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COUNTY OF SANTA FE } ss  
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WITNESS MY HAND AND SEAL OF OFFICE  
REBECCA BUSTAMANTE  
COUNTY CLERK, SANTA FE COUNTY, N.M.  
*Chucella Pagan* DEPUTY

SANTA FE

2594780

**BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**May 27, 2003**

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



**SANTA FE BOARD OF COUNTY COMMISSIONERS**  
**COMMISSION CHAMBERS      COUNTY ADMINISTRATION BUILDING**

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REGULAR MEETING  
(Administrative Items)  
May 27, 2003 - 10:00 a.m.

*Agenda*

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- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
  - A. Amendments
  - B. Tabled or Withdrawn Items
- V. Approval of Minutes
- VI. Matters of Public Concern - Non-Action Items
- VII. Matters from the Commission
  - A. Resolution No. 2003 ~~6~~ A Resolution Concerning the Santa Fe County Economic Development Park and the Economic Development Specialist for Santa Fe County ~~6?~~
  - B. Resolution No. 2003 - A Resolution Supporting the 2003 New Mexico State Legislature House Joint Memorial 81 in Requesting that the State Highway and Transportation Department Offices in Santa Fe be Named to Memorialize and in Honor of Joe M. Anaya
  - C. Resolution No. 2003 ~~6~~ A Resolution Declaring the Community of Chimayo a Water Emergency Situation
  - D. Direction to Staff to Proceed with Both the 285 Corridor and Simpson Ranch Plans and Upon Completion and Adoption of Each Plan, One Ordinance that Encompasses Both Will be Presented for Consideration and Adoption
- VIII. Committee Appointments/Reappointments/Resignations
  - A. Resignations to Maternal & Child Health Planning Council
  - B. Appointments to Maternal & Child Health Planning Council
- IX. Presentations
  - A. Certificate Awards - To Family Self Sufficiency Participants who have Successfully Completed the Program
  - B. Recognize Retiring Santa Fe County Health Policy and Planning Commission Members
  - C. Presentation and Request for Direction to the Santa Fe County Utility Department on Whether to Stay with Stage 3 Water Emergency Rules or Implement Stage 2 Water Emergency Rules

*deleted  
moved to  
agenda  
agenda*

*3-2*

*Stay in Stage 3*

X. Tabled or Withdrawn Items from Previous Meeting

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A. Administrative Services Division

- Approved* 1. Request Approval for the Extension of Military Leave for Employees on Active Military Duty

B. Utilities Department

- Approved* 1. Ratification of an Emergency Bulk Water Sales Rate for El Vadito De Los Cerrillos Mutual Domestic Water Association

XI. Consent Calendar

*Approved*

- A. Resolution No. 2003 - <sup>68</sup> A Resolution Requesting a Budget Decrease to the General Fund (101)/Improving Health Grant for a Reduction in the Grant Award from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
- B. Resolution No. 2002 - <sup>68</sup> A Resolution Requesting a Budget Decrease to the General Fund (101)/Maternal & Child Health Program for a Reduction in the Grant Award from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
- C. Resolution No. 2003 - <sup>70</sup> A Resolution Requesting an Increase to the State Special Appropriations Fund (318)/Valle Vista Community Center to Budget a Special Appropriation Projects' (SAP) Grant Awarded through the NM Legislature for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
- D. Resolution No. 2003 - <sup>70</sup> A Resolution Requesting an Increase to the State Special Appropriations Fund (318)/Detoxification Center to Budget a Special Appropriation Projects' (SAP) Grant Awarded through the NM Legislature and a Budget Transfer from the General Fund (101)/DWI Detox Grant to Purchase the Old Magistrate Court Building (Community & Health Development Department)
- E. Request Approval of Amendment #5 to Professional Services Agreement #22-0019-DW with Peter Goodwin for Drug and Alcohol Screenings in the Amount of \$36,800 (Community & Health Development Department)
- F. Request Approval of Amendment #3 to Professional Services Agreement #22-0043-DW with Zana Burns for the Facilitation of the Substance Abuse Program for Teen Court in the Amount of \$3,900 (Community & Health Development Department)
- G. Request Approval of Amendment #2 to Professional Services Agreement #23-0036-DW with Millennium Treatment Services, Inc. for DWI Outpatient Treatment Services in the Amount of \$20,000 (Community & Health Development Department)
- H. Request Approval of Amendment #3 to Professional Services Agreement #23-0039-DW with Hoy Recovery Program, Inc. for DWI Outpatient Treatment Services in the Amount of \$25,000 (Community & Health Development Department)
- I. Request Approval of Amendment #1 to the Construction Agreement Between Santa Fe County Housing Services Division and Sol Systems Construction, Inc., for the Renovation of Public Housing Unit per Bid #23-07 (Community & Health Development Department)
- J. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-46 Roof Repair and Canal



Replacement at County Housing (Community & Health Development Department) **2594783**

- K. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #23-47 for the Remodel and Upgrades to the Abedon Lopez Senior Center (Community & Health Development Department)
- L. Request Approval of the Memorandum of Understanding Between the Santa Fe Sheriff's Department and the Santa Fe County Housing Authority (Community & Health Development Department)
- M. Request Authorization to Submit a No-Cost Extension Proposal to the Center for Substance Abuse Treatment (CSAT) for the CRAFT Project in the Amount of \$152,888.00 (Community & Health Development Department)
- N. Resolution No. 2003 ~~2~~<sup>1</sup> A Resolution Requesting Authorization to Surplus Evidence Property for Sale, Donation or Disposal in Accordance with State Statutes (Finance Department)
- O. Resolution No. 2003 ~~2~~<sup>1</sup> A Resolution Requesting Authorization to Surplus Obsolete, Inoperable, or Duplicate Fixed Assets for Sale, Donation or Disposal in Accordance with State Statutes (Finance Department)
- P. Resolution No. 2003 ~~2~~<sup>1</sup> A Resolution Requesting an Increase to the Fire Protection Fund (209)/Pojoaque Fire District to Budget Fire Impact Fees for Expenditure in Fiscal Year 2003 (Fire Department)
- Q. Request Authorization to Accept and Award a Price Agreement to the Responsive Bidder with the Greatest Catalogue Discount for IFB #23-44 for MSA Safety Equipment (Fire Department)
- R. Resolution No. 2003 ~~2~~<sup>1</sup> A Resolution Requesting an Increase to the State Special Appropriations Fund (318)/Agua Fria Park Improvement Project to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Project & Facilities Management Department)
- S. Request Authorization to Enter into a Funding Agreement with the Eldorado Community Improvement Association (ECIA) for Paving Improvements to Caliente Road (Public Works Department)
- T. Request Authorization to Enter into an Agreement with the Eldorado Community Improvement Association Inc. (ECIA) to Construct a Multi-Use Pathway in County Rights of Way on Avenida Torreon (Public Works Department)
- U. Request Authorization to Enter into an Agreement with the Eldorado Community Improvement Association Inc. (ECIA) to Construct a Multi-Use Pathway in County Right of Way on Avenida Eldorado and Avenida de Compadres (Public Works Department)
- V. Resolution No. 2003 ~~2~~<sup>1</sup> A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Budget for a Selective Traffic Enforcement Programs Grant Awarded through the New Mexico State Highway & Transportation Department for Expenditure in Fiscal Year 2003 (Sheriff's Office)
- W. Resolution No. 2003 ~~2~~<sup>1</sup> A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Budget for Disaster Relief Revenue Received from the New Mexico Department of Public Safety and for D.A.R.E. Revenue Received for Expenditure in Fiscal Year 2003 (Sheriff's Office)

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

**A. Assessor's Office**

- 1. Approval of Re-evaluation Maintenance Plan

**B. Community & Health Development Department**

- 1. Request Approval of Settlement Agreement with CDR Construction, Inc. for the New Construction of a Total of Forty (40) Free Standing Duplexes and Single Family Residences

**C. Finance Department**

- 1. Resolution No. 2003 - A Resolution Approving the Fiscal Year 2004 Interim Budget
- 2. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #23-32 for Bond Counsel Services for Santa Fe County
- 3. Request Authorization to Accept and Award a Professional Services Agreement for the Third Year of a Multi-Year Contract with Neff and Ricci, LC to Conduct the Annual Financial Audit of Santa Fe County for Fiscal Year 2003 as Required by NMSA 1978, Section 12-6-3

**D. Fire Department**

- 1. Resolution No. 2003 - A Resolution Proposing the Adoption and Ordinance Imposing a Quarter Cent Gross Receipts Excise Tax for Fire Protection in Santa Fe County

**E. Land Use Department**

- 1. Presentation from San Marcos Residents Requesting Contemporary Community Status to Include Designation of a Contemporary Community Planning Boundary and the creation of a Contemporary Planning Committee
- 2. Presentation and Direction on Policy Issues to be Addressed in the Santa Fe County Land Development Code Rewrite. Duncan Associates and Four Corners Planning. TO BE HEARD AT 3:00 PM
- 3. Direction on a Housing Needs Study for Central Santa Fe County, Particular to the Community College District

**F. Project and Facilities Management Department**

- 1. Approval of Final Working Guidelines for the Cerrillos Hills Historic Park Management Plan

**G. Public Works Department**

- 1. Discussion and Concurrence with the New Mexico State Highway and Transportation Department's (NMSHTD) Functional Classification System and The Santa Fe Urban Area Boundary

**H. Matters from the County Manager**

**I. Matters from the County Attorney**

**1. Executive Session:**

**a. Discussion of Pending or Threatened Litigation**

- i. The Board of County Commissioners of Santa Fe County, New Mexico vs. Mike Roybal, Mike Roybal Jr. and M&R Sand & Gravel; No. D-0101-CV-2001-00500; U.S.D.C. CIV 02 1145 PJK WWD

*Done*



- ii. Cerrillos Gravel Products, Inc., Brad Aitken, vs. Board of County Commissioners of Santa Fe County and Rural Conservation Alliance; No. 23,630; Santa Fe County CV-00-585
- iii. Discussion on Collection of the Edgewood Services Agreement
- iv. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations

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**XIII. PUBLIC HEARINGS**

**A. Project and Facilities Management Department**

- 1. Recommendation to the Board of County Commissioners from the county Open Land and Trails Planning and Advisory Committee (COLTPAC) Regarding Acquisition to the Proposed "Little Tesuque Creek Assemblage" for Inclusion in the County Open Space and Trails Property Inventory Under the Urgent Project Policy (Resolution 2003-61)

**XII. ADJOURNMENT**

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

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

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May 27, 2003

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

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

**Members Present:**

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

**Members Absent:**

[None]

An invocation was given by Rudy Delgado of the Calvary Chapel.

**IV. Approval of the Agenda**

- A. Amendments
- B. Tabled or withdrawn items

CHAIRMAN SULLIVAN: Are there changes or additions, Mr. Gonzalez?  
GERALD GONZALEZ (County Manager): Mr. Chair, there are no changes or additions at this time. We may modify slightly the executive session items when we get there to eliminate them but I'm still having that discussion.

CHAIRMAN SULLIVAN: We do have one item that we've scheduled at 3:00 on land use so we'll work around that time as well, which pertains to a presentation on the Code rewrite.

COMMISSIONER ANAYA: Mr. Chair, I'd like to move, under Matters from



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the Commission, I'd like to move item B to the last, if that's okay. I'm waiting on some family members.

CHAIRMAN SULLIVAN: To the last item under Matters from the Commission?

COMMISSIONER ANAYA: Yes.

CHAIRMAN SULLIVAN: Okay. Any problems with that? So let's move that down a little bit.

COMMISSIONER MONTOYA: Mr. Chair, move for approval of the agenda as amended.

COMMISSIONER ANAYA: Second.

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

V. Approval of the Minutes: Special meeting, April 14, 2003

CHAIRMAN SULLIVAN: What's the pleasure of the Commission?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Second from Commissioner Campos. Any discussion? Corrections? Changes?

The motion to approve the April 14<sup>th</sup> minutes as submitted passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

April 29, 2003

CHAIRMAN SULLIVAN: What's the pleasure of the Commission with regard to those minutes?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Motion for approval from Commissioner Anaya.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Second from Commissioner Montoya. Is there any discussion, additions, corrections?

The motion to approve the April 29<sup>th</sup> minutes as submitted passed by unanimous [5-0] voice vote.

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VI. Matters of Public Concern – Non-action items

CHAIRMAN SULLIVAN: If there's anyone in the audience who would like to address the Commission on any matter, you're certainly welcome to step forward at this time. Things must be going pretty well. Complaints are down to a dull roar.

VII. Matters from the Commission

A. Resolution No. 2003-\_\_ . A Resolution Concerning the Santa Fe County Economic Development Park and the Economic Development Specialist for Santa Fe County

MR. GONZALEZ: Mr. Chair, in accordance with the direction received from the Board of County Commissioners at the special meeting that was held, the study session that was held concerning the business park, we have brought forth a resolution which would establish a County economic development specialist position for the County to deal with those issues. We wanted to formalize that action by bringing it forward in the form of a resolution and that's what the resolution does.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I wasn't at that meeting but I do have serious concerns about this project. One is to our priorities over all. Two is about costs. And three about our ability to truly invest and make this project viable. I'm not prepared at this time to vote in the positive.

CHAIRMAN SULLIVAN: I think there was one other thing too. The discussion was that someone would be retained, I believe on a contract basis for a one-year term. Does that sound familiar, Gerald?

MR. GONZALEZ: Mr. Chair, it wasn't totally clear from looking at the minutes whether it was to be a contract position or whether it was to be a term position. I think I have had subsequently a meeting internally among staff to develop a job description that would fit a term position for an economic development specialist and that would be funded in the region that the Board of County Commissioners suggested at the study session that we had. That position is currently contained in the budget proposals that you will hear later on this afternoon.

So if you want to defer action on this until after you've had a chance to review the budget, that would be fine.

CHAIRMAN SULLIVAN: Questions, comments?

COMMISSIONER CAMPOS: Mr. Chair, I think that would be appropriate. That's what I would prefer. I'm not comfortable with all the different things we're trying to do at the same time without adequate resources. We're dividing our resources. We're dissipating our energy and I think we're going to be ineffective overall. I think we need to have a little



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more discipline and decide what we can do and what we cannot do. And this is the day to do it, because we're going to be talking about the budget.

CHAIRMAN SULLIVAN: I think that's true. I think what the discussion was at this meeting was do we put the economic business park out to a private entity to manage immediately, as we attempted to do before but the proposal wasn't acceptable. In which case we would have to hire someone to oversee it. Or do we get someone on board who could not only participate in evaluating the proposal but also could assist in preparing a revised master plan which the State Land Office requires as a part of the lease, and could give us some in-house direction as to how to proceed and if an RFP were required, to help write that and also to help evaluate it. One way or another, we need some expertise, we felt, within the County.

It's certainly, as we'll see this afternoon, a budget issue. I have no problem with moving this back to the budget portion of the discussion but I think if we decide not to fund someone to undertake this that our only other alternative -- well, we have two alternatives. One is to turn back the land, which no one felt was a good idea at the meeting, and abandon the project, or to put it out to RFPs with minimal County oversight. We have a large investment out there in staff time and in money and we need to manage it somehow. That's what we were grappling with at the meeting. This was felt to be the best way.

Does that, Commissioner Anaya, summarize?

COMMISSIONER ANAYA: Mr. Chair, that's correct. We needed somebody to look at this permanent in-house since it's a big project. Economic development is very important to us, and that's what we decided at the last meeting, that we hire a specialist to look at these things. But I have no problem waiting until after the budget.

[Commissioner Duran arrives at this point.]

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I guess I also was not at that meeting, and my question, I believe to Mr. Gonzalez was do we contract rather than actually hire someone, given the budget situation. I would probably be a little more comfortable were it a contract employee rather than an FTE that would be added to our budget.

CHAIRMAN SULLIVAN: Mr. Gonzalez, you had a response?

MR. GONZALEZ: I was just going to note that it depends on how you interpret the language, "recruit and hire," if that encompasses hire on a contract basis, then the resolution would give the County Manager the leeway to go either way depending on what developed during the budget discussion.

COMMISSIONER MONTOYA: Mr. Chair, if the language were to say "to contract" rather than to hire, would that be sufficient?

MR. GONZALEZ: Mr. Chair, it's really the pleasure of the board with respect to what they want to do, whether they want to go a strictly an employee hire route or a contract route, that was the substance of some of the discussion that was held during the study session, if you recall. The sense that I had from that discussion was that after discussing the pros and cons of going either way was that there was a concern expressed that a contract person might not

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devote their full time to assuring the development of the park but might have other contract projects going simultaneously. But again, that's a policy decision for the Board to make.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Just a couple comments. Relative to a contract person, why can't we contract with someone that only has this particular project? The option is we could hire somebody that has ten projects they're working on or we could hire somebody that would have just this one particular project. So I don't see hiring someone on a contract basis as a problem if we define the scope of work and specify that it's for this particular project, that they work on that project only.

The other thing is that at the meeting that we had last week, we discussed hiring somebody to work on this project for us, and I'm sorry, I just caught the very tail end of what I guess Commissioner Campos or someone had mentioned, that you wanted to deal with this issue after the budget. I don't think that that does us any good, if we deal with it after the budget. We need to consider it while we're in the budget process and try to find money to pay for this individual. And I think that the amount that we talked about, which was \$70,000, \$80,000, I don't think we're going to get anybody to take this on for anything less than that. But to wait until after the budget hearings are over to consider -- that wasn't the deal?

COMMISSIONER CAMPOS: No. My comment was to have the discussion during the budget discussion later this afternoon.

COMMISSIONER DURAN: Oh, great. Okay. Excuse me. Sorry I was late. I guess that's it.

CHAIRMAN SULLIVAN: Okay, is there consensus then to have this item considered as a part of the budget discussion? Does that meet with -- okay, so we've got consensus. We'll move this item to the budget hearing and do it concurrently with that.

**VII. C. Resolution No. 2003-66. A Resolution Declaring the Community of Chimayo a Water Emergency Situation**

CHAIRMAN SULLIVAN: Who's carrying this one?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I had requested that this item be placed as a resolution. I had mentioned at the previous Commission meeting that we do have an emergency situation regarding the water in the Chimayo area. Rio Arriba County has declared the northern part of Chimayo an emergency area as well. This would assist, I believe, in terms of obtaining funds, emergency funding to begin exploring what can be done in terms of being able to provide potable water for the residents of Santa Fe County that reside in the Chimayo area. That is the reason that I was requesting this, Mr. Chair, in addition to hopefully being able to present this to the Governor as well in terms of garnering assistance from the state.

