is due to the size and cost of the signage material. It's our understanding that the City is willing to pay for and install these signs, so given this, the variance with out ordinance appears to be acceptable.

The road name does not duplicate any other road names within the county and therefore other than the length of the name it complies with our 1996-14 ordinance. And I'll stand for any questions.

CHAIRMAN DURAN: Erle, what's the fiscal impact on people who live on Airport Road? There's a lot of businesses.

MR. WRIGHT: To be honest with you Chairman Duran, I couldn't answer that. Obviously, they'll have to—if they have stationery and those sort of things, those will have to be changed. The post office will forward mail and whatnot for the period of a year when an address changes like this. The language in the City's ordinance is that the City

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and County will work with the citizens and businesses residing along Airport Road to allow a sufficient period of time for transition, but exactly how the details of that are to be worked out, I can't answer that question for you.

CHAIRMAN DURAN: And the City is—was there anyone opposed to the change that you know of?

MR. WRIGHT: As far as I know, I believe it was a unanimous decision by the City Council, but I actually didn't attend that meeting. That happened back in September 2001.

CHAIRMAN DURAN: Any other questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Erle, how did we handle it in similar situations in the 911 addressing? When we change addresses under the rural addressing program, how is that handled? Individuals are just required to put up new signs themselves, or the County puts up new road signs and the individuals do house numbers? How does that work?

MR. WRIGHT: Mr. Chairman, Commissioner Sullivan, if it's a County-initiated change, we will be responsible for changing the road signs as far as fiscal responsibility. We do notify the property owner that their address has been changed and certainly, as probably all of you well know, you've had a call from a constituent or two where we have had to change an address or a road name. If it's a petition from the landowners themselves, because there is a provision in the ordinance to allow a road name change. If it's a petition-initiated change, those homeowners are responsible for paying the cost of the new sign materials and the reposting.

COMMISSIONER SULLIVAN: Because I have seen letters in the newspaper and comments from people who say this is an imposition on us fee wise and cost wise and so forth and who will help us out with that. And that's a valid point, as it is a valid point to honor someone like this individual who's a great man. But by saying that we will work with these people, are we making a commitment to help them out financially with that? Or what does that mean?

MR. WRIGHT: Mr. Chairman, Commissioner Sullivan, I don't believe so. But again, that's a decision the Board would make I think in this resolution.

COMMISSIONER SULLIVAN: I don't really read that. I don't read that we're—so people know if this road name is changed that the City's going to be putting up the signs but any changes to their letterhead and their signs on their businesses and so forth is going to be at their cost. Is that your understanding?

MR. WRIGHT: That is my understanding, Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just wanted to make sure that's out in the open and clear.

CHAIRMAN DURAN: Why couldn't they find a short road, like in Tierra Contenta to name. Why'd they have to pick Airport Road? You don't have to answer that.

MR. WRIGHT: Good, because I can't answer that.

COMMISSIONER SULLIVAN: Well, on the other side of 599 it's Paseo Real. So why not do that too?

CHAIRMAN DURAN: I don't know. I like Airport Road.

COMMISSIONER TRUJILLO: It's going to change to Airport Road at the county. They've already made a change.

CHAIRMAN DURAN: I don't want to downplay the importance this man had in our history but I like Airport Road. So, any questions of staff? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: Motion dies for lack of a second.

COMMISSIONER SULLIVAN: Would you like to rename the elementary school road? Is there an alternative the Board wants to consider?

CHAIRMAN DURAN: Why don't we just leave it Airport Road.

COMMISSIONER TRUJILLO: What's going to happen is the City is going to name their portion of it Cesar Chavez till it gets to the county and then it becomes Airport Road? Talk about confusion.

CHAIRMAN DURAN: Maybe they'll rethink it.

COMMISSIONER TRUJILLO: Maybe they won't.

COMMISSIONER SULLIVAN: From looking at Erle's map, about 90 percent of it appears to be in the only part that appears to be in the county is right near Cerrillos Road.

MR. WRIGHT: Actually, that's the City part.

COMMISSIONER SULLIVAN: Oh, it's the other way around.

MR. WRIGHT: The shaded area is the City of Santa Fe.

COMMISSIONER SULLIVAN: The shaded is the city. Okay. I'm sorry. So it's the other way around. 90 percent is in the county and maybe ten percent is in the city. That's interesting.

CHAIRMAN DURAN: Next on the agenda—Matters from the Commission. I have several things. Why don't we start there and work down.

COMMISSIONER GONZALES: Estevan, I've gotten several calls, and is Roman here? This is going to go to Code enforcement. Can we ask someone from Code enforcement or the Land Use Administrator to come in? About squatters that are parked on County lands that we've purchased. I've gotten calls from a lot of neighbors who are concerned. And so I'd like to provide direction to the staff to work with the Sheriff's Office to have them removed immediately.

What's happening now, I think a lot of people are finding their way onto these new open spaces that we're purchasing and just planting themselves. And so—

CHAIRMAN DURAN: This is a very sensitive issue too, so we have to be real careful.

COMMISSIONER GONZALES: I understand it's sensitive but these now

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are County lands. If someone gets hurt or we grant, just be knowing that they're there, we're granting some type of permission for them to stay on the land. If something happens to them I think the County could be held liable just like any other and I think when we know that there are squatters on County land we need to move them off immediately and not go through this process of trying to cite them and go through the courts to have them moved off, because they present liabilities to the County be being on those lands.

Who knows if they're going to light a fire to stay warm at night or what might happen, but I just think that they need to be moved off.

MR. ABEYTA: Mr. Chairman, we've gone out there and we've tried the process, like you said with issuing citations, but in order for us to move them off immediately, we need help from the Sheriff's Department. And we've placed several calls into the Sheriff's Department and they've never met us out there.

COMMISSIONER GONZALES: Can you, unless the Commission says otherwise, can you ask the Sheriff that the Commission has asked that they accompany you guys to get people removed from these lands. I think there are huge liability issues for the County. We're in fire season right now. A lot of these open space lands that we have are right on the urban fringe. You get something that gets lit up and that fire can move. So I'd ask unless the Commission says otherwise that we send a message to the Sheriff to accompany you guys immediately.

MR. ABEYTA: We'll do that. Thank you, Mr. Chairman.

HANK BLACKWELL (Fire Marshal): Mr. Chairman, Commissioner Gonzales, one of the other things that I might want to add that if some of these people we indeed agree that they're a problem, especially in fire season. They're leaving a lot of their cooking fires unattended. However, a number of them are on the fringe, and that's what we're working with in terms of the Assessor's Office and Land Use. Some of them may be right inside private property. And one of the things that we need in the Fire Department as Code enforcement or the Sheriff's Office does, is we've actually got to confirm where they actually sit, number one, and number two, then find the landowner, if indeed it's private, because if they do not file a complaint for trespass, we can't really do much about it. And it's been a pretty tedious process. But that's what we're working on as well.

COMMISSIONER GONZALES: But don't we have an ordinance against open fires? So I'm assuming if they're lighting fires out there to either cook or to stay warm at night, we need to tell the landowners, let them know that they've got an open fire going on on their property. You know better than anyone else, it doesn't take much to get something lit. Especially in this dry season, with the amount of squatters that are sitting on County open space land right now, we're just inviting something like this to happen if we don't move very quickly to get them removed.

MR. BLACKWELL: Mr. Chairman and Commissioner Gonzales, I completely agree. But some of these people that are right on the fringes, we're trying again to find out, to confirm if they're on private property and then get the landowner. We hope to have most of that down this week or early next week. But again, it's a huge problem.

Whether they're on County land or they're on private land, in this fire season, we're trying to work with the Sheriff's Office as well.

CHAIRMAN DURAN: Okay, do you have direction? Commissioner Trujillo.

COMMISSIONER TRUJILLO: There's one issue that I've been trying to deal with over and over again, talking to James and people from Public Works and Solid Waste. We've got a Code in place that mandates that we tarp all trash or solid waste going to the transfer station. There's been some instances where $\frac{3}{4}$ -ton pick-up loads with racks and contain trash have been cited right at the entrance to the transfer station, and when you're cited you have to go to magistrate court. What I'm proposing is that we be a little bit more lenient, maybe changing the language so that we can have Code enforcement officers enforce the Code but not be so harsh with the community.

When the trash is contained, if we have it five bags in a $\frac{3}{4}$ -ton truck with racks and it's not tarped and you cite the individual going into the transfer station, I don't see any reason for that. But if you have a pick-up load full of bags and they're falling all over the place or they're lose, then we can cite them. But we need to give our Code enforcement officers a little bit more flexibility. And I don't know how to change the language. I'm just asking for guidance, because I'm getting a lot of calls regarding that. They're charged \$40 and have to go to magistrate court and they're cited going into the transfer station and that's what the infrastructure is for, to get rid of trash, to get rid of solid waste. So I'm open to any suggestions that either Jill or James might have.

MR. LUJAN: Mr. Chairman, Commissioner Trujillo, we have discussed this among staff and Jill wants to speak to some issues about that but also, and I wasn't here when the ordinance was made but I believe after meeting with Mr. Kopelman, there's a state statute about covered loads, and I believe that that's where it came from. But he may speak to it.

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, I think the issue may be one of making sure that people are amply warned before hand, and maybe everybody should be given at least one or two warnings before they're cited. Is that pretty much where you're going with this?

COMMISSIONER TRUJILLO: Well, I'd like to see more leniency. If a Code enforcement officer sees that the trash is contained, that it's not blowing all over the countryside, that there's no possibility that it will blow anywhere, that he'll have the discretion that if it's not tarped, that's okay. I'm hoping that that sort of language will be implemented to give the Code enforcement officer some discretion. If he sees that the trash is blowing on the roadway or that bags are falling from the pick-up truck, of course you're going to cite these individuals and it needs to be tarped. But when the trash is contained, I don't see any reason to cite these individuals, especially at the entrance to the transfer station.

When we have Code enforcement officers, they should be out citing people that are disposing of solid waste in river beds, in arroyos, on top of hills, okay? On their way to

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the transfer station, when it's contained, I don't see any reason why it should be tarped.

MR. LUJAN: Mr. Chairman, Commissioner Trujillo, so under Section 6.i, it currently reads "covered loads." All loads delivered to the solid waste facility shall be covered. Failure to cover loads will subject the violator to an additional charge or a citation. So is that the area you want us to look at and see what language we can come up with.

CHAIRMAN DURAN: Okay. Why don't you bring it back to us at the next meeting.

MR. LUJAN: We may need a little more time than that but we'll try our best to look at it.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Question for Mr. Lujan. Does staff have a position as to the need for the cover?

MR. LUJAN: Our position is that it gets blown out of the truck or a vehicle as they're approaching the landfill and the faster highway and that's why we have litter all over the roads. So I would like to see it covered or tied down. But I guess what Commissioner Trujillo is asking is if it's contained in bags or if they've got some type of weight on it or something so that it doesn't blow, I think is what he's looking at. And also the fact that right at the transfer station is where they're getting cited. This gentleman can't stop them out on the public roadway. He can cite you if you're out in the river throwing out trash or out in the public disposing of it. But I don't believe he has the right to stop in a public right-of-way. But I would like it to remain covered.

COMMISSIONER CAMPOS: As is.

MR. LUJAN: Covered, the trash covered.

COMMISSIONER CAMPOS: The way it is right now. As it. The law the way it's written right now. You'd like to keep it that way.

MR. LUJAN: The trash covered, yes. I would like to see it covered.

COMMISSIONER CAMPOS: Is there any consensus on the Commission, if they would like this changed or not so we don't have to waste more time on it, or spend more time on it.

CHAIRMAN DURAN: Well, I think the concern is that if somebody goes there with bagged material, it's not going to blow away, they shouldn't be fined.

COMMISSIONER TRUJILLO: Right. It doesn't make sense. I have a situation where an individual went again, in a ¾-ton truck with a rack and four bags that were tied and contained. The individual was cited. I think we need to give our Code enforcement officers more flexibility. Not circumvent the Code entirely, because we need to protect the public. But use a little bit of discretion, of common sense. And how we can change the Code to do that, I don't know, but I'd appreciate any recommendations.

CHAIRMAN DURAN: Let's just come up with some ideas.

MR. LUJAN: Yes.

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CHAIRMAN DURAN: You have two days. Is that it? I just have one thing. I'd like for the Commissioners, on Commissioner, maybe two, to consider going to Washington, DC on June 26 and 28 to a national youth summit. And it's workshops that will address the needs of young people in the following areas: support of families and communities, safe and healthy lives, economic self-sufficiency and success, settings and opportunities for development and service. And I'm asking for two of us to go since taking over and getting involved more and more with the health youth issues with St. Vincent and supporting other non-profits that deal with families and communities, that it might be good for this Commission to have some first hand knowledge of the cutting edge programs that are being developed nationwide. So I'll distribute this to everyone's box and talk to Estevan about it. Commissioner Campos.

COMMISSIONER CAMPOS: Just one concern and this is with the land use staff, the Extraterritorial Zone, it seems like it's becoming more and more a no-man's land and we're ignoring it. We need some legislative attention paid to that area. And I would just like maybe some comments at the next meeting, just to tell us where we are and where we need to be, so we have a little more context and perspective on the EZ. Appreciate it.

CHAIRMAN DURAN: I did have something about regional planning. I was wondering if we might be able to talk to the City about using this GRT money to help them find the leakage in the system. The word I get is the community is losing 30 percent of our water resource through leakage in the existing system. And I believe that we need to get proactive about this GRT and how we're going to deal with these issues so I really think I'd like to see the County take a lead role in this. Maybe not a lead role but at least get the ball rolling and let them know that we're very interested in helping them solve that leakage problem. My thought is they could probably go along the line with some kind of moisture detector to find out where the leakage is. I don't know what it is that needs to be done but losing 30 percent of our water resource when we now have some money available to deal with that issue, we need to start working on that problem.

MR. LOPEZ: Mr. Chairman, in fact that particular problem or that particular issue was one of the things that was built into the GRT ordinance at the request of one of the Councilors. So I think that we've certainly got the ability to work with GRT funds once they're available to do that. I would remind you, however, that we're not likely to actually receive any GRT funds until probably March of next year.

CHAIRMAN DURAN: It will probably take us that long to figure out a plan is what I'm trying to get to.

MR. LOPEZ: Right. We can certainly begin to talk to them in terms of trying to make that a priority though, between now and then.

CHAIRMAN DURAN: It's going to take a lot. I think what we ought to do is assess what the problem is, find out what it's going to cost and then get the process rolling on getting some bond money that will be paid through the GRT. And that's going to take nine months at least to get that process rolling, which would get us real close to when we would start receiving the money. It's just that the Regional Planning Authority has

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been given the responsibility of developing projects, determining what projects are going to be worked on together with this GRT. Most of the dialogue at the Regional Planning Authority is about control and annexation and setting the boundaries. I think that we really need to let Mr. Burstein know that this is a high priority and someone needs to get moving on it.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just to add to that comment, I believe that I saw in the City's agenda for approval just last week, a contract with a firm for several hundred thousand dollars to assess the leaks in the system. There are firms that do this as a specialty, because I know I looked at it was an out of state firm that I hadn't heard of before that does this. And it may have even been \$600,000 in costs. It was extremely expensive but the City's water system is quite large. So I think they're on the first leg of that plan that you just talked about of assessing the conditions.

Now, once they come back and say Here are the leaks, and often what happens in these situations is it's not just leaks. It's illegal connections. It's many, many illegal connections to the system over the years. So that generates revenue to the City when they identify these illegal connections. They may not actually physically be leaking the water, but their pumping records don't coincide with their water billing records, and a lot of times what happens is that over the years, there's many, many illegal connections to the system.

So it's good. Very often you can pay back the cost of that analysis just through connecting people up. It's probably optimistic to think you're going to save 30 percent in the water. Usually the leakages aren't that high, but there's usually some. But they're on the first leg of that as I recall, but then your point is well taken. We need to say, Now, what needs to be done cost-wise. What lines need to be repaired and that's what that study shows you. You could save five percent by putting a new water line here. You could save four percent by putting a new water line here and just on down the prioritizations so you can prioritize your money to hit the worst cases.

So they're into that and probably by the time March rolls around next year is exactly when they'll need that money.

CHAIRMAN DURAN: I guess my point is just that I think that we should have parallel plans here. They may be trying to determine what areas are experiencing leakage but at the same time we should be trying to find out how we're going to pay for it and get the Regional Planning Authority working on getting the bond money set aside or figuring out how we're going to pay for it. I would assume that it would be bond money. Okay. Thank you.

COMMISSIONER SULLIVAN: Just a quick item or two, Mr. Chairman. Number one, I wanted to congratulate the 4-H organization. It's celebrating this month its 100th anniversary and there was a celebration this past Saturday that I attended of all the 4-Hers in the state. It was sponsored by our local group and was very successful. A train ride out to Lamy and a barbecue and exhibits and a dance afterwards and so forth in the

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evening. So it's actually the 4-H's 100th anniversary. In New Mexico it's their 90th, so I want to congratulate them on a job well done with our youth.

Two other issues are ones that I've worked with Charlie Gonzales and our Code enforcement people on. I want to repeat them once again because I have to say that we're making slow if no progress. I guess when the windy season comes around we talk about trash and this is a constant problem in the Route 14 area at Allsups where I receive calls every week about the lack of containment of their trash in that facility. And Charlie's been out there on occasion issuing warnings and particularly over the weekend the small trash containers they have there are filled up and the trash just spills out and flies all over the Valle Lindo Subdivision. So I don't know what we can do but we have to have some better enforcement mechanism than we have now and Charlie said he's trying to set up a meeting with Allsups officials to look at this situation but there does not seem to be any interest in taking responsibility at the local level and it's a mess out there.

The other Code enforcement issue is out on 285 in the Eldorado area. We have an individual on the east side of Eldorado who has put up a number of trailers that are extremely objectionable in terms of their appearance. We understand that that's allowed under the agricultural zoning that that property has reverted to. However, in addition to that, other things have happened. Used car sales are occurring. Lawn furniture is being sold out along the highway and it's turning into an undesirable situation out there.

Again, with my discussions with Mr. Gonzales on this, Charlie Gonzales, is that the issue, the necessary enforcement mechanisms and the day before they're due to go to court they clean up the problem. So I guess we need to talk to the magistrate judge about is there a better way. Just as when the policeman picks you up for a speeding ticket, if at that point in time, if we document through video or photography a code violation, that then they're fined. They don't have to wait until in fact it goes to the magistrate court. There seems to be a gap there that's holding our enforcement people back and maybe, Estevan, you might have some information on that.

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I don't really have any additional information other than to repeat something that Charlie mentioned earlier. Right now, we don't really have a fine or a fee schedule that we're authorized to impose. The Land Use Department and the Code enforcement group is working on developing just such a fee schedule, hopefully to give us some more enforcement teeth so that we can deal with some of those issues.

COMMISSIONER SULLIVAN: Okay. I'd encourage that. I guess when it comes forward we'll deal with it. And then the last thing I had, Estevan, could you give us an update on where we are on our participation in the ownership, the proposed change of ownership of the Eldorado water system? That's I believe going to the PRC and we're in that as, I don't know if you call it an intervener or a friend of the court or what it is.

MR. LOPEZ: Mr. Chairman, are you asking for an update right now?

COMMISSIONER SULLIVAN: Yes, in 25 words or less.

MR. LOPEZ: Gary?

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COMMISSIONER SULLIVAN: It's of great import to the people of Eldorado for two reasons, and here's the reason I asked for our side of it is that number one, they've had some public meetings where they've brought this out to the public in Eldorado for the condemnation of the system and they're now sending out a survey to individuals in Eldorado asking them what their feeling is about local ownership versus other ownership. Based on that survey they will conduct an election, if that's the way the people feel that would cause property taxes, or cause assessments to be levied on each of the users in the system. So they have a lot of decisions to make and I think we need to help them, let them know where we are in our part of that.

GARY ROYBAL (Utilities Manager): Good afternoon, Mr. Chairman, Commissioners. My name's Gary Roybal. I'm with the Utilities Department. The process with the sale of the Eldorado system is currently before the PRC under a procedural schedule that's set for hearing. I don't have the exact date of the hearing but the process before the PRC would be to evaluate the abandonment by Eldorado and the sale to the new entity and to determine whether there's any net benefit to the consumers of Eldorado.

So the process right now is before the PRC. The County staff has not taken a position on whether the sale should take place or not or whether there's a net benefit to consumers of Eldorado or not at this point. There are several interveners in that case. I believe the Water and Sanitation District is one. There's some developers in there. Some discovery has been sent out by the PRC staff to Eldorado. But at this point I'm not aware of any official position that's been taken through testimony or any other type of documentation regarding whether the sale of that system should take place or not.

But it will go before a hearing examiner. The hearing examiner will take evidence from all the parties. The hearing examiner will then make a decision, recommend a decision to the Commission, the PRC, as to whether the sale should take place or not, and if it does, under what conditions. And then the PRC, the Commissioners themselves will make a decision whether to allow the sale to go through or not.

COMMISSIONER SULLIVAN: We are an intervener in that, though, right?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, that's correct. We are an intervener. We have the ability to file a position in that based on the evidence.

COMMISSIONER SULLIVAN: Okay. But at this point in time we're simply monitoring what's going on.

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

VII. Consent Calendar:

- A. Request Authorization to Accept Amendment #1 to Professional Service Agreement #22-0170-CL with Ink Impressions for the Printing and Mailing of the Voter Information Cards (Clerk's Office)**
- B. Resolution No. 2002-44. A Resolution Increasing the Equipment**

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- Recording Fee for the County Clerk's Office (Clerk's Office)**
- C. Resolution No. 2002-45. A Resolution Requesting an Increase to the Clerk Recording Fees Fund (318) for Expenditure in FY 2002 (Clerk's Office)**
 - D. Resolution 2002-46. A Resolution Requesting a Net Decrease to the Comprehensive Improvement Assistance Program Fund FY 2000 Award (301) to Realign the FY 2001 Cash Balance Available for Expenditure in FY 2002 (Community & Health Development Department)**
 - E. Resolution 2002-47. A Resolution Requesting an Increase to the Housing Special Revenue Fund (230) to Budget Fiscal Year 2001 Cash Balance and a Grant Award Received from the U.S. Department of Housing and Urban Development for Expenditure in FY 2002 (Community & Health Development Department)**
 - F. Resolution No. 2002-49. A Resolution Requesting an Increase to the General Fund (101) to Establish a Budget for the RECC for Expenditure in FY 2002 (County Manager's Office)**
 - G. Resolution No. 2002-48. A Resolution Requesting an Increase to the General Fund (101)/County Treasurer's Office to Budget Insurance Recovery Revenue Received for Expenditure in FY 2002 (County Treasurer's Office)**
 - H. Request Approval to Extend the Ban on the Sale and Use of Fireworks for an Additional 30-Day Period due to Wildland Fire Conditions (Fire Department)**
 - I. Request Authorization to Accept and Award Price Agreement to ISG Thermal Systems USA, Inc., the Lowest Responsive Bidder for a Thermal Imaging Camera- IFB #22-36 (Fire Department)**
 - J. Resolution No. 2002-50. A Resolution Requesting a Budget Transfer from the General Fund (101) to the Community Development Block Grant Fund (250) and the State Special Appropriations Fund (318) for Expenditure in FY 2002 (Project & Facilities Management)**
 - K. Resolution No. 2002-51. A Resolution Requesting a Decrease to the Water/Wastewater/Road Improvements General Obligation Bond (GOB) 1977 Series (350) to Budget a Reduction in the FY 2001 Cash Balance Available for Expenditure in FY 2002 (Utilities Department)**

CHAIRMAN DURAN: Are there any items on the Consent Calendar that the Commission needs to isolate for further discussion? With the idea that we might be able to pass most of them in one swoop.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just three questions, F, J and K.

CHAIRMAN DURAN: F, J and K. Commissioner Campos, any questions on any of the issues?

COMMISSIONER TRUJILLO: None, Mr. Chairman.

CHAIRMAN DURAN: Okay, the Chair will entertain a motion to accept on the Consent Calendar, items A, B, C, D, E, G, H, and I.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman. Move for approval.

COMMISSIONER CAMPOS: Second.

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

VII. F. Resolution No. 2002-49. A Resolution Requesting an Increase to the General Fund (101) to Establish a Budget for the RECC for Expenditure in FY 2002

CHAIRMAN DURAN: What's the RECC, Estevan?

MR. LOPEZ: The Regional Emergency Communications Center.

CHAIRMAN DURAN: Commissioner Sullivan, you had questions of staff?

COMMISSIONER SULLIVAN: Yes. My question was, as I understand this we're increasing the budget that we had set aside for this, which was \$935,000 by \$45,000 and it says for other contractual services. And my question was what are those contractual services?

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioner Sullivan, what this budget adjustment is for is two things. First of all, the Regional Dispatch has already hired a director. I believe they start May 1st, and the Regional Dispatch doesn't really come on line till July 1. So the City as fiscal agent has employed the director and they're also hiring an MIS director to get everything in place for the RECC coming on July 1. So there's about \$45,000 there. It's probably not going to be that amount but it was to cover expenditures in this year that we would have to come up with our portion for to the City. They're actually expending all the funds between now and July 1 for bringing on the director and the MIS director and we're responsible for half of that cost.

So the reason it's under contractual services, we'll actually cut a purchase order to the City or to the RECC or the City as the fiscal agent and reimburse them.

COMMISSIONER SULLIVAN: And that wasn't in the original budget?

MS. MILLER: The budget for the RECC is actually being established starting July 1 and it's in our fiscal year 2003 budget but we did bring on the director and the MIS director a couple of months early in order to get the individuals hired into the RECC and get the AS-400 and all the dispatch equipment in place. The other portion of that budget adjustment, the \$935,000 is actually the money that we will be receiving back from the City or from the RECC for the capital that we purchased. We purchased about \$1,375,000 worth of equipment,

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\$440,000 of which the County is coming up with, \$440,000 the City, and then the two E-911 grants for \$281,000 and the \$214,000. We put the money out first and the RECC will actually have to reimburse us and that's what this budget adjustment does is it sets up the budget for that for us to then invoice the RECC and get that money back after July 1.

COMMISSIONER SULLIVAN: Okay. I was out there the other day with Commissioner Trujillo and we did a tour, an inspection of the County jail and I went over and did a tour of the facility and it's quite a nice facility and it certainly is large. Do we know when it's going to be completed?

TONY FLORES (Project Manager): Mr. Chairman, Commissioner Sullivan, it's anticipated to be completed May 15th, with the transition of the move of both the Sheriff and Fire around June 15th, operational in the RECC area, which is the back portion, by July 1st.

COMMISSIONER SULLIVAN: Okay. Mr. Chairman, I'd move for approval of item F, Resolution 2002-49.