CHAIRMAN SULLIVAN: Okay, are there comments, questions?



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COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: A question for Commissioner Montoya. The second whereas talks about through the greater Chimayo Mutual Domestic Water Association. Are there mutual domestics out there?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER CAMPOS: So we're going to be working with one as opposed to the other? I don't understand that.

COMMISSIONER MONTOYA: Mr. Chair, Commissioner Campos, the one that is active now in terms of pursuing this on a community-wide basis for Chimayo is the Greater Chimayo Mutual Domestic Water Association. Gary Roybal has been actively involved in working with them as well.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN SULLIVAN: I had a question. Commissioner Montoya, does this convey any cost obligations on the County? Or does this just help us to get additional funds?

COMMISSIONER MONTOYA: Mr. Chair, the hope is that this will assist us in gaining additional funding for this particular project which they've actually begun already. They've been able to obtain, I believe it's about \$480,000 to begin drilling exploratory wells. So I believe that this would assist in gaining additional funding. So there will be no obligation on Santa Fe County's part in terms of any funding.

CHAIRMAN SULLIVAN: Thank you. Other questions?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

CHAIRMAN SULLIVAN: There's a motion for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: And a second from Commissioner Campos. Gerald, does staff have any comments that you want to offer on this?

MR. GONZALEZ: I know that we have done work with them and I think the situation that they're in presently calls for the resolution. So staff is in support of it.

CHAIRMAN SULLIVAN: All right. Thank you. Other questions? We have a motion and a second.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: The only thing, as I mentioned last time, Rio Arriba County is essential for working this out. We have to work together. If we do work together I think we'll get ahead. So I think it's important that maybe Commissioner Montoya start the dialogue and coordinate with the County effort. I'm willing to help if you need help.

**The motion to approve Resolution 2003-66 passed by unanimous [5-0] voice vote.**

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN SULLIVAN: Thank you for bringing that forward,

Commissioner.

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**VII. D. Direction to Staff to Proceed with Both the 285 Corridor and Simpson Ranch Plans and Upon Completion and Adoption of Each Plan, One Ordinance that Encompasses Both Will be Presented for Consideration and Adoption**

CHAIRMAN SULLIVAN: I can give a little background on this. I brought this item forward for consideration by the Commission today. As you know, we had a report, a status report at our last meeting about the Simpson Ranch and the 285 Corridor plans. We had some public input as well and also there has been a facilitator, Carl Moore, who has been assisting in the process and making recommendations and one meeting was held, I believe, on April 14<sup>th</sup> to do that, which was well attended out at the Eldorado Fire Station. And subsequent to that I've also met with Mr. Moore and gotten some input from him and some ideas from him. I think he's got some good procedural ideas. He's met with a number of individuals and groups and put together a rough draft that he's working on.

The direction that I think the community is looking for is that we need to get moving on these plans and not be obsessed with the procedural, structural parts of the process and not to have the meetings and the hearings dominated by issues of which plan should come first. It really is kind of a chicken and egg thing because we do have a County plan which didn't have a survey and is an island in the middle of the larger Simpson Ranch plan, but that plan's been moving forward for several years and we don't want to delay the progress on that either.

So one of the things that occurred to me that we could do is provide some direction to the staff and to the community residents who are participating in these plans that we'll move forward with both of these plans and encourage both groups to participate in both plans, but that we'll hear the plans together. We'll hear them as they come forward in the master plan stage as two plans, so that we hear all the issues at one time and likewise, when we move forward to make an ordinance that we'll hear them together. I think what that would do is encourage the residents to work together and iron out the differences they may have in the two plans and if there are some that still remain, then the Commission will decide just what that direction shall be.

In fact, in discussing this with Mr. Moore, the idea was even brought up of developing, as it were, sort of a conference committee between the two plans where regular meetings would be held for representatives who've been working on both plans to work out details that could be recommended to the individual committees, separately from public hearings. These meetings would be public but there would be a smaller body that would do that.

So this is just, I think, one way of moving these forward and the other idea that has been brought forward is to set some type of a time frame on the completion of both and



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whether - I discussed this with staff. I had come up with a suggestion of possibly the December 31. The thought was that may be a little bit fast for the Simpson Ranch plan, but even if it were March 15<sup>th</sup> or some definable, less than a year from now deadline that both plans could work toward and we could come out with one product that I think would represent truly what the community is trying to do and that's plan for it's future.

That's the general background behind this and you're certainly welcome to have comments.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: So do I hear you say that what you're asking for is that the Highway 285 Corridor plan to move forward and the Simpson Ranch to move forward and then when they're both done they would be - and before we create an ordinance we would incorporate the findings of both those plans? So the 285 Corridor plan could move independent of the Simpson Ranch plan?

CHAIRMAN SULLIVAN: That's correct. We would hope, and what we're trying to encourage is better communication between the two, and this is a large undertaking. We're dealing with 7,000 residents, obviously. So it's one of the largest plans that we've ever done, but we would allow both plans to move forward and complete -

COMMISSIONER DURAN: Independent of one another.

CHAIRMAN SULLIVAN: Independent of one another, but we as the Commission would hear -

COMMISSIONER CAMPOS: I don't - I think you're saying, Mr. Chair, that you want them to proceed but then at some point you're going to stop them and go to the ordinance together. Let's say if 285 finishes first, you're going to stop there, not go to ordinance until you get the other.

CHAIRMAN SULLIVAN: That's correct. And that's why I think we need to set a deadline that I think is reasonable for both plans to complete. And then when we hear the ordinance, we hear those issues as one comprehensive discussion.

COMMISSIONER DURAN: I think we're looking at it the same way. So the 285 Corridor plan could move forward. It's been in the works much longer than the Simpson Ranch plan. Staff has recommended that the 285 Corridor plan move forward. I know they're negotiating and they're working with the Simpson Ranch plan. But my understanding, based on what you're suggesting that we do is that the 285 Corridor plan could move forward and if it is completed prior to the Simpson Ranch plan, the actual adoption of any ordinances would be - we wouldn't adopt any ordinances until the Simpson Ranch plan has been completed and then we would try to find something that worked, which included both plans, incorporated both plans.

CHAIRMAN SULLIVAN: That's correct.

COMMISSIONER DURAN: Okay.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: I would like to have some input from Judy

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McGowan on this issue. What you're saying is that we should delay one. Actually, it's not parallel. There will be a delay as far as the ordinance adoption of the 285, and I would just like some commentary from her if that's okay with you.

CHAIRMAN SULLIVAN: That would be fine. Ms. McGowan.

JUDY MCGOWAN (Senior Planner): Commissioners and Chairman Sullivan, we would be delighted if both plans could go forward. I have a little bit of concern, and the other planners share this concern about the one ordinance or delaying a 285 ordinance until the Simpson Ranch plan is done, largely because of the unknowns. Until the mediation or facilitation is completed with Carl Moore, we don't know what the decision of the citizens involved in the Simpson Ranch committee will be. We don't know first of all whether they're going to move forward with the plan. We don't know what kind of plan they may choose to do, which is all part of what they're discussing right now. There's a meeting set up now for June 2<sup>nd</sup> for Carl to present what he's learned from them in individual and group interviews and see whether they agree with the direction he would recommend that they take. We don't know what will happen with that.

If it goes forward and they determine to do some kind of incremental plan and they can agree on representation, which is one of the biggest issues they're having, I guess it's conceivable that they could do an incremental plan, which may or may not include non-residential uses, and that we might be able to do an ordinance at the same time for both plans. If they choose to go forward still with a community plan which is more comprehensive, we have not had one of those be completed in under three years. And so that may present some timing issues for 285, for the ordinance.

So I guess at the minimum what staff would ask is that if it looks like the Simpson Ranch plan is taking time well beyond a year from now, that the 285 ordinance be at that point recommended to go forward. The committee, because the committee has been working on 285, which of course includes many of the people who are also interested in the Simpson Ranch plan, has certainly been operating all this time under the assumption that if they're working on detailed design standards, if they're working on location standards, that those will at some point be incorporated into an ordinance that will have an effect rather than a recommendation on an application that comes forward.

So I guess it's just a lot of unknowns here and I think it would be difficult if the 285 plan were done and adopted and then a long period of time ensued before an ordinance was adopted. And we would just be unknown if applicants came in in the meantime. If they cooperated, we could institute many of the items that are in that plan. If they said no, we go by the standard ordinance then we'd be caught in the middle in a problem.

COMMISSIONER CAMPOS: Let me ask you a question. How soon do you think you could have the 285 ordinance done at the current pace of the plan?

MS. MCGOWAN: The ordinance?

COMMISSIONER CAMPOS: Yes, how long would it take you to get an ordinance?

MS. MCGOWAN: We're working on the final draft of the plan right now,



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which we're hoping to have ready by August. If the staff were to take that and draft an ordinance, then run it by the committee, I would say three or four months after that an ordinance could be ready to go forward.

COMMISSIONER CAMPOS: Early winter, December maybe?

MS. MCGOWAN: By the end of the year, probably.

COMMISSIONER CAMPOS: Now, I picked up from staff discussion that there is a feeling that there is an urgency, perhaps, to adopt the 285 ordinance without having to wait two or three years. Could you tell us what those issues are of importance to staff as far as urgency and the need to do something sooner than later?

MS. MCGOWAN: I was trying to talk about those earlier. I believe, Commissioners, that any urgency is that what we're discovering with the Metro Highway Corridor Ordinance, that has been delayed several years, that by the time you get to the ordinance, you discover problems that should have been addressed in the plan and then it gets to be a question of which, how much of the plan can you implement? That's one issue. The other issue is just the expectations of residents out there that we were working on something and we were going to actually implement it into an ordinance. And they also are expecting that they will have a committee, not an LDRC, a design review committee, that then will look at each application under the auspices and make a recommendation to CDRC on the applications that come in.

Now they've been doing that informally out there already, but only on certain properties. They'd like to extend it to the whole corridor. The other urgency I guess would be the longer you go between adopting the plan and implementing the ordinance, the more chance there is that we will have to go back and redo parts of the plan. That might, of course, happen anyway under the Simpson Ranch plan. If they do their comp plan, they could choose to propose amendments to the 285 plan or the 285 ordinance.

COMMISSIONER CAMPOS: Do you think there's a public interest that would convince this Commission to move forward with the 285 Ordinance without having to wait for the Simpson Ranch Ordinance?

MS. MCGOWAN: If there were applicants or applications coming in, that would be, I would say one urgent situation. The problem with when you have an application coming in is it's unlikely you can get the ordinance adopted before the application comes forward. It puts you in a very difficult position. I would think for the Commission's point of view, this is merely my opinion, from the Commission's point of view, the worst case would be if you went in with two ordinances, once again, dueling with each other at the end and having to choose between them, rather than some kind of ordinance which incorporated the community's point of view all the way around.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I think what we're trying to say here is, whether they like it or not, the 285 and the Simpson Ranch people need to work together so we can solve this and we're going to adopt one ordinance and I feel that they need to go

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back there and sit down and talk about it. I know that they're upset with each other but we need to quit beating around the bush and they need to go do that. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos, had you finished yours?

COMMISSIONER CAMPOS: No, I wasn't finished.

CHAIRMAN SULLIVAN: Okay, we'll let you finish and the Commissioner

Duran.

COMMISSIONER CAMPOS: Just a comment though -

COMMISSIONER DURAN: I thought he was finished.

CHAIRMAN SULLIVAN: I thought he was too.

COMMISSIONER DURAN: He had the floor and then I raised my hand

COMMISSIONER CAMPOS: That doesn't meet I was finished.

Commissioner Anaya spoke before I was finished. My concern is that there are urgencies and that we perhaps need to act sooner than later on the 285 Ordinance because there could be things happening out there that we could regulate more effectively. And certainly, when the Simpson Ranch people get around to doing their plan we could necessarily come up with one ordinance and one plan but I think we do need some action now. That's my inclination. That's my comment. Thank you.

CHAIRMAN SULLIVAN: Okay, Commissioner Duran.

COMMISSIONER DURAN: I share the same concerns that staff does and I think I share the same concern that Commissioner Campos has. I think that the 285 Corridor plan has been in the process for a long time. It's almost ready to be brought forward for ordinance consideration and I guess what I'd like is for staff, when it's ready for ordinance consideration that you bring it forward to us to consider and then let us know where the Simpson Ranch project or plan is in their process. Hopefully, the two during that period of time would be working with one another. But I can see that if we don't adopt the 285 Ordinance for the 285 plan, because we're waiting for the Simpson Ranch plan to be completed we're going to find ourselves delayed unreasonably.

The Simpson Ranch plan could always be an amendment, it can bring amendments forward to the 285 plan. So I don't see where the Simpson Ranch plan would be losing anything at all if the whole concept was that any ideas or thoughts that they had that came out of that plan could be incorporated into the ordinances as amendments to that ordinance. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: I think, Commissioner Duran, that the concern is that it's very difficult to do amendments to ordinances. It's much easier to work out some of these problems at the master plan level with individuals talking to each other. And I think, as Commissioner Anaya said, that we need to provide the direction to both planning groups that they need to meet a deadline and they need to work together and if there are issues that they cannot finally agree on, we'll make that decision for them. I think as Ms. McGowan says that having two ordinances would be extremely chaotic and probably conflicting and just get us down the legal path, and that the urgency - much of the land out there is either already zoned or is already - in the corridor - is already



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master planned. A great deal of it. In addition, there's a water moratorium currently.

So I don't know that waiting if we did, let's say a year as was mentioned, as giving that the target date. Now, to address what Ms. McGowan says, if Simpson Ranch falls apart at the seams, which I don't think they will, but let's take that possibility, then we've given the time deadline, we've given the direction. If they can't work together, not only amongst themselves but with the 285 Corridor, and vice versa I might add, then we continue to move forward. We adopt the corridor plan and when the Simpson Ranch is ready to come forward, it does.

So I think we need that working together to get some consensus on both plans and we're fairly close to it. The 285 plan has been several years and two years ago we thought it was going to be completed in a couple of months. So these do have a way of extending their time duration. Commissioner Montoya, did you have a question?

COMMISSIONER MONTOYA: Yes, Mr. Chair. In terms of the time element then, really we shouldn't put any parameters like you've got to do it by December 31<sup>st</sup> or else, one or the other loses out? Is your suggestion that the time element just be kind of fluid in terms of when it gets done it gets done by both groups?

MS. MCGOWAN: Commissioner Montoya, I guess what I'm saying is that because the facilitation isn't complete. Because we don't yet know what set up will be developed or agreed to for the Simpson Ranch committee. We don't know what work yet they're going to agree to. They may not even work on non-residential uses. We don't know that yet. It's very difficult to see how you would put a deadline on their plan that would be realistic. The 285 plan I believe you could definitely put a deadline that would be realistic. But we don't know what we could recommend as a time line for the Simpson Ranch plan because we don't know enough yet about what they may be attempting to accomplish.

They may not do an ordinance. They may chose to work on traffic, which is clearly the biggest issue that's out there, according to the survey and according to everything we hear. Traffic and roads is the biggest issue they have out there. If they would chose to do a plan primarily looking at traffic, an ordinance may not be the result of that. They may not come forward with an ordinance. There's just too many unknowns until the facilitation part of that is complete. Staff's concern in the meantime is just that the idea was, from the County point of view, this is dictated by the Growth Management Plan not just the citizens out there. The County's point of view was protection of that corridor. So we'd like to maintain our options to be able to do that.

COMMISSIONER MONTOYA: So, Mr. Chair, Ms. McGowan, in terms of timing, time frames for 285? What would be reasonable?

MS. MCGOWAN: The end of this year certainly would be a reasonable time frame for them.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: When I was - last time I spoke I wasn't

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suggesting that we have two different ordinances. I'm suggesting that we have one ordinance and that ordinance is the ordinance that comes out of the work of the 285 plan, and if the Simpson Ranch plan comes up with land use policies and uses that need to be incorporated into the ordinance that we have adopted, that we amend it. Amending an ordinance is just as hard, or just as easy as adopting one. It's a process. I don't see where there's any difficulty in that.

But I really think we need to take the politics out of this issue, listen to what staff is telling us. They've tried to tell us pointblank a number of times that we need to allow the 285 Corridor plan to move forward. We've been working on it for years. Let's listen to staff. Let's give them direction to have both those entities work with one another and if the 285 Corridor plan comes out first, well, let's consider it at that point with the understanding that it may need amendments.

CHAIRMAN SULLIVAN: I guess my reason for structuring it this way, Commissioner Duran, is that you have this large group of individuals who have not participated, whether knowingly or unknowingly, to any great extent in the 285 plan. Once they started the Simpson Ranch plan they got this awareness that the corridor plan was there. That they had some control or they had some say in the fate of the planning for their community, which is the intent of the community plan. And it caused some concern. And to that extent, to some extent, the 285 plan has been amended already to respond to those concerns. However, I think we really need to be strong and provide the direction that we want - we don't want this to be just a race to the finish line. Whoever gets to the finish line first gets their plan adopted as an ordinance and the others can come in later and make their case to change the ordinance, as opposed to participating as joint partners in the effort, which it really should be.

It's unfortunate that these two plans started at different times, but they did and we have to work with that. I really think that in speaking with some individuals in the area that if a deadline is given that they will buckle down and work together not only amongst themselves but with the others and come up. If they don't, then I think we move forward and say, Okay, we're just nowhere near close to a Simpson Ranch plan or, as Ms. McGowan suggests, that plan is trending off to a different direction, perhaps as a transportation plan, a traffic plan, and it's not appropriate to consider it as a part of this ordinance. But at this point in time, I think if we put them on equal footing and give them an equal opportunity, that it will encourage and demand that they work together. That's where I think we need to exercise some leadership.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I think we've all had an opportunity to have our say here today. I think maybe we could get a brief comment from each Commissioner so we can give direction to staff.

COMMISSIONER DURAN: I'll start off. A brief comment?

COMMISSIONER CAMPOS: Very brief.



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COMMISSIONER DURAN: I just have one question. Judy, I thought that the 285 Corridor plan did include all of the people out in that area, Eldorado. I thought that when we first put this thing, when we started this plan it included all those people. So where did the Simpson - who are the Simpson Ranch organizers?

MS. MCGOWAN: Good question. I'm not sure I know all that anymore at this point. Yes. At the beginning of the 285 plan, it was set up as a County-led plan because it's a corridor that has regional significance. And the County attempted to get representation from each of the subdivisions and the neighborhoods that access along that corridor. Very few of them are actually in the corridor.