COMMISSIONER GONZALES: Second.

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

VIII. J. Resolution No. 2002-50. A Resolution Requesting a Budget Transfer from the General Fund (101) to the Community Development Block Grant Fund (250) and the State Special Appropriations Fund (318) for Expenditure in FY 2002 (Project & Facilities Management)

COMMISSIONER SULLIVAN: Mr. Chairman, my question wasn't on the actual budget transfer but on the capital outlay summary form. I wanted to get some clarifications. This was the \$250,000 that we allocated for various projects, \$50,000 per Commissioner. It's the last page in that item in the agenda.

CHAIRMAN DURAN: It's hard to find these things.

COMMISSIONER SULLIVAN: Yes, it's difficult. If you go backwards from the tab it's easier. From the tab IX. A-B. Go backwards two and you'll get to it. Got the chart? Okay. My questions were, from my standpoint there's a listing here of how much we had allocated and under the providing for master planning for the Santa Fe County Fair Grounds, I had allocated \$10,000 towards that master plan. It indicates \$5,000 there.

COMMISSIONER GONZALES: I participated in that too.

COMMISSIONER SULLIVAN: And I believe Commissioner Gonzales had put in a similar amount, and it indicates \$5,000 there. And I just wanted to check that I was right on how much we had—

MS. MILLER: Mr. Chairman, Commissioner Sullivan and Commissioner Gonzales, I actually have \$5,000 each and then \$10,000 each for the road study.

COMMISSIONER SULLIVAN: I'm getting to the road study. That's different. This was \$10,000 each for the Fair Grounds study. Then the road study was also \$10,000 each.

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MS. MILLER: Because then that would be \$60,000.

COMMISSIONER SULLIVAN: No, it's not. No, it's not. Count it up. Count it up.

MS. MILLER: Because I have 10, 20, 30, 40 and then 10 more for the road study, is 50.

COMMISSIONER SULLIVAN: That's my 50.

MS. MILLER: Correct. But if I have 5 more on the Fair Grounds for you then that would be—

COMMISSIONER SULLIVAN: No, let's add it up. \$5,000 for the mentoring, \$5,000 for the after school in Eldorado, that's \$10,000, \$10,000 for the master plan for the Fair Grounds, that's \$20,000. \$10,000 for the interfaith local community DWI work, that's \$30,000, right?

MS. MILLER: \$10,000 for the teen center?

COMMISSIONER SULLIVAN: \$10,000 for the teen center is 40 and for the plan is 50.

MS. MILLER: And you've counted five for the Edgewood and 5 for the mentoring?

COMMISSIONER SULLIVAN: Yes. That was the first thing I counted.

MS. MILLER: Because if I follow that I have 10 for the teen center, then the mentoring, that's 15, and then another, then 5 for the Eldorado, 20, and the five there for the Fair Grounds, plus the five for the Edgewood, would be 30, then 10 for the interfaith, and 10 for the—

COMMISSIONER SULLIVAN: You're right. I'm over.

MS. MILLER: So I had both Commissioner Gonzales and you for 5 each for the Fair Grounds and that's what I had a memo from Robert requesting 5 each for that. I can go back and check the minutes.

COMMISSIONER SULLIVAN: No, that puts me over. I miscounted. Because I had wanted to put 10 in for the Fair Grounds because I think that master plan study is going to be about that. But even if mine stays at 5, is Commissioner Gonzales over if he puts in the 10?

CHAIRMAN DURAN: Maybe Commissioner Campos would loan you—

COMMISSIONER SULLIVAN: Part of his Code enforcement money? I know Commissioner Gonzales is only at 30 as I can read it. No, plus the road study is at \$40,000. So if your 10 is still in there, then the master plan can go up to 15.

COMMISSIONER GONZALES: Definitely do that.

COMMISSIONER SULLIVAN: Is that okay?

COMMISSIONER GONZALES: Absolutely.

COMMISSIONER SULLIVAN: So I miscounted. So I thought I could put ten in but it sounds like I can only put in 5 for the master plan. But with Commissioner Gonzales' 10 in there then we do have 15. That won't be quite what I'd hoped for but I think that's still enough to get a fairly good plan. Does that make sense?

MS. MILLER: Mr. Chairman, Commissioner Gonzales, I know that when we

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started this you had \$45,000 because 5 went to the infant program. I don't know if that's reflected on this. So we had—

COMMISSIONER GONZALES: You took \$5,000 from me for the infant program on that issue?

MS. MILLER: You actually directed me to.

COMMISSIONER SULLIVAN: Even with that he still has 5 left.

MS. MILLER: You guys spend your money two times over. So I could take what's remaining from yours if there's—I know that when we started 5 had already been taken out on a program, a 0-3 infant program you had asked—

COMMISSIONER GONZALES: So how much do I have left, \$5,000?

MS. MILLER: So if I take 5, actually you may have 10 left, because it's the 10 for the road study, 20 for—

COMMISSIONER SULLIVAN: He's got 5. If he puts 10 in the master plan he has 5 left.

MS. MILLER: Yes. You would still have 5 left.

COMMISSIONER GONZALES: I'd like to make whatever is needed to make available for the master plan. So if I've got 15, I agree with you. I think it's going to be expensive. We need to do a comprehensive plan so we can determine the future of this facility.

COMMISSIONER SULLIVAN: You have 5 left.

COMMISSIONER GONZALES: Oh, this is after the 10?

COMMISSIONER SULLIVAN: No, that's after the 10, yes.

MS. MILLER: He'd still have 5 left.

COMMISSIONER GONZALES: That's what I'm saying. So if as you go forward and you see it's going to be more than \$15,000 and you need to tap into the additional 5 I'd be willing to make it available to go along with your 5 to get us up to the 20 for the kids.

COMMISSIONER SULLIVAN: Right on.

MS. MILLER: Okay. I'll update this and send you a current copy.

COMMISSIONER SULLIVAN: Move to approve Resolution 2002-50.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER SULLIVAN: This didn't really have to do with the budget transfer. She's probably going to have to come back with another budget transfer to do these things we just talked about, aren't you? A budget amendment?

CHAIRMAN DURAN: Are we accepting this resolution as you've calculated the outlay?

MS. MILLER: Mr. Chairman, this resolution is actually just to move that 10 and the 20 to the proper funds and that other sheet was just attached from the meeting where those were assigned and it was just to show that we were moving as it was requested at that particular meeting. So I don't need to change this budget adjustment, and depending on which fund the budget for the Fair Grounds is established I may have to come back and

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bring another one, but if it's in general fund it won't require it to come back for Commission approval. It can be done at the Manager level.

CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

VII. K. Resolution No. 2002-51. A Resolution Requesting a Decrease to the Water/Wastewater/Road Improvements General Obligation Bond (GOB) 1977 Series (350) to Budget a Reduction in the FY 2001 Cash Balance Available for Expenditure in FY 2002 (Utilities Department)

COMMISSIONER SULLIVAN: Mr. Chairman, I wasn't—the reason I asked for an explanation on this was that I'm not familiar with the bond fund for capital purchases for roadways, bridges, culverts, etc. And it seems like we have an underexpenditure there and we've just been talking about what the need is for roads and road improvements so I just wanted a little explanation of how this fund works and what this is about.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, back in '97, a general obligation bond was issued. There were actually, I believe, four question on the ballot that passed and all of those were put together into one bond issue. There was \$4 million for road improvements, \$4 million for water and water rights acquisition, I believe a million for wastewater or \$1.5 for wastewater and a million for some fire equipment. So it's a combination of basically four questions that were taken to the voters and one combined bond that was issued. The only one with actually any funds remaining is the water portion and that's due to a lot of the issues with acquiring water rights. It's taken a while to spend it. The rest of the funds have already been expended on County roads, wastewater and I believe there was a million on fire equipment.

This budget adjustment we make an estimation of what will be available at the beginning of the fiscal year and this is just an adjustment to that budget based upon what was actually encumbered and what's happening with the remaining bond funds. There was an overestimation of the funds that would be available when the fiscal year ended and obligations were paid out.

COMMISSIONER SULLIVAN: How much is left in this bond now? Just roughly.

DOUG SAYRE (Utilities Manager): Mr. Chairman, Commissioner Sullivan, if you look at the—

COMMISSIONER SULLIVAN: \$1.148 million? \$1,148,0000?

MR. SAYRE: Yes, sir.

COMMISSIONER SULLIVAN: And all of that is allocated toward water, water rights acquisition and water construction and so forth?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, yes it is.

COMMISSIONER SULLIVAN: Okay. And are we okay? No time lines on when that has to be expended?

MR. SAYRE: I'd like to defer to Katherine on that. There were some time lines but I think she can explain that. We don't think there's a problem.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, there are stipulations for spending tax exempt bond proceeds as quickly as possible due to the IRS restrictions. They don't want governments to issue tax bonds, tax-exempt bonds and then invest the money and earn interest on it. But we have issues with the legalities of purchasing water rights and things like that. As long as we can show the progress and we rebate to the IRS any money that we earn in interest over and above that which we pay out to the bond holders, there's not a major issue. But we're somewhat restricted by the issues involved with acquiring water rights.

COMMISSIONER SULLIVAN: That's called arbitrage, right?

MS. MILLER: Yes.

COMMISSIONER SULLIVAN: Okay. So we do have \$1.1 million left in that fund to expend, to continue to work on these water rights issues and it doesn't look like we necessarily have to expend it next year or immediately.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, I believe there's actually more remaining in proceeds. Some of it is encumbered but we're waiting for things like the Hagerman well to go through.

COMMISSIONER SULLIVAN: But this is unencumbered funds.

MS. MILLER: Right. And we will, we're working right now with an accountant to determine any arbitrage that we need to rebate to the IRS as well.

COMMISSIONER SULLIVAN: Well, we have plenty of ideas where to put this \$1.1 million should you need them.

MR. SAYRE: Thank you very much, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Chairman, move for approval of Resolution 2002-51.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

IX. Presentations:

A. Presentation of the Draft "Call to Action," the Santa Fe County Health Planning Commission 2002 Health Improvement Plan

STEVE SHEPHERD (Health Planning Director): Mr. Chairman, Commissioners, I'd like to introduce Maryann Shaening and Andrea Pool. They are contractors for the Health Planning Commission and they're going to present a call to action of the draft health plan for Santa Fe County.

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MARYANN SHAENING: Mr. Chairman, Commissioners, my name is Maryann Shaening. As Steve said, we have been working with the Health Planning Commission for some months to develop this plan. It had, there's a document that precedes this plan which is a pretty thorough needs assessment and health profile that profiles all different aspects of the health of the residents of Santa Fe County. This second document, which you have in totality is our draft actual health improvement plan. It is "draft" for a couple of reasons. One the financial impact, the resources that we may need to actually implement this plan have not all been played out. You will see that the plan has a number of goals and a number of activities which ultimately will have some kind of financial impact. So the Health Planning Commission would like to bring back to the Board of County Commissioners kind of a financial impact analysis and a work plan about different ways that we could get this done.

Okay, so going back, we called this Health Planning Commission/Health Improvement Plan "A Call to Action" because it involved so many different players. Okay. It is obviously not just the County's plan and you will see in a minute it's the entire community's plan, and we have been working this plan with various and sundry groups, all of which are included up there. Now this is kind of a wild looking conceptualization if you will as to how we're seeing the County Health Planning Commission.

As you can see, the County's Health Planning Commission is presenting this plan but it really represents a whole lot of the efforts of the MCH Planning Council, DWI, United Way, Executive Leadership, CARE Connection, Project Access, the schools and the Sangre de Cristo Community Health Partnership. That's the CAP project. All of those groups have a piece in this plan because all of those groups have overlapping goals and objectives with what the County is proposing. So it is much bigger. That's supposed to look like an umbrella. What do you think? It's another one of those rainwater things.

Okay. As we see it right now, the Health Planning Commission's role in this plan would be to keep track of the health improvement activities that are outlined. Because a lot of those activities are done by these other bodies. Another role for the Health Planning Commission is to continue what they have been doing but more systematically, if you will, and that is to convene these various other groups, our partners, if you will, to ensure that these efforts are all integrated and lined up with one another. A third role for the Health Planning Commission is to convene these partners to explore new ideas and work with the partners to see if we can test some out of the box thinking if you will.

The Health Planning Commission is also tasked with collecting the data and continually updating the County health profile so that we can see whether we're moving towards overall health improvement.

Okay. The final goal is to encourage partners and funders to incorporate the County's goals in their plans. And so when you see the United Way or the Executive Leadership Council or Maternal and Child Health, we ought to be able to see the overlap with the County. We ought to be able to see the County's goals in their respective health plans which are a piece of this overall effort.

Okay. As formulated, the Health Planning Commission started getting more specific about what they were about back in December 1999. At that point, they set as their vision a healthier community as reflected by the improved health status of the residents of Santa Fe County. Once we did the needs assessment and the health profile, which of course could be made available to Commissioners if they wanted to see the actual needs assessment that preceded the document that you have right now. Once we could finish the needs assessment, we worked with lots of different people as well as the Health Planning Commission and came up with three priorities or three aims. This is what the Health Planning Commission would like to get its arms around in the next few years.

The three aims, the three priorities of the Health Planning Commission that guide everything else are: increasing access to care, improving quality of care, and eliminating health disparities. Health disparities are where you have different health indicators by, let's say age, gender, race, ethnicity, income level, etc. The Health Planning Commission has decided that we will first focus on the issue of access. So the plan that you have in front of you is all about increasing access to health care. The specific aim reads increasing the number of county residents who have access to timely, affordable and appropriate health and behavioral health care.

Now, at some point there will be another plan and it will be the plan addressing quality, and then there'll be a third plan and it will be the plan addressing health disparities. Okay. So the Health Planning Commission has three priorities. This plan is about the first priority which is increasing access. There are—everything's in threes here. There are three strategies that the Health Planning Commission intend to implement with its partners in order to increase access. Each of those strategies, you'll see in a minute, has a set of goals. But in general, we believe that we can increase access to care if we can increase financing and improving people's ability to pay for health services if we can improve the health care delivery system and the actual availability of services and if we can identify and remove social, geographical and cultural barriers.

So three strategies for the first priority. Okay. Each of these strategies has a handful of goals. Strategy one is all about money and ability to pay. The goals are to increase the number of people enrolled and maintained in Medicaid. We know right now that the number of people enrolled in Medicaid in Santa Fe County is lower than the socio-economic data would suggest in terms of eligibility. So we have all kinds of things in the plan identified to increase the number of people enrolled in Medicaid.

The second goal is to improve health care coverage for people who are employed. We are exploring some programs that have been developed in other places that intend to do precisely this, improving the health care coverage for people who are employed. As you well know, there are people who are employed, who technically have health care coverage but because of deductibles and co-pays, they might as well be uninsured. We need to increase the subsidies and other means of underwriting care for the uninsured. What we're trying to do is get more federal and state subsidized care for people that are uninsured and uninsurable. This has a number of different activities going on.

And finally, the fourth goal is to improve the ability of individuals and families to pay for medications. Okay. So if you look at that there's three strategies. Strategy one has four goals. You have the actual plan. Underneath each one of those goals—and I'll show you a sample of this—we have a very specific list of activities and who's doing what to make all of those things happen. And we believe that if we can make substantial progress on each of the goals, we will make substantial progress in terms of the strategy.

Strategy two is improving the health care delivery system and the availability of services. Here there are six goals. Increasing the availability of primary care by extending hours and locations of services. We're working with community health centers and others to be open off hours. We're looking at locating health care services in other than the usual places. We're working on the community school concept, etc. Increasing recruitment and retention of providers, working with the medical society, the hospital, etc. Increasing the availability of behavioral health services. That's mainly the work of the CARE Connection. Increasing the availability of dental health services. Increasing the availability of information, referral and linkage services. There are a number of things we've got on the table to be able to link people to services, CARE Connection is one. Some of the things United Way is doing is another. And then increase access to health, behavioral health and dental health through the schools.

All of those then, six goals, are intended to also improve access from the availability. Access to service, you've got to be able to afford it and it's got to be there. The service has to be available. So all of these goals are intended to make sure services are available.

The final strategy has to do with social, geographical and cultural barriers and this is a very interesting strategy because it doesn't matter who you talk to, we all believe that there are serious social, geographical and cultural barriers, but as yet, we don't really have our arms around what they are. So our goals are to—we know what some of them are. Our goals are to identify and minimize the barriers in terms of persons that live in rural areas as well as elderly, and then to identify and minimize other access barriers.

So there's only two goals for the third strategy. So the plan is manageable: one goal, access or one aim, access. One priority. Three strategies and I think it's like 12 goals all in all. There's a sample. Every single one of these goals, for example, improve the health care coverage for people who are employed. Every goal has an outcome indicator and a baseline data point. So that the Health Planning Commission can, over time, monitor progress. Every single goal is anchored by at least one outcome indicator and baseline data if it exists. And every single goal has a list of activities of what it is that the Health Planning Commission sees as its responsibility in terms of achieving the goal. So on this one it talks about working with the community services network. We're going to look at creating different employer pools. We're going to look at the new, they're calling it the Con Alma Health Foundation. That's the health foundation that was created with the Blue Cross Blue Shield sale and we're working on an RWJ project and then we're looking to see what other states are doing.

So that's the way, and you've got the whole plan. And what you don't have yet is who's going—there's a lot of meat in here and what we don't have yet is what the interplay's going to be between Health Planning Commission and County staff and precisely what kind of human and financial resources we really need to pull this little thing off. So what the Health Planning Commission has asked me to tell you is that as we move forward in accomplishing this plan, we will bring you kind of like a financial and other resource analysis. If we were going to do all of these things, it will take x-amount of money or x-amount of staff, etc.

But the plan is pretty well, for the access piece of it, is pretty well complete. Do you have any questions? How was that for speedy?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I have some questions. Let me start with your last point. Well, first of all, let me thank you for the wonderful contribution you've made in assisting the Health Planning Commission, who as you know, recently was recognized nationally, which I'm very proud of. But to your last point as to identifying plans and the need for resources, I recall when I'd asked the Commission to create this Health Planning Commission, I think we've had some conversations about this specifically, that I did not want to see the Health Planning Commission move into a mode that would set us up for failure instantly. So that is to go and develop wonderful plans and say now for us to execute these plans, we need the Commission to start funding these efforts.

And that's my first point, because I really, from day one I think we have all said the Commission can play a role in this by being a convener of the stakeholders and the people who are more capable or better capable of the delivery of the health care as opposed to actually getting into the health care business. And I think from my standpoint, I don't want to see something coming back from the Health Planning Commission saying if you adopt these goals we can achieve them but you're going to have to start paying so that we can achieve those goals, because that was never part of the task that was given by this Commission towards the Health Planning Commission.

Secondly, the question is, the other issue is that we know that there are a lot of people in our community, both children and adults, who just go through their life without the level of preventative care that they need. A lot of kids that unfortunately are brought up in home environments that aren't as committed to making sure that their kids get access to preventative care. We're trying to some degree get St. Vincent's through our MOU to be involved in that effort. Each of the Commissioners have sent out letters to principals in our district to ask them to take a look at this New Mexikids health plan that's available and to try and get the children in their schools to take advantage of this MOU.

But my next question is, without having to go into the plan, do we feel comfortable that through these providers that we are taking that extra step to make sure that those that are most vulnerable, those that are the weakest, are truly being given the care that they need. And then last but not least, I didn't see in there the issue of health care coverage for undocumented

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immigrants living in our community. They have a clear, strong presence in this community and their cost of care happens at the emergency room when they actually need some type of emergency assistance and we know how costly that is there. Is there an effort to try and find preventative ways or alternative ways to get them the care up front as opposed to incurring these costs at St. Vincent's. Because we're starting to see these costs go up at the hospital, basically, these unreimbursable costs for caring.

I think we all want to make sure that they get the care that they need, but we know it's far more inexpensive if we can divert them through preventative means as opposed to waiting to care for them through emergency means.

MS. SHAENING: Mr. Chairman, Commissioner Gonzales, let's see if I can remember all three of these points. The first point had to do with instructing the Health Planning Commission or conceiving of the Health Planning Commission in its role as convener and overseer, etc. And I don't think we've departed from that and when I say the impact of this plan, there is nothing in here that would ever require the Health Planning Commission to come to you and say fund a project. What there is in here is a lot of convening. A lot of bringing people together and a lot of research. And it is either County Health Department staff time or it's contractor time. It's those kinds of resources.

There's nothing in here, there's not one activity in here that in and of itself needs a \$20,000 grant, or that kind of thing. I think the Health Planning Commission is very aware of its role in not trying to incur that kind of expense. But there are, in order to convene the six different entities who are all doing Medicaid enrollment to make sure that we've got every single place covered that we can possibly cover, somebody's going to have to convene them.

COMMISSIONER GONZALES: No, I understand that. But along those lines, is the Health Planning Commission using its structure to go and solicit grants from both the federal and the state to pay for some of that in addition to paying for the delivery of some of the services? Are there monies that they're trying to identify to pay for some of those administrative costs, or is that purely going to be something that the Commissioners will need to bear out.

MS. SHAENING: I'm going to let Steve answer that. I know we did try to get some money from the Department of Health but we weren't successful.

MR. SHEPHERD: Mr. Chairman, Commissioner Gonzales, we did just receive a \$30,000 grant for the Health Planning Commission from the Department of Health. It's a three-year renewable grant and what we are looking at is staff support, support for the Health Planning Commission in one form or another.

COMMISSIONER GONZALES: What about—it's great every time I bring this up because Commissioner Campos gives me the look, on the issue of bioterrorism and the fact that there's a lot of money that's being made available by our public, by the Health and Human Services to increase the capacity of public health and their ability to care for communities in time of some type of bio-chemical attack, if there was such a one. I mean, that money's available now. Who is going to convene the process for us to try and actually solicit that money's that's available now?

MS. SHAENING: Mr. Chairman, Commissioner Gonzales, the bioterrorism

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money that ultimately will be made available from the \$11 million that went to the state, I assume that's what you're talking about, the blueprint on that has not yet been drawn, but it is about public health preparedness and hospital preparedness and the County is the local entity. So I don't know if it's going to be the Health Planning Commission or the local emergency designated people who will be responding to that. Since it's not blueprinted yet—

COMMISSIONER GONZALES: I would suggest that the Health Planning Commission really take an active role in this because a large part of it is going to be in the education and the awareness component to the public that many times the hospital won't take on themselves. And it seemed that the Health Planning Commission will be the natural body to being to disseminate information to the public and answer any questions they might have. That \$11 million is part of the first installment. There's \$6 billion that's coming through in the next budget that will be coming forward that's going to be disbursed out to the states that I can't help but feel that if the County is aggressive and upfront and being the lead agency that we will be able to attract more of these monies to at the very minimum deal with what you're trying to accomplish which is to build our public health capacity, to have that ability in times of non-terror to just do the basic care for our communities.

MS. SHAENING: So maybe what we should do, Commissioner Gonzales is explicitly acknowledge as one of our goals or one of our activities to maintain a competitive stance and go for that money as it becomes available to support our efforts. And we could explicitly acknowledge that. We'll definitely take that back to the Health Planning Commission. Okay, your second point had to do with intake, screening, assessment, prevention—front-end services. And if you've looked at the whole plan you will see that what we're trying to do is increase the number of places where people can be identified, screened and assessed for services at the front end instead of doing the emergency room.

And we're looking at the front end not only to do that screening and assessment but to also link people to a payment source, if that's possible, such as Medicaid, as well as link them to what they call a permanent medical home. Okay? So under the auspices of the Health Planning Commission, you will see more Medicaid screening points and more Medicaid screening and assessment at different community locations. You'll see Project Access of the County Medical Society, etc. So in the interest of increasing access and screening, we've increased, or at least we're projecting to increase, the number of points.

The other thing that we are looking to do is to create, like the CARE Connection is doing for behavioral health, over here also for primary care is to have standard ways of screening and standard tools for screening and assessing so that referrals to care, short of the emergency room and short of hospital-based care can be made. And we're looking to use, in some places, some of the same tools that the CAP project is using, the Sangre de Cristo Community Health Partnership, which is actually an eight-county project. But Santa Fe County is in it. And so that's screening, we should be getting much, much better at screening at loads of different sites.

So screening for health risk as well as screening for eligibility for Medicaid. We have almost 25,000 uninsured people in this county right now. And at best, I can tell you about

where maybe, at very best half are getting care.

The third item had to do with increasing access to health care services for people who will not qualify because they do not have and will not have a social security number. So they will not qualify for Medicaid or any other third party source. The only access that you can get for those persons is subsidized care. And for example, La Familia Medical Services is our community health center. They have a federal grant that subsidizes the care for the indigent and uninsured. That subsidy comes and underwrites the care of folks that cannot be insured without ever creating a transaction that identifies that this is a person that doesn't have—it's health care money that isn't tied to individual patients. It's a grant that's a subsidy.

La Familia and Women's Health Services get those grants also, smaller ones, from the state. What we need, that's what that goal meant. Increase the amount of subsidies. So what we need to do is bring in more money to subsidize that care.

COMMISSIONER GONZALES: But are diverting the uninsured? Do the uninsured know where to go? The only place I really knew where to go prior to learning more about public health in Santa Fe County was St. Vincent's. So I guess my point out of this is if the grants, if the subsidies are sitting at other locations, what are we doing to communicate, whether in Spanish, through fliers or whatever to the uninsured population out there, and I'm specifically talking about the undocumented immigrants, that there is a place where they can get care outside of St. Vincent's.

MS. SHAENING: Mr. Chairman, Commissioner Gonzales, there is a number of different activities in place, including the Promotoras program, through the CAP project, etc.

COMMISSIONER GONZALES: So you are doing this already then?

MS. SHAENING: Yes. And I think we just pulled off something that was pretty slick, which was, again, under the auspices of the Health Planning Commission and its convening role, La Familia Medical Services today submitted a grant to dramatically extend the amount of money that they're getting for subsidized care. They're the ones eligible to get it because they're the community health center, using Women's Health Services as a new access point. So if the federal government chooses to fund us, we will now be able to subsidize the care of 2,500 other, additional uninsured and uninsurable people through Women's Health Services.

COMMISSIONER GONZALES: Last question. Are you creating benchmarks for future Commissions to determine whether this is a worthwhile investment?

MS. SHAENING: Yes. Every goal has a baseline, has one or more outcome indicators. There are tracking procedures to track at six months, year, etc.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: Any more questions?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one question. Could you give me an example of how, once you've established these goals, I assume this is draft and you'll fine-tune it and you'll go about doing it. And let me just pick out one. Under goal 2.1 Increase the

availability of primary care by extending hours and locations of service. The concern I've had is that if you get sick in Santa Fe on the weekend you're in trouble. And if you get sick in Santa Fe on the weekend and you're indigent, forget it. You're really in trouble.

So I of course have spent time. I've visited and toured the Women's Health Services and the southside facility of La Familia and of course St. Vincent's. St. Vincent's is open 24 hours a day. Women's Health Services is open on Saturday part day. And another thing I found out is that 15 percent of the clients at Women's Health Services are men. So that may be of interest to some people who are in the Alameda area and need emergency or some kind of care on a Saturday.

But what would you then do—La Familia does not have weekend services or hours. What would be your next steps then to implement that goal of increasing the evening and weekend hours of our providers? Are primary providers here?

MS. SHAENING: Mr. Chairman, Commissioner Sullivan, the Health Planning Commission would convene a meeting with these entities, with these people who might be available to provide services on extra hours and that would be La Familia, Women's Health Service and then a couple of others, perhaps Presbyterian Medical Services, who has a limited health care program, at least for their behavioral health clients. And what we would do is figure out is there a way to have a site for example somewhere, Tierra Contenta or wherever it might be, that could be open on Saturday and what we've been toying with is the place being staffed by medical providers, both family nurse practitioners and physicians from several different agencies who would take turns staffing it. And they would be there strictly for urgent care purposes and then to link the person back to their current medical home or to a new medical home. That's the kind of thing we're entertaining. Down the road, there's a belief system that those kinds of services could be located, will be located after hours and on the weekends at one or two community school sites.

And again, this idea of the federal subsidies, this is the one area in the federal government other than emergency preparedness and bioterrorism that does seem to be growing. There's increasing numbers of what are called federal 330 monies. Those are the dollars that subsidize the care. And there is increasing interest in communities identifying things like community locations to create access to care. So that's what we would be working towards and coming up with a plan that in that case it would involve the Executive Leadership Commission, the Santa Fe Schools, La Familia, the Sangre de Cristo Partnership. That's why all of those entities we have been weaving in and out in this plan since the get-go.

So that's how we would proceed on that and say can we figure out how to open up Saturday services at Sweeney Elementary? I'm just making that up, but that's what we would do.

COMMISSIONER SULLIVAN: Because it seems like where this occurs a great deal is in pediatric care. And when your child becomes ill on Friday night or Saturday, you as an adult could perhaps wait if you have an ache but when the little one gets ill you feel a need to immediately go somewhere to help that child. So after you adopt this plan, is it then your idea that you'll create subcommittees that will work on each of these or will each of these come

up at each Health Planning Commission meeting? I see a big agenda here and I don't think you can do it at a once a month Health Planning Commission meeting. How do you plan—through subcommittees? How do you plan to do this?

MS. SHAENING: Mr. Chairman, Commissioner Sullivan, we've talked about a couple of different strategies. We've talked about the goal-a-month program of the Health Planning Commission where we have these 12 goals and each month we would be pushing a particular goal. The goals are set up so that, as Commissioner Gonzales was saying, that it isn't the Health Planning Commission rolling up its sleeves and actually doing. It's the Health Planning Commission bringing together the Community Services Network, the CARE Connection, etc. To convene and have them figure out and take the next steps.

So we have talked about each Health Planning Commission meeting tapping a goal. OR we have talked about dividing into perhaps three subcommittees, one for each strategy. And we haven't got that—we don't know the answer to that yet. It will be some structure like that. Because there are 12 goals and 12 goals, that's a manageable set of goals but it's still 12 things. It's still 12 meetings to hold. So we're going to take them one at a time. But it's important I think to keep in mind that the activities are not things that the appointed members of the Health Planning Commission have to spend Monday to Wednesday working on. It's a convening oversight, bringing together, pushing, nudging kind of role the Health Planning Commission has. Thus the umbrella. That was the best way we could think of to get across that point.

COMMISSIONER SULLIVAN: To make a final point then, to suggest, for example that you do go to the goal-a-month plan, which is probably as good as any, that when you do that, it seems to be that you have the best intentions in these and it's usually the implementation and the follow-up that is where we drop the ball, all of us collectively and certainly not pointing at you or the Health Planning Commission, although their time, as we know is volunteer. Perhaps when you did that at your meetings and you thoroughly researched and thoroughly debated a goal, at that same time you could appoint a follow-up subcommittee or group whose task it would be then to track that goal over the next year or whatever it took, six months to implement it.

Because that's where we drop it. We're good at needs assessment. We're good at goals and strategies and outcomes and we're bad at follow-up. So that's where I'd like to see the Commission go. Even if you didn't get all 12, if you took six in 12 months or whatever. If we had that follow-up and that follow-up was constantly coming back, then the providers know that we as a County are serious about implementing these goals, which we are of course.

MS. SHAENING: Mr. Chairman, Commissioner Sullivan, that's a great idea. Did you write it down? She wrote it down. That's a great idea. Thank you.

COMMISSIONER SULLIVAN: All right. Thank you.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: A couple of concerns. The ideas are great, but are we in touch with reality as far as funding or are we just talking kind of a little bit pie in the sky? I'm concerned. The health issue is a huge national issue. I don't think we have the

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resources locally to deal with a lot of the things. It's a fabulous plan but where do we go beyond that? I just don't see—we can add Medicaid people. What else can you really do as far as money to make this real as opposed to just another plan that's going to sit on the shelf? I think that's what Commissioner Gonzales was asking earlier?

MS. SHAENING: Mr. Chairman, Commissioner Campos, I actually step back from that plan from time to time and I think about the financial implications of the whole thing and actually, there isn't a whole lot in there that is particularly pricey. If you take just the very first goal, increasing the number of people enrolled and maintained in Medicaid, the fact of the matter is we do enroll people at the schools, at health clinics, in all kinds of places, but we don't necessarily give them the second level of assistance to keep them maintained when it expires in a year.

What we're talking about is having the same public health people, the same Promotoras, the same human services income support people, not just checking to make sure a person is enrolled, but checking to make sure that they're maintained in Medicaid. So that for example is not particularly costly. When we talk about adding hours and locations of services, we're talking about extending a health care system that sort of pays for itself, kind of, into a bigger arena. And if we talk about the financial implications of that it is getting more federal and state subsidy.

So I guess I don't see—there's nothing in that plan other than looking for federal and state subsidies and getting more people insured and under Medicaid. There really isn't anything in there that requires us to go get boatloads of new money.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, just to take you back very briefly because I know the chair wants us to move along. Part of the creation of the Health Planning Commission, I think it was the Commission's view that the delivery of health care was very fragmented. We had a lot of non-profits that were in the business of wanting to provide care for the communities and they weren't communicating with one another. There was animosity that existed between some with St. Vincent's and St. Vincent's was mad at others and it was becoming very territorial. The County Commission took to heart our mission, which is to protect the health, safety and welfare of the community knowing that we could not get into the health care business. At a minimum, the Commission could take the leadership in convening this Health Planning Commission which are leaders in the health—these are the providers that are part of our Health Planning Commission in addition to community people to collaborate. To say rather than us competing against one another, rather than us not knowing what one's doing or another's doing, let's begin to set collective goals so that we can, as a community, grow healthier and be able to take our resources farther.

My original question was I didn't want the Health Planning Commission to go to the standpoint where they create goals that they expect the County Commission to fund, because I think that is pie in the sky and that's going away from the mission that the Commission mandated to them because we were very clear in the beginning that at a minimum, we wanted to provide the resource to support, just support the convening of this. But minus this, minus the Health Planning Commission and the goals that we see forward, then I think that we go back to

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a community that can fall into being fragmented. Because there is no convener out there. The City's not convening them necessarily. The state's not providing the convening, but the County is convening not only from the City area but from Rio Arriba County all the way down to Torrance.

And what we're seeing here today is the draft of an overall large County plan that will hopefully, as indicated with baseline and benchmarks, make our communities healthier. But minus Commission involvement, I don't think that that's going to happen. I just wanted to keep that clear and that's why I started off with a question, money. I agree with you. The Commission is not in a position to fund grants, not to get into the area of being able to provide for services. But we were able to, through the MOU with St. Vincent's and through our involvement with that MOU able to meet one of the objectives that we had talked about, which is greater care in rural communities and trying to increase our presence in rural communities.

So I think it's a function of it, but the only thing I would close on is the fact that the delivery of health care is not a federal issue; it's a local issue and we have to take responsibility for it, both as community leaders and as individuals in our community that not everyone is insured. Not everyone is getting the level of care and if we care about the future of this community we need to make sure that everyone is working to make sure to provide the type of care that's needed.

COMMISSIONER CAMPOS: I agree, but if we look at the discussion in New Mexico, the state budget controversy, a lot of it is Medicaid. That's the sticking point. Health costs are going up 10, 15 percent a year. All states are having trouble. Their revenues are down. They're all having trouble with Medicaid, basic services. So the federal government's in deficit, so where do we get the money?

COMMISSIONER GONZALES: Well, I think that, I don't know where we get the money but the points that you just brought up highlight the title of this plan, which is A Call to Action. We cannot just sit back and let them have that discussion because people are falling through the cracks. And there are a lot of non-profits out there who have figured out smart, intelligent ways to get access to monies to be able to deliver this care. We just need to convene that and make sure that we push it out. But your point is excellent. We don't know what the future of health costs are going to be or what Medicare and Medicaid are going to be. But as a Commission, I think we can play a leadership role in monitoring it and trying to convene what we can.

COMMISSIONER CAMPOS: I agree. I think locally it's important to have the coordinating agency and I think that's been your design. But we're not having the discussion on a state level either. We're not having it on a national level. So politically, it's not getting a lot of attention right now.

COMMISSIONER GONZALES: Unfortunately, the only area that it is in the bioterrorism area where finally we see, now that there's a \$6 billion effort by the federal government to finally all of a sudden increase the capacity of our public health because you get a lot of congressmen in Washington that got scared after September 11 when they got the anthrax scares. It wasn't until they finally recognized that when they needed to go get help that

their own public health agencies in the DC area weren't capable of providing the level of care, that they said Now we need to make this massive investment in the public health. Let's take advantage of it and let's take advantage that this money is going to be coming down. There's no need why we couldn't build up our capacity while we can because that money is not always going to be there.

COMMISSIONER CAMPOS: I agree with what you've set out. It's a good thing that we're doing. I'm just concerned that sometimes you read about we're going to hire new health care providers, provide more money. It's just a lot of talk. And I'm just concerned that it gets a little carried away and I think we need to keep our feet close to the ground.

MS. SHAENING: Mr. Chairman, Commissioner Campos, I definitely appreciate your comments, particularly when you talk about the fall-out from the Medicaid shortages fall right here. They fall at the local level and it will impact us and I think that what your comments make me think about is that we also need to take back to the Health Planning Commission an awareness that it is part of our job then to keep track of these health financing trends and, as you're talking about where we're being squeezed too tight, and to systematically figure out how they impact what we're trying to do here in Santa Fe County.

We don't have a direct line to fix the Medicaid problem, but the Medicaid problem falls out on our heads. And so I thank you for that and I will definitely take that back to the Health Planning Commission, because I think the point's well made. It needs to be factored in.

CHAIRMAN DURAN: Okay. Thank you very much.

MS. SHAENING: You're welcome very much. Thank you.

IX. B. National Association of Counties "Acts of Caring Award" to Santa Fe County Health Planning Commission

MR. SHEPHERD: Mr. Chairman, Commissioners, I'd like to introduce two of our Health Planning Commissioners, Ms. Rebecca Frenkel and Mr. Jaime Estremera-Fitzgerald. I think Jaime's going to come up and address you about the "Acts of Caring Award."

JAIME ESTREMERAFITZGERALD: Thank you, Mr. Chairman and members of the Commission. Rebecca Frenkel, who is also a co-chair with me at the Health Policy Planning, is passing out a little brochure that we brought for you for our presentation in DC and in a moment, Mr. Chairman, I'll be presenting, Mr. Chairman, I'll be presenting you with the actual award. I won't take very long here, Mr. Chairman, but I do think you, as Commissioners, sometimes maybe don't get the national picture of what you have put into place here in Santa Fe. The "Acts of Caring Award" by the National Association of Counties recognizes the nation's outstanding counties' volunteer programs, and for the purposes of the awards program, an act of caring is a community service provided by a county-sponsored volunteer program that can enhance or preserve the quality of life.

I want to publicly here today, first of all, thank Commissioner Javier Gonzales for having the vision to start a policy and planning commission in Santa Fe. I think we need to applaud that. Secondly, I want to thank you folks as Commissioners because Commissioner Duran, Commissioner Trujillo, you were here. The new Commissioners I know have tremendous interest in the health care of the community. It's because of County Commissioners. What I thought would be interesting for you, I could tell you a lot of things about our DC trip but the biggest thing is, out of all the counties in the country, only two were chosen in the area of health care, because they had different categories as you see in your brochure, and what was interesting to me in talking to other folks, we're one of the few counties that actually has this kind of organized citizen body that's helping you deal with, Commissioner Campos, some of the problems you were bringing up.

And I can tell you, as a citizen serving on the state Medicaid Reform Committee, representing communities, the issue that you brought up, Commissioner Campos, we're going to have to deal with and you're very right. But I thought you should be proud as Commissioners to know that having this kind of an advisory body, there's not a lot of counties that are as organized and I want to thank all of you again. I want to present the Chairman with the award and hopefully it will stay in a case where the glass doesn't fall off. So I present it to you. Thank you.

CHAIRMAN DURAN: I'm going to take it home. I'd also like to thank you, Commissioner Gonzales. It really was because of you that we have this program in place for the community. When we first started talking about it, I thought why are we getting involved in the hospital's business and as it turns out we've put together a tremendous program. Thanks.

MR. LOPEZ: Mr. Chairman, a voice from the north here. Just one thing. We do have a public hearing item that had been noticed for three o'clock just to let you know about that. I understand we're way behind on everything else but it was noticed that way.

CHAIRMAN DURAN: Well, let me ask, is there anyone out there that came specifically for that ordinance? Besides staff? Okay, good. We'll do that right after we finish this and take a five minute break. Was it scheduled for 3:00? Was there a specific time?

MR. LOPEZ: It was just noticed for 3:00 but there isn't anybody from the public here to hear it so I don't think it matters a heck of a lot if we hold it off a bit.

CHAIRMAN DURAN: Well, let me ask you a question. What if we don't get to it today?

MR. LOPEZ: I think we do need to get to it today.

CHAIRMAN DURAN: Okay, we'll do it when we get back from our five minute break.

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VIII. C. Update, Presentation and Request for Direction on the Santa Fe County Document Imaging Project

MR. LOPEZ: Mr. Chairman, are we going to go on to the presentation on document imaging? I would like to just make a very brief statement as to why I've asked Agnes to have this issue on the agenda to begin with. For the last several years I understand there's been attempts to get a document imaging program going, either by individual offices or departments but really without any coordinate effort going on. This year, Agnes has initiated a study to get a coordinated effort going on but the reason that I wanted her to give you some sort of a presentation is that this year, we're building in an amount of money into the budget that you'll be considering in a couple of weeks, and as we go forward, I just wanted you to have it on your, to be aware of the fact that as we go on, it's not going to be a one-time hit. It's a long-term effort and it will be a long-term investment and additional investment will be required. So with that background, I'd ask Agnes to make her presentation.

COMMISSIONER CAMPOS: Mr. Chairman, a quick question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Lopez, where's the money coming from?

MR. LOPEZ: Mr. Chairman, we found it from a variety of sources for the current year.

COMMISSIONER CAMPOS: General fund?

MR. LOPEZ: Some of it for general fund, some of it out of the Clerk's recording fees and some of it from the appraiser, I think. Some of their special fund fees. But we have identified various pools of money to allocate a block of money for this year and we'll present that when we do the budget as to where each of the pieces are coming from. I just wanted to make sure that everybody understands that this isn't going to be a one-time deal and my sense is there's a broad level of support that I think that this is an important enough policy initiative that all of you really have to make that call and give us the direction that we're ready to step in that direction.

COMMISSIONER CAMPOS: But do we have a revenue source from year to year? It's going to take more employees, more equipment, more time, a lot of infrastructure issues now. Do we have the revenue for the future?

MR. LOPEZ: Mr. Chairman, Commissioner Campos, at this point, we haven't identified it although part of the—we haven't identified it. Let me just leave it at that.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, I don't think it's fair to assume that it's going to take more employees. The idea, the Commission is going to be faced with a number of policy issues. I think what the staff is bringing forward, at least from what I understand from listening to Estevan, is a policy issue of whether we want to utilize technology to recognize greater efficiencies in how we

operate. Hopefully with the end goal being not only being smarter about how we conduct our business but being more efficient and minimizing the amount of resources that we're currently spending.

Right now, and the issue of imaging, it's a costly function. We do have a number of employees that are having to deal with this, I'm assuming, and that the fact with technology in place, it's going to minimize, or it should, at least that should be the goal we're working to minimize the amount of cost that the County is currently having to incur by making this investment in this tool. I'm assuming that's the goal as to why this is coming forward and not just a fun toy to have around.

AGNES LOPEZ (ITD Director): Mr. Chairman, Commissioner Gonzales, yes, that's one of the benefits of document imaging, but it's a clear benefit.

COMMISSIONER GONZALES: So the goal, this investment that you're asking the Commission to make now, this policy decision, this continued investment, as Estevan indicated, would be over a time, creating more efficiencies and minimizing the amount of work that we're having to do in this area.

MS. LOPEZ: That's correct. This is a long-term project that's going to require some commitment and when staff got together to discuss the project, we felt it necessary to get that long-term commitment before we started on the project because the upfront costs of the project are significant, but they set a foundation for future development and initially starting in the elected officials' offices but we plan to go further and in subsequent years to the different offices and hopefully migrate to somewhat of a paperless system that will increase efficiencies, increase time to get to paper-related documents and to increase our service to constituents by serving out this data via the webpage, and interoffice as well.

We use the interoffice mail quite a bit and I've had quite a few suggestions from department directors that we should make that more efficient by utilizing imaged documents and electronic signatures. So document imaging sets the stage for that.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: When we think about document images we're thinking about plats and surveys and just a whole number of things that people have to actually come in and keep track of and do research. When you talk about being more efficient from a customer's standpoint or constituent's standpoint, is it true that people will now be able to go, if we did this, people would be able to go on-line and be able to do searches of property and see the actual plats, as opposed to coming downtown? And let me ask you this, from a staffing standpoint, and I'd be interested to get the Clerk's perspective because I understand that part of the revenues are coming from her budget, is this a type of technology that you think would be beneficial in your office?

MS. BUSTAMANTE: Mr. Chairman, Commissioners, yes. We're really behind on it.

COMMISSIONER GONZALES: How is it today, Becky, and then how

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would it be with this type of technology?

MS. BUSTAMANTE: How is it today? It's very antiquated. And I think that we would be coming into the 21st century if we started it. I think that's the way most counties are going on imaging. I think it's really important and I think we need to start small and do some little things. One of the areas where I think imaging will also help is in the area of in the voting. We have to scan in all our cards so that way we could look at signatures right on the screen.

Right now, whenever I have to do anything, I have to go and pull a card from our file and it's just sure anytime I go into any of the records, you take the change of misfiling it, losing it, there's just a lot of things. But certainly Santa Fe County is way behind as far as imaging.

COMMISSIONER CAMPOS: What's the cost?

MS. LOPEZ: The cost over the entire term of the project is \$4.7 million and with the first phase, what I've asked the contractor to do, is in the first phase, he separated the departments between phases. The first phase was the Clerk's office, the Assessor's office and the Treasurer's office. And I believe that came in just over a million dollars. Staff recognizing that that's quite an initiative to overtake and I really believe that not only are we not able to handle that financially, we're probably not able to handle that internally with the current staff and resources that we have.

So we decided to limit the project to something that we substantial as the pilot project which would be plats. We initially discussed imaging the plats which is something that internal staff would see benefits of immediately. Currently the Assessor's office has quite a need for those plats as does Land Use. And those documents actually flow through the County. If we were to image those, we could then utilize those and flow them through the County and realize some immediate benefits of it.

COMMISSIONER GONZALES: Could you not get a vendor to front the cost of the technology and charge some transaction fee or a use fee every time that the public uses it to help subsidize some of those costs and minimize whatever investment the County would have to make? Is that available?

MS. LOPEZ: Mr. Chairman, Commissioner Gonzales, yes, that's definitely an option that we could—even charge now. Right now we charge mortgage companies access to our data. So we could do something similar to that, but it would be an access fee charge maybe on the webpage to do research through the webpage. So we do have avenues of recouping our costs.

CHAIRMAN DURAN: Commissioner, several years ago, I went with Benito to—was it Jefferson County? And they are digitizing all of their information. And it's actually available on the Internet and I think that the goals that we've kind of set for ourselves several years ago, which we've been working on is to have all this information available to the community and it could become a revenue source. So the expense would actually be absorbed by those people that are accessing the information. If you had gone to one of these counties that has all this information and is using this information technology

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to provide services to the community and paying for it because it turns into a revenue source. You should take a trip up there, go with us. Boulder. Right out of Boulder. It's amazing. I'll go with you. We'll take Benito. We'll let you know.

Okay. Do you think you can do this presentation relatively quick?

MS. LOPEZ: Yes, I do, Commissioner. Document imaging has historically been about the use of scanning, storing and viewing technologies to automate paper-intensive processes such as the archival and retrieval process critical to documents recorded in the Clerk's office. Document imaging has since evolved to document management. Document management incorporates the benefits of document imaging with new document workloads and automation, which will enable the County to share data, route forms and manage documents more efficiently between departments.

Given the growing interest in document imaging over the last several years, the Information Technology Division conducted a Countywide analysis and developed a comprehensive project plan to implement document imaging. The contractor, Krier McCormick and Associates and the Information Technology Division staff met with each department and office to discuss their needs for document imaging. Their findings and recommendations have been documented and incorporated into reports submitted to the County, which is included in your packet.

The report states that the County would realize benefits including space saving, improved efficiencies in document retrieval and work loads, providing services at lower cost, making information available internally as well as to constituents via the webpage, copying and archival costs and the ability to reorganize its business activities and processes to become more efficient and productive. The report recommended a phased approach to completing the projects with the first being the Clerk's office, the Treasurer's office and the Assessor's office.

Information technology agrees that these offices are the most logical places to start due to their ability to realize higher potential benefits from document imaging and the forward-looking commitment and enthusiasm expressed by the Clerk, Assessor and Surveyor towards the project. The report also gave three implementation alternatives: Outsourcing the imaging and indexing of a predetermined set of documents, indexing and imaging these documents in-house, and a hybrid solution combining outsourcing and in-house imaging and indexing.

The contractor and Information Technology recommend the hybrid solution in the long term. However, initially in the first 12 to 18 months, we recommend that the service be outsourced until the County's prepared to handle the process internally. At this time, the County Clerk would like to image and index all incoming documents in-house beginning immediately. If this is the option the County takes, Information Technology is recommending that a project manager be hired and contracted with to manage the project. Due to the man-hours that ITD, is currently not equipped to handle. The report summarizes the fiscal impact of the project for the fiscal year 2002 with the total cost of the project estimated at \$4.7 million. Staff has attempted to use the report as a guideline

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for budgetary purposes with the understanding that the funding amounts will change in scope as the project changes.

In evaluating the resources needed to complete the first phase, staff has decided to narrow the scope, limiting the project to incoming documents within the Clerk's office in fiscal year 2003 and modifying the project plan to include the Assessor and Treasurer in phase 2. Staff is requesting direction on how to proceed with the project based upon the contractor's recommendation and current internal requests. Further, staff is requesting a commitment to the document imaging project, recognizing that this will require a continuing financial commitment through the duration of the project. I stand for questions.

COMMISSIONER SULLIVAN: Questions for Agnes?

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: We're going to need new employees, new additional FTEs. Is that right?

MS. LOPEZ: Commissioner Campos, it will, depending on what avenue the County decides to take. Imaging in-house is going to be a very man-hour intensive process and initially will require quite a few more FTEs.

COMMISSIONER CAMPOS: How many is quite a few?

MS. LOPEZ: I believe for the initial first phase scope of the project, and actually limiting that to what staff has recommended, three to five. But that is not the recommendation of Information Technology. We actually recommend outsourcing those documents instead of imaging and indexing those in-house, we would send them out to a contractor, who would then provide us back the data which we would load on our system.

COMMISSIONER CAMPOS: Now, the report from the consultant states that there's a 40 percent chance of success in this county? Do you have a comment on that? Or did I read it wrong?

MS. LOPEZ: No. Yes, Commissioner Campos, the 40 percent was derived from technical standards where 50 to 60 percent of all projects of this size actually fail. And so he wasn't actually projecting that to the County itself but to all projects of this size. And that is actually related to dollar amounts, so it's not the project failing completely, but the project not being completed within the dollar amount initially scoped and not being completed in the time manner that has been anticipated, and also realizing the benefit of the project. So all of those are options for failure. So the project may be realized but not in the manner that it's originally spec'ed at.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Okay. Thank you, Agnes. We're going to take a five-minute break.

COMMISSIONER CAMPOS: Do you want direction? I think, is that what you're asking for?

MS. LOPEZ: Yes. Commissioner, I was asking for direction and for a commitment to the project if it is so desired.

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

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Agnes, this report by McCormick and Associates, they haven't done any imaging for us or have they, or this is just a report outlining the different strategies and what the cost would be and so forth?

MS. LOPEZ: Mr. Chairman, Commissioner Sullivan, it's an initial report of an analysis done just by interviewing the different departments.

COMMISSIONER SULLIVAN: So we haven't done any pilot projects or anything of that nature. The document imaging for the plats would be a pilot project, a first step that you're recommending.

MS. LOPEZ: Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: And I see it says 3 to 4 or 4 to 6 people, there's a number, one way or another at the outset, more people that you would require for the pilot project, or is that for the whole, full project?

MS. LOPEZ: Commissioner Sullivan, initially, if we were to outsource, I believe one person would be necessary. If we did it in-house and then significantly more, three to five people is the estimate for the smaller scope that we have defined.

COMMISSIONER SULLIVAN: So when you come back in a couple weeks for our next budget meeting, you're going to be talking about a certain amount of dollars for a consultant plus another FTE to monitor this. Is that—

MS. LOPEZ: Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: That's what you're coming back.

MS. LOPEZ: It will address all areas.

COMMISSIONER SULLIVAN: So I don't think we, I don't know that we should make a specific commitment to you now. We have the budget hearings coming up. We have to weigh your requests against many others in the process. Am I reading this wrong?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I think you're correct. You don't need to make any commitment today, but given that this was a significant issue that's going to be in the budget this time and in an effort that we won't have a long, convoluted discussion at that budget hearing, we wanted to at least put it in front of you, give you some time to think about it and then weigh it when we bring the budget on May 15th.

COMMISSIONER SULLIVAN: Could we have a short, convoluted discussion?

MR. LOPEZ: Yes.