COMMISSIONER DURAN: So the neighbors out there, everyone out there has been involved in this thing since the first, from the inception of the plan.

MS. MCGOWAN: There have been representatives or members from each of the developments. Now, as time has gone on, of course, all these committees, you kind of devolve down to a working core that comes. Now, the Simpson Ranch plan committee, as it's happened today, has involved a number of the very same people. Most of the people who have been working on the 285 plan are on that committee and additionally, there are other people who were not so interested in the corridor and really wanted to work on a community plan for the Simpson Ranch. There are also people who did sit on 285 and dropped out of 285 in order to put their energy into the Simpson Ranch plan.

There is not unanimity in that Simpson Ranch group about an attitude towards the 285 corridor plan. They had individual comments, which the 285 group is now looking at, and Commissioner Sullivan is absolutely correct, based on comments from the Simpson Ranch group, plus the community meetings we've held out there, the plan is being redone to address many of those comments. But the Simpson Ranch group was not in consensus about their comments on the 285 plan and the issue of rolling the two plans together or holding them up did not get addressed by the Simpson Ranch group. I'm struggling here to remember. There was not consensus on that. I don't believe that was raised as an issue to be voted on by the Simpson Ranch group.

COMMISSIONER DURAN: Okay. I think you've answered my question. So I would like, my last few comments would be that I think that we should let the 285 Corridor plan go forward. When it's finished, it comes forward, we discuss it again. We've been discussing this thing now for the last two meetings. We've spent hours and I thought that at the last meeting we had arrived at some consensus that the plans were going to move forward. They were going to work together and then you were going to come back and make some recommendations to us. That's what I'd like. I'd like to stay with our last direction to staff and quit bringing this thing back up to kick around. I think it's a waste of our time, the public's time. Let the plans move forward and then come back with your recommendation.

I also think we need to listen to staff on this issue.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'd like to see the 285 people come

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forward. We'll look at their plan. I'd like to see Simpson Ranch come forward. We'll look at their plan. And then we've got both things on paper. Then we can take, maybe three people from each committee, put them on one committee and have them come up with a main plan, an ordinance that we can talk about. That's what I'd like to see.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I think probably at this point allowing each group to proceed, particularly with the recommendations from staff, I think I would agree with what they would suggest and possibly give 285 a deadline in terms of completing their particular plan. But I would go with staff recommendations on this, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, I think we should move forward with both plans. If 285 is ready for ordinance by the end of the year we should consider it. I don't like the direction proposed in caption D. that we wait for one ordinance because we can always amend the ordinance and we can have one comprehensive ordinance. I don't think that's a really strong objection to the process.

CHAIRMAN SULLIVAN: Okay. Thank you. Then I'll just end then. I feel that we did not give any direction to staff or the community involved in this planning process at the last meeting. We heard a staff report and we heard some comments from the public, but the only direction we gave, which I think was a good one, from Commissioner Anaya, that they need to work together. I think that we need to provide more structure to do that than we've provided. I think, quite frankly, if this is the direction that we just continue on and we muddle through, that we as a Commission are losing an opportunity to provide the leadership that this planning effort needs.

I don't think you can continue to straggle forward. I think it needs strong leadership, strong deadlines and some results-based oversight. And that's my feeling. Well, there's your direction. I think we'll close the discussion. Commissioner Duran, you've had your say.

COMMISSIONER DURAN: But, Mr. Chair, I think it's unfair that you characterize -

CHAIRMAN SULLIVAN: No, it's not unfair. Commissioner Duran, you've had your opinion and the Chair's entitled to an opinion. You've mentioned your opinion several times. I think there's three others that -

COMMISSIONER DURAN: But you've indicated that this Commission has no leadership. That we are not -

CHAIRMAN SULLIVAN: I've expressed an opinion that we've missed an opportunity to provide leadership. In my opinion -

COMMISSIONER DURAN: Which is a slap in the rest of the Commission's face.

CHAIRMAN SULLIVAN: It's not a slap in anybody's face; it's my opinion.



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COMMISSIONER CAMPOS: Let's move forward. We have a long agenda.

**VII. B. Resolution No. 2003-67. A Resolution Supporting the 2003 New Mexico State Legislature House Joint Memorial 81 in Requesting that the State Highway and Transportation Department Offices in Santa Fe be Named to Memorialize and in Honor of Joe M. Anaya**

COMMISSIONER ANAYA: Mr. Chair, before I get into that, I'd like to acknowledge Kristin Martinez. Is she here today? She's not here. She might come in later. But Kristin Martinez is the daughter of Robert Martinez from the Public Works Department and she's a summer student here in the County Manger's Office and she will be competing at the 2003 New Mexico High School Rodeo finals in Gallup, New Mexico, on June 5<sup>th</sup> through the 8<sup>th</sup>.

Kristin and her horse, Oaky, are currently in 17<sup>th</sup> place in the New Mexico High School Rodeo Association after competing in only half of the high school rodeos this season. She recently won a barrel racing event at the Santa Fe High 4-H Rodeo held earlier this month. So I want to congratulate Kristin Martinez.

I have a little thing here to read. Hopefully, I can get through it. I sit before you as a Santa Fe County Commissioner because of my parents. My mother Mary Ann, who I am blessed to have with us today. Thank you. I love you, Mom. Mom, could you stand up. Thank you. And my late father, Joe M. Anaya, who I seek to honor here today. Nothing brings me more pride than to sit here in this chair as your elected office official of Santa Fe County knowing with all my heart that it is a result of the foundation that was laid and established by my mother and father.

My father was a faithful husband, a firm but fair father, a compassionate and caring son, a caring and supportive brother, a committed and helpful coworker and a neighbor and a friend to all. My father spent his life and career helping and looking out for those less fortunate. He worked for over 30 years at the New Mexico State Highway Department and served honorably as a State Highway Commissioner, proudly, under the direction of New Mexico Governor Bruce King.

During his life he committed himself to his God, his family and his community. Dad helped start the Galisteo Volunteer Fire Department. He led the way in starting the Galisteo Water Users Association and served as president for 20 years. He received a college degree from the College of Santa Fe. He served on many boards and commissions but most importantly, he believed in God. He loved my mother, took care of his family and extended his hand to anyone in need of help or guidance. My dad did not live through his words, he lived by example. He did not tell you he was going to do something before he did it. He used to often say, "Don't talk about it. Do it first, then talk about it."

He and Mom raised my brothers and sisters and I by simple and straightforward rules. It's either right or it's wrong. Dad didn't tell us what we wanted to hear. He told us

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what we needed to hear. Dad left this world on June 30, 2001 but he lives on within the hearts and minds of all those he touched.

In January 2003, the New Mexico State Legislature unanimously endorsed House Joint Memorial 81 for the naming of the general office of the New Mexico State Highway and Transportation Department in honor of my dad. My family, our friends, and I sincerely ask you, my fellow Commissioners, for your consideration and support in naming the general office complex of the New Mexico State Highway and Transportation Department in Santa Fe, New Mexico in the name and honor of my father, Joe M. Anaya. Thank you, and God bless you all. Commission is going to read this for me

COMMISSIONER DURAN: I'll read the resolution. It's Resolution No. 2003-67. It's a resolution supporting the 2003 New Mexico State Legislature House Joint Memorial 81 in requesting that the State Highway and Transportation Department offices in Santa Fe be named to memorialize and in honor of Joe M. Anaya.

Whereas, Joe M. Anaya passed away quietly in his sleep on June 30, 2001; and  
Whereas, he was born on June 24, 1934, the son of Miquelita and Basilio Anaya;

and

Whereas, he was a graduate of Stanley High School and he met the love of his life, Mary Ann Phillips, and they were married on September 10, 1955; and

Whereas, he graduated from St. Michael's College in 1957 with a bachelor's degree in biology; and

Whereas, he dedicated 30 years of service as an employee of the New Mexico State Highway and Transportation Department; and

Whereas, the Honorable Governor Bruce King appointed him to the State Highway Commission where he served for six years and was chairman in 1994 and in 1995; and

Whereas, he served as a member of the External Advisory Committee of the Los Alamos National Labs; and

Whereas, he was appointed by President Bill Clinton in 1996 to the National Motor Carrier Advisory Board; and

Whereas, he was a dedicated community servant and helped start the Galisteo Domestic Water Users Association where he served as president for over 20 years; and

Whereas, he was a reserve officer with the Department of Game and Fish and a member of many organizations, including but not limited to the County and State Democratic Central Committee, the Galisteo Volunteer Fire Department and the Galisteo Community Association, the Santa Fe County Road Advisory Committee, the Santa Fe and Estancia Valley Elks Lodge and; and

Whereas, he was a loyal and devoted member of Nuestra Señora de los Remedios Catholic Church, chairman of the cemetery commission and past president of the Sociedad de San Jose de Galisteo; and

Whereas, he is survived by his wife Mary Ann, two daughters, Jo Ann and Jean, four son, Rick, Mike, Mark and Robert, two son-in-laws, four daughters-in law, three sisters, three brothers, 12 grandchildren and many other family and friends; and



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Whereas, in the 2003 Legislative Session of the New Mexico State House of Representatives unanimously approved and supported House Joint Memorial 81 introduced by Representative Jim Trujillo and Senator Phil Griego, stating that the general office complex of the State Transportation Department be named to memorialize and honor Joe M. Anaya; and

Now, therefore be it resolved that the Santa Fe Board of County Commissioners endorses the recommendation of the New Mexico State Legislature that the state general office complex on Cerrillos Road for the State Highway and Transportation Department be named in honor of and dedicated to the numerous contributions made by Joe M. Anaya.

COMMISSIONER ANAYA: Thank you, Commissioner Duran. Mr. Chair, if I could, I'd like to introduce my family. My uncle Henry. Uncle Henry, could you please stand up, and as I go down. My uncle Henry Anaya, that's my dad's brother, my uncle Hank, and his wife, Mary Lou, that's my dad's sister. My aunt Isabel, my dad's sister and my uncle Tony, and their son, Paul Garcia. My brother Mark, who's right behind. His wife Kim, my sister Jo Ann, my brother-in-law Roy, my mother, Mary Ann, my aunt Clarabelle, my uncle John, my dad's brother. We've got Brian Moya, my nephew, my wife, Dora and my two kids, Art and Miranda. And I think I missed Raylynn, yes, I missed Raylynn, that's Robert's daughter. And I can't see who's behind you, Roy. Oh, Larry Narvaiz. Stand up Larry. And my daughter Miranda. My sister Jeannie, and Steve Moya. Where's Steve? He left. And then Robert Martinez in the back. I want to thank you all very much for coming. I really appreciate it. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner Anaya. It certainly a moving and a fitting tribute. I'm sure everyone has an anecdote about Joe Anaya in his long history in public service and politics in this area. I met him when he and I went down to Edgewood together during my campaign to visit with the Mayor and a number of people that he knew there and I can tell you that when he sets his mind to do something, we headed out that day and by the end of the day, I was worn out. He was putting up signs, we were meeting with people. I just had to catch my breath to keep up with him. So when he set his mind to something he did it and he was a tremendous inspiration to many of us, I know that.

COMMISSIONER ANAYA: Thank you, Mr. Chair. And I forgot to mention my brother Robert in the back. You all know Robert.

CHAIRMAN SULLIVAN: He always sits in the back so you can't notice him back there.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay, we have a motion for approval of Resolution of 2003-67 and a second by Commissioner Montoya. Discussion, Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Anaya, one question for you. This is the recommendation that we're going to make to the state government that they do

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this?

COMMISSIONER ANAYA: I believe the state government already made their recommendation. They just wanted it to come before the County Commission and the City Councilors and then it's going to go before the Highway Commission.

COMMISSIONER CAMPOS: The ultimate decision is the Highway Commission?

COMMISSIONER ANAYA: Yes, sir.

COMMISSIONER CAMPOS: And we're simply making a recommendation?

COMMISSIONER ANAYA: Yes.

COMMISSIONER CAMPOS: There's a whereas we have here, it's whereas, be it resolved that the - we're actually naming the building the way it's written instead of recommending or respectfully requesting that the building be named.

REBECCA BUSTAMANTE (County Clerk): Mr. Chair, we had caught that and we had made a change and I apologize. I thought you had gotten it. So now it reads, "Now, therefore be it resolved that the Santa Fe Board of County Commissioners endorses the recommendation of the New Mexico State Legislature that the state general office complex on Cerrillos Road for the State Highway and Transportation Department be named in honor of and dedicated to the numerous contributions made by Joe M. Anaya." And that way it supports that.

COMMISSIONER CAMPOS: Okay. That's better. Thank you.

MS. BUSTAMANTE: Thank you. And I apologize for your not getting a copy.

CHAIRMAN SULLIVAN: Okay, so that amendment is acceptable to the maker of the motion?

COMMISSIONER DURAN: It is.

CHAIRMAN SULLIVAN: And the seconder?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Any further discussion?

**The motion to approve Resolution 2003-67 passed by unanimous [5-0] voice vote.**

CHAIRMAN SULLIVAN: And thank you for being here today. It's wonderful to see all the Anaya family in force and it's a great tribute to a great man.

COMMISSIONER CAMPOS: Thank you for coming.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Under Matters from the Commission still, I promised not to put anything on there and you'll notice I didn't, but I have one question for James Lujan. At the last RPA meeting, James, I discussed the possibility of bringing back the Caja del Rio crossing and did not receive support from the RPA. And in that



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meeting we agreed that we would work towards solutions towards the safety issues and the problems out there. And I was wondering if you could bring something at the next meeting, or maybe you already have this in your plan. But we really need to ask the legislature for funding for signalizing County Road 62, independent of what happens with the Caja del Rio Crossing. We definitely need some lights at that intersection. And can you tell me what your department has done on that or what kind of direction you might have received?

**JAMES LUJAN (Public Works Director):** Mr. Chair, Commissioner Duran, the original language when then County Manager Sam Montoya and I, when we went to the legislature, that was the original bill for seeking funding to start the process to do a plan for 62. And then it was changed. So I'm going to see where - that's a legislative appropriation. Not the \$1.3 million. It was an appropriation for I believe \$75,000 or \$125,000. I'm going to see where that money is going to go to. It would have to be reauthorized, I would believe, or it could stay in that project and I want to start looking at that and using some of that funding.

**COMMISSIONER DURAN:** So you mean that we went and asked for money for 62 and they flipped it over to Caja del Rio?

**MR. LUJAN:** That is correct, Commissioner. We originally went for the money to start looking at that. The first year it got vetoed and the second year it was sponsored and then Nancy Rodriguez, I believe, Senator Rodriguez, she got the funding for us. We had all the language in process. We were starting the contract and the Highway Department, that's when they called me and said, We will be the lead on this project. So they pulled that funding.

So I want to see where it's at now and then we can start that process one more time.

**COMMISSIONER DURAN:** Okay. If you could just keep the Commission posted on that.

**MR. LUJAN:** Mr. Chair, Commissioners, Commissioner Campos and I have already started talking. We talked last week. On Friday I think we're going to try to set up a meeting with the Highway Commissioner, start the dialogue and seeing if possible, if there's a possibility of that money staying here in the county or whatever needs to be done but we'll start the funding process or looking at it again.

**COMMISSIONER DURAN:** Well, but independent of trying to get that money, we need to come up with a decision from the Commission that that's a priority matter for us.

**MR. LUJAN:** Correct. Yes. What we're looking at from my department is probably just trying to get the signal in, is all the pull boxes, everything, all the infrastructure is there. We just need the money for the light. So that's what we want to look at.

**COMMISSIONER DURAN:** Has the Commission given - is that a priority for us? Is that something we want to pursue, the signalization of 62?

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CHAIRMAN SULLIVAN: I think we've got a CIP list and that was on the list but I also think that Public Works is now going out and revising that CIP list.

MR. LUJAN: Correct, Mr. Chair, Commissioner Duran. That was a priority from past Commissions, and we're still moving forward with that. That's been on the plan.

COMMISSIONER DURAN: Okay. Because last week, I believe, the Airport Development District plan was approved and adopted. It was approved and I think it comes before us sometime in the next couple months but there was in that plan an extension of that frontage road that actually went through some private property and hooked up at Airport Road, that I don't think was brought forward to us when the RPA was deliberating what to do with this issue. It actually makes a lot of sense. Somebody gave a copy of it to me last week. You might want to get a copy of that and review it because I think it really does make a lot of sense and perhaps your department could come forward with some recommendations based on the findings of that Airport Development District plan.

MR. LUJAN: Mr. Chair, Commissioner Duran, we'll look into that.

COMMISSIONER CAMPOS: Just as a follow-up.

CHAIRMAN SULLIVAN: Okay, Commissioner Campos.

COMMISSIONER CAMPOS: I don't know if there is a consensus at this time with this Commission. I don't know if we've ever been asked to say how we feel about signalization at 62. My feeling is always that we should look at the process comprehensively and safety being the number one concern. Instead of trying to piecemeal things together like the Caja Road. We need comprehensive planning here. It's the only way to make it safe. If everybody just throws in a project here or there, we get back into the same problem we got in with Caja. So that's my idea.

COMMISSIONER DURAN: It's a different issue. There is not a crossing at Caja del Rio. There is one at 62 and the only way we can make that thing safe is to have some signals there and we need to give staff direction. And I would ask that you bring that forward at the next meeting for us to discuss. I realize that there's more work that needs to be done. Why don't you just keep up posted. When you think it's appropriate for us to make a decision on a policy directive, maybe you can bring the issue forward and we can have some public comment on it. But it really needs, I think, some attention. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Let me just say that what we'd like to get through here before lunch, we have some presentations and those individuals are here. We'd like to have that. And we have some appointments, resignations to make. We'd like if possible to get all the way through the Consent Calendar before we break for lunch so let's see if we can move.

COMMISSIONER CAMPOS: Is there still Matters from the Commission?

CHAIRMAN SULLIVAN: There's still Matters and I'm going to ask if there's other matters from the Commissioners.



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COMMISSIONER MONTOYA: Thank you, Mr. Chair. First of all, I'd just like to congratulate my son. He graduated from high school this past Saturday. It was pretty emotional. He's my baby and leaving us an empty nest. It was tough but I got through it.

The second matter, I had requested at the previous Commission meeting that the Bruce Oakeley case be revisited. I have had the opportunity to visit with staff and with Mr. Oakeley and I am withdrawing that request at this time, Mr. Chair, because I believe that that's a private matter and something that this Commission shouldn't get involved in.

CHAIRMAN SULLIVAN: Anything else?

COMMISSIONER MONTOYA: That's it.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, a couple - just a comment on the Oakeley matter. I think the Commission made a decision and gave direction and it would be up to the Commission to change that direction. I don't think one Commissioner can change that Commission. I think it takes the whole Board. We probably need to put it on the agenda and decide because that decision was already made.

CHAIRMAN SULLIVAN: Well, I don't know if it was the Commission's direction but my understanding is any Commission member who voted in the majority can bring an item back for reconsideration and I think Commissioner Montoya was one who voted in the majority and indicated that he wanted it brought back and he's indicated here today that he does not. If there are any other Commissioners who voted in the majority then it could still be brought back for reconsideration, and I'm not sure where we stand on that.

COMMISSIONER CAMPOS: That's not clear to me. It seems to me that we have direction by the Board at the last meeting to do something, put this on the agenda. It hasn't been done yet. At that point, Commissioner Montoya may say, Hey, I don't want to hear it again, period. It's over with, if he gets three votes. That's it. And we've already made a Board decision.

My comment, going beyond that to the next issue that I really wanted to bring up is Piñon Hills. I think we made a serious mistake at the last BCC in approving the process at Piñon Hills. I think what we're doing is committing serious monies from the County general fund to fix up a problem that will happen because we're splitting lots in a subdivision that was designed years ago back in the sixties to be very small. It has inadequate infrastructure, road structure, safety issues and I would urge one of the Commissioners who voted to permit some of the lot splits, I think there were three cases, to reconsider them. Let's come back and look at this as a big picture issue. It has profound fiscal implications to the County government. I think we're making a serious mistake. I don't think we should let it slide. So I would ask one of the three Commissioners who voted for that, for those three cases to reconsider and let's go back to the original plan. We've got to deal with infrastructure. Let's get it right before we start breaking this community down to the point where it's not going to work anymore and it's going to cost



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us a lot of money and in 20 years, the Board of County Commissioners is going to say, Who were those Commissioners back 20 years ago who did this? Now we're having to pay one or two million dollars to bring it up to speed. I think we need to be responsible and bite the bullet today.

So there's three Commissioners who voted for those three cases. I'd urge one of you to reconsider.

COMMISSIONER DURAN: I won't.

COMMISSIONER ANAYA: I won't.

COMMISSIONER CAMPOS: At least we're on the record.

COMMISSIONER DURAN: I think your concerns with those roads and infrastructure out there, although they met the subdivision requirements back in 1968, I've been out there numerous times and there's not as bad as those that are opposed to the lot splits have characterized.

CHAIRMAN SULLIVAN: Commissioner Duran, let's not debate that issue now. That was debated at the last meeting. Did you have other items from the Commission?

COMMISSIONER CAMPOS: Just the comment that staff has taken a very aggressive position on this issue for about 2 1/2 years. That's all I have to say.

CHAIRMAN SULLIVAN: Commissioner Montoya, did you have a question?

COMMISSIONER MONTOYA: Mr. Chair, I just wanted to state that I did, since that meeting, Commissioner Campos, have the opportunity to meet with some of the officers from that association and I have a different perspective, I believe now, but I believe that the action that I took is already the action at that time I felt was best but since then I would probably consider cases coming forward from that particular association, that district differently than what I did.

COMMISSIONER CAMPOS: I appreciate that, because that means staff can move forward with some plans that we need to get going out there. I appreciate that.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Commissioner, are you talking about Piñon

Hills?

COMMISSIONER MONTOYA: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Gerald, let me get some resolution on the Oakeley variance. It's not clear and you may need to get back to us later on this if you don't have some instant legal opinion, but should that matter be brought back, there was direction from a majority of the Commission that it be brought back at the last meeting. What's the process? Should we continue forward with that or should we get one Commissioner to sponsor that reinstatement of that matter?

MR. GONZALEZ: Mr. Chair, members of the Commission, the request

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was made in a timely fashion at the last meeting, so unless the Commission cancels that request, we're still proceeding to place that on the agenda for the next meeting. It's up to the Commission to decide whether they would withdraw that request.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Okay, Commissioner Duran, then Commissioner

Campos.

COMMISSIONER DURAN: I believe that if the direction given at the last meeting was to bring it forward for reconsideration and we are now giving you direction, a majority of the Commission gives you direction today not to bring it up that that would be adequate. And I would support Commissioner Montoya's request to not bring it forward. Perhaps there was another Commissioner that would agree to that and it would put that issue to rest.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: We have Commissioner Campos then

Commissioner Anaya.

COMMISSIONER CAMPOS: The only question is can we do so since it's not on the agenda today.

COMMISSIONER DURAN: It wasn't on the agenda when we gave direction.

COMMISSIONER CAMPOS: That's why I'm asking for direction from Mr. Gonzalez.

MR. GONZALEZ: I believe you can as long as I have the direction from the Commission as a whole.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I don't want to bring that case back up. I sat down and talked with the owner on the issues that were brought forth and to me that case is done. Thank you.

CHAIRMAN SULLIVAN: Okay, I think you have your direction.

MR. GONZALEZ: I believe I do, Mr. Chair.

CHAIRMAN SULLIVAN: Are there any other Matters from the Commission? I'll just add one and that is congratulations to the Cerrillos Hills group and COLTPAC opened our first open space public facility this weekend. Commissioner Campos, Commissioner Anaya and I attended. They had a nice presentation. Former Secretary Udall was there and spoke and we also have in our packet a little later on an amendment to the management plan. So they're moving forward and I just want to offer again our congratulations to the hard work of everyone that participated in that local community effort.

MR. GONZALEZ: Mr. Chair, I do have a request from staff with respect to the agenda. If the Commission could take up the consideration of the Presentations, item A, the awards, because Housing staff has kind of a time crunch and they're trying to get their employees back before lunch.

2594810

CHAIRMAN SULLIVAN: Okay. I think we can do that. Is there any problem?

COMMISSIONER CAMPOS: No objection.

COMMISSIONER DURAN: None here.

**IX. Presentations**

**A. Certificate Awards - To Family Self-sufficiency Participants who have Successfully Completed the Program**

DODI SALAZAR (Housing Administrator): Mr. Chair, County Commissioners, it is my honor to be up here to recognize four individuals who have participated in and successfully completed the Family Self-sufficiency program. The Family Self-sufficiency program was implemented in 1992 and since the implementation of the program we have had 16 successful completions. Thirteen of those families have moved on to homeownership. Family Self-sufficiency is a five-year program. It is designed to help families become self-sufficient within a five-year period. The Housing Authority provides housing assistance but also networks with providers out in the community to bring needed resources to these families.

An incentive of the program is to open a savings account for the family and any time there is an increase to their earned income, money is placed in their escrow account. Upon successful completion, they receive the money in their escrow account. All of these families have received and escrow account very recently. With that, there's only two of my families here today but I still want to recognize all four families.

The first family I'd like to recognize is Joy Traxler. Joy Traxler received an escrow of \$6,150.12. She is working with the Community Housing Trust in purchasing a home. The next person that is not here that I would like to recognize is Margarita Ibarra. She just closed on her home and she actually purchased the home that she was renting. And her escrow payment was \$14,113.51.

Michelle Roybal, who is here today, she received a degree in radiology and is currently employed at St. Vincent Hospital as an x-ray technologist. She just purchased a home in Rio Rancho as well and her escrow payment was \$8,449.14. And the next individual that I'd like to recognize is Margaret Sandoval, who is also here today. Margaret received her teaching degree with an emphasis on languages and special education and her escrow payment is \$3,448.93.

CHAIRMAN SULLIVAN: Thank you.

MS. SALAZAR: Thank you.

CHAIRMAN SULLIVAN: Thank you, Dodi.



**VIII. Committee Appointments/Reappointments/Resignations**  
**A. Resignations to Maternal & Child Health Planning Council 2594811**

STEVE SHEPHERD (Health Director): Mr. Chair, Commissioners, this month the chair of the MCH Planning Council has sent us a memo saying that two persons, M. Patricia Gallegos and Patricia Garcia wish to resign from their Planning Council spots.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: There's a motion and a second that we accept those resignations.

The motion to accept the resignations of M. Patricia Gallegos and Patricia Garcia passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

**VIII. B. Appointments to Maternal & Child Health Planning Council**

MR. SHEPHERD: Mr. Chair, Commissioners, the Council has also sent seven names for appointment to Planning Council positions and they are listed on the memo. I believe we've got everything attached.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: I'm looking for my memo here. It's not under VIII. And these are the names for the County Maternal and Child Health Planning Council. We have a motion and a second. Is there discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Okay, I have a paper here with Rebecca Frenkel, Brad Hill, Donna Lockridge.

CHAIRMAN SULLIVAN: That's what I had and that's out of order. That's the Health Planning and Policy Commission members and that's down under IX. B. Go to the very next page.

COMMISSIONER ANAYA: The recommendations. All these you're recommending? Okay.

CHAIRMAN SULLIVAN: There's seven members that they're recommending there and their resumes are included behind them. They got out of order in the book. That's all. Okay, further discussion?

The motion to appoint Andrea Ensign, Donna Fields, Ronald I. Garcia, Susan M. Gonzales, Kate Reynolds, Kristi Readyhough and Jennifer Triplett passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

2594812

**IX. B. Recognize Retiring Santa Fe County Health Policy and Planning Commission Members**

JAIME ESTREMER-FITZGERALD: Good morning, Mr. Chair. Good to see you, Mr. Chair and Commissioners. First of all, let me just as a side note, thank the Commission, the Chairman, all of you for what you did over there in the Rodeo Grounds in recognizing volunteers. The volunteers for all of the committee and commissions. I think that's really something that sends a positive signal to people and I know as I talked to Commissioner Campos, he and I were talking that helps people, I think, to even recruit people, because they know that at least they're recognized because they do put a lot of volunteer time. So I want to thank you all for that. I think that was very important.

You have before you the memo from Ms. Steve Shepherd. The County Health Planning and Policy Commission has a membership of 16, 14 of those were either appointed or reappointed to two-year terms beginning April, 2003. Five of them, however, resigned or did not apply. You have before you the names, I won't read them, of the ones that did not apply or reapply. They resigned and of course staff, and we certainly agree from the Commission. We want to thank these. I think Steve has plaques for them. Unfortunately, they're not here today. I will probably maybe read their names because these members were very, very helpful to the Commission and we're going to miss them. There's at least one of them that's going on, hopefully, Mr. Chair, to do some other good things for the community on another board soon. So hopefully that will happen.

We have Rebecca Frenkel, who represented District 2, Brad Hill, District 5, Donna Lockridge did a tremendous job for the Town of Edgewood, Fred Sandoval, of course you know he had to resign because he's now deputy secretary of the Department of Health, and Alan Wheeler decided to resign and therefore Glenn Wieringa is back on the Commission. That's the recommendation to the Commission.

COMMISSIONER MONTOYA: Move for approval, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: And a second from Commissioner Campos, the motion from Commissioner Montoya to accept the resignations with regret of the five individuals that Mr. Estremera Fitzgerald has just outlined. Is there further discussion?

**The motion to accept the resignations of the five members of the Health Planning and Policy Commission passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]**

CHAIRMAN SULLIVAN: Thank you. And Jaime, we certainly do appreciate your work with the Health Planning and Policy Commission and the work of these five very dedicated individuals.

2594813

MR. ESTREMER-FITZGERALD: Thank you, Mr. Chair. Thank you, Commissioners.

**IX. C. Presentation and Request for Direction to the Santa Fe County Utility Department on Whether to Stay with Stage 3 Water Emergency Rules or Implement Stage 2 Water Emergency Rules**

CHAIRMAN SULLIVAN: I guess we could go to Stage 1. Do we have a Stage 1? I don't know. Mr. Roybal.

GARY ROYBAL (Utilities Director): Mr. Chair, members of the Board, before you is a request for direction from the Utilities Department in regard to the water emergency, water use restriction rules. Currently, we are in Stage 3, water use restrictions. The City, effective May 5<sup>th</sup> went into Stage 2. In your packet is a copy of the ordinance that authorizes the Board to enact and impose water use restrictions on customers of the Santa Fe County Water Utility Department. [Exhibit 1]

I'm going to hand out a packet of some material just for informational purposes that includes the City's ordinances and some data that I'm going to just go through with you real quickly. [Exhibits 2 and 3] Mr. Chair, members of the Board, what I just handed you was a copy of the City's ordinances and their water use restriction rules. On the very end of that package that I just handed you is a table with some numbers that I'd like to just briefly summarize for you.

This is information that was presented to the City's Public Utility Committee regarding the status of their water supply as of, I believe it was May 18. On the front of the page it gives you just basic information regarding the production of their City wells. It gives the information on the production of their Buckman wells. It gives you information on the current production from the Santa Fe Canyon reservoir. And just to go through this really briefly, as of May 18<sup>th</sup>, the City wellfield was producing approximately 4.17 million gallons per day. The Buckman wellfield was producing approximately 5.63 million gallons per day for combined groundwater production of approximately 9.79 million gallons per day.

The surface water plant out of the Santa Fe Canyon reservoir started producing as of May 18<sup>th</sup> about 3.3 million gallons per day. That gives a total production or supply of 13.11 million gallons per day. Just right below that there's weekly averages for total consumption and demand. As of May 18<sup>th</sup> there was a total demand of 12,003 and also to the right you'll see that there's a Las Campanas average of about 1.39 million gallons per day.

And right below that, you'll see that the total capacity of the reservoir as of May 18<sup>th</sup> is at 64 percent. And there's a weekly average inflow into the reservoirs of about 8 million gallons per day. I think we checked it this morning and it's somewhere above 10 million gallons per day of water per day that's actually flowing into the reservoir.



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If you turn to the backside of it, this gives you kind of a comparison on an annual basis. For instance, the City wellfield in 2001 produced 2.53 million gallons per day. In 2002, it was 3.78. In 2003, it's producing 4.17 million gallons per day. And it's my understanding based on the presentation that was given to the PUC is that the reason that there's an increase in 2003 is because St. Michael's well is online.

The Buckman wellfield dropped from last year from 6.16 million gallons per day to 5.63. There's two reasons for that. One is that well #2 and the northwest well are off-line as of the time of this report. However, well #9, the emergency well or supplemental well came on line and is producing about .5 mgd or million gallons per day.

There was also a question asked as to what the aquifer level was over a period of time and the response was that the aquifer is remaining basically pretty static. There hasn't been much draw-down in the aquifer. The next one is the surface water plant. You can see that in the year 2002 there was only about .96 million gallons per day being produced. It's at 3.315 as of the 18<sup>th</sup> of May. Total consumption or demand for May 18<sup>th</sup> was about 12 million gallons per day. Las Campanas is 1.39 million gallons per day, which gives a total peak day demand right around 13.5 million gallons per day.

Commissioner Campos asked at the previous meeting why the City went down from Stage 3 to Stage 2. The information that I came across, and although I haven't had any direct contact with the City staff on this issue is that in the packet of material I gave you, in the ordinance, if you look on page 4, there's actually objective criteria that's used to determine what stages of water use restrictions will be imposed. For instance, for Stage 2, it's anticipated that the supply is not going to be able to meet 16 to 35 percent of the supply demand, Stage 2 would be imposed. For Stage 3, 36 percent to 50 percent of the - if it is anticipated that 36 to 50 percent of the demand will not be met by the current supply, Stage 3 would be imposed.

So based on the numbers that I just gave you and based on this criteria, I believe the City determined that they could go to Stage 2, that their supply would be able to meet demand between 16 to 36 percent. With that, I stand for questions.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Roybal, you made some comments about the water table at the Buckman wellfield, is that right? You said it was static, it hadn't gone down. Could you explain that to me?

MR. ROYBAL: Mr. Chair, there was a question asked of, I believe it was the City Hydrologist when he presented this information as to whether they monitored the aquifer at all. And he did respond that they did have monitoring wells out there and they did check the level of the aquifer in separate locations, I believe and that level was remaining fairly static, that there wasn't significant draw-down.

COMMISSIONER CAMPOS: When they talk about the aquifer, are they talking about the area around the Buckman wellfield?

MR. ROYBAL: I imagine that's what they were talking about.

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COMMISSIONER CAMPOS: Because I've heard numbers that the water table has gone 700 to 800 feet below what it was maybe 25, 30 years ago. Haven't we had that discussion, or am I not understanding something?

MR. ROYBAL: Mr. Chair, Commissioner Campos, that's correct. It could be that it hasn't dropped down. Maybe I ought to clarify this. When they talked about the aquifer it could have been the City wells also. I'm not sure. But they did say the aquifer in general, is that it's remaining fairly static. But there has been draw-down at the Buckman area.

COMMISSIONER CAMPOS: It's been huge. If it's gone down 800 feet and there's subsidence - isn't there an issue of subsidence, the earth cracking out there?

MR. ROYBAL: Mr. Chair, Commissioner Campos, that is an issue that is being investigated, yes.

COMMISSIONER CAMPOS: I was just curious. It doesn't make sense to me what the City provided, the statement provided to you by the City.

MR. ROYBAL: Mr. Chair and Commissioner Campos, that was a question that was ask. There were no follow-up questions on it. It just said that the aquifer level was remaining static. That could be either in the City wellfields or the Buckman wellfields. I may have misspoken when I said it was just related to the Buckman. It could be the City wellfields also.

COMMISSIONER CAMPOS: The *Journal North* has an article on the front page by John Huddy titled "Water use rises in City: Daily demand hits 12 million gallons, which is 400,000 gallons more per day than last year." He says, "It's not a shocking development for City water company leaders, but expected since the City stepped back from the Stage 2 drought restrictions to Stage 3." It seems that the change has had a dramatic impact on usage already.

MR. ROYBAL: Mr. Chair, Commissioner Campos, that could be explained in another way. There is also increased consumption due to nominal growth that's taken place, so as people hook up the consumption level would increase too. 400,000 gallons of increase, a part of that could be due to customer growth.

COMMISSIONER CAMPOS: Thank you.

MR. ROYBAL: And I would just emphasize that although the City went down from Stage 3 to Stage 2 the water surcharges are still in effect so as people use more water their water bill will go up with that, once they pass those limits where the water surcharges are imposed.

COMMISSIONER CAMPOS: I understand they pay more but that doesn't really talk about aquifer recharge, which is to me the big issue.