COMMISSIONER SULLIVAN: Okay. That's fine.

CHAIRMAN DURAN: So then the direction would be to just move forward on it?

COMMISSIONER GONZALES: That would be my support. I think this

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needs to happen. I just had a discussion with the Clerk outside and she's going to do this regardless of what we're going to do and I think it's important that we support this issue.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Just a quick comment. It seems to me we make a lot of commitments. For example, Solid Waste, and we're still not adequately funding it. We have a lot of transfer stations that have to be brought up to standards and have to be built. We have a lot of projects that we have commitments to but they're only half commitments. If this falls that way, this is going to be a failed project. If we really don't have the commitment to spend \$5 million, which means it's probably going to come out of somebody's else's budget. Let's think about it seriously because we've made a lot of commitments, Solid Waste for example that we just don't follow through with. We have so many people demanding so many things.

CHAIRMAN DURAN: That's life in the world.

COMMISSIONER CAMPOS: So if you want to make another half commitment.

COMMISSIONER TRUJILLO: I just want to make sure that we have a focus of it. That there's a commitment to this initiative because it's needed. Whether we have a ubiquitous set of commitments, we can't correct a wrong with a wrong or be pessimistic about it. I think that this program is needed. I think that we need to find monies to fund it. It will take Santa Fe County into the 21st century. We'll get out of antiquity. It's a revenue source. And my direction is to go forward and give us some recommendations and then we'll look for the monies. We'll find the money.

COMMISSIONER CAMPOS: Wishful thinking.

CHAIRMAN DURAN: Okay, let's give staff some direction.

COMMISSIONER SULLIVAN: Well, what is—Mr. Chairman, just let me ask a question. We're really focusing, I guess on the first phase or the pilot phase. Could you refresh my memory? How much would that cost and how long would that take? \$4.7 million is the whole kit and caboodle.

MS. LOPEZ: Mr. Chairman, Commissioner Sullivan, it's a little over a million for the first phase, which included Clerk, Assessor, Treasurer. Staff got together and decided that a smaller scope was necessary and we discussed plans as an initial pilot project and hopefully taking on more of the Clerk's documents as the year goes on and as we feel more comfortable with that. So that project, depending on how we proceed with it, depending on whether we outsource it, would be around, the range about \$420,000. If we decide to do it in-house it will be more, probably closer to \$500,000.

COMMISSIONER SULLIVAN: And that would, let's say \$400,000 or \$500,000 if you outsource it, and then does that also require an FTE to monitor it?

MS. LOPEZ: Yes. That would include three—and this is estimates. But 3.5 FTE in-house as an estimate if we did it in-house. One FTE if we outsourced, because then we would just have one person who would coordinate the effort with the contractor to pick

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up the documents and bring them back to us.

COMMISSIONER SULLIVAN: I understand. And then how long would that take when we'd begin to see the viability of this? How long would the pilot program be? A year? Two years?

MS. LOPEZ: Mr. Chairman, Commissioner Sullivan, the pilot project, hopefully, would be about six months and that would include installation of the hardware and software necessary, developing procedures on how we were going to index and inventory the documents, prepping the documents, sending them out, bringing them in and developing a process for quality control for those documents. I believe that's the best way to handle it. As soon as we feel comfortable with that then we can initially bring the process inside, look at re-engineering the workflow that happens within the Clerk's office in order to bring that process in-house to where the staff is actually imaging and indexing those as they come over the counter.

COMMISSIONER SULLIVAN: Then could we assess it, if we were afraid we were getting into that 40 percent failure mode, at that point could we make an assessment that said, yes, now we need to go on with the remainder of the \$4 million for this? Or are we locked in, as it were, to continue?

MS. LOPEZ: Mr. Chairman, Commissioner Sullivan, I would like to proceed in that mode. Part of the recommendation of the report is that we are constantly changing our project plan to coincide with the scope of the project that we decide initially to take on. So the initial report suggested that we take on three offices. If we don't do that, if we just do one, we would go back and modify the project plan and the costs associated with that to actually identify in the subsequent years how much it's going to cost.

But I would like the first year to be a real, true pilot project where we would take it slowly, really define our processes, which is going to be the most time-consuming process, because the upfront foundation work is what's going to take the most time. So the first year is going to be slow. Hopefully we will see the benefits of all the plats, at least, imaged and a workflow through the County as to how we can get benefits out of that.

COMMISSIONER SULLIVAN: And then after that first year, you'd be able to come back to the Commission and say we were on track or on base with this estimate or it's going to be considerably more difficult than we thought. In other words, I'm looking for kind of a decision point down the road after the pilot project that we can have a no-go or go situation. Do you envision that?

MS. LOPEZ: Mr. Chairman, Commissioner Sullivan, yes I do. As well as maybe even monthly reports to the Manager as to how the project is proceeding, which is also one of the recommendations in the report.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, can the other portion of the GRT be used for something like this? We're using it for roads, we're using it—

CHAIRMAN DURAN: I thought there was five percent that could be used for other things.

COMMISSIONER TRUJILLO: For other things. Yes. And this is over a long period of time. So there's some monies available if we can use the GRT for that.

CHAIRMAN DURAN: I really think you'll find that we can turn this thing into a revenue source and I think we're not going to have much more discussion about it because we're going to take a five minute break and then we're going to get on with the agenda. But why don't you let us know if we can use the GRT. Or can you tell us in ten seconds?

MS. MILLER: I can tell you in seconds, Mr. Chairman. We can't use that GRT. It's a capital outlay for infrastructure, essentially, but not equipment and this specific legal uses of it. We can research possibly the actual physical equipment may be purchased with that but I don't believe so just from what the statutes said we were allowed to use it for.

COMMISSIONER GONZALES: Can you, in that legal research, try and classify what infrastructure is? Because it would seem to me that infrastructure would include technology elements for the actual delivery of a service.

MS. MILLER: Well, Mr. Chairman, Commissioner Gonzales, it actually said things like roads, water. There were very specific types of capital projects. I agree, this is an infrastructure measure, but we can double check that. As the statutes outlined it, it did not include anything of that type though.

CHAIRMAN DURAN: Thank you.

COMMISSIONER CAMPOS: Is there direction then?

COMMISSIONER GONZALES: I'd like to send direction that we proceed forward with this effort by the staff to make this investment in technology for document imaging and we can consider it at the budget hearing.

CHAIRMAN DURAN: Can you break it down? Can you break it down so that if we make a decision to do something less than all three offices we would have that opportunity? Are you talking about just doing plats right now and then get the Assessor and the Clerk later? Can you break it down for us I guess is what I'm asking.

MS. LOPEZ: Mr. Chairman, yes, I can break it down. Yes. And the plats are actually a part of the Clerk's office. That's part of her process that we'd be starting with. So yes, I can give you a break down of that.

CHAIRMAN DURAN: That's great. So we're going to take a five minute break.

COMMISSIONER GONZALES: Mr. Chairman. Before?

CHAIRMAN DURAN: Sure.

COMMISSIONER GONZALES: Sorry. I know that there are some people that are waiting for some specific issues and I know that we're finishing at 5:00. I was just wondering if the Commission could go to the issues that the public are more interested in when we come back, specifically the MOU with Rancho Viejo and the public hearing and then be able to proceed to the rest of the administrative business so that we have that discussion and not run out of time for it.

CHAIRMAN DURAN: It's okay with me.

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to hear from staff to see which issues are critical and maybe after we come back they can tell us what we have to deal with. What priorities we need.

COMMISSIONER GONZALES: That would be great. But I'd like to take into account some of the public that have been waiting through the afternoon to address—

CHAIRMAN DURAN: Well, I'd like for us to make a decision if we're going to listen to the Rancho Viejo thing next because—Robert, how long is it going to take for you to do this ordinance? So we'll do the ordinance next and leave the rest of the time to get up to speed on the Rancho Viejo issue.

COMMISSIONER SULLIVAN: Mr. Chairman, I just think, well, I just throw in the hat that we we've been working on this affordable housing regulations for some time here and we seem to be getting the feedback that, gee, if we don't have these regulations we can't have any affordable housing. So I think certainly, more critical than a reinjection pilot program if we're running out of time is to spend some time on that affordable housing ordinance, as tricky as it may be, it's a high priority item and we don't want to be delaying the implementation of our affordable housing program. So I'd throw a priority on that one certainly.

CHAIRMAN DURAN: Okay, I'd like to make a suggestion that when we do talk about the Rancho Viejo project here that we delete these injection elements and just talk about the water at this point. We're not going to have any time, number one, to talk extensively about either one of them. But I really need some information on transferring this water to the County's system to help relieve the drought situation that we're in.

COMMISSIONER GONZALES: I'd actually like to hear all of it if we could. But let's do prioritize it where it's the well and then if we run out of time then we can deal with the injection later.

CHAIRMAN DURAN: Okay, we have some difference of opinion here.

COMMISSIONER SULLIVAN: And you would do that before the—you think that's more critical than the affordable housing ordinance or regulations?

CHAIRMAN DURAN: Well, I think in all fairness to the people that were here to discuss it that they should at least have the—they've been waiting all day here to discuss it and the other—

COMMISSIONER SULLIVAN: Mr. Chairman, whatever you like. I'm very concerned that the reason we can't get any affordable housing in Santa Fe County is because somehow we don't have regulations. I think we do, but that seems to be the reason we can't get affordable housing so I'm very interested in getting this affordable housing regulation off the table.

CHAIRMAN DURAN: How about if we do that third?

COMMISSIONER GONZALES: Sounds good.

COMMISSIONER SULLIVAN: Do it whenever. I'm just interested in getting affordable housing going.

CHAIRMAN DURAN: That will be third.

MR. LOPEZ: Mr. Chairman, are you taking a break right now?

CHAIRMAN DURAN: We'll take a five-minute break.

MR. LOPEZ: Because I've identified a few items that are fairly time sensitive but I'll let you know what they are right after you come back.

CHAIRMAN DURAN: Okay. We're going to start in five minutes.

[The Commission recesses from 4:20 to 4:35.]

CHAIRMAN DURAN: Okay, we're going to go back into session and we're going to take our lead from the County Manager, Estevan.

MR. LOPEZ: Mr. Chairman, so we're going to try and get as much done today as we possibly can, correct?

CHAIRMAN DURAN: Except that Jack and I have EZA at six. We have to get something to eat because we're probably going to be there until ten.

MR. LOPEZ: Do you want to continue this meeting later this week? Is that a possibility?

CHAIRMAN DURAN: I think what we decided was the preference would be to just push everything to the next County meeting.

MR. LOPEZ: We have quite a few issues that are pretty time sensitive.

COMMISSIONER CAMPOS: I think we should shoot for a Friday afternoon. A couple hours.

CHAIRMAN DURAN: On some of the County business issues, we can have a special meeting on that.

COMMISSIONER CAMPOS: On whatever is not done tonight.

CHAIRMAN DURAN: But the other thing is, by the same token, we need to change the EZA meetings.

MR. LOPEZ: We'll work on that beginning immediately. Mr. Chairman, if it's all right with you, I will start working through items with the most time sensitive and then work through them. So I would suggest that we go to, under Community and Health Development Department item 1. That is XI. A. 1. Request authorization to submit a grant to the Center for Substance Abuse Treatment to provide services to "Wings to Freedom" program inmates released from the Santa Fe County detention center and their families.

CHAIRMAN DURAN: Okay. So be it.

X. Staff and Elected Officials' Items

A. Community and Health Development Department

- 1. Request authorization to submit a grant to the Center for Substance Abuse Treatment to provide services to "Wings to Freedom" program inmates released from the Santa Fe County detention center and their families**

MR. SHEPHERD: Mr. Chairman, Commissioners, I'm going to have Linda

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Dutcher come up and tell you about this shortly and get your recommendation.

LINDA DUTCHER: Thank you, Mr. Chairman, Commissioners. We have the opportunity to apply for some new federal dollars, which would allow us to expand substance abuse treatment services and also to include some prevention services. The particular population targeted are former inmates of the County jail who have been participating in the Wings to Freedom program there, that's a therapeutic community in the jail, and we propose to provide services that should help them continue their recovery and connect with other needed community services, also improve their parenting skills to help their children so that they will be more likely to be free of substance abuse themselves.

We request authorization to submit this grant proposal to the Center for Substance Abuse Treatment.

COMMISSIONER GONZALES: So moved.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one quick question. This does not target inmates in the jail itself?

MS. DUTCHER: Mr. Chairman, Commissioner Sullivan, that's correct. This money cannot be used to work with them while they are still in the jail.

COMMISSIONER SULLIVAN: But you do have a program that does, the Wings?

MS. DUTCHER: They do. Yes.

COMMISSIONER SULLIVAN: And is that DWI?

MS. DUTCHER: No, it's being promoted and done by the jail contractor itself.

COMMISSIONER SULLIVAN: But it addresses DWI?

MS. DUTCHER: It addresses people in the jail who feel that they have a substance abuse problem and are willing to commit themselves to enter this special therapeutic community. It's a voluntary thing on the part of the inmates.

COMMISSIONER SULLIVAN: Okay. I just wanted to make one suggestion. Are you involved in that program?

MS. DUTCHER: Involved in it in what way?

COMMISSIONER SULLIVAN: The Wings program.

MS. DUTCHER: In the Wings to Freedom program? We've been consulting with them and talking with them about how we would coordinate the services. The big need is for some follow-through once the fellows get out.

COMMISSIONER SULLIVAN: Right. And I think that's great because that's what we didn't have before at the jail. We had programs for writing resumes and things but not for substance abuse that the provider, the operator maintained. Now, the only thing I see missing is, is there some coordination with the judges on this? That is to

say, is there any incentive if an individual starts a program in jail, which I understand is only three weeks or so typical incarceration, and then carries on with what might be this program? Is there any way that we can work with the judges that say that you get good time or, I don't know how they classify it, but you have a lesser sentence if you successfully complete this while you're in jail?

MS. DUTCHER: Mr. Chairman, Commissioner Sullivan, I'm not an expert on that, but people certainly are sentenced to commit to some kind of treatment as part of their sentencing when the judges think that's appropriate.

COMMISSIONER SULLIVAN: So then it's mandatory, if the judge says that.

MS. DUTCHER: It could be.

COMMISSIONER SULLIVAN: Okay. I'm just—I don't know and I don't want to pursue it any further but just simply to say if there's any way that you could open up that dialogue to where the judges could have a voluntary program that resulted in being released earlier and released into this program or some similar program. Do you see what I'm saying?

MS. DUTCHER: I see, yes.

COMMISSIONER SULLIVAN: If that could be part of alternative sentencing. I don't know if it would work but it seems like it might.

MS. DUTCHER: I would be delighted to think that through with the judges. I'm not clear on how it would work either but it's certainly worth pursuing.

COMMISSIONER SULLIVAN: Okay. Thank you.

MS. DUTCHER: Thank you.

CHAIRMAN DURAN: Thank you very much. What's the pleasure of the Board? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

MS. DUTCHER: Thank you very much.

XI. B. Project and Facilities Management

2. Request approval of a professional services agreement #22-0164-FD with HRJ Architecture, LLC for professional design services for the Hondo Eastern Regional fire station

MR. FLORES: Mr. Chairman, members of the Commission, to be brief, I've prepared a memo for you that outlines the processes that were undertaken. The firms that submitted responsive proposals. It was negotiated in accordance with the statutes and it was under both the professional technical advisory boards recommended rate schedule and also the DFA schedule and I stand for any questions.

CHAIRMAN DURAN: Any questions of Tony?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Tony, just to confirm our discussions. This is the firm that we hired just recently to do the Glorieta building for the Fire Department?

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

COMMISSIONER SULLIVAN: And how many fire stations has this firm done?

MR. FLORES: Mr. Chairman, with this proposal I know of one.

COMMISSIONER SULLIVAN: Okay. And I realize that we don't eliminate firms because they haven't necessarily done a lot of fire stations but they've done one other, other than the one they're doing for us now.

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

COMMISSIONER SULLIVAN: And the committee felt comfortable that that experience was adequate for—this is a more complicated station as I understand it. Right? More complicated facility?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, than the Glorieta fire substation, yes.

COMMISSIONER SULLIVAN: Right. The committee felt comfortable that this firm could handle this job as well?

MR. FLORES: Mr. Chairman, Commissioner Sullivan, as I indicated, separate evaluations were conducted by the Fire Department, the user group, the Land Use Department, the engineer at the Utilities Department and staff from PFMD. Based upon those individual evaluations, this firm rated the highest based upon the evaluation criteria set forth in statute. So to answer your question, yes.

COMMISSIONER SULLIVAN: And this doesn't involve cost. This involves their qualifications.

MR. FLORES: Mr. Chairman, Commissioner Sullivan, cost cannot be a factor for this type of proposal.

COMMISSIONER SULLIVAN: And then you come back and then you negotiate the cost once you've selected the firm. And they're amenable to the cost that you've negotiated and I think you indicated in your memo that you were able to bring it down a half a percent or so.

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

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

MR. LOPEZ: Mr. Chairman, next, I would recommend that we go to, under Matters from the County Manager, XI. E. 3.

COMMISSIONER TRUJILLO: Excuse me, Estevan, are we bypassing the request approval to revise the solid waste administrative fee?

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, I'm working on the

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assumption that we're going to continue this meeting on Friday and if we do I think that we—I've asked Jill and she said that Friday would be soon enough if we deal with that issue.

COMMISSIONER TRUJILLO: I didn't know that we were going to continue it on Friday and I don't think I can be here on Friday.

MR. LOPEZ: Should we go to the solid waste administrative fee then?

COMMISSIONER TRUJILLO: That shouldn't take that much.

CHAIRMAN DURAN: Let's just approve it.

XI. C. 2. Request approval to revise the solid waste administrative fee

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

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I'd like to make a motion that we raise the annual fee to \$52, a dollar per week so that we can get more income that we need for the equipment, for employees, for improvements.

CHAIRMAN DURAN: How much is it now?

COMMISSIONER CAMPOS: Three dollars.

JILL HOLBERT (Solid Waste Manager): It's \$3 now.

CHAIRMAN DURAN: Three dollars a year?

MS. HOLBERT: Yes.

COMMISSIONER TRUJILLO: Mr. Chairman, I thought that the proposal was to come forth and augment the fee by up to \$25.

COMMISSIONER CAMPOS: That was a suggestion.

COMMISSIONER TRUJILLO: Would generate \$180,000 a year, which I think is reasonable for the community, going from \$3 to \$25, which is more palatable for the community to accept and I think that this would address a situation where we need funding in the Solid Waste Department. I think \$52 is a little extreme.

CHAIRMAN DURAN: I think \$52 is a little extreme too.

COMMISSIONER CAMPOS: It's a dollar a week. It's not extreme. You talk about a lot of commitment, but when it comes to solid waste you're not willing to make a commitment. Just like we talked about earlier. Let's make a little commitment, not only about giving things but about paying for them.

COMMISSIONER TRUJILLO: In one fell swoop, it is a lot of money. I make a motion—

COMMISSIONER CAMPOS: A motion's been made.

CHAIRMAN DURAN: Was there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: For discussion. How do you propose that the \$52 be paid? A buck a week?

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COMMISSIONER CAMPOS: No, \$52 a year right up front.

CHAIRMAN DURAN: You'd have to write a check for fifty bucks right away?

COMMISSIONER CAMPOS: Yes.

CHAIRMAN DURAN: Okay.

COMMISSIONER CAMPOS: Unless you want to do it biannually, every six months. But I don't know if that would work. There's a lot of administration involved, a lot of additional expenses is related to trying to—

CHAIRMAN DURAN: That's what we're here for.

COMMISSIONER CAMPOS: Really?

CHAIRMAN DURAN: To provide service to the community.

COMMISSIONER TRUJILLO: And I think Commissioner Campos talks about pie in the sky and he doesn't understand that \$52 is not going to serve the purpose in the community because a lot of people, especially in my district, cannot afford the \$52, so the trash is not going to go into the infrastructure. The trash is going into the arroyos, into the river bed and on top of hills.

COMMISSIONER CAMPOS: It's going there now, Commissioner.

COMMISSIONER TRUJILLO: No, it's not.

COMMISSIONER GONZALES: Not anywhere near what it was before.

COMMISSIONER TRUJILLO: No, it's not.

CHAIRMAN DURAN: Okay, there's a motion. Those in favor signify by saying "aye." [Commissioners Campos and Sullivan voted with the motion.] Opposed? [Commissioners Trujillo, Gonzales and Duran voted against.]

Is there another motion?

COMMISSIONER TRUJILLO: I make a motion to increase the solid waste fees from \$3 to \$25 per year.

COMMISSIONER GONZALES: Second.

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

MS. HOLBERT: Thank you, Commissioners.

CHAIRMAN DURAN: Thank you.

COMMISSIONER GONZALES: Mr. Chairman, are we going to do as we had talked about? I know there are people still waiting to hear some of these public hearings and it doesn't sound like we're actually getting—

MR. LOPEZ: Mr. Chairman, if we can continue this meeting on Friday, we can get most of the other stuff on Friday and that would still meet our needs.

CHAIRMAN DURAN: I talked to one of the representatives from Rancho Viejo and I told him we probably wouldn't get to it today.

COMMISSIONER GONZALES: I won't be here Friday.

CHAIRMAN DURAN: How about for the next meeting?

COMMISSIONER GONZALES: I'll be at the next meeting.

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CHAIRMAN DURAN: The next Commission meeting? Maybe what we ought to do is have that meeting a public hearing meeting. Because I don't think we're going to get away from not having a public hearing on that.

COMMISSIONER GONZALES: I think it's okay to have a public hearing but I think that people have waited all afternoon to address the Commission on the issue. I think we ought to let them address it and then determine what we want to do.

COMMISSIONER SULLIVAN: We could start that meeting at 2:00 if you want instead of 4:00, the next regular one.

CHAIRMAN DURAN: So you're okay with everything that we have? The thing is, there will only be three of us here. It will be just these three. You can make it?

COMMISSIONER CAMPOS: On Friday? I think I can make it.

COMMISSIONER SULLIVAN: Friday afternoon. What's on the agenda?

COMMISSIONER CAMPOS: To finish off what's on the agenda. Anything that's not done today will be done on Friday is what I suggest.

CHAIRMAN DURAN: Except that we all need to be there for the discussion on that Rancho Viejo.

COMMISSIONER CAMPOS: Do you want to postpone it to the next regular meeting? In late May or something?

CHAIRMAN DURAN: In ten minutes, we're not going to touch it in ten minutes. Unless you want to forget dinner.

COMMISSIONER GONZALES: I can afford to miss a few dinners.

CHAIRMAN DURAN: I could too. It's my dogs.

MR. LOPEZ: Mr. Chairman, I do think that we should at least do the public hearing, the ordinance that was announced or noticed for today if at all possible.

COMMISSIONER GONZALES: The only other thing that I would ask for, Mr. Chairman, is it was brought up early in the Rancho Viejo issue that there's a lot of confusion and I'm even confused.

CHAIRMAN DURAN: Right. So am I.

COMMISSIONER GONZALES: So to wait and to get back into the confusion on what's coming forward on the 12th, I think just prolongs it and delays it. If in fact the Commission determines that the production of a new well is in the best interest at this point, we're just delaying the application process if we go that route into the State Engineer. So I'd advocate that we at least hear it and determine whether we want to have a public hearing and if we do we can do it, or at a minimum, send them out to hold maybe a public information session so that the public can get some of their issues clarified but to delay it two weeks I think is not in the best interest.

CHAIRMAN DURAN: I agree. Can't we put the ordinance off? Why can't we put that off?

MR. KOPELMAN: Mr. Chairman, the only problem with putting the ordinance off, as long as we continue it to a time and date certain, that's okay. But because it's an ordinance it requires a majority of Commissioners so if you only have three, it

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would have to pass unanimously. But that's your call if you want to do that you can.

CHAIRMAN DURAN: How about if we move that to the next meeting?

COMMISSIONER GONZALES: That's great.

CHAIRMAN DURAN: Okay, then we jump into—

COMMISSIONER CAMPOS: Is that okay from staff's perspective? Is there any problems with that? It's pretty straightforward. It's a geographical adjustment.

MR. KOPELMAN: Do you want to do that on Friday?

COMMISSIONER CAMPOS: I would like to do everything—if we're going to meet Friday to finish off the rest of the agenda.

XI. D. Utilities Department

- 1. Request Approval of a Memorandum of Understanding with Rancho Viejo de Santa Fe, Inc.: 1) Providing for the Use of the College District Production Well by Santa Fe County to Aid in the Immediate Alleviation of the Problem of Drought in the Santa Fe Region, and 2) Establishing a Pilot Project for Ascertaining Aquifer Characteristics Relating to the Aquifer Recharge**

CHAIRMAN DURAN: Mr. Roybal, I really think that what you ought to do at the beginning is to get us up to speed on the well, after we're through discussing the well and the implications that that well is going to have to the community, then we can move on to the aquifer recharge issue. Is that okay with the Commission? Okay. Because we have a lot of questions relative to the water issue. But I have a quick question before you start. What information has the State Engineer given you relative to his determination that using this well would not have an adverse effect on downstream or down-aquifer users?

MR. ROYBAL: Mr. Chairman, Commissioners, we have met with the State Engineer's staff and before they can give us any answers on any impact that this well will have downstream or in the surrounding areas, we need to file an application with them for emergency use of this well.

CHAIRMAN DURAN: So if we file an application, if the Commission decided we wanted to pursue this, I think that any process we can undertake that would alleviate the drought conditions here is worth pursuing. If we agreed as a Commission to go forward with that application, it still would not be a commitment to doing so if the State Engineer determines that it does have an adverse effect.

MR. ROYBAL: Mr. Chairman, that's correct. Approval of this MOU will only initiate the process. We still need State Engineer approval of an emergency application. They'll tell us what the impact is going to be.

CHAIRMAN DURAN: Okay, just one last question. Is the MOU tied into

the recharge? Are they two different issues or is it one?

MR. ROYBAL: Mr. Chairman, the recharge issue that's outlined in the MOU is a method or an option that we would present to the State Engineer to offset any impacts that any pumping of this well would have on the aquifer. Additionally, what it does is it initiates a pilot project that would give us the scientific data that we would need to pursue any type of recharge of an aquifer.

CHAIRMAN DURAN: So my understanding is that the offer to use the well is actually based on a 12-month period or until the end of the year. Is the recharge process also tied into that same period of time? Or does the recharge issue go beyond the period of time that we would be using the well?

MR. ROYBAL: Mr. Chairman, as presented in the MOU, the State Engineer would have to approve the recharge portion of it as an offset. Assuming the State Engineer doesn't approve the injection or recharge as an offset to pumping this well, we have to get water rights to be able to pump that well anyway and we would have to transfer water rights into that well. The pilot project would then pursue its own course. We would still be considering looking at an injection well aside to be able to inject potable water, not effluent. I believe there's a misconception that we're going to be injecting effluent into the aquifer. That's not the case. We would be injecting potable water that comes through our system into this injection well and into the aquifer.