CHAIRMAN SULLIVAN: A question I had Gary, was in deciding whether we wanted to mirror the City on this is how do we enforce these? And again, we're talking here essentially about the 800 or so users who are on the County system. Is that correct?

MR. ROYBAL: Mr. Chair, that's correct, but not all of them are on the City system.

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CHAIRMAN SULLIVAN: Some are on the Valle Vista system.

MR. ROYBAL: About 180 customers are on the Valle Vista that are served off of their own well system.

CHAIRMAN SULLIVAN: But this still applies to them, correct?

MR. ROYBAL: That's correct.

CHAIRMAN SULLIVAN: Whether they're on the City or their own well system. I've had a concern and I've put in a call to our former County Manager, Estevan Lopez over at the State Engineer Office to see if there's some way that we can fund an enforcement program. And maybe you've had some discussions on that because I think regardless of what we decide here, unless we have a database set up and an enforcement program, we're pretty well whistling Dixie here with no enforcement capability. What are your thoughts on that?

MR. ROYBAL: Mr. Chair, enforcement is an issue. However, I don't think it's as significant as we would think it is because the water surcharges have had an impact on consumption. There are some areas that have reduced their usage significantly. There's other who have reduced it but not quite as far as we would like. But the water surcharge is really what I think motivates and conserves the water. Because as people start paying \$25 or \$15 a thousand gallons above 10,000, it does add up fairly quickly. I think that is one of the big components of the water use restrictions.

Now, it would probably take a couple of people full time if we wanted to enforce this and just patrolling our service areas to make sure that people are complying with these rules. We basically depend on the surcharge to do that. Now, when we are meter reading or we are out doing maintenance, our field personnel do look and if they see some violation of this they will issue warnings and we have issued some warnings but we haven't issued any violations as of yet.

CHAIRMAN SULLIVAN: So you've indicated that the City Stage 2 does not change the emergency surcharge from what it was in Stage 3. Is that right?

MR. ROYBAL: That's correct, Mr. Chair.

CHAIRMAN SULLIVAN: And I see from our water emergency rules the same applies to the County. Is that right?

MR. ROYBAL: That's correct.

CHAIRMAN SULLIVAN: So we would still have that surcharge. I'm thinking of a longer range situation where we have subdivisions that have been approved and they're required to submit either quarterly or annual reports and trying to keep a database in that respect and going back and monitoring usage. I think we need to pursue that program. Maybe the State Engineer's Office can help us to do that. The Interstate Stream Commission where Mr. Lopez now works. But the issue here is I guess do we follow the City's lead on this or not, bearing in mind that the majority of our water comes from the City through the wheeling agreement and as you've indicated, what is it, about 180 residents in Valle Vista have their own well system. So I think that's the issue that we want to deal with today. Are there other comments?



2594817

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So we've got a surcharge out there? I'm just trying to get this straight, Gary. How many gallons per day can a residential unit use? Are we restricting that on Stage 3 right now?

MR. ROYBAL: Mr. Chair, Commissioner Anaya, there's no restriction on the water you can use. We do budget .25 acre-feet per residence on that but there's some residences that use more. There's some that use less. So there's no way for us just to stop them off at a quarter acre-foot after a year.

COMMISSIONER ANAYA: So tell me what the surcharge is. How do you implement that?

MR. ROYBAL: The surcharge works this way. The first 10,000 gallons of consumption have no surcharge. You just pay your normal \$3.94 and your monthly service charge. For anything above 10,000, between 10,000 and 20,000 gallons, you would pay not only your \$3.94 per thousand gallons, but you would also pay a \$15 surcharge on those 10,000 gallons. So that's another \$150 if you use 20,000 gallons of water. Anything above 20,000 would get charged \$25 a thousand gallons. So you get - it's \$150 between 10,000 and 20,000, and then anything above 20,000 gets a \$25 surcharge per 1,000 gallons. So if you used 30,000 gallons, your surcharge would be \$150 plus another \$250. Your surcharge would be \$400 for usage up to 30,000, on top of your consumption fee.

COMMISSIONER ANAYA: So we do that right now.

MR. ROYBAL: Yes, sir.

COMMISSIONER ANAYA: So if we go into Stage 2, then we're still going to keep what you just explained to me. Correct?

MR. ROYBAL: That's correct.

COMMISSIONER ANAYA: So what's the difference in going from Stage 3 to Stage 2?

MR. ROYBAL: The major difference is the amount of time you get to irrigate. Stage 3 only restricts you to one day of irrigation, landscape irrigation, outdoor irrigation. Stage 2 you can irrigate three days a week. That is the - there are other smaller differences in there but I think to the normal residential customer, that's the difference. You get to landscape irrigation three days a week under Stage 2, one day a week under Stage 3. So if you're going to use more water, you're going to pay more for it anyway.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Are there questions for Mr. Roybal? Okay, what's the pleasure of the Commission with regard to direction to the County Utility Department with respect to Stage 3 or Stage 2?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I move that we approve, but I want to stress to all the residents out there that they continue to use water catchment systems and continue to

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act like there is a shortage. And there is a shortage, but I want them to continue to use rain catchment systems and anything they can do to save water, let's do it.

CHAIRMAN SULLIVAN: When you say a motion to approve, are you indicating to approve going to Stage 2?

COMMISSIONER ANAYA: Yes, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. So there's a motion. Is there a second?

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: And a second. Discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya, then Commissioner

Campos.

COMMISSIONER MONTOYA: Mr. Chair, I guess I'm a little concerned that we are moving down in terms of the stage, particularly with some of the information that shows that things have improved a little bit but I think the thing that still concerns me is that - well, the City, I believe is doing it for a 90-day trial period, three months or something like that. But the concern that I have is that we're still facing somewhat of a shortage in terms of just the reservoirs being at, I believe, 65 percent with the expectancy of 75 percent capacity once all of the snowfall comes down. That's still - we've had two, three years already of a shortage of water that it might not be a bad idea that we wait to see whether indeed the City reservoir does fill up to its expected capacity and then I think Commissioner Campos has a good point in terms of the aquifer, in terms of is it really being recharged to the point that we can afford to lower the water restriction at this point. I guess I'm not convinced that we should probably at this point - maybe in 90 days consider coming back to a Stage 2, going to a lesser restriction. That's kind of where I'm at right now, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, I agree with Commissioner Montoya. We have a long-term problem. We've talked a lot about conjunctive use, that is using surface water when we have it and resting aquifers, and that's what I'm suggesting. I think by staying in Stage 3, we can protect the aquifer, we can reduce consumption and we have to maintain that discipline. The idea that things are changing here in a big way, not only are we having less water but we're having more demand for water.

If we look at the Buckman wells, we know that there's some evidence of subsidence, which is bad. One, it shows that the earth is cracking, two, that the aquifer structure could collapse and be less productive, we could collect less water there naturally. The other problem is that as we take more and more water we get old water. Old water is more expensive to treat. I think the responsible thing here is to go to conjunctive use, stay with the discipline, use surface water when we have it and slow down the production at the Buckman wells. Let the aquifer rest. Thank you.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think that our City counterparts have decided

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to come out of Stage 3 and go to Stage 2 based on information that they've received from their water department and water people, their experts. Our water system is tied into the City's. We get our water from the Buckman area wellfields. And the people that are in the city get to water their grounds twice a week and because I live in the county I only get to do it once. I don't know how fair that is.

The other thing is, the County hasn't made any -- taken any real, spent their time analyzing the situation and everything. Have you, Gary, looked at the data that has been provided to the City Councilors that allowed them to make that call, to come out of Stage 3? You're not coming forward with a recommendation to come out of Stage 3, are you?

MR. ROYBAL: Mr. Chair, Commissioner Duran, in answer to your first question, the only information I have is what I presented to you on what their supply and demand issues are, or criteria. In answer to your second question, no, I'm not making a recommendation. That's a policy issue.

COMMISSIONER DURAN: Our water comes from the City. It comes from the Buckman area. If they in their wisdom and based on the information that they've been provided decide that it's appropriate to come out of Stage 3 for 90 days how can we not follow suit when we created that ordinance. The ordinance was basically so that we would mirror, was developed so that we would mirror what the City ended up doing. So that if there was a Stage 3 or a Stage 4 that we would follow suit. I don't see how it doesn't work the opposite way.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I agree with Commissioner Montoya and Commissioner Campos, but there are some people out there that would like to have a little garden, a little bit of green grass in their backyard and that's where I'm coming from. But I still want to stress that we need to conserve water. If we pass this, I don't want everybody to go out and just start washing their cars and getting out of hand. But I think there's people out there in the county that would like to have a little garden. And I know that people out there know that we're in a drought situation.

You mentioned that the water coming into the reservoir. Is that reservoir full?

MR. ROYBAL: Mr. Chair, Commissioner Anaya, it's about 65 percent right now and it has a good inflow into it, although it's declining, it's still averaging about 8 million gallons per day.

COMMISSIONER ANAYA: So, anyway, I agree that we need to continue to conserve water but it would be nice for those folks to be able to plant a little garden if they would. Thank you.

CHAIRMAN SULLIVAN: Gary, the question that I have is have we tracked at all when the County system went on Stage 3, do we have any information tracking whether consumption was reduced?

MR. ROYBAL: Mr. Chair, we have it in raw form. We would have to break it up into its components. But we do keep monthly information on our consumption.



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So that information is available. It would just have to be refined and put into a proper format.

**CHAIRMAN SULLIVAN:** I just wondered if there is some correlation between going to Stage 3 as the County did when the City did and whether that in fact created any water savings over and above the surcharges, which you mentioned, which apply in both cases. I guess the concern that I have is that at this point in time, about 20 percent of our system, of all of our system customers are in Valle Vista, and about 180 or so of the 800 or so that we serve, and Valle Vista is on wells. We've seen reports in the past of problem wells in that area out on Route 14. So I'm concerned, if we were totally on the City's water system, which we aren't, I would think, well, it makes sense to take advantage of the data that they've gathered and the decisions that they've made regarding the water usage. But because we have this component, fully almost a quarter of our system that's on a separate wellfield. And it's out, just happens, unfortunately to be out on Route 14 where we're struggling, I'm really concerned that we have a different issue to deal with.

Those units can't rely on the reservoir. They're not hooked in at the present time. I understand that at some time in the future you can open a valve and they may be hooked in but at this point in time, they're a separate system. Is that correct?

**MR. ROYBAL:** Mr. Chair, we can serve housing off of the main system, off of the backbone system. And that's roughly about 100 customers. We can serve about half of Valle Vista off of the City system, off of the wheeling agreement.

**CHAIRMAN SULLIVAN:** You say you do or you can?

**MR. ROYBAL:** We can.

**CHAIRMAN SULLIVAN:** You can. But right now, that system has been operated totally as a well system.

**MR. ROYBAL:** We did activate it this last week because of a -- we had a system issue and we did have to activate the valve to open it up to use the City wheeling water into the housing. But for the most part, you're correct. We do operate it off of the wells in Valle Vista.

**CHAIRMAN SULLIVAN:** So that's my concern is that we have something that's a little bit apart from just relying on the City. Other comments or questions?

**COMMISSIONER ANAYA:** Mr. Chair,

**CHAIRMAN SULLIVAN:** Commissioner Anaya.

**COMMISSIONER ANAYA:** Now are we talking about everybody in the county or are we just talking about users on our system?

**MR. ROYBAL:** Mr. Chair, Commissioner Anaya, this only pertains to customers on the County utility system. Everyone else on the wells, everyone outside of that system is subject to the water conservation ordinance that was passed by the Board. But this would only apply to the 800 or so customers we have on our system right now.

**COMMISSIONER ANAYA:** Thank you.

**CHAIRMAN SULLIVAN:** Okay, we have a motion and a second.

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The motion to move to Stage 2 water restrictions failed by (2-3) voice vote, with Commissioner Anaya and Commissioner Duran voting for the motion.

CHAIRMAN SULLIVAN: I assume that means we stay where we are although I think we do, as was indicated, Gary, want to monitor what the City is doing, what we are doing and perhaps that information that you said you had in raw form might be good to bring back at a later date when you think it's appropriate to reconsider this issue.

MR. ROYBAL: Mr. Chair, I'll put that information together and present it at the next administrative meeting.

CHAIRMAN SULLIVAN: Okay. Good. Thank you very much. All right, it's now 12:15. I would like if we can to get through item X. A and B and the Consent Calendar. If we can do that I think that will go fairly quickly. Is there any concerns with the Commission on that?

COMMISSIONER ANAYA: Sounds good.

CHAIRMAN SULLIVAN: Okay, let's give it a shot.

X. Tabled or Withdrawn Items from Previous Meeting

A. Administrative Services Division

1. Request Approval for the Extension of Military Leave for Employees on Active Military Duty

CHAIRMAN SULLIVAN: Helen, would you refresh our memories? I know you presented that before.

HELEN QUINTANA: (Human Resources Director): Thank you, Mr. Chair, members of the Commission. This item is being brought forward as a result of two things. Employee requests, because they have either served in the war efforts or they are in the process of serving. And then the second reason is the result of a similar measure that was granted by Governor Richardson for state employees.

What this measure does is it grants our employees, those who have served on the war effort, it grants them an additional 15 days of military leave with pay so that they can use that time if they are called either back to active duty for war efforts or active duty for training purposes. Employees are currently granted 15 days of military leave already with pay and this would just add an additional 15 days. The main concern is that employees, if they are on military leave without pay, their health insurance coverage is their total responsibility. In order for us to keep their insurance, they are responsible for paying 100 percent of the premiums that would be due. If they are paid leave, whether it's on military leave or they take annual leave while they're gone, they would have to have a minimum of 27 hours per pay period in order for the County to pay our contribution towards their health insurance.

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There are several things that you could look at and whatever is your desire, but one is to grant this extended military leave. We passed a similar measure during Operation Enduring Freedom two years ago. You could approve that we carry the employees medical coverage if they should be called back to active duty for those 15 days, for either a pay period or two pay periods that we hold on to their medical coverage and we pay the contribution, whether or not they're on leave without pay. Or you could chose not to do anything at this point. The federal fiscal period ends on September 30<sup>th</sup> so this measure would only grant that extended time up through September 30, 2003. And I stand for any questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Motion for approval and a second. Are there questions or discussion? Helen, how many employees would this affect?

MS. QUINTANA: Four employees, Mr. Chair.

CHAIRMAN SULLIVAN: Four employees. And it would only apply -- four have already been recalled. Is that correct? Or four potentially might be recalled?

MS. QUINTANA: Three might be recalled. One is still currently serving. He has been serving for several months. But three could be recalled.

CHAIRMAN SULLIVAN: And then if they weren't recalled --

MS. QUINTANA: It would have no net effect at all.

CHAIRMAN SULLIVAN: It would have no effect.

MS. QUINTANA: No monetary effect.

CHAIRMAN SULLIVAN: If they weren't recalled by September 30, 2003, it would not be applicable either.

MS. QUINTANA: That's correct.

CHAIRMAN SULLIVAN: Okay. Other questions for Ms. Quintana?

The motion to approve extending military leave for employees on active duty passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

**X. B. Utilities Department**

**1. Ratification of an Emergency Bulk Water Sales Rate for El Vadito de los Cerrillos Mutual Domestic Water Association**

MR. ROYBAL: Mr. Chair, members of the Board, before you is a request to ratify an emergency bulk water sales rate for El Vadito de los Cerrillos Mutual Domestic Water Association. As you're aware, the Village of Cerrillos has basically come under



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very severe drought type conditions. Their source of supply is only producing somewhere between two to four gallons per minute of water. They have resorted to purchasing and hauling bulk water from the County facility.

In an effort to minimize the cost, because about 95 percent of the cost of their water is in hauling it; the other five percent is in the sales. They may pay somewhere up to \$1800 every time they make a trip for somewhere between 24,000 to 26,000 gallons, they'll pay \$1800 to have it hauled and delivered to their storage tank. So what's before you is a request by the president of El Vadito to continue the emergency rate that was approved by the Commission back in February 11<sup>th</sup>, I believe. The request will be up through July 31<sup>st</sup> of this year to continue this rate on an emergency basis. I stand for questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Motion for approval from Commissioner Anaya.

Seconded by Commissioner Duran. Is there discussion or questions for Mr. Roybal?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Are we looking into helping them with maybe the National Guard, helping them get water over there instead of them having to pay the cost to haul that water? What did we decide to do there?

MR. ROYBAL: Mr. Chair, Commissioner Anaya, the National Guard, what they do is they'll haul what's called the water buffalo and they'll just go set it in the community and the community will go fill up their water containers from there. I'm not sure whether the National Guard is into the program of hauling water and having it delivered. Because they don't get that water from our facility. They actually get it from their facility and haul it to these communities. Chimayo has a water buffalo also out there.

COMMISSIONER ANAYA: I was wondering if there's anything out there, anybody out there that knows of somebody that could help them haul the water to Cerrillos without Cerrillos having to pay a substantial amount of money. That's what I'm trying to get at. If there's anybody out there that would like to help Cerrillos. I know that they have to have a special tanker just for that water. So maybe we could help out in that way. I know it's eating a lot of their money.

MR. ROYBAL: Mr. Chair, Commissioner Anaya, you're correct. They're actually running out of their capital reserve right now. I think they anticipate they'll be out of money by the end of June or the middle of June. So I think we're willing to work with them. We've done everything we can to facilitate and help them in that issue. Unfortunately, the County doesn't have a water hauling vehicle. I think it came up last year. Commissioner Sullivan brought it up that we should look into getting something. But it gets very costly.

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COMMISSIONER ANAYA: I agree. Maybe we ought to look into it at least and see what options we can come up with because this is probably going to be ongoing. Just to let the Commission know, we are moving forward in the Town of Cerrillos. They drilled three test wells. One turned out to be pretty good, so we're trying to tie that one into the system, and we're getting some figures and the engineers are working on that. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner. Yes, I thought that perhaps through the Fire Department we might be able to put a vehicle in our stable that could be used for emergencies like this. The problem with the Fire Department vehicles is that they haul non-potable water and it would have to be just set aside and not used unless an emergency came up, which is I guess not the most efficient use of a very expensive vehicle like that. So it's a tough decision but I've still got my eyes on Chief Holden to take a look at that but of course his first priority is firefighting and EMT.

Okay, we have a motion and a second. Is there other discussion?

The motion to ratify emergency bulk water sales for Cerrillos passed by unanimous [5-0] voice vote.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to recognize Kristin Martinez who just came in. She's the lady that took first in barrel racing at the 4-H. Let's give her a big hand. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Congratulations, Kristin.

**XI. Consent Calendar**

- A. Resolution No. 2003-68. A Resolution Requesting a Budget Decrease to the General Fund (101)/Improving Health Grant for a Reduction in the Grant Award from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
- B. Resolution No. 2002-69. A Resolution Requesting a Budget Decrease to the General Fund (101)/Maternal & Child Health Program for a Reduction in the Grant Award from the New Mexico Department of Health for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
- C. Resolution No. 2003-70. A Resolution Requesting an Increase to the State Special Appropriations Fund (318)/Valle Vista Community Center to Budget a Special Appropriation Projects' (SAP) Grant Awarded through the NM Legislature for Expenditure in Fiscal Year 2003

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- (Community & Health Development Department)
- D. Resolution No. 2003-71. A Resolution Requesting an Increase to the State Special Appropriations Fund (318)/De:toxification Center to Budget a Special Appropriation Projects' (SAP) Grant Awarded through the NM Legislature and a Budget Transfer from the General Fund (101)/DWI Detox Grant to Purchase the Old Magistrate Court Building (Community & Health Development Department)
  - E. Request Approval of Amendment #5 to Professional Services Agreement #22-0019-DW with Peter Goodwin for Drug and Alcohol Screenings in the Amount of \$36,800 (Community & Health Development Department)
  - F. Request Approval of Amendment #3 to Professional Services Agreement #22-0043-DW with Zana Burns for the Facilitation of the Substance Abuse Program for Teen Court in the Amount of \$3,900 (Community & Health Development Department)
  - G. Request Approval of Amendment #2 to Professional Services Agreement #23-0036-DW with Millennium Treatment Services, Inc. for DWI Outpatient Treatment Services in the Amount of \$20,000 (Community & Health Development Department)
  - H. Request Approval of Amendment #3 to Professional Services Agreement #23-0039-DW with Hoy Recovery Program, Inc. for DWI Outpatient Treatment Services in the Amount of \$25,000 (Community & Health Development Department)
  - I. Request Approval of Amendment #1 to the Construction Agreement Between Santa Fe County Housing Services Division and Sol Systems Construction, Inc., for the Renovation of Public Housing Unit per Bid #23-07 (Community & Health Development Department)
  - J. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-46 Roof Repair and Canal Replacement at County Housing (Community & Health Development Department)
  - K. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder for IFB #23-47 for the Remodel and Upgrades to the Abedon Lopez Senior Center (Community & Health Development Department)
  - L. Request Approval of the Memorandum of Understanding Between the Santa Fe Sheriff's Department and the Santa Fe County Housing Authority (Community & Health Development Department)
  - M. Request Authorization to Submit a No-Cost Extension Proposal to the Center for Substance Abuse Treatment (CSAT) for the CRAFT Program in the Amount of \$152,888.00 (Community & Health Development Department)



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- Department)
- N. Resolution No. 2003-72. A Resolution Requesting Authorization to Surplus Evidence Property for Sale, Donation or Disposal in Accordance with State Statutes (Finance Department)
  - O. Resolution No. 2003-73. A Resolution Requesting Authorization to Surplus Obsolete, Inoperable, or Duplicate Fixed Assets for Sale, Donation or Disposal in Accordance with State Statutes (Finance Department)
  - P. Resolution No. 2003-74. A Resolution Requesting an Increase to the Fire Protection Fund (209)/Pojoaque Fire District to Budget Fire Impact Fees for Expenditure in Fiscal Year 2003 (Fire Department)
  - Q. Request Authorization to Accept and Award a Price Agreement to the Responsive Bidder with the Greatest Catalogue Discount for IFB #23-44 for MSA Safety Equipment (Fire Department)
  - R. Resolution No. 2003-75. A Resolution Requesting an Increase to the State Special Appropriations Fund (318)/Agua Fria Park Improvement Project to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Project & Facilities Management Department)
  - S. Request Authorization to Enter into a Funding Agreement with the Eldorado Community Improvement Association (ECIA) for Paving Improvements to Caliente Road (Public Works Department)
  - T. Request Authorization to Enter into an Agreement with the Eldorado Community Improvement Association Inc. (ECIA) to Construct a Multi-Use Pathway in County Rights of Way on Avenida Torreon (Public Works Department)
  - U. Request Authorization to Enter into an Agreement with the Eldorado Community Improvement Association Inc. (ECIA) to Construct a Multi-Use Pathway in County Right of Way on Avenida Eldorado and Avenida de Compadres (Public Works Department)
  - V. Resolution No. 2003-76. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Budget for a Selective Traffic Enforcement Programs Grant Awarded through the New Mexico State Highway & Transportation Department for Expenditure in Fiscal Year 2003 (Sheriff's Office)
  - W. Resolution No. 2003-77. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Budget for Disaster Relief Revenue Received from the New Mexico Department of Public Safety and for D.A.R.E. Revenue Received for Expenditure in Fiscal Year 2003 (Sheriff's Office)

CHAIRMAN SULLIVAN: The last item we'd like to take care of before we

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break for lunch is the Consent Calendar. There were two items that were not in your packets. Those were items E and F and items H and I. At least in my packet, they were put in loose outside the regular packet. Did all of you get those loose items? Okay. So you had an opportunity to look at those. Okay, good.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I would move for approval of the Consent Calendar, items A through W.

COMMISSIONER MONTOYA: Second.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay, we have a motion and two seconds. We'll take the one from Commissioner Montoya. And is there any discussion on the Consent Calendar?

**The motion to grant blanket approval to the Consent Calendar passed by unanimous [5-0] voice vote.**

CHAIRMAN SULLIVAN: We'd like now to break for lunch and when we come back we have items from the Assessor. We have items on our fiscal year-end report and budget and also at 3:00, we're going to here a presentation from Duncan and Associates regarding the status of the Code rewrite. So we'll adjourn at this point and we'd like to ask everyone to be back at 1:40 please.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think that the attorney that we've hired to work with us on some of our pending and threatening litigation would like to know what time we're actually going to go into executive session. So we don't tie him up, I was wondering if we might be able to go into executive session after we get back from lunch so that he can be here for us and then move into the rest of the agenda.

CHAIRMAN SULLIVAN: Mr. Gonzalez.

MR. GONZALEZ: Mr. Chair, there's also a suggestion on the part of staff that some of the matters to be discussed in executive session ought to be discussed before we get to the budget process itself.

COMMISSIONER DURAN: So I'd like to make that a motion, Mr. Chair, that we bring executive session to the next item on the agenda after we get back from lunch.

CHAIRMAN SULLIVAN: Okay. That's a motion.

COMMISSIONER CAMPOS: We have EZA tonight, remember. We have an EZA meeting at six. There's a lot of important stuff, the budget, the land use code --

COMMISSIONER DURAN: What does that have to do with bringing this thing forward?

COMMISSIONER CAMPOS: We have a 3:00 budget, land development code.

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COMMISSIONER DURAN: My motion stands.

CHAIRMAN SULLIVAN: We have a motion and a second. Is there other discussion? I think we'd say then we'd try to reconvene at 1:30 if we can, as soon as we can get people back for that executive session. How long do you anticipate, Gerald, that that would take?

MR. GONZALEZ: Mr. Chair, members of the Commission, I believe it would probably take about 45 minutes.

CHAIRMAN SULLIVAN: Okay. So that would mean we wouldn't get started back with the regular agenda until 2:25, bearing in mind that at 3:00 we're going to hear the land development code rewrite presentation. Is that acceptable with the Commission?

COMMISSIONER DURAN: Maybe we can come back from lunch at 15 after one. Forty-five minutes is fine with me.

CHAIRMAN SULLIVAN: Is that the wish of the Commission?

MR. GONZALEZ: We also have a request, while you're considering that, Mr. Chair, to move the public hearing on the COLTPAC item to somewhere around the 3:00 time where we have the scheduled presentation.

CHAIRMAN SULLIVAN: Well, how do we do two at once?

MR. GONZALEZ: I'm assuming we'd do it right after.

COMMISSIONER DURAN: An hour for lunch is probably better.

CHAIRMAN SULLIVAN: Okay, we have a motion to bring the executive session up after lunch, which would start at 1:30.

The motion to move executive session to directly following the recess passed by majority [4-1] voice vote, with Commissioner Campos voting against.

[The Commission recessed from 12:25 to 1:35.]

**XII. I. Matters from the County Attorney**

**1. Executive session**

**a. Discussion of Pending or Threatened Litigation**

**i. *The Board of County Commissioners of Santa Fe County, New Mexico vs. Mike Roybal, Mike Roybal Jr. and M&R Sand & Gravel; No. D-0101-CV-2001-00500; U.S.D.C. CIV 02 1145 PJK WWD***

**ii. *Cerrillos Gravel Products, Inc., Brad Aiken, vs. Board of County Commissioners of Santa Fe County and Rural Conservation Alliance; No. 23,630; Santa Fe County CV-00-585***

**iii. Discussion on Collection of the Edgewood Services Agreement**

**b. Discussion of Bargaining Strategy Preliminary to Collective**



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**Bargaining Negotiations**

Commissioner Anaya moved to go into executive session pursuant to NMSA Section 10-15-1 (7 and 5) to discuss the matters delineated above. Commissioner Duran seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.

[The Commission met in executive session from 1:35 to 3:10.]

Commissioner Campos moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Anaya seconded. The motion passed by unanimous [3-0] voice vote. [Commissioner Duran and Commissioner Montoya were not present for this action.]

**XII. E. Land Use Department**

**1. Presentation and Direction on Policy Issues to be Addressed in the Santa Fe County Land Development Code Rewrite. Duncan Associates and Four Corners Planning**

PENNY ELLIS-GREEN (Planner): Mr. Chair, Commissioners, the Code rewrite consultants have produced a diagnosis of the existing Code. That is attached in your Exhibit A. The diagnosis includes findings from the initial interviews, proposed changes to the Code and an outline for the new Code. Duncan and Associates and Four Corners Planning will give a brief presentation on the format of the new Code and key issues requiring BCC direction. Thank you.

RICHARD GRICE: Mr. Chair, my name is Richard Grice. I'm with Four Corners Planning. My associate here is Jim Duncan. He's the president, founder and principal of Duncan and Associates. With your permission, I'll just move right into our presentation.

CHAIRMAN SULLIVAN: Go right ahead.

MR. GRICE: As you know, Duncan and Associates and Four Corners Planning have extensive experience writing Codes in states all across the country.

CHAIRMAN SULLIVAN: I didn't know that.

MR. GRICE: There's a picture that shows it. The red dots are places where we're written Codes. The stars are where we have offices. The presentation outline includes a description of the project, the process of writing the Code, specific issues and question. My presentation is going to focus on these specific issues in the interests of time. We understand that the County Commissioners have an extensive agenda today. Issues we're going to talk about are: user-friendly format, streamlining procedures, changes in roles of the County Development Review Committee and the local development review committees, establish a new

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Board of Adjustment, methods of reducing hardships and variances, establishment of use-specific standards, community planning and the local development review committee process, early notification meetings and the official zoning map.

The project structure includes four steps. Background and reconnaissance, initial draft. We're now in phase 2 of the initial draft. The first thing we do in a land development code project is review your existing documents, interview local stakeholders. We've interviewed some 38 stakeholders, including County Commissioners, people involved with the Code, surveyors, land use planners, consultants, land use attorneys. We try to identify issues of concern and possible solutions. Obviously, in order to write a good Code, we first need to know what's working and what isn't. The things that are working are the things that we need to preserve over the long term. Things that are not working are the things that we need to plan to repair or to improve.

Santa Fe County has a long, long history. It's one of the oldest settled communities in the country. So it obviously has a lot of traditions that do not need to be changed. We will be respectful of that process.

At a minimum, we intend to make the Code more user-friendly. This slide shows some of the techniques that we will employ: format, use of headers, space, graphics. Ideally, a page should jump out at you. That is, the meaning and purpose of a page should be revealed by its organization, by the heading and the indentions, which indicate a subordination to the previous thoughts. Where possible we will utilize tables. Tables make it easier for people to understand. Graphics. We will seek to eliminate wordiness, combining -- in this business, less is more.

We intend to organize allowable uses into a consolidated use table. There also will be a consolidated density and dimensional table. That is a single table where one could turn to see what uses are permitted in a given zone district as well as what the dimensional standards are. Those being the setbacks, the heights, lot coverage limits, etc.

Okay, now I'm down to the meat of the matter I want to talk to you about today. Staff advised me that because of your agenda that we should focus on specific things that we need your acquiescence to prior to proceeding. Obviously, it's in our interest as well as yours that we understand what your Code should look like, particularly on key issues that we would like to change, relative to your existing Code.

The first thing we'd like to do is streamline your procedures. It's best that submittal requirements be matched to the level of approval. One of the complaints we heard in the interview process was that master plans from developers, they pointed out that master plans require way too much detail. They spend a great deal of money getting started on a master plan so then they feel they have to have reliance upon that approval. The public, likewise, told us that once a master plan is approved, they feel that the whole process is over, that all of the key decision processes are -- decisions have been made.

Most communities around the country do not do it that way. They have a stepped process, beginning with a conceptual plan, moving to preliminary and final. Only at final plat are vested property rights granted. The conceptual plan, we propose to reduce, to change it. Rename it, first of all, from master plan to conceptual plan, and then change the submittal

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requirements so that it's more of an elaborate pre-application conference. From that meeting, an applicant should understand what sort of technical submittal he should make at preliminary.

The next thing we would like to do is designate allowable uses as either permitted uses, which could be approved administratively, conditional uses, which would be approvable by the County Development Review Committee, and special uses, which are reviewed and recommendations are made by the County Development Review Committee, and the Board of County Commissioners finally approves.

We also intend to illustrate each of the procedures with a graphic that shows how the process would flow. Our goal is reduce the Board of County Commissioners' work load. And one of the key elements of accomplishing that goal would be the change the role of the County Development Review Committee and the local development review committees. We propose to elevate the County Development Review Committee by giving it more final authority. The authority to make more decisions that are final.

Likewise, it would elevate the local development review committees such that they become advisory to the County Development Review Committee and in some cases to the staff. That is where decisions have been delegated to the staff for administrative approval.

Next we propose creating a new Board of Adjustment. One of the comments we heard most frequently from the stakeholders was that the County land use review process could be characterized as rule by variance. That there are far too many variances. They bog down the County Commissioners' agenda and they are of a very broad nature. The state statutes specify that variances should fall within a very narrow nature. Variances should be limited to physical hardships created by zoning. We propose to form a new Board of Adjustment, delegate the responsibility for reviewing variances and appeals to the Board of Adjustment, define the variances narrowly, and handle familial hardships and other types of similar applications in other ways, including use-specific standards.

If the Board of County Commissioners, with the advice of the County Development Review Committee, the local development review committees, the planning staff and the consultant would establish as a part of this process a set of standards, use-specific standards, that is standards that apply to specific uses in whatever zoned district and whatever situation they occur. Those standards that are of a strictly objective nature can reasonably be delegated to staff to approve. So they could be designated permitted uses, subject to use specific standards.

Where they are of a more subjective nature, those uses could be designated as conditional uses, meaning that they are reviewed and finally approved by the County Development Review Committee. And where the County Commissioners feel that they must have oversight over a particular use, they could be designated special uses, which means that the County Development Review Committee is advisory, they make a recommendation. Then it comes to the County Commissioners for final decision. Some of those uses that merit consideration for use-specific standards include home occupations, home businesses, family compounds, racetracks.

So we're not suggesting that the County Commissioners not be involved in these procedures but that you decide in advance under what circumstances and conditions these use



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should be approved.

Next we propose to continue the County planing and local development review committee process. The citizens explained to us that they really liked the local development review committees. The staff explained that they don't have the budget at this time to expand, that it to designate more local development review committees. And yet, these are critical to the community planning that has resulted in your traditional and contemporary communities to date. So as a solution we've proposed that we continue that process with the Board of County Commissioners appointing local development review committees. The LDCRs would review development proposals in the communities themselves. The developer and the chair of that local community would schedule those meetings. The developer would be responsible for noticing the meeting. The staff role would be limited to attending, taking notes and reporting back to the County Development Review Committee.

Also, another idea that came out of the stakeholder interviews was the idea of early neighborhood meetings. These would be required prior to the submittal of an application and it would involve the developer going to the local community, going to the local LDRC and handling the notification and then submitting a summary report on his own as a part of the submittal. Staff does not attend those meetings.

And finally, official zoning map. One of the deficiencies we see in your current procedure is that you don't have a single consolidated official zoning map. There are a wide variety of maps that are electronic. They just need to be consolidated into a single map. This task will be the responsibility of the County mapping department and would follow the completion of the land development code.

Do you have any questions or responses to any of the subjects that I raised?

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I'm sorry, I didn't catch your name. I was out of the room.

MR. GRICE: Richard Grice.

COMMISSIONER DURAN: Mr. Grice, I have a question concerning the LDRC and their function. I guess my question is if a particular proposal comes forward and is reviewed by one of the LDRCs and they approve or disapprove it, whatever the case may be, and somebody doesn't particularly like the outcome of the decision that was made, under your scenario that person that was opposed to the decision, whether for or against, would have the right to appeal that decision to the Board of County Commissioners. Correct?

MR. GRICE: Not at all. What I've described was first of all the role of the local development review committee would be much like a local homeowners association or a local community body that's appointed by the Board of County Commissioners, they don't make any final decisions. There's nothing to appeal. All they do is make a recommendation. They review applications in the local community, make a recommendation and that recommendation goes to the County Development Review Committee.

So if someone, if there's a citizen in the community that doesn't agree with his

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neighbors, essentially, the local development review committee, they could come to the County Development Review Committee and make their point, voice their objections.

COMMISSIONER DURAN: And what if the decision they made at the lower level, is the same? Does that individual have the opportunity to appeal it to the Board of County Commissioners. I guess what I'm getting to is --

MR. GRICE: No, we would propose that they appeal it to the Board of Adjustment, that the Board of Adjustment be given the authority to review variances and appeal requests.

COMMISSIONER DURAN: Well, there's variances and there's other issues. The Board of Adjustment in my mind is a board that deals with variances, nothing but variances. I guess I have a concern that you're suggesting that we give up our ability to review and approve to a committee that is not comprised of individuals that were elected to represent their constituents. They were appointed by the Commission but not elected by the constituents. And I have a real problem turning over the authority vested in me by the citizens of the community to a board that wasn't elected by the community.