So at this point, that's where we're at today. The injection would be to offset and mitigate aquifer impacts due to the pumping of the well. The State Engineer doesn't accept that and says No, you have to use water rights to offset those impacts, then the pilot project would still pursue its own course. We'd need environmental permits. We'd need State Engineer permits.

CHAIRMAN DURAN: Well, go ahead and make your presentation.

COMMISSIONER SULLIVAN: Mr. Chairman, just to follow up on that. Number one, why are we in such a hurry. I attended a presentation on this last year, why hasn't Rancho Viejo submitted for the permit?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, Rancho Viejo has an exploratory well out there that produces up to 300, between 300 and 600 gallons per minute. They've offered it to the County to hook up to their system to be able to mitigate the drought conditions that we're experiencing right now. Based on my conversations with the City of Santa Fe water director, their reservoir capacity is down about 29 percent.

COMMISSIONER SULLIVAN: I understand all that, but the question is—I understand we're in a drought. My gosh, we don't need to pick up a paper without seeing that. The question is why now? Why has not up to this point in time, and I think they've had the exploratory well for more than a year, why has not Rancho Viejo submitted for the State Engineer's application?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, an application for what purpose? I guess I'm not understanding—

COMMISSIONER SULLIVAN: For any purpose. For the purpose of using

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the well for domestic purposes, whatever purpose they originally drilled the well for. We're being asked now to submit the application and my question is why didn't they submit it six months, a year ago?

CHAIRMAN DURAN: Gary, the perception is that we're being used as a patsy to get Rancho Viejo's well in place.

MR. ROYBAL: Mr. Chairman and Commissioner Sullivan, that's not the case. The case is there's a well out there that's a high producing well that we can use to mitigate at least the load that's on our system in the southwest sector of the City of Santa Fe system. We're tied directly to the system of Santa Fe. If we can mitigate half an acre or half a million gallons a day of use by pumping this well that can offset their demand, we're mitigating the demand with the use of this well. It's not going to add any water rights to the allocation of Rancho Viejo.

Rancho Viejo has 168 feet of allocated water rights that the County approved. That's what they're entitled to. They're not going to gain any more water rights. They're not going to gain anything out of this. At least from my perspective they're not.

COMMISSIONER SULLIVAN: As I read the memorandum, number one, the reinjection is tied, you can't separate it. But number two, the potable water, the County's committing to reinjecting up to 168 feet of potable water. So if we're taking out water to solve this crisis and then we're reinjecting it back in as potable water, that seems like digging a hole and filling it up. What do we gain from doing that?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, what we gain is because we are tied directly to the City of Santa Fe system, as their surface water, which represents between 30 to 40 percent of the supply diminishes, if we don't have that supply capacity, by using the well we can offset what we get from the City and yes, we'll be drawing water out of the well during the summer and then in the winter months or at least in the fall months, we'll be injecting this back into the system to offset that. It's basically an exchange. It's taking water today and replacing it with water tomorrow.

There will be no additional usage of water, and it's not going to be the full 168 acre-feet. If Rancho Viejo purchased—if we sell Rancho Viejo 50 acre-feet or 60 acre-feet during the summer, we will inject back 60 acre-feet in the fall. It's not—we won't inject 168 acre-feet. So it's just an offset.

CHAIRMAN DURAN: Let me just add one little bit of information. So the water rights we're talking about drawing from the well are the water rights that we have already allocated to Rancho Viejo. Is that correct?

MR. ROYBAL: Mr. Chairman, that's the way it would work out, yes. Right now we don't have any water rights.

CHAIRMAN DURAN: That they're not using right now because they haven't built it to a point where they're going to be using all the water rights.

MR. ROYBAL: Mr. Chairman, I did some calculations for the usage last year and Rancho Viejo used approximately 60 acre-feet out of the 168 allocation.

CHAIRMAN DURAN: What they're offering the community is the amount

that they're not using for the balance of the year.

MR. ROYBAL: Mr. Chairman, what they're offering is the use of this well, not just for their use but for other uses within that system that we operate. In other words, IAIA will get water from there also.

CHAIRMAN DURAN: Where is IAIA getting water now?

MR. ROYBAL: Well, they get it off of our system and we purchase that from the City.

COMMISSIONER GONZALES: It would supplant all the water that's coming from the City right now. So basically—

CHAIRMAN DURAN: For just that area.

COMMISSIONER GONZALES: Well, wherever the County water system is delivering the water, it would tie into the County water system and supplant the delivery of City water. Therefore mitigating, minimizing the effect on the City aquifers. Is that right?

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, that's correct. We do have a system in the northwest that wouldn't be impacted by this well at all because they're two separate systems.

COMMISSIONER GONZALES: They don't have a pipe that actually gets up that way.

MR. ROYBAL: That's correct.

COMMISSIONER SULLIVAN: As I understand it, Mr. Chairman, Gary, that this is only for the summer of 2002. After which the improvements that the County pays for go, accrue to Rancho Viejo. The well goes back to Rancho Viejo, it's Rancho Viejo's well and an operating, functioning well for them. Now by the time we get State Engineer approval and connection and pay the cost of connecting up to the well and electric and the controls and so forth, then I foresee the summer would be over.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, it could very well take a while for it to get State Engineer approval but in my discussions with the State Engineer's staff they were very amenable to moving this forward in recognition that we are in a severe drought condition and this would be an additional source of supply. It is groundwater. It's not subject to the same drought conditions that the surface water reservoirs are. And there are pump tests that have been produced on this that show that it does have a sustainable production capacity over a period of time.

So this would, as Commissioner Gonzales mentioned, just supplement what the City is providing us right now. In other words, instead of getting 50 or 60 acre-feet in the summer from the City, they could use that 50 or 60 acre-feet and we'd be producing our own water.

COMMISSIONER SULLIVAN: Have they applied, has Rancho Viejo applied for well permits before from the State Engineer?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, I don't know. I know they've applied for the exploratory well permit but I'm not aware of any other

permits that they may have applied for. I have no personal knowledge.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Gary, let me just ask you this question because I know it's complicated for me not understanding all the issues of water and you're currently in this position with Estevan's blessing because of the fact that you're an expert in this area. How many years have you been in the water business?

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, about 20 years or so.

COMMISSIONER GONZALES: How many years have you been in the business?

MR. LOPEZ: Mr. Chairman, about 12.

COMMISSIONER GONZALES: Okay. So there's a collective 32 years of experience and both of you are recommending this MOU as a good move for the County at this time to mitigate and to address some of the drought issues, or to attempt to address some of the drought issues facing the County.

MR. ROYBAL: Mr. Chairman, yes, that is my recommendation.

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, I also would recommend that we proceed.

CHAIRMAN DURAN: I have one question of Commissioner Sullivan. If the reservoir goes down to 20 percent at the City and we can't use any more water because that water is brackish and won't go through the filtration system. We're then pretty much tied into using pretty much only the Buckman wells. Would you agree with that?

COMMISSIONER SULLIVAN: No, there's the City wells too.

CHAIRMAN DURAN: The City wells. But aren't they in the same aquifer?

COMMISSIONER SULLIVAN: Well, they're considerably distant from Buckman. They're right in the City of Santa Fe. They're quite close to the Community College District well.

CHAIRMAN DURAN: So we're tied into the City wells and the Buckman wells. And they are providing how much water to the County right now? Would you say 180?

MR. ROYBAL: Mr. Chairman, right now, probably the City provides to our southwest sector about 5.5 million gallons per month, which is roughly about close to 300,000 gallons per day.

CHAIRMAN DURAN: Which is how many acre-feet.

MR. ROYBAL: Which is approximately .56 acre-feet per day. About half an acre-foot per day.

CHAIRMAN DURAN: I'm confused then. Then they really wouldn't—I guess what I'm leading up to is if using this well is going to relieve the Buckman wells and the City wells from providing 130, 160 acre-feet of water during this drought season, then I don't see what's wrong with that. You need to help me understand why you have a

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problem with that.

COMMISSIONER SULLIVAN: Okay, two-fold. One is because the Buckman, the exploratory well in the Community College District, Rancho Viejo's well, which is unpermitted other than just an exploratory permit, is in the direct same aquifer as all of the Eldorado wells, with the exception of one, which is down on the Galisteo. So this well will clearly have an impact on Eldorado's wells and Eldorado, as we know from time after time after time, is under a moratorium. Is using water restrictions, has dropping wells and has gone to their own drought stages apart from the County's and there is no question that it will impact the Eldorado wells. There's no question it will impact La Cienega wells.

COMMISSIONER GONZALES: Could I ask you on that point just real quick as you're going forward, because I'm wanting to understand as well. Commissioner Sullivan, if that proves to be the point, through the State Engineer process, is it realistic to expect that the State Engineer would grant another production well that would have adverse impact on Eldorado when he has already issued opinions against wells that have that same adverse opinion.

COMMISSIONER SULLIVAN: I think, and I concur with that. We can say leave this up to the State Engineer. What I—the problem I have with this is not providing extra water to Santa Fe, or it's really just a replacement. What we're doing is replacing groundwater for surface water is what we're doing there. We're not really providing any extra water. The problem I have is that this has always been a Rancho Viejo pilot project. That's the way in the meetings I attended, it's always been presented. Now suddenly it's a County of Santa Fe pilot project. I think it continues on as a Rancho Viejo pilot project. I think Rancho Viejo makes the application to the State Engineer.

If that application is approved then I say we take them up on their offer. Hook in, pay the cost of the hook-in. I'm willing to go that far. Hook the well in. Carry through with the process.

CHAIRMAN DURAN: Well, why are we the applicants in this?

MR. ROYBAL: Mr. Chairman, we haven't applied. What happened is they offered a well to us. They offered a well to the County, said, Here's our well. If you want to use it, hook it up to your system, pay the cost of hooking it up, you'll have use of our well. There's no obligation for Rancho Viejo to offer the well. They could just leave it there if the Commission decides—it's a policy issue. If the Commission decides not to do nothing the well sits there until they decide they want to use it or obtain whatever permits.

CHAIRMAN DURAN: But it's going to be their well after we've used it.

MR. ROYBAL: It will continue—they're not changing ownership. They're offering the use of the well. The well is a physical asset to them. The water rights, any water rights that would have to go in there, assuming that there would have to be water rights, would be County water rights that we would have to put in there. And there are not additional water rights that Rancho Viejo would have use of. It would still be considered part of the 168 acre-feet of water rights that have been allocated to them because there was no specific allocation of water rights. Some are San Juan/Chama, some are groundwater.

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It's just they have 168 acre-feet of allocated water rights.

CHAIRMAN DURAN: No matter what the source is.

MR. ROYBAL: No matter what the source is. This would be a well hooked up to our system for our use. We would charge rates on the water produced from that well. We would recover the revenues from that, which would go to offset costs of hooking up the system. And it mitigates the drought. It helps at least mitigate some of those drought conditions that we are experiencing right now. It's just a method for us to be proactive in addressing the drought conditions that we're facing today with an asset that a third party has offered to the County for their use.

COMMISSIONER SULLIVAN: But not knowing what, Mr. Chairman and Gary, not knowing what the conditions of the State Engineer might be, and as Commissioner Gonzales said, what his determination might be and what the impact on the wells might be, then we're presupposing all this here. We're getting in as a pilot project. We're making a lot of long-term commitments. I say that we direct the staff to work with Rancho Viejo. Submit the application to the State Engineer. Come back with a progress report. Provide the necessary staff input and hydrologic input to do that. And then as soon as we get a reading from the State Engineer, if it's positive, and it looks like it's going to be beneficial, then we say, okay, what's it going to cost? So much to hook in? If it's still for the summer of 2002 and there's some of that summer left, then we do it.

But we just don't have any of that technical information now. We're all making hydrologic and water rights determinations. And I think that gives the public a little more comfort too, that we're not prejudging what the results of this would be or advocating on behalf of any one particular developer, but we're moving as quickly as we can. If this is a resource that we can use then we'll jump in and make that decision and use it, as opposed to jumping in ahead of time.

CHAIRMAN DURAN: Estevan, you wanted to comment?

MR. LOPEZ: Mr. Chairman, just to supplement Gary's last response as to why haven't Rancho Viejo applied. And perhaps also on point with the last comment by Commissioner Sullivan. I think to some extent or another, the County has to be a part of this for a couple of reasons. One, we're talking about utilizing this well within our service area. We're the service provider in that area. So we have to have some sort of a document that says, that tells the State Engineer, yes, we're in agreement with this and we're a part of this. We want to use it within our service area.

Secondly, the second part of that as relates to a pilot project that might, that talks about the possibility of injecting water back into the reservoir, that would be done under the Aquifer Storage and Recovery legislation that was enacted a couple of years ago and private individuals or private entities aren't allowed to do that; governmental units are allowed to do that. So we would have to be a part of that project as well. So I just wanted to add that to the previous response.

COMMISSIONER GONZALES: Mr. Chairman, let me ask a question of this staff. Over the weekend I read comments where Senator Domenici and Senator

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Bingaman are trying to get more funds to drill new wells in the Santa Fe area to assist in the drought. Is that correct?

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, that's correct. There's four new wells that are planned to be drilled.

COMMISSIONER GONZALES: So are they attempting to do this to try and get access to groundwater to mitigate the demand on the surface water that's currently in place?

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, that's exactly correct.

COMMISSIONER GONZALES: So are we trying to do the same thing that the Senators are trying to do now by getting money for the City to drill new wells to use this production well that's been offered by Rancho Viejo to use groundwater and mitigate surface water that's being used by the City?

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, that's correct, but the magnitude is significantly less.

COMMISSIONER GONZALES: So how in the world do we get from—and if the net new is still the same, 168 acre-feet, because that's all we know that really exists right now, why in the world has this become such an issue when in the city it would seem like it was applauded over the weekend that the Senator was going out and getting \$3 million or whatever to try and drill new wells, and here we have an opportunity to do the same thing, to address the same issue, and it seems like we're backsliding. I don't understand why we wouldn't take advantage of the fact that this asset has been provided to try and mitigate the impacts occurring to City surface water.

COMMISSIONER SULLIVAN: I think it's, Commissioner Gonzales, it's just, Mr. Chairman, Commissioner Gonzales, it's just the codicil or the strings that are attached to this MOU that put us into the recharge program, whether it's potable water or whether it's wastewater or whatever it might ultimately result in being—

COMMISSIONER GONZALES: So you would agree then that Rancho Viejo should be removed from this issue itself? If it was somebody else would it still be an issue? If it was the Community College who owned the well, or if it was the County who owned the well in some area, would this still be an issue because we're proposing the reinjection program?

COMMISSIONER SULLIVAN: Yes, I think what my suggestion would be, if you want to be the prime applicant, that's the County's decision, as opposed to Rancho Viejo. They've been investigating this for over a year. Only go to the State Engineer with the permit to put the well on line. He determines if it has a negative impact on the environment, on the other wells. If it has a negative impact, then the question is A. Do we want to use it? or B. Can we mitigate that with some injection program? Easy enough to do because we're tied in, the water's there.

But the first step is to say let's see what the State Engineer says about this well hydrologically. The reinjection may not even be necessary. That part of the equation may

not even be necessary.

COMMISSIONER GONZALES: But it seems that—so then you support the item A. of the MOU, that calls for that application to take place?

COMMISSIONER SULLIVAN: I support investigating. I feel it should be a Rancho Viejo initiative to investigate it. I understand what Estevan is saying, that if we get into reinjection, then we have to bring the County into the process.

COMMISSIONER GONZALES: Who's responsible for coming up with a solution to the drought? Rancho Viejo or the County? Or collectively, because of the players in the area?

COMMISSIONER SULLIVAN: I think that Rancho Viejo is looking at coming up with a solution to its own drought, which is it runs out of water when it reaches 700 housing units.

COMMISSIONER GONZALES: As is everyone else in the Community College District.

COMMISSIONER SULLIVAN: Sure.

COMMISSIONER GONZALES: So the fact is that there's a drought that exists today with a production well that can be used if approved by the State Engineer to mitigate the impacts that's currently take place at the City. To the issue of the strings, are there strings attached to this that the staff feels uncomfortable with that will bind the County to do carte blanche approval of future developments?

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, I don't see any strings attached to this. I think this is a process that's been going forward and has been in progress. I'd like to just basically say that when we did meet with the State Engineer, the injection program was met favorably by them, and they looked favorably on this type of a project. And they did indicate that this may be a way of mitigating the impact, determined by the impact on the springs below the wells, which are the La Cienega springs, and they said determined on the amount of time that it takes to impact that, the injection process may be something that may be looked on favorably as an offset to the impact.

COMMISSIONER GONZALES: Question for Mr. Kopelman. Are there any legal strings that bind the County into approving—as was indicated during the public session, it seemed that the public believed that this well would create an automatic carte blanche for Rancho Viejo to just, and the County to rubber stamp future development out there.

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, the way the MOU is drafted now I don't see that as an issue. There's no promise of water rights. There's no promise of development approval. As Gary indicated, it's two pronged. The first prong is merely getting the emergency permit from the State Engineer to allow that to supplement water system during the drought months through September. The second phase is really more experimental than anything. And again, the way the MOU is drafted now, there's no—I don't see any strings either from a legal standpoint.

CHAIRMAN DURAN: I hate to sound like a broken record but I think

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we're all broken records up here. The fact of the matter is that this particular area is a high growth area for our community. There's no other quadrant in this county that will provide the housing we need and other services that the community needs. If we're going to manage growth, we need to manage this particular area. The City recognizes this as a high growth area. They're getting ready to annex thousands of acres in that area and approve some project called Los Soleros. Is that the correct name, Estevan? Los Solares. And that has—who know how many hundreds of housing units, commercial use and why'd they pick that area? Because that's where the infrastructure is.

And that's where the zoning can occur to provide the kind of densities that we need to prevent sprawl and build communities. So I think if you look at the big picture here rather than just trying to oppose every potential solution to our water problem, that we need to look at it from a standpoint of how is this going to provide water to the high growth area of our community for the future? I agree with you that if it has a negative impact on Eldorado or people downstream that we need to rethink our growth management policy.

COMMISSIONER SULLIVAN: And I agree with you also, Mr. Chairman. So let's take it one step at a time. Let's start with the emergency drought mitigation, which is part A, and as Mr. Kopelman said, this is really two phases. This is an emergency drought mitigation measure, and this is a long-term pilot program. The hydrologic data that Rancho Viejo has is already available. That can be submitted and discussed with the State Engineer. That can be evaluated by the State Engineer. And if that becomes a condition, the State Engineer's permit, then we come back to the County Commission and say, Okay, we have a drought mitigation measure here, a condition of the State Engineer is that we do reinjection. Then we make that decision and we do it.

But at this point, I think we focus on precisely what the news releases said this was, and that's an emergency drought mitigation measure. We take it to the State Engineer. We implement the first part of this MOU and if it looks positive, we proceed with the next phase. I think we're getting one step ahead of ourselves, that's all.

COMMISSIONER GONZALES: I know we need to wrap up but I just don't understand why there's a concern with the issue of the reinjection, the aquifer pilot project. It seems to me, everything I've heard from the staff, through all the discussions that we've had that any type of long-term water management plan for the County is going to be comprehensive in nature. We're going to have diversion projects. We're going to have groundwater wells. We're going to have reinjection systems. I've heard this for the last two to three years that we've gone through the public hearings, that we've had the water summits, that it's going to be a comprehensive strategy that's going to have to be put into place to address the long-term needs of the county.

The reinjection project is something that's been said all along. This isn't the reinjection of effluent. This is reinjection of potable water.

COMMISSIONER SULLIVAN: But the intent, where that's going is reinjection of potable water in the pilot phase. The ultimate intent is to reinject wastewater. That's where it's going.

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COMMISSIONER GONZALES: But isn't it better to know whether it will work or not so we can make a valid, scientific decision at the time that we need to decide whether to be able to—

COMMISSIONER SULLIVAN: I couldn't agree more. I'm just saying start with the phase one, the emergency phase that's creating this emergency. Provide the data to the State Engineer. See what he says. See what the conditions are. Then come back and rework the MOU so that we know what we're getting into based on the State Engineer's conditions, i.e., take the first step first.

CHAIRMAN DURAN: Commissioner Sullivan and I are going to Phoenix next week to look at an injection system, aren't we? Is that what we're doing?

MR. LOPEZ: Mr. Chairman, yes. On the 7th and 8th we'll be going out to Arizona to take a look at a system that does some reinjection.

CHAIRMAN DURAN: So we'll be a little bit more knowledgeable by the next time we talk about it. I think we're working towards it. I just really think the community needs to be aware, we need to assure to them that we're doing this for the community, not for Rancho Viejo.

COMMISSIONER GONZALES: It seems to me that maybe what we can do, if going along the lines to try to find some resolution to this, where Commissioner Sullivan is advocating or what we're all trying to find out way towards is maybe we do approve the first component of the MOU and then ask that a public hearing—not a public hearing but some type of public information workshop be conducted out at the Community College District to answer and to address issues of concern by the community and the Commissioners and then we can bring the second part of the MOU back to the Commission on the 14th or the last part of May. Or, if both are needed to apply to the State Engineer.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: I think that what we're lacking now, and I think that's the direction that Commissioner Sullivan is heading is that we're lacking empirical data. And the only entity that can provide that is the State Engineer. So I agree with Commissioner Sullivan that I don't think we can make a decision, a quantitative decision without the empirical data. Unless you give me different information, that's the position that I'm taking.

MR. ROYBAL: Mr. Chairman, Commissioner Trujillo, I think we're all saying the same thing. Basically, what the MOU does is initiates the process. We have to go to the State Engineer. We have to get the emergency permit filed. They'll tell us what the impact is. They'll tell us injection is not going to mitigate your impact; you have to get offsetting water rights. You have to put water rights into the well to pump it. That injection is not going to do it. So that option in the MOU goes away.

However, the pilot project can still continue to go forward on its own track without the injection taking place as an offset to the production of the well during the summer. That's also going to require environmental permits also to inject into the aquifer. So the process, this will

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just initiate the process. It may not be feasible to produce the well. The State Engineer will give us that data and if it is, and it is feasible, then it should go forward.

CHAIRMAN DURAN: I think that once we get the information from the State Engineer that we should then have the public hearing. But to have the public hearing without having that information, we're still not going to be able to make a decision or have any answers.

COMMISSIONER SULLIVAN: Could we give, since time's getting short, could we put together a motion that would direct the staff to rework—or approve a reworked MOU that would deal with part A, the emergency drought mitigation? And provide that approval. That gets it moving. That gets the application going and then just as soon as we have the information from our trip, from the State Engineer, whatever feedback we have from the staff, we bring it right back and we go to part B.

CHAIRMAN DURAN: I agree. Is that a motion?

COMMISSIONER SULLIVAN: That's a motion.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER GONZALES: Second.

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

COMMISSIONER CAMPOS: I have questions. Mr. Roybal, a couple of quick ones. This water can not be delivered to the City system? Is that right?

MR. ROYBAL: Right now our system is only a one-way system. It can only feed into our system; we cannot backfeed into their system.

COMMISSIONER CAMPOS: What is the cost of the connection to the well in the county, all the costs, more or less.

MR. ROYBAL: We ran a very preliminary estimate and it looks like about \$180,000 to connect the well.

COMMISSIONER CAMPOS: And as far as the potable water that you're going to use to put back into the aquifer, where are you going to get that water?

MR. ROYBAL: Mr. Chairman, it comes from the City. It's part of our wheeling agreement.

COMMISSIONER CAMPOS: So we'll take this water out from this well right now during the summer and subsequently we'll reinject the water we get from the City back into the aquifer. Is that what you're saying.

MR. ROYBAL: Mr. Chairman, Commissioner Campos, that's correct.

COMMISSIONER SULLIVAN: Dig a hole and fill it up.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN DURAN: There's a motion and a second.

COMMISSIONER GONZALES: I guess being that this is an issue, I just wanted one more clarification that this is an MOU between the County and Rancho Viejo and I'm assuming that Rancho Viejo had agreed to both parts. Is Rancho Viejo, would they still be amenable to the agreement of the MOU if it just includes A with the option to come back with the amendment to include B at the time that—

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, I just spoke to Bob

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Taunton but he's here as well. I think that he, perhaps should be given an opportunity to speak on his own behalf.

BOB TAUNTON: Mr. Chairman, my name is Bob Taunton. I'm general manager for Rancho Viejo. Yes, I just had a moment to speak to the County Manager and we would agree with the proposal, the motion that's been made.

CHAIRMAN DURAN: Thank you, Bob.

COMMISSIONER GONZALES: Mr. Chairman, I'd just like to say thank you also for the offer from Rancho Viejo. I think that it shows the fact that you are willing to be a part of the solution to the drought issues, and despite some of the issues that I've heard over the last couple of days, I think your intentions are pure and not intended to try and pull the wool over the eyes.

MR. TAUNTON: Thank you, Commissioner.

CHAIRMAN DURAN: Okay. It's the big picture that we should all be working on here. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

MR. KOPELMAN: Mr. Chairman, excuse me. If we can recess to a date and a time.

CHAIRMAN DURAN: I think it's Friday, 2:00? Three o'clock?

COMMISSIONER CAMPOS: Do we have to deal with the issue of the Bernalillo County today?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I think we'll be okay if we do it this week, if we do it Friday.

COMMISSIONER CAMPOS: Three on Friday.

MR. KOPELMAN: So, Mr. Chairman, the motion was to recess the meeting until 3:00 on Friday afternoon?