MR. GRICE: Let me just clarify one point as a foundation. The local development review committee would have no final authority at all, so the delegation of authority that we have suggested is not to the local development review committee because they're advisory, but a delegation to the County Development Review Committee. Secondly, we suggest the establishment of use-specific standards with the Board of County Commissioners' direct involvement in those standards. And those standards, granted, may and should, we would see them as being lowered. In other words, we would look at the list of applications that are routinely appealed to the Board of County Commissioners and look at the pattern of decisions that have been made by the Board of County Commissioners and propose standards that fit within the pattern that the Board of County Commissioners has already established and guided by standards that the Board will have input on up front.

The problem, Paul, is that land use across the country has moved from the point, from a position of negotiation between a Board of County Commissioners to a process of standards. Standards-based. If you go to land use law conferences or land planning conferences across the country, the buzz words are criteria and standards. That's because this country was founded on the principle that it's a rule of law and not of men. When a decision is made that's not standards-based it is subject to being overturned by any opposing party. Your decisions, the case law that has emerged, not only across the country but in this state is that land use decisions need to be guided by specific principles and specific standards.

To the extent that they do, land use decisions should be approved and those decisions are upholdable. To the extent that they're approved otherwise, they're not defensible anyway. So I hear what you're saying but I'm just suggesting that rather than retain the ability to make decisions on -- can I use the word arbitrary -- retain the ability to make arbitrary decisions. The Board is advised to be involved in the development of an objective set of criteria and then to follow it.

COMMISSIONER DURAN: I don't mind working on these issues. I was

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elected, the reason I ran was because I was interested in the land use policies and the direction that the County was going. I'm going to be hard to be convinced that I should turn over that authority to an appointed board. I really think that the Land Use Code is antiquated. It needs to be revamped, but I don't think that the process, in my mind that there's a big issue here. I think we need a Board of Adjustment but I definitely don't want to give up my ability to review and approve. Thank you.

CHAIRMAN SULLIVAN: Mr. Grice, I had a question. I think certainly your ideas are good ones about getting some better definition on physical hardships in accordance with state statutory requirements. I think we need some really specific guidance that's going to help us on that. One area that caught me was the idea of a conceptual plan replacing the master plan. I think that we have, we've seen continually that the public reacts to the first major public plan. And in our instance the issue that comes forward every time is water. So we recently made a change in our procedures that there had to be at least an indication or some kind of verification that water was available for this plan, at least for its first phase when the master plan came forward.

And I read in your plan here that you would do away with master plans and go from these conceptual plans to a preliminary plat and then a final plat and I don't see the requirement that water be addressed in the conceptual plan. I think we need to have water addressed before we get to the preliminary and final plats because what happens very often is that those two are submitted actually together. And sometimes even the master plan on smaller projects is submitted with the preliminary and final plat together, all at once.

There's not a really defined gap between the two of those. That was one issue.

MR. GRICE: I think we can preserve that. It's not unreasonable to preserve --

CHAIRMAN SULLIVAN: I think we need to because I think the name change isn't going to fool the public. They want the same answers whether you call it conceptual or master plan. Now, another way to do it, and I think your idea, and I know other cities do this, of a pre-application conference is a good one. You may want to combine the conceptual plan as a part of the pre-application process. That would still be a public document but it wouldn't necessarily have public hearings at that point if you reach the master plan stage. If you call that conceptual as a part of the pre-application conference then I think it's fair for the applicant or developer to come in and not have water already tied down but is certainly in the discussion stage of what can we do with this property? What works within the County's Code and those kinds of questions can be answered. I like that concept a lot.

And I like the official zoning map concept because we already have that, of course, in the Community College District. We have the zoning set. If we were to do a zoning map, it would be of course immediately amended but nonetheless, an applicant would know right at the beginning the general bounds of what that property is zoned for. And so there wouldn't be any surprises and anything beyond that would be incumbent on the applicant to prove that what they're providing provides for a higher density and greater amenities, greater public utilities, whatever the services are that are needed.

So I think that that's a good idea, to get a zoning map. Because in essence we do that



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now. We have hydrologic zones, which you mention here, and we zone based on the hydrologic maps. And it would be good to put that on a piece of paper where people and applicants can see that. So I liked that idea.

The water one is I think very important to the public and to me and I had another question on the early neighborhood meetings. Why would the staff not attend those? It seems like if any point in time when the staff should be involved, it should be when the neighborhoods are first contacted and making initial comments so that they can hear as a disinterested party what's going on.

MR. GRICE: It's just a matter of staff resources. The staff is spread very thin. This is really a matter of a developer's practical responsibility. How is he going to get through the process in an expeditious manner. Suggesting that he be required to take the initiative and go to the community in advance and work with the community is all that's about. I once worked in a city called Austin, Texas, where Jim lives, and in the city, there's a tradition that has developed that if a local community group stands up and objects or makes any objection to a land use application in the hearing, they automatically table the matter and send the developer back to meet with the community on his own initiative.

Recently in my home town I had a developer who wanted to do something nearby come to my door and talk to me about it. That's what we're talking about is that the developer would be required to meet with the local community in advance and submit a report about what occurred in that meeting prior to submitting the application. The staff's role, we've suggested that they attend the local development review committee meetings, that is when there's an official local development review committee meeting, that they go and take notes and report back to the County Development Review Committee.

Mr. Chair, there's a couple of other things relative to your previous statement I wanted to clarify. With respect to the conceptual versus preliminary plat, the public hearing would occur at the preliminary phase. So the first public notification or public hearing would occur at preliminary plat. The conceptual would in fact be a pre-application conference between the County Development Review Committee and the applicant. Also, the Code would include two statements under conceptual review, conceptual subdivision review and preliminary plat review that explains the significance of conceptual plan review and preliminary plat review. So those two sections would explain that they're not final review, that there's no vesting of property rights and approval of the next phase of the process requires conformance with all applicable standards. And then only at final plat would vesting of property rights occur.

See, the reason we suggested this dramatic change, and it is a significant change, is that the public and the developers all have the impression that after the master plan process is over, all of the discretionary decisions are done. I do think we can preserve, as you suggest, the requirement that the developer demonstrate water, sufficient at least for the first phase of conceptual. That's a small concession.

CHAIRMAN SULLIVAN: So your idea of a conceptual plan then is that the public is not involved in that. That that's just a plan that's taken to the staff, the staff reviews it. Staff approves it, or does that come to the County Commission, or where does that conceptual

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plan go?

MR. GRICE: The critique actually suggests that there be a mandatory pre-application conference between the staff and the applicant, to make sure that the applicant understands the procedures and the standards he's required to follow. The next step is a conceptual review where he goes before the County Development Review Committee, and they look at it to check basic issues like are the streets going to line up to the east and the west, is there likely to be sufficient water in the area?

CHAIRMAN SULLIVAN: But see, that's the problem, once you get to the CDRC, you are at the public stage. You are at a public hearing. That is the master plan. And you would have to have some different procedure, if you say the first hearing is the preliminary plat, well the first hearing is the conceptual plan at the CDRC. The same issues are of interest to the CDRC as they are to the County Commission and that is does the plan meet the goals of the County and is there water and other utilities?

MR. GRICE: Let me go back to the big picture. The submittal requirements, the complexity of the submittal requirements and the degree of commitment of approval from the governing body, the CDRC in this case should be matched. In other words, with a small amount of information submitted, there should be a minimum level of commitment of approval. When more information is submitted, there should be a higher level of commitment of approval. And only when all issues are at final plat, when all technical issues are addressed, consistent with the County standards, should final approval and the vesting of the property rights be granted. That is the way it's done all across the country.

CHAIRMAN SULLIVAN: But also, we don't want to waste everyone's time if the developer hasn't met a threshold of information that's needed, for example.

MR. GRICE: I agree.

CHAIRMAN SULLIVAN: If he doesn't own or have an option of the property. Let's use that as an example. If he doesn't control the property. He should be able to show that he owns the property. That makes sense. Things like that. And by the same token, in this area, because of the unique situation we're in with regards to water and how we interact with the City on that water, we have the same question every time, which is Where's the water going to come from?

And that brings me to another question, if the CDRC makes these decisions, then I see that you recommend that they only be overturned by a supermajority of the Commission. So if the CDRC makes a decision at the conceptual level, let's say, which is now, in essence, the master plan, and if that conceptual level doesn't include water, then the only way that that can be overturned, my understanding is, through a supermajority of the Commission. Is that correct?

MR. GRICE: The idea of a supermajority was in the event the Board of County Commissioners does not want to establish a Board of Adjustment. We've recommended that appeals and variances go to a Board of Adjustment. If the County Commissioners do not want to establish a Board of Adjustment, then as an alternative, we suggested perhaps the requirement could be strengthened such that they would require a supermajority of the Board of

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County Commissioners to overturn a CDRC decision. Our recommendation is that a Board of Adjustment be established to be responsible for appeals and variances.

CHAIRMAN SULLIVAN: I understand. One last question. I was just curious as to the genesis of this statement. "In the interest of reducing the Board of County Commissioners' extraordinary agenda load, shortening the review process for citizens – and I assume also for applicants – and reducing the arbitrary appearance of County decision making procedures, it is recommended that the role of the County Development Review Committee be given more final authority." I guess, to be quite honest with you, I have received as many complaints about the decisions of the CDRC as I have about the decisions of the Board of County Commissioners. I guess we can all take our share of hits in that regard.

But I just wondered, whose opinion is it that the County decision making procedure has an arbitrary appearance? Would that be the developers' opinion or would that be the public's opinion from those that you interviewed?

MR. GRICE: Interviewed, I would say that it's fairly across the board. I think the phrase that stuck in our minds was, that we kept hearing over and over was "rule by variance." When we enquired of staff about the history of variances, we found that – I have to get the exact number; it's in here – but something like a five-year period of some 90 requests for appeals, appeals of applications, all but four were overturned. That is affirmed or overturned by the Board of County Commissioners.

COMMISSIONER DURAN: What's wrong with that?

MR. GRICE: Well, the problem is that sound decision making needs to be based on following a set of predetermined standards. And if the decisions were overturned on the basis that they were not consistent with the standards, that would be one thing, but in many cases they went far beyond the standards. And I'm not suggesting that we remove the citizens' ability to get what they need through this process, I am suggesting that we change the standards so that the standards are approvable and then that you delegate those decisions to the County Development Review Committee, in large part, and then follow those standards.

CHAIRMAN SULLIVAN: Other questions? Commissioner Anaya.

COMMISSIONER ANAYA: First of all I'd like to recognize Representative King. She walked in a few minutes ago. Thanks for being here. So your recommendations is a Board of Adjustments to hear all the appeals and the variances. My recommendation, when I met with Richard and Mr. Duncan was that the development review committees take on more responsibilities and have more power and authority. And that maybe we could give more authority to Roman Abeyta, the Land Use Administrator so that we don't have to hear all these cases that come before us. Some of those cases, he could make those determinations. I thought that the local development review committees could make some of those so that we don't have to hear a lot of these cases. So that's where I was coming from when I met with these people.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: And I think that that's something that we've been struggling with for the last three or four years is how do we lighten the load? How do we get



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some of these variances off of our plate and develop a Board of Adjustment like they do at the City. The only difference is at the City is that they can appeal that decision. So if my neighbor gets an appeal to build a 35-foot building next door to mine, if he gets approval for that, I still have the option of appealing that decision within 30 days to the City Council. And I think that for me, it seems fairer to the public, whether they're for or against a particular issue, to have that ability and have the final decision rest on the shoulders of the elected officials. And I don't hear you telling me that.

And the other thing is, did I miss an appointment with you?

MR. GRICE: You and I met.

COMMISSIONER DURAN: But I don't ever recall meeting with you to go over the parameters of the Code rewrite. I guess I'm a little concerned that --

MR. GRICE: You and I met.

COMMISSIONER DURAN: When I went over the Code rewrite with you.

MR. GRICE: Yes.

COMMISSIONER DURAN: I'm sorry. When did we do that?

CHAIRMAN SULLIVAN: That was his twin.

MR. GRICE: I guess I'm not very impressive.

COMMISSIONER DURAN: I'm sorry.

COMMISSIONER CAMPOS: I was there.

COMMISSIONER DURAN: Oh, you're right. I was there. Excuse me. Okay, I apologize. I do remember now. We were in the Land Use Conference room.

MR. GRICE: I think you explained. I understood your position to be that the Board of County Commissioners continue to hold appeal authority. It's just that the thing is it's bogging down your process here.

COMMISSIONER DURAN: But what you're proposing is a major policy change.

MR. GRICE: It is.

COMMISSIONER DURAN: And I'm not sure that staff should be the one driving this policy change. And I do believe that the Code needs to be reworked. But I want to make sure that whatever decision we make relative to the Code rewrite, since it's going to be a policy decision, that it's made by the Board of County Commissioners.

MR. GRICE: That's why we're here. Staff is not driving. These are our own independent suggestions. We're perfectly happy to reorganize your Code without making major policy decisions, but one of the things we try to do when we do a diagnosis is identify opportunities for improving the process of the standards. How far we go, the reason we're here is to find out from you whether you're interested in us doing that or not. We don't want to draft it and then have you tell us you don't want it. We'd rather you tell us now.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: According to what Commissioner Campos, you would say, that they'd have a chance to come back if, let's say, the Board of Adjustments

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denied them. In that case, then I think all of them would come back to us. But if we did it on a vote. Like for example, if we had five members on that Board of Adjustment, and the vote was three to two in denial, they wouldn't come back to us. But if it was straight across -- let's see if I'm getting that right. If it was straight across, five members voting against it, then they couldn't come back to us. If it was three to two then they possibly could. Is that the way you were saying?

MR. GRICE: I suppose we could check with your legal staff and make sure we could do that, that is allow the appeals of the Board of Adjustment's decisions to then go on to the Board of County Commissioners. That is not what we were suggesting. Normally, the Board of Adjustment's decisions would be final unless someone wants to appeal those to district court. And then the district court would consider the matter based upon the facts of the case, relative to adopted standards.

COMMISSIONER ANAYA: So you're saying if you had a project and was heard for example, in La Cienega, La Cienega would hear it. Then CDRC would hear it, then the Board of Adjustments would hear it, then the County Commissioners would hear it?

MR. GRICE: No, ideally, a subdivision application would start with the developer going to the local community for a neighborhood meeting. Then he would have a pre-application conference with the staff. Staff would review the submittal requirements, the review procedures standards with him. He would prepare a conceptual application with conceptual maps, no survey lines. He would show approximately where his streets are. The critical elements would be to show the street alignments, their connections, to explain what his proposed solution for sanitation would be, to explain what his proposal is for water, and to, as Chairman Sullivan indicated, to demonstrate proof that he has water commitment for at least the first phase.

The next step would be for him to actually spend a great deal of money and prepare a preliminary plat. Most of the engineering would be done as a part of preliminary plat. Then there would be a public hearing, at which time the details of the application would be reviewed and a list of technical conditions to be addressed would be identified by the County Development Review Committee, actually by the Board of County Commissioners.

So the process would be like this. There would be one step to the County Development Review Committee for conceptual plan. The preliminary plat would be two steps. There would be a preliminary review by the County Development Review Committee, with a final decision by the Board of County Commissioners. The public hearing, I would recommend the public hearing occur -- we'd need to check the statute to make sure -- ideally it would be the County Development Review Committee but the statute may require the governing body.

Final plat could either go to the Planning Commission and stop, or it could be advisory to the Board of County Commissioners. In any case, final plat should be a purely technical review. There should be no discretionary matters left. If the developer meets the conditions established by the County Commissioners at preliminary, as well as the other design standards of the Code, he should be guaranteed approval. And only at final plat does the vesting of property rights occur.

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CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: What's wrong with the process that we have right now? If an applicant is proposing to do some development, we have a pre-application meeting. He goes in and he meets with Roman Abeyta, Land Use Administrator and staff. They advise the applicant what they can and can't do based on the existing Code. After that meeting, they then make application. They are told at that point, when they meet with Land Use staff what issues might require a variance, what items of the proposal meet the Code. Everything is pretty concise.

So they come forward and make their application and depending on where the project is, it goes to an LDRC. Is that correct, Roman? It goes to the Community College District, or the Agua Fria Development Review Committee. That entity reviews it based on that particular area and how it fits into the neighborhood plan, the community plan that's in place or whatever. So they review it and then they recommend it to the next committee, which is the CDRC. CDRC reviews it, they review it with staff recommendations and then it comes to the BCC. So I don't really see a problem with that process at all.

What I do see a problem with is someone coming in and asking for a variance to do a lot split and our agenda is stacked with ten lot split requests because it doesn't meet the minimum size. That's why I had always hoped that we could have a Board of Adjustments for. But I never wanted to -- I thought the process was adequate the way it is. And I thought the Code rewrite was about the Code, not the process.

MR. GRICE: Well, again, we can rewrite the Code and preserve all of your processes unchanged at all. We're hoping we think the recommendations we've made would represent a quantum leap forward in the procedural due process of the County.

COMMISSIONER DURAN: What's wrong with the process that we have in place?

MR. GRICE: I haven't managed to communicate with you but the Board of Adjustment, the role of the Board of Adjustment, if you look at the state statutes, the Board of Adjustment's role is really to be variances of physical hardships created by zoning. You don't have to have a Board of Adjustment, but if you have zoning, there has to be a way to deal with the physical hardships created by zoning. Currently, they go to the Board of County Commissioners. In other words, when you apply a minimum lot area. Let me give you an example, one issue. Say minimum lot size. Say the minimum lot size in an zoned district is one acre per unit. The only reason to vary that. First of all, that should never be varied by variance except for physical hardships. In other words, when there's a physical reason -- I can't think of one -- if someone has a substandard lot, a half an acre, then they need to be allowed to have a minimum use of property. That's not a good example.

Take another example. Setbacks. Say you've got a minimum setback, which I don't think you actually have, but a setback of ten feet. And where the property is extremely narrow, the combinations of setbacks and the topography would force someone, if they complied with the setbacks to build on a very steep slope when they've got a relatively level piece of ground close to the road. That's the kind of circumstance that a variance is appropriate for, to change



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those setback requirements so that a person has a reasonable use of property. Variances that change the density, that is the minimum lot area, those are not variances; those are rezoning's. Those are actually changes in the development rights and when you grant approval for a situation like that without treating everyone in like circumstances exactly the same, it has the appearance of being arbitrary.