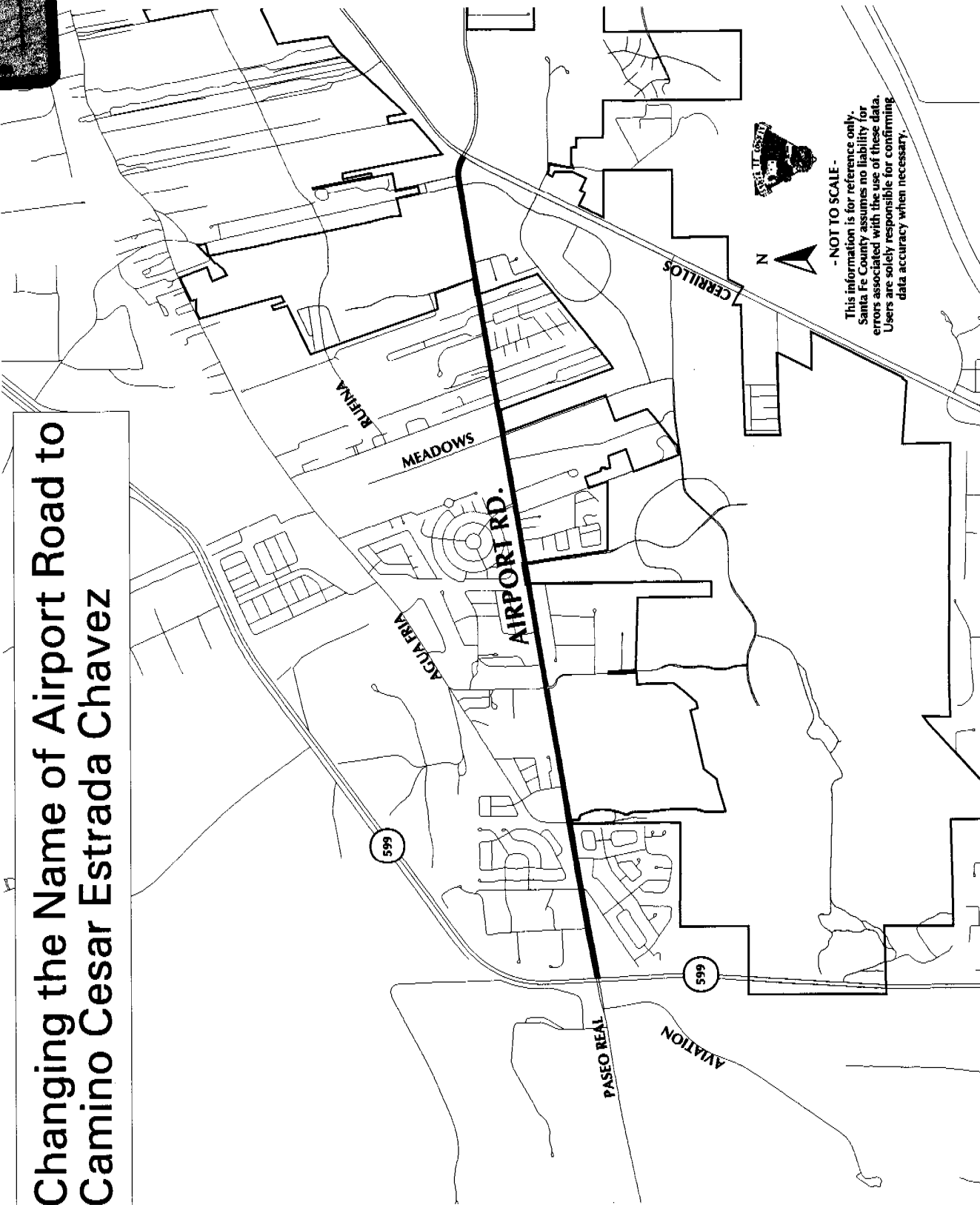
CHAIRMAN DURAN: Yes, sir.

[The Commissioner recessed at 5:30 p.m. with Commission consensus to reconvene at 3:00 p.m. on May 3, 2002.]

Ex 1

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Changing the Name of Airport Road to Camino Cesar Estrada Chavez

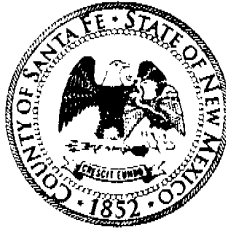


- NOT TO SCALE -
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 Santa Fe County assumes no liability for
 errors associated with the use of these data.
 Users are solely responsible for confirming
 data accuracy when necessary.

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3



Paul Campos
Commissioner, District 4

Jack Sullivan
Commissioner, District 5

Samuel O. Montoya
County Manager

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Memorandum

2189268

To: Board of County Commissioners
From: Agnes Lopez, Information Technology Director *ah*
Through: Estevan R. Lopez, Santa Fe County Manager *ERL*
Corky Ojinaga, PFMD Director *CO*
Date: April 29, 2002
Re: Update and Request for Direction of the Santa Fe County Document Imaging Project

Issue:

The Information Technology Division (ITD) has conducted and completed a study through Krier McCormick & Associates LLC as to the feasibility of implementing a countywide document imaging project. It is the opinion of the staff that the County will not only realize substantial benefits from the project but will also be hindered in future advancements if the county continues to postpone the implementation of document imaging.

Background

Document imaging has historically been about the use of scanning, storage and viewing technologies to automate paper-intensive processes such as the archival and retrieval process critical to documents recorded in the Clerk's Office. Document Imaging has since evolved to "Document Management." Document Management incorporates the benefits of document imaging with new document workflows and automation, which will enable the County to share data, route forms, and manage documents more efficiently between departments.

Given the growing interest in document imaging over the last several years, ITD conducted a countywide analysis and developed a comprehensive project plan to implement document imaging. The contractor, Krier McCormick and Associates LLC, and ITD staff met with each department and office to discuss their need for document imaging. Their findings and recommendations have been documented and incorporated into a report submitted to the County, which is included in the April 30th, BCC packets. The report states that the County would realize benefits including space savings, improved efficiencies in document retrieval and work flows, providing services at lower costs, making information available internally as well as to constituents via the web page, copying and archival costs, and the ability to reorganize its business activities and processes to become more efficient and productive. The report recommended a phased approach to completing the project with the first being the Clerk's Office, Treasurer's Office, and the Assessor's Office. ITD agrees that these offices are

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the most logical place to start due to their ability to realize higher potential benefits of document imaging and the 'forward looking' commitment and enthusiasm expressed by the Clerk, Assessor and Surveyor towards the project.

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The report also gave three implementation alternatives; outsourcing the imaging and indexing of a pre-determined set of documents, indexing and imaging those documents in-house, and a hybrid solution combining outsourcing and in-house imaging and indexing. The contractor and ITD recommend the hybrid solution in the long-term; however, initially in the first 12 to 18 months, we recommend that the service be outsourced until the County is prepared to handle the process internally. At this time, the County Clerk would like to image and index all incoming documents in-house, beginning immediately. If this is the option the County takes, ITD recommends that a project manager be hired or contracted with to manage the project due to the fact that imaging in-house will require a complete re-engineering of office work flow requiring extensive analysis and man hours that ITD is currently not equipped to handle.

The report summarizes the fiscal impact of the project through FY07 (Exhibit B-1.1) with a total cost of the project estimated at \$4,750,923. Staff has attempted to use the report as a guideline for budgetary purposes with the understanding that the funding amounts will change as the scope of the project changes. In evaluating the resources needed to complete the first phase, staff has decided to narrow the scope, limiting the project to incoming documents within the Clerk's Office in FY2003 and modifying the project plan to include the Assessor and Treasurer in Phase II.

Action .

Staff is requesting direction on how to proceed with the project based upon the contractor's recommendation and current internal requests. Further staff is requesting a commitment to the document-imaging project recognizing that this will require a continuing financial commitment through the duration of the project.

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SANTA FE
BOARD OF COUNTY COMMISSIONERS
CONTINUATION OF THE
April 30, 2002 REGULAR MEETING
on May 3, 2002

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

SANTA FE COUNTY
CONTINUATION REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

2189271

April 30, 2002 – May 3, 2002

This continuation of the regular meeting of the April 30, 2002 meeting of the Santa Fe Board of County Commissioners was called to order on May 3, 2002 at approximately 3:20 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Paul Duran, Chairman
Commissioner Jack Sullivan
Commissioner Paul Campos

Members Absent:

Commissioner Marcos Trujillo
Commissioner Javier Gonzales

I. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled or withdrawn items

CHAIRMAN DURAN: Steve, can you get us up to speed?

STEVE KOPELMAN (County Attorney): Mr. Chairman, these are the items that I have that are still open that we would go into right away. X. A and B, XI. A.2, A.3, and A.4, B.1, C.1, D.2, 3 and 4, E. 2 and E.3. And then we have a very brief executive session and we have XII. A. the public hearing. So there's still quite a few items that—and Mr. Chairman, just for the record, this is a continuation of the recessed meeting from Tuesday, April 30.

CHAIRMAN DURAN: So there are no tabled or withdrawn items. Those are basically what's on the agenda?

MR. KOPELMAN: Those are the only ones left for this meeting. That's correct, Mr. Chairman.

I. Administrative Items:

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A. Committee Resignations:

1. Resignations from the El Rancho Community Center

TONY FLORES (Facilities Manager): Mr. Chairman, Commissioners, we have received resignation letters from Mr. Marvin Baca and Ms. Theresa Lujan and Mr. Leonard Roybal. They are resigning as members of the El Rancho Community Committee. At today's meeting or even on Tuesday's meeting, we didn't have the resumes of the people that they are recommending to replace these committee members and we are planning on bringing those up at the administrative meeting in May. And I stand for any questions.

CHAIRMAN DURAN: Any questions of Tony?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Flores, we have three resignations at one time. Is there a problem out there with the board?

MR. FLORES: Mr. Chairman, Commissioner Campos, not that I'm aware of sir.

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

COMMISSIONER CAMPOS: Move to accept the resignations of the three persons.

COMMISSIONER SULLIVAN: Second.

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

X. A. 2. Resignations from COLTPAC
B. 1. Appointments to COLTPAC

MR. FLORES: Mr. Chairman, members of the Commission, I would like to introduce Ms. Shellie Johnson who came on board in March of this year. I think Commissioner Duran, you've had the opportunity to meet with her. She is our Open Space Program Manager and she will be handling both the resignations and the appointments for COLTPAC.

SHELLIE JOHNSON (Open Space Program Manager): Good afternoon. We've had a resignation by John Michael Richardson. Due to his workload he can no longer attend meetings on a regular basis and he's asked to resign. We are also asking that you consider a resignation of Eduardo Vigil. He currently represents the north, is the north's representative for COLTPAC. He has not attended meetings in quite a while. Staff has made several attempts to reach him and has been unsuccessful. According to the rules of order for the boards and committees, the BCC can resign a member if they miss three or more meetings that are not excused. Any questions?

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CHAIRMAN DURAN: No, let's take it one by one. How about number one? Do we accept the resignation of John Michael Richardson?

COMMISSIONER CAMPOS: Move to accept.

COMMISSIONER SULLIVAN: Second.

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

Request from BCC for resignation of Eduardo Vigil. What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Mr. Chairman, you said that you had tried to contact him. Has anyone written him a letter?

MS. JOHNSON: Yes, he's been written to and we've made several tries to contact him by phone.

CHAIRMAN DURAN: I think his health is kind of failing.

COMMISSIONER SULLIVAN: I just wondered whether you had discussed this with Commissioner Trujillo.

MS. JOHNSON: Not to my knowledge.

CHAIRMAN DURAN: I've talked to him. I think Corky and I talked to him. Or Rudy and I talked to him.

COMMISSIONER SULLIVAN: So he understands.

CHAIRMAN DURAN: Yes. He understands. We were going to give him a chance—last time I spoke to Commissioner Trujillo about it I think they asked Rudy to get a hold of him and if he couldn't get a hold of him then he recognized the need to find a new member.

COMMISSIONER CAMPOS: Mr. Chairman, I'd move to accept the resignation of Eduardo Vigil, north representative.

COMMISSIONER SULLIVAN: Second.

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

The status change of David Lewieicki???. He wants to become a permanent member.

MS. JOHNSON: As a result of the two resignations, we currently have an alternate, David Lewieicki, who represents the south. He would replace John Michael Richardson, who also represented the south area of the county. He has expressed an interest in being a permanent member. I do have a letter from him with me if you'd like to see that.

And then also we've got, as a replacement for Eduardo Vigil, Vicente Roybal-Jasso has also expressed an interest and he would replace Mr. Vigil as a north representative on COLTPAC. And then finally, as a result, if Mr. Lewieicki moves from an alternate position to a permanent position, then we'll need to appoint a new alternate member. Right now, staff does not have any candidates for that position.

CHAIRMAN DURAN: Commissioner Gonzales and myself I been

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approached by David Blackman, who is a businessman here in town and has expressed an interest in serving as that alternate. And he's actually on Dale Ball's committee of trails—whatever his committee is.

MS. JOHNSON: Okay.

CHAIRMAN DURAN: So he would be interested in that alternate position. I'd like to offer his name as the alternate member.

COMMISSIONER SULLIVAN: I've got a question. What area is Robert Findling in? He's the other alternate that we have right now and he's been involved. He's in the central and we're doing north and south, is that it? There's three—

COMMISSIONER CAMPOS: The alternates don't have to represent an area, I don't think.

COMMISSIONER SULLIVAN: But in terms of where he lives. He lives in the central.

COMMISSIONER CAMPOS: Findling? Yes.

COMMISSIONER SULLIVAN: So he couldn't fill one of these open—

MS. JOHNSON: Well, the committee is made up of 11 members and what the resolution says is three members each from north, south and central, and then one city representative. The way that it's been set up currently is that there's actually four representatives from the north. That could be changed. There's really like one floater.

COMMISSIONER CAMPOS: Could this northern position be moved to the central? Could the Eduardo Vigil position be moved to the central?

MS. JOHNSON: We could replace that position with someone that represents the central part of the county. It wouldn't be the candidate that's suggested here. We'd have to find someone else.

COMMISSIONER CAMPOS: If we could do that I'd like to have Bob as a permanent member.

COMMISSIONER SULLIVAN: I'm just thinking of time and grade here. How long has Mr. Vicente Roybal-Jasso been a member?

MS. JOHNSON: My understanding is that he had made contact, I think it was last fall or summer, expressing an interest to participate on COLTPAC.

COMMISSIONER SULLIVAN: I just think we should rotate up from the alternates first when we can do it. We've got, what? three in the south, and three in the central and four in the north? Is that the breakdown?

MS. JOHNSON: Currently, that's the status.

COMMISSIONER SULLIVAN: That's ten, then one from the city makes 11.

MS. JOHNSON: That's correct.

COMMISSIONER SULLIVAN: So one of the three districts is always going to have one more than the other two.

MS. JOHNSON: That's correct.

COMMISSIONER SULLIVAN: So it could be northern. It could be the

central. I just think in terms of—and I have nothing, certainly, I don't know Mr. Roybal-Jasso at all but I'm just thinking in terms of the matter of policy. Someone who's spent as much time and Mr. Findling has in the process and attending meetings. It would be good to rotate him into a permanent member and bring someone in as a alternate. It may well be that either this Mr. Roybal-Jasso or Mr. Blackman would be good alternates. If we did that we'd actually have two alternates. We have both slots for alternates.

MS. JOHNSON: That's good.

COMMISSIONER CAMPOS: Commissioner, the central does have 67 percent of the population, so it would be better to have that fourth person from the central district and I think Bob Findling would qualify for that.

COMMISSIONER SULLIVAN: So you're the ones creating all the trouble with all that population.

COMMISSIONER CAMPOS: In the central area. Yes.

COMMISSIONER SULLIVAN: That's just a suggestion. That way we would get both. We could get both Mr. Blackman and Mr. Vicente Roybal-Jasso in as alternates and they could begin attending meetings and we could see what their interest is. Sometimes when they begin to attend and they see the time requirement they fall by the wayside.

MS. JOHNSON: No, that's certainly an option.

COMMISSIONER CAMPOS: Mr. Chairman, I'd make a motion that the position held by Mr. Vigil be moved to the central and I would nominate Robert Findling, who's an alternate to fill that position.

COMMISSIONER SULLIVAN: Second.

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

COMMISSIONER SULLIVAN: Mr. Chairman, I'd make a motion for consideration that Mr. Vicente Roybal-Jasso and Mr. David Blackman be approved as alternate or substitute members to COLTPAC.

COMMISSIONER CAMPOS: Second.

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

X. A. 3. Resignation from Santa Fe County DWI Planning Council

MR. SHEPHERD: Mr. Chairman, Commissioners, the DWI Planning Council recommends that the County Commission accept the resignation of Sarah Van Cott She is moving to South Korea. At this time they are not suggesting any replacements but will in the next month.

CHAIRMAN DURAN: Okay.

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COMMISSIONER CAMPOS: So moved.

CHAIRMAN DURAN: Move to accept her resignation.

COMMISSIONER SULLIVAN: Second.

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

A. Committee Appointments:

2. Appointment of Bruce Besser to the Northern Area Local Work Force Development Board

CHAIRMAN DURAN: I think I asked that one to come forward and I don't know if I brought my paperwork. Basically, what it is is I've been asked by a gentleman by the name of Carrusco. Did I send you that letter?

MR. KOPELMAN: Mr. Chairman, I have seen that letter, yes.

CHAIRMAN DURAN: Okay, the Northern Area Local Work Force Development Board has asked the Board of County Commissioners to recommend individuals to be appointed to this board. If you don't know, Bruce Besser is one of the elected officials at the Community College. What do they call that Becky?

MS. BUSTAMANTE: Board of Regents.

CHAIRMAN DURAN: He's on the Board of Regents. And he's attended several meetings of the Northern Area Local Work Force Development Board and they asked him to join because they thought that he would add some much needed input into their program. So I asked staff to bring this appointment up for you all to consider.

COMMISSIONER CAMPOS: Move for the appointment of Bruce Besser.

COMMISSIONER SULLIVAN: Second, and I have a question.

CHAIRMAN DURAN: For discussion.

COMMISSIONER SULLIVAN: Do we have a certain number of representatives that we appoint on this board?

CHAIRMAN DURAN: I think if you have more you can—

COMMISSIONER SULLIVAN: No, I don't have any. I'm just asking who constitutes the board.

MR. KOPELMAN: Mr. Chairman, my understanding, I looked very briefly at the documentation and they have various openings on this board and I think they specifically requested that Santa Fe County make a nomination for the position. So it's really very loose. I don't think there's any tightly drawn language that specifies how the members come before their board and I think they asked the County Commission to bring somebody forward. They asked the Chairman is my understanding.

CHAIRMAN DURAN: Well, they asked Bruce and then Bruce asked me if I'd ask you guys. I'm sure he's appreciative of that. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

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And I'd just like to recognize a couple of Commission candidates, Valerie Espinoza and Mike Anaya. Thanks for joining us.

XI. Staff and Elected Officials' Items:

A. Community and Health Development Department:

- 2. Resolution No. 2002-52. A Resolution Changing the Name of the "Santa Fe County Health Planning Commission" to the "Santa Fe County Health Policy and Planning Commission"**

MR. SHEPHERD: Mr. Chairman, Commissioners, this resolution requests a name change of the Santa Fe Health Planning Commission to the Santa Fe County Health Policy and Planning Commission. The Health Planning Commission looked at this issue and voted unanimously to request the name change. They feel it better reflects the work that they do and we have vice-chairman Jaime Estremera-Fitzgerald here. I'd like him to say a word about it.

JAIME ESTREMER-FITZGERALD: Mr. Chairman, Commissioners, this just merely reflects our work. As you know, when we first started the Commission, we gave you two tracks that we would be working on. One is policy and one is planning so we decided that it would be better, the Health Policy and Planning Commission better fits what the original intent of your resolution was. So that's why the name change. I'll stand for any questions.

CHAIRMAN DURAN: Any questions or Jaime or staff? What's the pleasure of the Board?

COMMISSIONER CAMPOS: Move for approval.

COMMISSIONER SULLIVAN: Second.

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

COMMISSIONER SULLIVAN: Again, thanks to the Commission for its efforts and its time and volunteers.

- XI. A. 3. Request Approval of a Professional Services Agreement Between Santa Fe County and St. Vincent Hospital in the Amount of \$40,000 to Fund the St. Vincent Emergency Room Diversion Project with the Recovery of Alcoholics Program, Inc.**

MR. SHEPHERD: Mr. Chairman, Commissioners, staff is requesting approval of a professional services agreement with St. Vincent's. This would essentially fund an ER diversion project to try to keep folks with a substance abuse problem that are inappropriately utilizing the ER and get them over to the Recovery of Alcoholics Program where they can receive treatment. The contract does provide for increased and upgraded

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staffing at RAP to handle the medical conditions and staff recommends approval.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman, Steve, is this contract for \$40,000 with St. Vincent's. Does St. Vincent's then bill us under this grant, or what's the fiscal process?

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, St. Vincent's will directly bill us for their expenses. They are acting and are a partner in this project. They have committed \$100,000 to it out of sole community money and they will bill us directly for the actual expenses of the project.

COMMISSIONER SULLIVAN: Now there was some discussion, or is there in the future to be a facility like this at RAP?

MR. SHEPHERD: That's correct. This is actually kind of a pilot or test project for the Sobering Center that the City has planned at RAP's site for ER diversion.

COMMISSIONER SULLIVAN: And can we presume that even though it's at St. Vincent's, the cost per bed of this type of care would be less.

MR. SHEPHERD: Yes, I believe we can. Generally, anything outside the hospital costs less than inside the hospital.

COMMISSIONER SULLIVAN: But this is physically in the hospital.

MR. SHEPHERD: Well, this actually buys beds at RAP for people that are diverted at the emergency room and sent to RAP.

COMMISSIONER SULLIVAN: Oh, okay. So these beds are at RAP, not St. Vincent's.

MR. SHEPHERD: That's correct.

COMMISSIONER SULLIVAN: But we haven't yet come to an agreement with RAP as to what the charges would be. Or has St. Vincent's?

MR. SHEPHERD: St. Vincent's actually has an existing contract with them. We're piggybacking on it to help fund the project.

COMMISSIONER SULLIVAN: And based on your research, that cost is less than having someone go to St. Vincent's.

MR. SHEPHERD: Yes, substantially less.

CHAIRMAN DURAN: Any other questions of staff?

COMMISSIONER CAMPOS: Move to approve the agreement between the County and St. Vincent Hospital.

COMMISSIONER SULLIVAN: Second.

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

**XI. A. 4. Request Direction Regarding Community College District
Affordable Housing Regulations**

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ROBERT ANAYA (CHDD Director): Mr. Chairman, Commissioners, based on the recommendations that the Commission made, staff went back and revisited the affordable housing regulations and took into consideration those issues that the Commission brought up. We worked closely with the people from the Community College District, internal staff as well as Mr. Mike Loftin, and at this time, Mr. Chairman, I'd like to turn over the discussion to Mr. Mike Loftin.

CHAIRMAN DURAN: Okay, Robert, the changes that have been made were done so with Mr. Loftin's input?

MR. ANAYA: Mr. Chairman, Commissioners, yes. That's correct.

CHAIRMAN DURAN: Okay. Thank you. Mike.

MIKE LOFTIN: Good afternoon, Mr. Chairman, Commissioners. I thought the best way—everybody has a copy of this in their packet, I understand.

CHAIRMAN DURAN: We do.

MR. LOFTIN: So I thought what we could do is just briefly run through it and I'll highlight the changes from the previous set of regs. What we tried to do is address concerns that were brought up at a Commission meeting about a month ago.

CHAIRMAN DURAN: Well, let me ask you a question. Are you going to go through the whole document, or just the changes?

MR. LOFTIN: I'm going to read it word for word. No, I'm not. I'm going to go through the changes.

CHAIRMAN DURAN: Well, maybe one of us wants you to go through the whole thing.

MR. LOFTIN: Yes, I was just going to go through the highlights.

CHAIRMAN DURAN: Okay.

MR. LOFTIN: And I think what we're trying to do here is get a sense of direction from the Commission. The Land Use Administrator is the one who's supposed to approve the regs, but I think that everybody on the staff, County staff wanted to make sure that they had the clear direction of the Commission. So we don't necessarily need to wordsmith the whole document here today.

CHAIRMAN DURAN: Well, the direction may change. I know that at some point I think I'd like to make the affordable housing ordinance mandatory, or affordable housing mandatory rather than just at their discretion.

MR. LOFTIN: Well, my understanding, in the Community College District it is mandatory. It's not mandatory, there's nothing mandatory in the whole county. And that reminded me of something else, Mr. Chairman. While we're here talking about the regs, to help implement the existing Community College District Ordinance, we also believe there are some changes that need to occur in the ordinance itself. We're not proposing that now.

CHAIRMAN DURAN: In this ordinance?

MR. LOFTIN: Not right now but in the future. So this is just the regs that implement that implement that ordinance. But when we were going through this we realized

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there some things that are missing in the ordinance itself and we'll get to that in the future. We wanted to at least get one of these things done so that we could move on to the next thing.

CHAIRMAN DURAN: Does this give us direction on how to qualify a buyer for affordable housing?

MR. LOFTIN: Yes, it does.

CHAIRMAN DURAN: Okay, good.

MR. LOFTIN: So, like I said, the first part of this on page one, under Section 1, the Land Use staff has recommended, which I think makes sense is the deletion—correct me if I'm wrong, Land Use staff, if I'm misrepresenting what you're saying—but it's deleting 1 through 4 of Section 1. It's A. 1 through 4, to delete that, that that actually belongs in the ordinance itself. It's more appropriate to be in the ordinance. So that was one recommendation.

CHAIRMAN DURAN: So on page 1—

MR. LOFTIN: Section A, and it's subsections 1 through 4 that goes over to page 2 before you get to B. That we would address those issues in the ordinance itself.

CHAIRMAN DURAN: And what's the reason for that?

MR. LOFTIN: Well, some of it—I could let Land Use staff if it's appropriate talk about that too, but I think part of it is some of these things are just intent. So for instance, there would be some design guidelines for manufactured housing. There's really nothing about manufactured housing in the ordinance at this point, but that may need to be addressed in the ordinance. So rather than just say, yes, these should be addressed, let's address them in the ordinance and then we'll figure out how to implement them in the regs. They're more general policy issues.

ROMAN ABEYTA (Land Use Administrator): Mr. Chairman, if I may. The reason for including these in the ordinance rather than the regulations is because it's the ordinance that property owners or developers are going to actually—they come in and get ordinances rather than a specific section. So we want to make sure that it's covered in the ordinance, the actual document that we get most requests for. Because again, I don't think a developer would come in and say, Well, can I see the affordable housing regulations. Usually they say Can I see the ordinance. And this way, if it's covered in the ordinance, then it's clear up front what they're expected or what qualifies as affordable housing units.

CHAIRMAN DURAN: Okay. I'm a little confused. I thought that we were going to develop affordable housing regulations for the entire county, and the heading says this is for the Community College District.

MR. ABEYTA: Mr. Chairman, we have an ordinance for the county, an affordable housing ordinance right now that exists for the county. We have the Community College District ordinance that has a section that requires 15 percent of all homes to be affordable, and then refers to regulations. Well, the regulations, we needed to beef up the regulations and so we asked Robert to assist us with that and then bring it forward to the Board for direction on that.

CHAIRMAN DURAN: Well, Robert, how does this interface with the regulations that we adopted several months ago relative to affordable housing. We changed that

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so affordable housing projects could occur on community water systems. Because it used to be just based on whether they could hook up to the County water system. So because this states that it's the Community College District, these won't apply to the other regulations that we have adopted for the county?

MR. ANAYA : Mr. Chairman, Commissioners, I think that it would be okay if the Commission gave us direction to expand the verbiage to let these apply to the voluntary ordinance that we have as well. Because essentially, what we're doing here is we're setting up a qualification process. So I think even though this direction on this particular document was centered around the Community College District, it could work very well with the voluntary ordinance that we already have. So if the direction of the Commission is to put those together after today, we could do that very easily because it's essentially what we're going to ask for as far as qualification documents and check stubs and things of that nature, so they can work with both ordinances as well.

CHAIRMAN DURAN: Okay. You don't know of any reason why this couldn't be or shouldn't be applied to the other ordinance.

MR. ANAYA: Mr. Chairman, Commissioners, I think we would just have to go in and wordsmith the areas where we refer specifically only to the Community College District, but we could make it to where it could work with both.

CHAIRMAN DURAN: Okay, I'll try not to ask any more questions.

MR. ABEYTA: Mr. Chairman, if I may just add also, we haven't received any projects coming in under the voluntary ordinance but we do have master plans that have come in under the Community College and that's why we're using this as our instrument to get these regulations approved.

CHAIRMAN DURAN: And that's why I think we ought to think about doing something out in the county that's mandatory, not voluntary. Because no one's come forward voluntarily.

MR. ABEYTA: Mr. Chairman, we could look into that.

CHAIRMAN DURAN: Okay.

MR. LOFTIN: So if you go to page 2 under Section B, you'll see Section C was deleted, that first paragraph.

COMMISSIONER SULLIVAN: Mr. Chairman, just one comment on those sections that we're taking out. I think that does make sense. I think those sections are kind of general policy sections and what you're looking for here is a reg that gives you specifics and dollar amounts, limits and things. So I think that does make sense. I had trouble really understanding what 1.g and 1.h meant, and I had troubles understanding what number 4 meant. And I don't want to debate it now; I just want to mention that when you work on it for the ordinance, I couldn't understand it and so if it's out, that's fine with me because I didn't understand it in the first place. But when we get it into the ordinance, if that could perhaps be clarified, it sure would help.

CHAIRMAN DURAN: I can just give you a real quick answer. Robert, didn't g. come out of the voluntary ordinance basically? So a lot of this came out of the voluntary

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ordinance. It really wasn't applicable to this.

MR. LOFTIN: So under Section B then, where you see the new print—on mine it's blue. I don't know if you got color copies of it. So where it says in order to guard against speculation, that paragraph and the following two paragraphs are new. What this is doing is we knew that there needed to be something—if a house is being sold in the Community College District \$30,000 below its market value, you don't want someone to buy it and then flip it in two weeks and walk away with \$30,000. The benefit, we want it to go to the homebuyer.

So one of the options there which had been discussed was a provision that you'd require the person to sell it to another eligible buyer. The other option was that you just put in a soft second mortgage, a zero percent deferred mortgage, so if somebody sold it they'd have to pay that back to the County. It works better for a lot of reasons to do it that way because one, it helps in the mortgage markets. First mortgage lenders worry about a restriction on who you can sell the house to. What we really want to do is if somebody sells, to get the subsidy that was provided to that buyer back to go help another buyer. So that's what it's doing and specifically, what it's doing is saying that the subordinate mortgage that would take that market value that didn't get paid for, that was subsidy for the buyer, that we would take 95 percent of the appraised value and then what the actual maximum price that you could sell it for was under the ordinance, the difference, that amount would be the second mortgage.

So basically, when somebody is buying that home, they have five percent equity in the home, right? So they're not going in with nothing. They're going in with five percent equity and then if they sell that house, they're going to pay back whatever that subsidy is that was provided through the Community College affordable housing ordinance. Is that clear as mud?

CHAIRMAN DURAN: Yes, it is sort of. I just have a concern—I think that part of helping people get into affordable housing is that after a certain period of time they should be able to take advantage of some appreciation and other homeownership elements that the rest of us, for those of us who don't have to apply under an affordable housing project. And if you require them to sell it to someone else—I'm opposed to you suggesting any requirements that would impede that right they should have.

MR. LOFTIN: Mr. Chairman, we're in agreement. I think everyone's in agreement on that. There's no restriction on who they can sell it to. If you buy a house that's worth \$140,000 today, but you get to buy it for \$110,000, you have a \$30,000 subsidy. When you sell it ten years from now, you pay back that \$30,000 subsidy, but if that house appreciated to \$180,000, that appreciation is yours. So there's no restriction on appreciation. So basically what it is, the subsidy that's going in at the time of the initial purchase, that's your money to use for free as long as you live in the house.

But when you sell it or you rent it out, then that money is due. So it's really only you're getting free financing. Because we were in agreement on that. One of the good things about homeownership is it's a way people accumulate some kind of wealth, develop some kind of financial security. If you start taking away that appreciation, you've taken away a big benefit of homeownership. On the other hand, you want to make sure that this is a public good that is being developed here. That somebody six months from now—they don't buy the house just

because they know they're walking into a \$30,000 windfall. We thought this was a reasonable middle.

CHAIRMAN DURAN: What if we have levels of affordability so that somebody who bought at the lower level wouldn't be penalized if they sold and bought at the next level of affordability. Because things are going to change. They might have two or three kids after living in it for five years and if they have to pay that \$30,000, but yet they would buy at the next level of affordability—

MR. LOFTIN: It's an interesting idea.

CHAIRMAN DURAN: I'm just real concerned about penalizing somebody.

MR. LOFTIN: Well, you're not penalizing. You're basically saying they're buying a house that's worth \$140,000. Instead of having to finance \$140,000, they're only having to finance \$110,000.

CHAIRMAN DURAN: Well, who says it's—

MR. LOFTIN: The appraisal.

CHAIRMAN DURAN: The appraisal says it's \$140,000. What did it cost to build though?

MR. LOFTIN: That depends on the builder and everything else. So on some of them, on the price categories—you remember from the ordinance the price categories, there's price range one, two and three. One is low enough that it clearly costs more to build that house than they're buying it for.

CHAIRMAN DURAN: Are we going to approve this today?

COMMISSIONER CAMPOS: I hope so.

CHAIRMAN DURAN: Can we amend it.

MR. LOFTIN: Mr. Chairman, it's an interesting idea in terms of if somebody has other housing needs. I haven't thought about how you'd work that. But the idea, I think this addresses the majority of your concern in terms of not wanting to be punitive to a buyer of an affordable home. It's really a very good deal for the buyer of the affordable home.

CHAIRMAN DURAN: Okay.

MR. LOFTIN: The other thing on this that I understand from the previous Commission meeting there was a concern brought up on this issue that what if a buyer—this says you have to pay back if you've rented out or failed to occupy the property. What if a homeowner has a hardship? They need to go take care of a sick relative or something like that so it has a provision in here that if somebody is leaving for a reason, the County can grant exception to the occupancy rule. There could be a hardship case where someone needed to take care of some family business. We didn't want to penalize people for that. So it give the County authority to grant that exception to the occupancy requirement.

CHAIRMAN DURAN: That variance you mean.

MR. LOFTIN: Yes, that variance.

CHAIRMAN DURAN: You'd never get a variance up here.

COMMISSIONER SULLIVAN: Oh, really? Let me clarify. This is not a variance on selling the house. This is just a variance on the provision that you have to occupy

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it. So it's a variance of up to 18 months if some hardship occurred and you had to go somewhere and take care of your parents, then you would have a variance to the occupancy criteria. During that period you might rent it out obviously, to pay the mortgage, but it would still be considered affordable housing. You wouldn't have to sell it and go through all the paperwork. So it's not a variance about selling it, it's a variance to the occupancy requirement. Is that correct?

MR. LOFTIN: That's correct.

COMMISSIONER CAMPOS: It's not a bad variance, like some that are granted.

COMMISSIONER SULLIVAN: It's a good variance.

MR. LOFTIN: Ready to move on? If we go to Section 3 on page 3, subsection A is eligibility standards. This is the stuff that Robert Anaya referred to because he really wanted to be clear on what's the process of qualifying someone, or who does qualify. So an obvious one is the first one, 1, is you have to be below the percentage of median income that's required in the ordinance. So if you're buying a price range one, you have to be between 0 and 60 percent. You obviously have to be below 60 percent of the area median income. I don't think that one's controversial.

Section 2, which is on page 4 is you also have to decide whose income are you going to qualify, are you going to use to determine eligibility. So we said basically any adult member of the household's income is what you count. So anyone over 19 years old. That's because somebody's in high school and working part time we don't want to count that income against someone. But anyone who's earning income above 19 you count. This is pretty typical and Neighborhood Housing Services uses this rule all the time. HUD programs use that kind of standard all the time. Mortgage Finance Authority programs use that standard. So it's just adopting a standard that is pretty typical out there in the affordable housing business.

Section 3 is—

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mike, in this amount then, when you are in your chart having a maximum annual income for a three-person household, does that vary if the household is four or five or six persons, or less, or are you just saying everyone in the household, their income, if they're 19 years old is used for qualifying purposes.

MR. LOFTIN: For qualifying purposes. That's correct.

COMMISSIONER SULLIVAN: Well then, let me just jump ahead for a second if I can to page 7, Section 5, where you talk about maximum annual income for a three-person household. Does that mean that when you compute these ranges, for example in range one, is the maximum \$34,050 for the household regardless of the size of the household?

MR. LOFTIN: No, on this chart, Commissioner, that is just saying this is only, and we got some recommendations, there's some changes that I'll pass out to you on this section. But basically, the quick answer is that these numbers here are only to determine the price of that house. It has nothing to do with who's going to buy that house. To get to the other

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question, when you're qualifying people based on their income, if it's a family of four, you're going to take, and they want to buy in the price range one, you're going to take the income of all four family members, anybody that's over 19 to qualify them for that. Then are they below 60 percent of the median income for a family of four? If they have another kid, it becomes a family of five, are they below 60 percent for a family of five.

When we're qualifying a specific family, it's always based on family size.

COMMISSIONER SULLIVAN: Okay. So this number is not the qualifying number for the household. It's just how you compute the sale price of the house.

MR. LOFTIN: Commissioner, that's correct. So if we go to Section 3 there on page 4, this is the asset test and I understand there was a discussion at the Commission meeting before about this too and County staff and I met on this issue to try to figure out what would be a reasonable thing. And I think, Commissioner Sullivan has pointed out to me earlier that some of the language in here is confusing and I believe we can clean up that language to make it clearer and we will do that. But basically what this is saying is that you can have liquid assets up to \$10,000 after you've purchased the home, right?

So if you have \$20,000 of cash in the bank, you're going to have to spend at least \$10,000 of that on the house. You can have \$10,000 left in the bank and you qualify. If you have \$150,000 in cash and you're buying a \$120,000 house, it's mathematically impossible. You would not qualify because you're still going to have—even if you paid \$120,000 in cash you're still going to have money left over in your bank account. So the idea is if you have a lot of cash or liquid assets, then that eventually will count against you.

And it was clear that we wanted to not penalize, and I think the Commission had this concern, we didn't want to penalize people for having retirement accounts, because that's a good thing when people plan for retirement. If they have a fund for their kids' education, we didn't want to penalize them for those kinds of things. So basically, anything that is not readily converted to cash, that's a longer term investment is not counted as a liquid asset. But savings accounts, stocks, bonds that are readily salable, would be considered a liquid asset. So that the number \$10,000, you could pick any number but just say there's a certain amount—after a certain amount of wealth, do you really need to buy an affordable home? It's really a question of where do you draw the line and it's a policy decision that needs to be made. Any questions on that one?

The other issue, 4 then was what if people own other real estate? Because what you don't want to do, I don't think, is help people develop their real estate investment portfolio. But what is true in Santa Fe and we find it at Neighborhood Housing a lot is it's not uncommon for people to have a piece of family land that their dad or somebody left them 2.5 acres out in Glorieta that's been held in the family. You don't want to force people to liquidate something like that. So what we put in here is that the buyer cannot own other real estate except for undeveloped land. We put an assessed value of less than \$100,000.

Commissioner Sullivan pointed out to me, which I was not aware of, is assessed value basically works out to be about a third of market value, so that could be \$100,000 of market value. If it's assessed value, it's really probably around \$300,000 of market value. I think we'd

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like some direction on what other real estate, what value, what's the limit we'd put on that.

CHAIRMAN DURAN: I have a question. What if my dad left me the old family house downtown, left it for me and my two brothers. And that thing's worth \$400,000. But I have a low-paying job at the State. I don't have much income, but you're saying in order to buy an affordable home I'd have to sell the property that's been in my family forever?

MR. LOFTIN: Yes.

CHAIRMAN DURAN: That's what you're saying?

MR. LOFTIN: You would either have to transfer it to your family so it wasn't you—under this, under what this says, is you couldn't own a \$400,000 house, regardless of how you got it, and buy an affordable home in the Community College District.

CHAIRMAN DURAN: But I own it with my other two siblings.

MR. LOFTIN: Well, this is a good one.

CHAIRMAN DURAN: Because it happens.

MR. LOFTIN: That's good. Robert pointed out, which is right, is the way I think you'd handle that is you'd take a prorated value of that asset.

CHAIRMAN DURAN: So if it was worth \$350,000, my share would be \$125,000. But it has a house. And by you saying it can only be vacant land, I don't think it's fair.

MR. LOFTIN: It's a good question in terms of what you do—

CHAIRMAN DURAN: Well, let's change that to just say any other real estate.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Yes.

COMMISSIONER CAMPOS: Why don't we go through the presentation and at the end make the amendments? Just make a note of where they are.

COMMISSIONER SULLIVAN: Let's finish with this one since we're on it now, would be my suggestion. You're saying just make it "cannot own any other real estate." Period?

CHAIRMAN DURAN: I'm sorry. Can own any other real estate with an assessed value of less than \$125,000. So they buyer can own—

COMMISSIONER CAMPOS: Assessed value or market value?

CHAIRMAN DURAN: Market value.

COMMISSIONER SULLIVAN: So you put it in the positive. Yes, there's a double negative in here which make it a little hard to read. So you're saying—

CHAIRMAN DURAN: Any other real estate owned by the buyer cannot exceed \$125,000 in market value. Or the market value cannot exceed \$125,000.

COMMISSIONER SULLIVAN: By that real estate you mean developed as well as undeveloped.

CHAIRMAN DURAN: Right. Because it's not everybody that just leaves a piece of land to their—

COMMISSIONER SULLIVAN: But you're concerned that that piece of land, if it has a building on it, you want that to be eligible as well. But if it had a building, couldn't

they live in it? If it had a building why wouldn't they live in it? Why would they need affordable housing?

CHAIRMAN DURAN: Well, maybe it's a home that is rented for \$3,000. I don't know. Maybe they can't afford to rent it, to live in it.

COMMISSIONER SULLIVAN: Mike, what's your take on it?

MR. LOFTIN: Well, I think the Chairman has given a good example of something that could be owned among multiple family members that's part of a family inheritance that you'd want—you want to be careful about. That could be—it's more than just a piece of real estate in that situation. On the other side of this you'd have, it would be possible for somebody to have a \$125,000 investment property that they rent out.

COMMISSIONER SULLIVAN: Or a cabin in the woods.

MR. LOFTIN: There's conflicting—you allow one thing and it opens the door to something else. So my sense is we're not going to see very much of that but it could occur. So I don't—

CHAIRMAN DURAN: I understand your concern is someone abusing this but I think when you really consider how many people are really going to try to abuse this program I think it's probably one in a thousand that they're going to try and slip something past us.

MR. LOFTIN: What I would say too is that it might—because there's going to be things like this that we can think of and any time you're writing policies, someone's always good at thinking up, and Mr. Chairman, you've been good at thinking of something that could create a problem. And we may want to have some kind of clause in here that allows for some judgement on the part of the County to accommodate that kind of situation. There may be another one that we're not thinking of now. Because I do think we want—this is a good thing, right? We're trying to help provide affordable housing in the county and we need to think of potential abuses and exceptions to what may happen here. So we want to have enough flexibility that we don't make something punitive unnecessarily. You know what I'm saying?

And I would also say that these regs as we start using them more, they're probably going to have to be tinkered with. Experience will give us some new ideas on how to make this better.

CHAIRMAN DURAN: Well, I have an idea. I think if we said something like the maximum amount of value that other real estate owned by the buyer, the maximum amount of value for other real estate owned cannot exceed \$125,000.

MR. LOFTIN: Market value.

CHAIRMAN DURAN: Market value.

COMMISSIONER SULLIVAN: I would feel comfortable with keeping the \$100,000, but I think the putting the building in, it doesn't hurt anything. I think when we get up to \$125,000 then we're talking about possible vacation properties and so forth and if someone owns a vacation property on Heron Lake and they want affordable housing, I'd like them to sell that and put that money towards affordable housing.

CHAIRMAN DURAN: Okay. Let's move to the next one.

MR. LOFTIN: Then we had definitions of eligible buyers and there was a

discussion I think at a previous meeting of whether people had to be a first-time homebuyer. And we thought in a longer discussion with staff that there's—and the County had raised where there's other situations where you'd want to help even though maybe somebody already owned a home previously. So what we try to do is outline what made sense to us.

So one is a first-time homebuyer. They're eligible. And a first-time homebuyer is defined as somebody who has not owned a home in the last two years. The other is somebody's who's owned a home in the last two years but due to divorce or separation from a spouse no longer owns a home and is starting over. We want to allow for that.

That somebody may be wanting to move out of a mobile home and into a site-built home. The definition there, I'd recommend a change in there after our conversation with Commissioner Sullivan that I think this would be an easier definition to understand if we just said currently owns a single- or double-wide manufactured home. I think everybody knows what that is. The HUD Code, manufactured housing code causes some confusion there. But that's the intent if somebody owns a single- or double-wide manufactured home would still be eligible.

Here's another—I think Commissioner Trujillo may have raised this issue at a previous meeting, but if someone had previously live in Santa Fe and stayed here for at least ten years, any time during their lifetime they lived in Santa Fe for ten years, they own a home in another location outside of Santa Fe County and they want to return to Santa Fe. So this is someone who lived or maybe they were born and raised here and the only home they could afford was in Rio Rancho and they say, Now I can afford a home back in Santa Fe. I want to move back. We wanted to accommodate that.

CHAIRMAN DURAN: Is this a first-time homebuyer program or an affordable housing program?

MR. LOFTIN: Well, it's an affordable housing program with—

CHAIRMAN DURAN: When did we decide that this was a first-time homebuyer program?

MR. LOFTIN: Mr. Chairman, this is not only a first-time homebuyer. It is saying other people who may have owned a home, so basically the only thing that this is trying to preclude is people who own a home now and just using us to move up into another home.

CHAIRMAN DURAN: So when you say eligible buyers must meet any one of the following criteria—they have to be a first time homebuyer—

MR. LOFTIN: Or any one of the other categories.

CHAIRMAN DURAN: Okay. So go back to the first paragraph for me. So the first one is a first-time homebuyer. And then a first-time buyer cannot have had an interest in a main home during the two-year period ending on the date of the acquisition of the new home. So they can't—just help me understand this. So they can't have owned a home for two years before they bought the new home.

MR. LOFTIN: Under that, yes.

CHAIRMAN DURAN: Now, if the buyer is married, the spouse must also meet—there's no ownership requirement. So if I married somebody who owned a home before, I wouldn't be able to qualify for an affordable home?

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MR. LOFTIN: Yes, Mr. Chairman, let me explain. This basically comes out of IRS rules, definitions of first-time homebuyer. The IRS has issued standards on—Steve Shepherd was helpful in getting those for us. But basically, what that's trying to do is say, so if you get married and your spouse already owns a home—

CHAIRMAN DURAN: But what if she owned a home a year ago?

COMMISSIONER SULLIVAN: Wouldn't qualify.

MR. LOFTIN: She would not qualify unless, there's one case where you would. Unless she owned a home a year ago but she got divorced. So if you get divorced and she gets divorced and you both owned homes, you could still buy a home under this ordinance, under this rule.

CHAIRMAN DURAN: So I can't fall in love with a divorced woman?

MR. LOFTIN: No, you can. You want to fall in love with a divorced woman. You don't want to fall in love with a woman who owns a home.

CHAIRMAN DURAN: I don't know. This sure seems so complicated.

MR. LOFTIN: We want to create a little incentive for people who are divorced to find a new spouse.

CHAIRMAN DURAN: Okay. I'm going to put a note on this one.

COMMISSIONER SULLIVAN: I think, Mr. Chairman, the answer to your question is no, it's not just a first-time homebuyer program, but first-time homebuyer is one criteria and a main one we'd like to see, as I read it, but we've got divorce qualifications. We've got someone who's in a manufactured home, whether it meets HUD standards or not who can move into it. They may own that home. They're not a first time homebuyer. I buy a trailer or a double-wide out in the county. I've got a mortgage on it. I want to move into an affordable home. I own that home. There's no two-year requirement or anything on it. I can move up into an affordable home.

CHAIRMAN DURAN: But what if it doesn't meet the HUD manufactured home—

COMMISSIONER SULLIVAN: That was my question. That was what Mike just brought up. I said that's why he suggested changing it to single- and double-wides. Because chances are it doesn't meet the HUD manufactured requirements if it was built after 1984.

CHAIRMAN DURAN: So if he currently owns a manufactured home?

MR. LOFTIN: We just put single- or double-wide manufactured home to make that—the problem is there's a bunch of definitions of manufactured housing out that means a lot of different things. So I put that HUD Code in there because that's one—

CHAIRMAN DURAN: Okay, single- and double-wide. Okay. I got you.

COMMISSIONER SULLIVAN: So we're not penalizing him if he's got a rundown home just because it doesn't meet HUD standards. In fact, that's the person who would want to move out.

MR. LOFTIN: So Section 6 there was actually under the previous set of regs, but basically that we want to see at least a two percent down payment from the buyer.

Documentation on the next page, Section B, this is basically outlining a process of

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how—and this is where there has been confusion in the past and it's caused us some problems in the existing affordable housing ordinance outside the Community College District. And I think within the Community College District too, of just how do you go about certifying that somebody's eligible to buy and I think this is going to help a lot to kind of clean up that process and make this work better. So basically, what this is saying is that before any affordable home gets closed, the developer of that home needs to provide the County with certain documentation, so that's the purchase agreement, the mortgage loan application, pay-stubs, because you want to be able to verify income, tax returns with the W-2s, that's to verify income and family size, and bank statements to verify assets.

And then we also have this thing of a certified statement from the buyer that they're meeting, that the information that they're giving us is true, so that they know that we're relying on their representation on this stuff. So once we have that documentation—it's very common what Neighborhood Housing gets when we're trying to verify income. This is the stuff we look at. With that we can tell, we can certify anyone, the County can certify this is the income and family size. They're below this percentage of median income. They are buying a house below the price that the ordinance requires. So we know they're good to go. But that has to be submitted early enough that a certification can be issued.

So if you go to C, on the process of certification, which is mostly on page 6—

CHAIRMAN DURAN: Wait a second. Are you going back to what you're suggesting to be deleted?

MR. LOFTIN: Basically, the stuff on the top of the page is replacing the stuff on the bottom of the page.

CHAIRMAN DURAN: Except that gifts are allowed. However, the potential homebuyer must make at least two percent of the down payment. Where is that?

MR. LOFTIN: That's on Section 6 on the previous page.

CHAIRMAN DURAN: Section 6 on the previous page?

MR. LOFTIN: Yes, on page 4 at the bottom there.

CHAIRMAN DURAN: So it doesn't matter how much mom and dad want to give.

MR. LOFTIN: No, they can give as much as they want.

CHAIRMAN DURAN: Okay, good. Thank you.

MR. LOFTIN: That's good. Gifts are good.

CHAIRMAN DURAN: That is good. Finally, something good. I'm only kidding.

MR. LOFTIN: The process then is that the developer needs to make sure that documentation gets to the County. The County has 15 days to issue a certification of income. If additional information is necessary, the County can request it, because just in case there's something they couldn't verify in the documentation provided they have the right to ask for additional information but the County needs to get back within 15 days so that the developer knows—what we don't want to do is bottle—we don't want something to get stuck because the house is being built, they need to know whether that buyer can buy it or not.

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COMMISSIONER CAMPOS: Mr. Chairman, what happens if the County doesn't get back in 15 days? Does it end the process or are you just inserting that to accelerate the process? Is there any cost?

MR. LOFTIN: I don't know. That's a good question.

MR. ANAYA: Mr. Chairman, Commissioner Campos, I guess I would defer to Steve for a better suggestion but I would think that the intent here is for us to enter into a process where the County is just as accountable as the developer. So I would be open to any suggestions but maybe it has to do with the unit being allowed to be certified. If we're not diligent in our efforts to respond, because I think the intent here is that we do our due diligence and give a response in 15 days.

COMMISSIONER CAMPOS: I understand that you want to move the process along but you don't want to deprive the County of the authority to look at all the paperwork and just say You are approved because we haven't approved it within 15 days. It's something that can be fixed without too much problem.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I would suggest that we modify that language because I think there could be a problem is somebody's out on vacation, something falls through the cracks. I would suggest that the language be changed for example to that the County shall make a good faith effort to respond within 15 days. Something to that effect But I think if you have a time deadline, you may get a situation that you're really going to regret and that might be very embarrassing by somebody getting an affordable house that really doesn't qualify. So I'm suggesting good faith effort, but I think to say shall do it within that amount of time creates a problem if it doesn't get done. There may be extenuating circumstances.

CHAIRMAN DURAN: One of the problems though is that if they don't get it in 15 days sometimes the buyers might lose their lock on a certain percentage. I don't know if it works with Neighborhood Housing, but if we don't act in a timely manner, and I know that in the past there's been some situations, I actually can't remember exactly, but we took a little bit longer than what we should have to approve something and the buyer lots its lock on the loan and couldn't qualify then. So I think there has to be something if we make a diligent effort in 15 days and we can't then there has to be somebody that can make a decision within another five. Someone has to make a decision. I don't know how you deal with that. What do you think, Counselor?

MR. KOPELMAN: We can certainly work on some language. I guess the purpose for this session was to really get the kind of feedback that we are getting but I think we have some time then to rework it, maybe bring it back again if we need to and this may be one of those areas where we can present you some language options.

COMMISSIONER CAMPOS: Good idea.

CHAIRMAN DURAN: Okay. We can always amend that.

MR. KOPELMAN: Mr. Chairman, excuse me. I just want to make a point. I understand that Commissioner Sullivan has to leave at 5:00 and we have about three or four items on this agenda that are time sensitive. So I just want to make sure that we don't let those

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fall through the crack.

CHAIRMAN DURAN: You want to table this?

COMMISSIONER SULLIVAN: We're almost done. We're coming to the guts of it here, which is—

CHAIRMAN DURAN: It could take half an hour though. Whatever you want to do. You guys are the boss.

MR. ANAYA: Mr. Chairman, if I could make a comment relative to Mr. Kopelman's statement about bringing it back. I would recommend that we be given clear direction in that we bring back the draft and maybe review that with you individually rather than coming back to the Commission meeting because we're trying to get to the certification process so we can start to certify buyers for the Rancho Viejo Subdivision in particular so that we could start to see, bring back data on how many houses. But that's a suggestion, Mr. Chairman.

MR. KOPELMAN: Mr. Chairman, just following up on that. We have two special meetings coming up within the next two weeks. I think there's one on the 10th and one on the 15th. So what we could do is we could redraft, if there are any open issues and just bring it back for you to pass on then. Because it sounds like we're pretty much done with it but there are just a couple of issues.

CHAIRMAN DURAN: Or we could also approve it and then amend it if we need to. Would that be better?

COMMISSIONER CAMPOS: No. I think it would be best to do it at the next special meeting, don't you think?

CHAIRMAN DURAN: No.

COMMISSIONER CAMPOS: That way we get the final draft as the Board itself approves the final draft. As opposed to—

CHAIRMAN DURAN: I don't think the amendments are significant.

COMMISSIONER CAMPOS: They're significant enough.

COMMISSIONER SULLIVAN: Mr. Chairman, can we just get with the direction, if the direction would be to put some kind of language that's a reasonable effort to get it back within 15 days as opposed to time certain?

CHAIRMAN DURAN: That's fine.

COMMISSIONER SULLIVAN: Is that fine? That's really the only thing that we have left other than the difference between \$100,000 and \$125,000. That's the only other thing that's open, right?

MR. LOFTIN: And there's just one other thing as well, Mr. Chairman. One thing, just on the time line thing is like if we spend some energy which I think staff is committed to, of just coming up with good forms and good procedures on how that works, that it should take someone to certify income like 15 minutes. So it's not—part of this is designing good systems which I think we're committed to working on as well.

CHAIRMAN DURAN: Mike, is Neighborhood Housing Services going to assist the County in qualifying these people?

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MR. LOFTIN: We would be glad to do that. We don't have any agreement on that, and we're glad to help continue work on the regs and come up with forms and whatever. We basically appreciate what the County's doing here. We think this is a very progressive move in the Community College District and we want to support it. So we'll be glad to help in any way that we can.

CHAIRMAN DURAN: Well, bear in mind this is going to apply countywide. I think.

MR. LOFTIN: I think that's even better. I think we can just finish this real quick. Is that okay?

CHAIRMAN DURAN: Sure.

MR. LOFTIN: So the other part is just saying what happens at closing because the County has a subordinate mortgage here that there just needs to be notification on the closing so the County can get its closing docs there. So that's pretty simple. And then the last thing, which Commissioner Sullivan has referred to is the Section 5. Let me just give you some updates on that.

CHAIRMAN DURAN: Mike, explain to me—the County's going to have the second, the soft mortgage? Maybe you can explain that to me later.

COMMISSIONER SULLIVAN: That's just how we get the \$30,000 back when he sells it.

CHAIRMAN DURAN: But where do we get the \$30,000 to give him?

COMMISSIONER CAMPOS: The reduced value.

MR. LOFTIN: It's funny money. It's basically the reduced—

CHAIRMAN DURAN: It's funny money that we're making people pay us.

MR. LOFTIN: Well, no, because the value is there.

CHAIRMAN DURAN: It's consideration for no value.

MR. LOFTIN: No, there's value. There's real value. That house is—

CHAIRMAN DURAN: Well, how did we get that \$30,000? And why are we making them pay us back?

MR. LOFTIN: Because your ordinance—

COMMISSIONER CAMPOS: It's to avoid speculation. Somebody buys that house that's worth \$150,000. They pay \$110,000 and a month later they make \$40,000.

CHAIRMAN DURAN: But why should we benefit from providing affordable housing?

COMMISSIONER CAMPOS: It benefits these folks and other folks who are eligible.

MR. LOFTIN: Mr. Chairman, the County's not going to benefit.

CHAIRMAN DURAN: Who gets that \$30,000?

MR. LOFTIN: The people of Santa Fe County are going to benefit. Because that money will go into a fund that will help future homebuyers.

CHAIRMAN DURAN: How long will these people have to—if something happened and they have to sell it in three years—how long do they have to live in there before

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they can experience homeownership? True homeownership?

MR. LOFTIN: They're experiencing it, but it's only a way—

CHAIRMAN DURAN: Without penalty? How long do they have to live in there without penalty?

MR. LOFTIN: Mr. Chairman, I don't think it's a penalty. So if I came to you and said—

CHAIRMAN DURAN: I think it's a penalty. How long do they have to live—let me say it a different way. How long do they have to live in there before they're not liable for paying back that \$30,000?

MR. LOFTIN: Forever.

CHAIRMAN DURAN: That's unfair.

MR. LOFTIN: But if I came to you and said I'll sell you a house that's worth \$150,000, but I'm going to carry back for you a \$40,000 mortgage that's zero interest. You don't have to make any payment. There's no interest on it. As long as you live in that house you can use that money for free. That's a pretty good deal, isn't it?

CHAIRMAN DURAN: Yes, but why shouldn't I be able to take advantage of some equity? Some built-in equity?

MR. LOFTIN: You are. Because that \$150,000, every dollar of appreciation, even though you're only, in my example, you're only paying for \$110,000 worth of that, every dollar of appreciation on the whole \$150,000 is yours to keep. So you get all the appreciation. I'm just saying, you're getting to buy a home for \$40,000 less than what it's really worth and eventually that \$40,000 should go help another buyer. When you quit using it, when you don't need it anymore, let's pass it on to the next buyer. Now it's not worth the same amount because it's gone down in value because of inflation, but it's still something that goes on to another buyer.

CHAIRMAN DURAN: Okay. I'll think about that.

MR. LOFTIN: And I'd be glad to talk to you more about that. We do these all the time. This is one of the main tools we have in terms of making the housing affordable.

CHAIRMAN DURAN: It may be unfair. It may have been unfair all this time too.

MR. LOFTIN: That's true. So the last thing here, and I'll try to talk fast because of Steve's concern about getting going here. Basically the Section 5 on your page, we changed that to, we're proposing to change that to this thing I just handed out to you, where basically what you're doing is if you take the household—this was Commissioner Sullivan's question before. You're saying, we're proposing here for a household of two people, a household of three people and a household of four people. A household of two people is going to be used to determine the price, the maximum base price under the ordinance for the two-bedroom unit or a Type A unit.

Not that a household of two has to buy that unit. That's just the way—what the problem is right we have prices for these homes, maximum prices. We have no mechanism to adjust them as time goes on and as inflation happens and median incomes go up and all that kind of

thing. So we're trying to come up with a formula that gives us new prices. So basically, if we look at this example, we take the household of two, 60 percent of their income is \$30,288. You multiply that by a factor of 2.9 and for a Type A house, that gives you an 87—the maximum price of that is about \$88,000. That's where that number comes from.

A Type B house, you're using a household size of three, multiplying it by 2.9, that gives you a \$98,000 house. So basically, as a percentage of median—as the median income goes up, all prices are allowed to go up along with that. Does that make sense? So every year HUD comes out with here's what the median incomes are in Santa Fe County, and we're going to take those and then say use it. Multiply it by the factor and that will give us the maximum price of a home. Now there's only one problem with this, in my mind anyway. The same thing works for the 80 percent homes and the 100 percent of median homes.

The one problem with that is when you get to the Type C house, which is the four-bedroom house, you tend to get a pretty big jump in the cost. So what we're recommending is discounting that four percent to bring it more in line with real construction costs. So for instance, a Type B house, if you're looking at the 60 percent column, you can sell for \$98,800. Type C goes up, under the formula to almost \$110,000. Well, one bedroom, 200 square feet is basically what that is, does not cost you \$10,000, necessarily. So what we're saying is like that's just a goofy thing in the formula. We adjust it down four percent and bring it more in line with real construction costs.

These match pretty much what's in the ordinance. So on a go-forward basis, these are going to go up a little bit as median incomes go up. Does that make sense?

COMMISSIONER SULLIVAN: Mike, the big place they don't appear to match is in the—wait a minute. Yes, they do. Excuse me, I was looking at Type A versus Range 1. Backwards there. Okay, they match reasonably close to what's in the ordinance now.

MR. LOFTIN: Right.

CHAIRMAN DURAN: And Mike, what was your reasoning for taking the maximum income down from \$34,000 to \$30,000, for instance in a home of two?

MR. LOFTIN: On that one, that was based on a family of three.

COMMISSIONER SULLIVAN: This is a three family.

MR. LOFTIN: And that one you're looking at now is a family of two.

CHAIRMAN DURAN: Oh, okay. I got you.

MR. LOFTIN: We just looked at this different ways and we were trying to figure out how do you—does it tie to construction costs? Does it make rational sense? And this was the best we could come up with and the simplest way to come up with—I had another idea that was in your packet. After discussing it with some people and thinking about it, I think this other one is simpler and easier to use. And if you look at your second page, you can look at who could buy that house based on basically the assumptions on this is a seven percent interest loan, which actually the market rate is now about 6.75, but at a seven percent interest rate, 30-year loan. So for instance if you look at the affordability below 60 percent of the median income, you've got a family of two earning 49 percent of the median income could buy that Type A house, that two-bedroom house.

So this is what we call an affordability analysis or a check to see that if these prices are in place, what percentage of median income, based on today's mortgage rates, would you need to be able to buy that house. And you want to make sure if it's going to be affordable to someone below 60 percent of the median income, those numbers better all be below 60 or people can't buy it. Now that's not true for a Type C house, which is a four-bedroom. A single person, unless they had a big down payment, couldn't buy that house. Well, typically a single person's not going to buy a four-bedroom house. They could if their family is willing to give them a gift big enough to buy it they could. We're not prohibiting them from buying it, but if all they had was their income to work off of, they're just not going to be able to make the payment.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: This is not a part of the regulations, this second sheet.

MR. LOFTIN: No. That's just to show: Does it work?

COMMISSIONER SULLIVAN: And this first chart, Mike, Mr. Chairman, takes the place of the chart that's in here as well as the paragraph below the chart?

MR. LOFTIN: That's correct.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN DURAN: Good. Well, Commissioner Campos, what would you like to suggest?

COMMISSIONER CAMPOS: Mr. Chairman, I think the Commission has raised certain issues. I think this matter can be brought to us at the next special meeting. What do we have, Mr. Kopelman for the next special meeting? Is that the budget?

MR. KOPELMAN: No, Mr. Chairman, Commissioner Campos, next Friday I believe, it's May 10th, there's a special meeting that's going to deal with the CARE Connection and I think that—

COMMISSIONER SULLIVAN: And the space analysis.

MR. KOPELMAN: And the space analysis.

COMMISSIONER CAMPOS: Is that too much already?

CHAIRMAN DURAN: Yes.

COMMISSIONER CAMPOS: Long meeting. The next regular meeting's the 14th and that's loaded already.

MR. KOPELMAN: And then there's a special meeting I believe on the 15th that's going to be dealing with the budget.

COMMISSIONER SULLIVAN: Could we make a suggestion here? Could, again, other than the \$100,000 or \$125,000 part, I'm comfortable with having staff, as Robert suggests, put this into a form and start to implement it, just as is. And provide Commissioners with copies. If any Commissioner sees a major problem in it—

CHAIRMAN DURAN: Bring it up for amendment.

COMMISSIONER SULLIVAN: Bring it up for amendment right away. Get it back right away. I understand Commissioner Campos, before we get this thing out on the

street, let's have it exactly the way we want it. But do you see some problems? Some issues—

COMMISSIONER CAMPOS: I'm not comfortable with it.

COMMISSIONER SULLIVAN: You're not comfortable with it.

CHAIRMAN DURAN: I don't see any major problems, where I have any difficulty or where you have made some suggestions.

MR. ANAYA: Mr. Chairman, Commissioners, we also have as Mr. Abeyta pointed out, we have a posting requirement in the Clerk's office on the regs. So we could still go forward with the direction you've given us. Take back a clean copy to each Commissioner and then prior to posting make sure we've addressed any other concerns that the Commission may have. It's got to be posted in the Clerk's office for 15 days.

CHAIRMAN DURAN: Do you want to make a motion?

COMMISSIONER SULLIVAN: Before it becomes effective?

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

COMMISSIONER SULLIVAN: Is that enough time?

COMMISSIONER CAMPOS: I would ask Mr. Kopelman if he thinks this is an appropriate way to proceed.

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, the way the ordinance reads is that the regulations are actually administered by the Land Use Administrator and so I think it's important that we start, we have something out there so we can begin the process of certifying homebuyers. I think that the way the process will work is there will be ample time. We can get copies of the redraft to the Commissioners immediately. Get comments back and if there are several comments we can deal with it at one of the special meetings if necessary. Hopefully it won't be a long discussion. Because it sounds like we've pretty much fleshed out all the issues today. If that's acceptable to the Commission?

COMMISSIONER CAMPOS: I think that's the way to go.

COMMISSIONER SULLIVAN: Is that a motion?

COMMISSIONER CAMPOS: Do we need a motion at this point or are we just going to get some changes done very near term? And at the special meeting we'll make a final decision.

MR. KOPELMAN: That's the direction we're getting from you and we can take it from there, if that's the wishes of the Commission.

COMMISSIONER SULLIVAN: Do you want to flip a coin on the \$100,000 and \$125,000?

CHAIRMAN DURAN: Let's do scissors, rock, paper.

COMMISSIONER SULLIVAN: You call it.

CHAIRMAN DURAN: Democracy at work. Heads. \$100,000.

COMMISSIONER SULLIVAN: Moving right along.

CHAIRMAN DURAN: Okay. So you have direction? Thank you. Thanks for your time.

COMMISSIONER CAMPOS: Mr. Chairman, could we proceed with the priority items since Mr. Kopelman—

CHAIRMAN DURAN: Sure.

MR. KOPELMAN: Mr. Chairman, I've checked and the items that we really need to deal are B. 1, D.4 and E. 2 and 3.

CHAIRMAN DURAN: B. 1, D. 4—

MR. KOPELMAN: And E. 2 and 3.

XI. B. Project and Facilities Management Department

1. Request approval of amendment #1 to PSA #21-155-RD with Bohannan-Huston, Inc. for digital ortho-imagery services

ERLE WRIGHT (GIS Coordinator): Good afternoon, gentlemen. The amendment before you is actually there's two things that are being amended. One is the term of the contract. It's due to expire here on June 30th of this year. We're asking for renewal for another, basically over the next fiscal year. The second portion of the amendment is actually to raise the contract ceiling. Basically the reason for doing this is there's been a change in scope of the cost of the services. It's a change in the number of sections we're going to produce, essentially the units. There were areas that fell outside of the original area that digital ortho-imagery was going to produced in.

Since the contract was drafted, we've had cooperators come forward who want to produce imagery outside of our original project area. The additional funding that this amendment will provide for will actually be paid for by cooperators. It will not be County funds used to cover this difference.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Move for approval.

COMMISSIONER SULLIVAN: Second.

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

XI. D. Utilities Department

3. Request to set a public hearing date for the purpose of reviewing, evaluating and adopting an increase to existing water service rates

CHAIRMAN DURAN: Gary, when do you want to have this meeting?

GARY ROYBAL (Utilities Director): Probably within 30 days. Probably at the second Commission meeting.

CHAIRMAN DURAN: Any of the Commissioners have a problem with setting a date for that meeting?

COMMISSIONER CAMPOS: So moved.

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COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Those in favor signify by saying "yes."

[Unanimous] Opposed? You got it.

XII. E. Matters from the County Manager

2. Request authorization to provide heavy equipment and operator assistance to Santo Domingo Pueblo for a community clean-up effort

MR. KOPELMAN: Mr. Chairman, I'll present this. The County Manager was approached by the Governor of Santo Domingo Pueblo and asked if the County would be willing to assist the Pueblo in their clean-up days by providing certain pieces of heavy equipment and operator assistance. And I believe that Estevan Lopez has discussed this briefly with each of the Commissioners, but we wanted to bring it forward and get direction from the Board of County Commissioners as to whether to proceed or not.

We have drafted a letter, which if the Commission advocates moving forward to protect the County's interest. This office, the County Attorney's office has researched the issue as to whether donations to Pueblos constitutes a violation of the anti-donation clause. It was our conclusion, which is consistent with the position taken by the Attorney General's office that there is no anti-donation clause issue. So I think this is really just a policy decision. I think Robert can fill you in on some of the details if you choose to desire to hear that.

CHAIRMAN DURAN: Any questions? Has Estevan given you an update on it?

COMMISSIONER CAMPOS: Yes. We've been briefed.

CHAIRMAN DURAN: I think basically, this is a good faith effort on our part. Through all the tribal meetings that we've had or summits we've agreed to cooperate with the Pueblos on certain issues and I think that this kind of qualifies as one of those.

COMMISSIONER CAMPOS: Mr. Chairman, I just don't see why the County would do this because anybody can come in and say Donate two or three days of your time and equipment and we have a precedent. And our budget is tight. We have to watch our primary interests. I would not vote for it.

CHAIRMAN DURAN: Commissioner Sullivan, do you have any—

COMMISSIONER SULLIVAN: Who else, Steve, might qualify for this? Would a non-profit qualify? Would a homeowners group that we brought equipment up to help them out, a chipper or something?

MR. KOPELMAN: No. Mr. Chairman, Commissioner Sullivan, it would be only governmental entities. In other words, if the City of Santa Fe requested, and you did this, it would not violate the anti-donation clause. So other governmental entities are not subject to that constitutional prohibition. But again, this is really a policy issue for the

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Commission and it's not a legal issue.

COMMISSIONER CAMPOS: If other Pueblos come and ask, there's a precedent. We're just doing it for good will. I don't see—

CHAIRMAN DURAN: Well, if the other Pueblos come and ask then we have to consider it. I think no other Pueblo's come up right now. It's like a \$10,000 expenditure. It's a good faith effort to work with our neighbors to the north. I think that you're going to find that in the near future, we're going to be asking them for some favors.

COMMISSIONER CAMPOS: We'll be paying for that.

CHAIRMAN DURAN: Well, maybe we'll pay \$10,000 less.

COMMISSIONER CAMPOS: I doubt it.

COMMISSIONER SULLIVAN: Mr. Chairman, what is the estimate for this work? Robert, do you have an estimate?

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioner Sullivan, there are seven various pieces of equipment, seven employees for three days, for a total of about \$10,275.

CHAIRMAN DURAN: Hey, I was close.

COMMISSIONER SULLIVAN: Because the number I heard originally was more on the order of \$30,000.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I never saw that figure.

COMMISSIONER SULLIVAN: I never saw it either; I just heard it.

MR. MARTINEZ: The figure that we started out with was about \$12,000 but a 'dozer and the overtime was backed out because they're planning on doing this clean-up Monday and Tuesday and Wednesday of next week.

COMMISSIONER SULLIVAN: What does that have to do with backing the 'dozer out?

MR. MARTINEZ: The overtime was backed out because it was going to be done on the weekend. But the 'dozer was backed out for other reasons.

COMMISSIONER SULLIVAN: Okay.

MR. KOPELMAN: And excuse me, Mr. Chairman, members of the Commission. I've counseled the County Manager that if we are going to go forward, if the Commission authorizes it, that at a minimum we would need some type of letter agreement where the Pueblo agrees to allow us to do this work. There's also some discussion that we may be compensated, at least in part with some basecourse and materials, and that we do have a provision that would basically waive liability so that the County is not going to be subject to being sued for the work that it does.

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

CHAIRMAN DURAN: Second. Any further discussion? Those in favor signify by saying "aye." [Commissioners Sullivan and Duran voted with the motion.] Opposed? [Commissioner Campos voted against.] Motion carries.

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XI. E. 3. Request Authorization to Enter into Intergovernmental Service Agreement with the City of Albuquerque to Provide for Housing of Bernalillo County Detention Center Inmates at the Santa Fe County Detention Center

CHAIRMAN DURAN: Steve, will this increase our revenues out there?

MR. KOPELMAN: Mr. Chairman, members of the Commission, it will, at least on an interim basis. At the last meeting I distributed a copy of the agreement. Let me distribute these in case you don't have them here.

CHAIRMAN DURAN: Is there a down side to allowing them to house their inmates here?

MR. KOPELMAN: Mr. Chairman, members of the Commission, staff recommends that we go forward with this. Time is of the essence, which is why this was brought forward. I believe that Bernalillo County has a short-term problem with space and if we do take their inmates, we would be compensated at \$49 I believe a day, which would help allay and offset some of the costs that we're paying now. So we think it's important. And we do need a written agreement to memorialize this particular arrangement.

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER SULLIVAN: Second. I heard on the news that we already have taken 24 of the inmates.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, my understanding is that have and that we need to have this agreement done. But the problem is that the timing is everything. But we felt it was real important that this agreement get ratified and approved by the Commission. If the Commission doesn't approve it we'll stop the process immediately.

COMMISSIONER SULLIVAN: This agreement doesn't have your signature, Mr. Kopelman. I assume you've reviewed it for sufficiency.

MR. KOPELMAN: Yes, Mr. Chairman, members of the Commission, I have. And we were waiting for a signed copy from Bernalillo County and that hasn't arrived yet.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "yes." [Unanimous] Opposed? Motion carries.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd like to suggest, we have still a few minutes, that this C. 1 be considered. I think we need to get moving on this comprehensive road maintenance plan.

CHAIRMAN DURAN: Okay.

COMMISSIONER CAMPOS: What about executive session?

MR. KOPELMAN: Mr. Chairman, I think we can probably take care of the executive session at the meeting on either the 10th or the 15th. Or if we have to we can wait till the regular meeting also. But we do have a couple of quick items. I don't think—it's not essential that we do them today though.

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CHAIRMAN DURAN: Is it required—can you not call each one of us individually or is that a no-no?

MR. KOPELMAN: Mr. Chairman, we can't take action. I can certainly give you information but in order for the Commission to act on something it needs to be at a properly noticed meeting. Mr. Chairman, I'm also thinking if we can get D.2 done, that would probably be good also.

XI. C. Public Works Department

1. Request Authorization to Enter a Professional Service Agreement with Oden-Miller & Associates for a Comprehensive Road Maintenance Plan

CHAIRMAN DURAN: Are there any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one item in looking this over that I discussed briefly with James is the one thing that I didn't see in the scope of work was we're evaluating road maintenance plans and we're using the documents that the County staff is preparing and so forth, and we're identifying funding options, but what I really didn't see was an item in the scope of work to prioritize the roads for upgrades and future funding. In other words, not only to address the organizational structure of our road department and how it works and its maintenance costs and so forth, but I really wanted to get this to a point where we've got roads prioritized, we have costs associated with those, so we can go to the legislature and we can show them that we have a plan. The plan makes sense, and when we get requests from entities for funding, we can associate them with that plan. That's the only thing that I saw that was missing in this. I don't know the entity that's doing it. I understand we only had two that submitted but James didn't see a problem with it. I didn't have a chance to talk with Robert about it. So Robert, what would your comment be on that?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I don't believe that will be a problem. We can make that part of the agreement or the contract with Oden-Miller and Associates.

COMMISSIONER SULLIVAN: And that wouldn't change the fee in your judgement?

MR. MARTINEZ: I don't believe it would.

COMMISSIONER SULLIVAN: That was the only comment I had on it, Mr. Chairman.

CHAIRMAN DURAN: Okay. Any other questions of staff? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: I move for approval, Mr. Chairman, and

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hope we can get this moving as quickly as possible.

CHAIRMAN DURAN: I'll second that. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

COMMISSIONER CAMPOS: Which one, Mr. Kopelman?

MR. KOPELMAN: If we could get D.2 and 3. They're both very quick. It would be good if we could get both those done. And then, if that's the case, we can table item XII. A to a date certain and we can do that at the public hearing meeting, the next one, or we can do it at the next administrative meeting.

COMMISSIONER SULLIVAN: I bet we can get XII. A done too. Let's do 2 and 3.

- XII. D. 2. A request to ratify the Santa Fe County Board's directive to implement Stage 3 emergency water regulations, concurrent with the City of Santa Fe's adoption of stage 3 emergency water regulations**
- 3. Resolution No. 2002-53. A resolution delegating signature authority and designating a project representative regarding the Entrada La Cienega (CR50) & Paseo C De Baca water system line extension**

COMMISSIONER CAMPOS: D. 2 and 3, I move to approve.

COMMISSIONER SULLIVAN: Second. That's the Stage 3 water restrictions?

COMMISSIONER CAMPOS: Yes. And the granting of authority signature for Paseo C de Baca. Let's do both of them at the same time.

CHAIRMAN DURAN: Okay, so the motion is to approve items XI. D. 2 and 3. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

COMMISSIONER SULLIVAN: I think we can do the public hearing. The Road Advisory Committee.

XII. Public Hearings:

- A. Ordinance No. 2002-7. An Ordinance Amending Exhibit A of Ordinance No. 1988-11, "Creating a Road Advisory Committee; establishing Geographical Areas of Representation for the Purpose of Citizen Input from all Communities within Santa Fe County" (One Public Hearing Required)**

CHAIRMAN DURAN: Is there any questions of staff?

COMMISSIONER CAMPOS: We're approving an ordinance, Mr.

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Martinez?

MR. MARTINEZ: Mr. Chairman, Commissioner Campos, what we're doing is we're amending the ordinance to amend the exhibit only. But we needed to amend the entire ordinance for the exhibit.

COMMISSIONER CAMPOS: So we're going to start the ordinance process?

MR. MARTINEZ: It only requires one hearing and this is it.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER SULLIVAN: Has it been noticed?

MR. MARTINEZ: It has.

COMMISSIONER SULLIVAN: Are there still the same number of districts?

MR. MARTINEZ: Yes there are. Basically, what we're doing is we're eliminating using major arterials for boundaries. For example, like in the Pojoaque intersection, 285/502, 503 intersection, you have representation at that corner from four different individuals.

COMMISSIONER SULLIVAN: Right.

MR. MARTINEZ: So that's what we're trying to eliminate. And at this time, I recommend opening it up to the public.

CHAIRMAN DURAN: Okay. This is a public hearing. Is there anyone out there that would like to address the Commission on this issue? Okay. What's the pleasure of the Board?

COMMISSIONER CAMPOS: Move to adopt the amendment to Ordinance No. 1998-11.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Any further discussion?

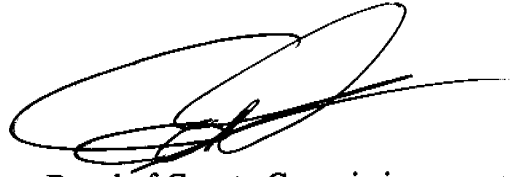
The motion passed upon unanimous roll call vote with Commissioner Campos, Sullivan, and Duran all voting in favor.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 5:00 p.m.

Approved by:

_____ Over →



~~Board of County Commissioners~~
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