COMMISSIONER DURAN: Well, maybe that was the wrong example, a lot split. And I agree with you that the lot split is a change in zoning. We have a lot of those cases that come before us. I was on the Board of Adjustment with the City of Santa Fe for eight years and we dealt exactly with the things that you mentioned. Lot lines, setbacks, heights, things that really were -- that required a variance and that didn't have to deal with densities or zoning.

But I don't see how across the board, a change to the process is the most appropriate thing. If you want to say that any submittals that deal with densities go through a different process, I think that's another story, but to suggest that everything end up going the process that you're suggesting.

MR. GRICE: I'm only suggesting -- let me see if I can summarize -- I'm only suggesting that the subdivision process, that the submittal requirements of a three-step process be matched to the level of commitment. Currently, what the developers tell us is that they have to submit essentially final drawings in order to make a master plan submittal. So they have to spend all of the dollars necessary to know, to satisfy all requirements at the very first phase when the first phase may result in a denial.

On the other hand, the citizens tell us that because the developer is spending so much up front that the County Development Review Committee feels obligated to approve -- in fact, the County Development Review Committee members themselves told us that because the applicants are having to spend so much money at the first phase of the process, they feel compelled to grant approval. What I'm suggesting is that if you slow down just a little bit and have a tiered, a slowly incremental increase in the submittal requirements and the level of commitment. It just works out. Trust me. It works out in a more fair, predictable manner than if you have all of the submittal requirements up front.

Do you have anything to add to that? There are two separate things going on here. One is the Board of Adjustment and who handles variances and appeals and then the tiered development review process. Those are two very different things.

COMMISSIONER DURAN: Well, what's the next step, Mr. Chair.

CHAIRMAN SULLIVAN: I think what we're providing here for the consultants is just some feedback which is what you're here to get and I think we've had some good ideas thrown out here by all the members. I would also suggest maybe one way of accommodating some of Commissioner Duran's concerns might be that that conceptual process, whatever you call it, whether you call it a master plan or whether you call it conceptual or whatever, needs to come to the County Commission. I think that that's not something that we're ready to delegate to the CDRC.

MR. GRICE: That's fine.

CHAIRMAN SULLIVAN: Because they are so important. Now, you've got

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some good ideas floating here that are -- is there something that would go to the CDRC first that would speed up the process and make it more cost-effective and still allow the public some early on participation? Maybe that would be the conceptual plan and then it would come to the County Commission. Maybe it would then be called a master plan. I'm not quite sure how that would work. But I think what we're getting at here is that master plans, as we currently define them, are really quite important to the Commission. That defines the thinking of the development. We do include language that no rights are vested. We've been constantly advised by counsel that no rights are vested in the developer until the final plat stage, just as you've said.

So perhaps there's a way there, I think there's some expression on the Commission's part that it's not ready to delegate that very important task to the CDRC.

MR. GRICE: No, I don't think you should. I suggested that there needs to be a mix of processes, procedures at the County's disposal that it can match specific land uses to based upon the complexity of the review and the level of discretion involved. Some matters -- if you establish a set of use-specific standards, you establish a set of standards, now under what circumstances will the County approve a second unit on a single lot? You'll see an established set of standards. Once you have that set of standards, it could be delegated.

CHAIRMAN SULLIVAN: You're back kind of now to the variance issue, which are two very important issues. I think we have the process for subdivision submittals, for master plans and those and that creates its own areas of concern with water, as I mentioned and others, and dealing with the LDRCs and so forth. Then we have this issue of how do we handle variances. And I think you're looking, and Commissioner Duran said Where do we go from here? I think one issue, Commissioner Duran, that they're looking for is do we want them to consider this Board of Adjustment anymore? To only deal with variances in a very hard, specific categorization of what a variance is, as opposed to what a rezoning is. If it's a rezoning, then it needs to go somewhere else.

MR. GRICE: That's right. So we need to define "variance" very narrowly. We can delegate that to --

CHAIRMAN SULLIVAN: Commissioner Campos, Commissioner Montoya, is there some -- I was just asking do you want them to move forward and at least give us some more thoughts on this Board of Adjustment for just variances. Variances are not lot splits. Lot splits are rezonings. But variances are just what they said. They are variances to the Code based on a physical hardship imposed on the property by some stream meanders and cuts off a person's property and they don't have an acre left. Whatever the case may be. We don't have any streams meandering in Santa Fe by the way. That's for people somewhere where there's water. People know about that. We have wind erosion and that some times does it. Do you want them --

COMMISSIONER CAMPOS: No.

CHAIRMAN SULLIVAN: You don't want a Board of Adjustment. I explained this to Mr. Grice when we met. I don't believe in a Board of Adjustment. I know from a theoretical perspective it makes a lot of sense, but in context it doesn't. In Santa Fe County

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we're used to granting and ruling by variance. If the County Commission cannot hold the line, how can we expect a Board of Adjustment to hold the line and apply the law the way it's supposed to be applied. Once we set the example, perhaps we'll be ready. We're not ready at the level of our political maturity to hand that off to anybody.

CHAIRMAN SULLIVAN: Commissioner Montoya, thoughts on that? Let's just focus on the Board of Adjustment right now.

COMMISSIONER MONTOYA: I agree with some of the points that Commissioner Campos made. I think that's something that we can handle right now and then in the future turn it over.

CHAIRMAN SULLIVAN: So perhaps a phased process of dividing issues coming before the County Commission into variance items, issues, and then into rezoning issues. So we have two separate sets of criteria to apply to them. Once we feel comfortable doing that and we've set the standards, we may want to create a Board of Adjustment. Commissioner Anaya, thoughts on this?

COMMISSIONER ANAYA: Mr. Chair, I'd like to see them go forward with the Board of Adjustment and let us hear more about it.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I feel the same way.

CHAIRMAN SULLIVAN: I think there's a general consensus we'd like to explore the Board of Adjustment and tell us more about it. Does that sound reasonable?

MR. GRICE: Yes. Thank you.

CHAIRMAN SULLIVAN: Okay, you've got some direction there. Other questions or comments from the Commission?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: So what's the next step? You're going to come forward with some recommendations on how the Board of Adjustment might look. How about all the other policy suggestions, changes that they're suggesting? Are they coming back in another couple months? Or are they actually coming forward with changes to the policies and procedures manual if we have one?

CHAIRMAN SULLIVAN: This is the first time I've gotten a look at that report.

MR. GRICE: The process of drafting the Code is outlined here in the project structure. We're in phase 2, the initial draft of the Code. The first step in that process is to prepare an outline, diagnose it, make a recommendation on what's broken, what isn't and how we might fix it. The document itself has been drafted in three modules, that is three components that are separate pieces of the document. First is to draft the procedures. That were be a common procedure, a section on the common procedures that the County currently has. That procedure section would also include a description of the decision making bodies and their authority.

Module two is district and use standards and Module three is development standards and



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the rest of it.

COMMISSIONER DURAN: So is there any opportunity that you – are you , going through this process in your office. Is there going to be any opportunity for us to discuss your findings with you or is that one meeting the only shot we get to talk to you about what we think might be right.

MR. GRICE: There will be work sessions.

COMMISSIONER DURAN: There will be work sessions? Do we as the Commission have the opportunity to listen? Join in? Or are you all coming forward with your own idea here?

ROMAN ABEYTA (Land Use Administrator): Mr. Chair, Commissioner Duran, we would like to have work sessions in which the Board can participate.

COMMISSIONER DURAN: On each level.

MR. ABEYTA: Yes, on each level. But we would like to have those also at separate meetings and not have them during the administrative meetings or the land use meetings but set up special meetings for the Board to meet so we're not in a rush and we don't take up other people's, other department's time. So if we could get that direction from you today, that would be appreciated so that we can start scheduling these meetings that we need to.

COMMISSIONER DURAN: Well, I don't know about the rest of you, but for me, I have to eat lunch every day and I wouldn't mind if we could have like brown bag luncheons, brown bag meetings. It would be easier to do them then and maybe we could – I have another job that I have to take care of but I do want to get involved in this and however you think would be an appropriate way of developing workshops I would like to participate.

CHAIRMAN SULLIVAN: In this case, when they were first coming by with some of the first general ideas I asked them to bring it to the regular meeting so it would be televised, it wouldn't require a separate session. I think we have reached the next step. I'd like to see a draft, have a draft from what we've discussed here. For example you have a section that says, on page 33, demonstration of adequate water supply would continue to be a primary requirement. See 6.4A. And 6.4A doesn't say anything about water. So there's problems that we would like to see a hard draft on and then go back to and rethink some of these.

So I think after having done today's session, and seeing your next cut, your next draft on these issues, we would be ready for a working session and probably, Commissioner, it would have to be more than just a luncheon. I'd say you are probably looking at two to three hours of hard-nosed arm-wrestling.

COMMISSIONER DURAN: I could do that.

CHAIRMAN SULLIVAN: Where we would go through some of these issues. And occasionally we've done it prior to other Commission meetings but it pretty well wears you down when you're dealing with a subject like that. So that would be our next step.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos. I almost forgot you.

COMMISSIONER CAMPOS: You did forget me.

CHAIRMAN SULLIVAN: I said almost.

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COMMISSIONER CAMPOS: You did. My comments generally are that I think you're going in the right direction. I like a lot of the ideas you're bringing out, the process ideas I think you need to streamline. Good ideas. I don't agree with all of them but I agree with the general direction. I'd like you to proceed with fundamental change as to how the Code is written. We have to get the Code in compliance with the General Plan. That is one of the major objectives. If we can do those two things I think we're going to -- plus simplify and clarify and as you say make it more readable and user-friendly, we're going to have take a huge leap in our history as a County.

MR. GRICE: That's our goal.

CHAIRMAN SULLIVAN: And just to add to that, we haven't discussed TDRs, and I noticed in your draft you indicate that TDRs, that our TDR program has some glitches that "The County may wish to reconsider whether this is something that it wants to include in the Code." And I think that's exactly right. I do think, you don't have time today to get back into the TDR question but we've only done one significant TDR which has resulted in the threat of a lawsuit. So that's one of those rocky starts, you might say. But there may still be some reasons for it. I'm not quite sure or convinced that there are, but there may be and so we'd like, I would like you to flesh that out a little more and give us a little more of your background on that.

MR. GRICE: Staff is going to play an integral role and they already are. We've tried to persuade staff that TDRs, that they shouldn't support preserving TDRs and they didn't go for that. The TDRs are staying. We are planning, we've already begun streamlining it, trimming them a bit, consolidating some of the sending and receiving areas. We think you have too many. At a minimum, you have too many sending and receiving areas and we've proposed treating them as overlay zoning districts. So we're planning, Mr. Chair, on keeping the TDR program and refining it.

CHAIRMAN SULLIVAN: But your recommendation is not to.

MR. GRICE: Our recommendation is that in its present state --

CHAIRMAN SULLIVAN: You're planning on keeping it because the staff wants to keep it.

MR. GRICE: They think it's important. It came out of plans that are still valid.

CHAIRMAN SULLIVAN: It certainly would be -- your thoughts on it, the further complexity and what the goals of that are would be important.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: When you review the TDR program for us and make your recommendation, could you do me a favor and contact the Boulder, Colorado area. In fact I think there's someone even here. Paul Olafson knows the individual. He's the newest member on our COLTPAC committee, and he was from that Boulder area and I think he actually developed the TDR program or he was somehow involved in it. I went to Boulder a couple years ago and the program had been in place about ten to twelve years and in those 12 years they'd only had one project that came forward on a TDR program. I'm not convinced that



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it really works.

MR. GRICE: That's your situation. I understand you've only had one project,  
COMMISSIONER DURAN: But we've only had it in place for like 18 months.

MR. GRICE: TDR programs work best when there's an area that has  
environmentally sensitive constraints that you want to preserve and a receiving area for which  
there is significant development pressure and the zoning is fairly restrictive. I don't think you  
really have either of those two situations perfectly in place.

COMMISSIONER DURAN: I'd love for it to work but I don't know if it can.

MR. GRICE: There are a number of people on our staff, Jim's in particular,  
that have a lot of experience with TDRs.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Any other questions? Commissioner Campos. Then  
we could move on to the next item.

COMMISSIONER CAMPOS: I would like to have some input from you on  
TDRs because I am skeptical also. Even though staff supports them, I would like to have your  
assessment as to why you're in doubt about them. Mr. Chair, I think this was noticed for public  
comment. Is that right?

CHAIRMAN SULLIVAN: No, this was presentation and direction on policy  
issues. So it's not a public hearing. Any other questions? Thank you, Mr. Grice. We appreciate  
your conciseness and thoroughness.

COMMISSIONER DURAN: Thank you.

CHAIRMAN SULLIVAN: And look forward to seeing the next draft before the  
County Commission meeting. Mr. Gonzalez, County Manager, would you like to give us some  
guidance on the order of items you would like us to work through here. We're in item XII right  
now. We have one public hearing that has to do with COLTPAC open lands. You said you had  
a time associated with it.

MR. GONZALEZ: I believe the COLTPAC item can be done fairly quickly.  
I've gone over the agenda just to see what items could potentially be postponed. We don't have  
very many that can be postponed so we're going to have to go basically through most of the  
agenda here. And I don't know if the COLTPAC folks are here and prepared to go forward,  
but I'm assuming they'll be able to do it briefly and that we also can do the presentations. Is  
Hugh Nator still here?

CHAIRMAN SULLIVAN: Well, we'll just go down the list here then.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos

COMMISSIONER CAMPOS: We have EZA at 6:00. It looks like a short  
agenda. Maybe we can adjourn and come back at 7:30. I think we can probably get out of EZA  
in an hour and a half and just finish it up after 7:30, go through the agenda. I think it's  
important to do that.

CHAIRMAN SULLIVAN: I think it's important but I can't do it myself  
because I've already made commitments after six. I may be the only one. Okay, let's go as fast



and far as we can.

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

**A. Assessor's Office**

**1. Approval of Re-evaluation Maintenance Plan**

**BENITO MARTINEZ** (County Assessor): Thank you, Mr. Chair, members of the Commission, without further ado, I ask for unanimous approval of my plan as presented. You've had time to review it and for the sake of time, seriously, I'd like to ask your approval of the plan. Questions?

**CHAIRMAN SULLIVAN**: Actually, Mr. Martinez, it wasn't in my packet so I didn't have a chance to review it. It was just a memo that said that it's going to be provided later.

**MR. MARTINEZ**: Mr. Chair, it was in your box on Friday 12 noon as the memo indicated.

**CHAIRMAN SULLIVAN**: Oh, that thing. Maybe it was in the box because I wasn't here to pick it up on Friday. Do you want to explain just briefly, Benito, just what the —

**MR. MARTINEZ**: Sure, Mr. Chair. In accordance with 7-38-38-1D, the New Mexico Statutes, the Assessor statewide is required to submit a County re-evaluation maintenance plan in order to have the budget approved for the County Assessor. The plan is requisite to the approval of a budget and in this plan, the third page in is the index. Basically, the meat and potatoes of this plan is the standard procedures, effective planning, production levels and progress reports, projected reappraisal, productivity levels. There's a lot of numbers in here I'd like to highlight.

In this plan we have set a high standard in that this past ten-month period we've reappraised \$1.23 billion in valuation of which \$700 million plus was in new construction. So it's a record year and it has given us resources in the amount of \$1,850,000 to the County.

**COMMISSIONER DURAN**: When will we realize that in our general fund?

**MR. MARTINEZ**: Mr. Chair, Commissioner Duran, that will be realized upon the first half of taxes being collected in November of this year. But it will be effective for this budget cycle you will be approving shortly. There are resources that will be relied upon for approval of this budget that's coming up 2003/2004.

**COMMISSIONER DURAN**: Using that revenue?

**MR. MARTINEZ**: Mr. Chair, Commissioner Duran, that's correct. My understanding though, and Finance can verify this is that \$1.85 million has been occupied to the tune of \$1.5 million to the jail and I forget what the additional occupation of that revenue is for. So we did a good job but it's gone already. But if we hadn't had that \$1.8 million we'd really be in a hole. But it's a new record, Commissioners.

**COMMISSIONER DURAN**: Good work.

**MR. MARTINEZ**: Over one billion dollars in new value in a ten-month period.

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CHAIRMAN SULLIVAN: Mr. Martinez, this is a plan that the Finance, DFA requires or that the State appraiser requires or what is the genesis of this?

MR. MARTINEZ: Mr. Chair, it is a state statute that assessors are obligated to submit to their County Commission for their approval and it's prerequisite to the approval of the budget. In other words, this has to be approved in order for the assessor's budget to be approved.

CHAIRMAN SULLIVAN: And is there any major things in here that deviate from the way you've been operating that we should be aware of?

MR. MARTINEZ: Mr. Chair, not necessarily. We are continuing to appear before civic organizations. We have a home buyer's training, teachings that we have staff members that appear before civic organizations to do home buyer's training. One of the new topics, of course, of discussion is the disclosure bill that the assessors statewide were victorious in getting through the legislature. There's a copy of the affidavit, a draft copy of the affidavit for disclosure of sale price. But generally speaking, it is a two-year plan, reappraisal plan. Because our reappraisal starts July 2003, we'll go until July 2005 and this is the two-year plan.

CHAIRMAN SULLIVAN: Okay, any other questions of the Assessor?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: A motion for approval from Commissioner Duran, a second by Commissioner Montoya. Is there any further discussion?

**The motion to approve the Assessor's Re-evaluation maintenance plan passed by unanimous [5-0] voice vote.**

MR. MARTINEZ: Thank you, Mr. Chair, Commissioners.

CHAIRMAN SULLIVAN: There you go. You're on your way for two more years.

**XII. B. Community & Health Development Department**

**1. Request Approval of Settlement Agreement with CDR Construction, Inc. for the New Construction of a Total of Forty (40) Free Standing Duplexes and Single Family Residences**

CHAIRMAN SULLIVAN: This was discussed in some detail this morning at the Housing Authority Board meeting and I believe we've also been given a copy of the draft of what that settlement agreement would look like just recently. Mr. Anaya.

ROBERT ANAYA (CHDD Director): Mr. Chair, Commissioners, it's correct that you were just given a draft of the settlement agreement that Ms. Collaros in legal has spent numerous hours in reviewing and going through and putting together for us. This puts us in a position to close out the CDR Construction project in the new construction units, the 40 which



will be newly built in Santa Cruz, Valle Vista and at the Vista Verde site.

Mr. Chair, Commissioners, I would stand for any specific questions.

CHAIRMAN SULLIVAN: Any additional questions on this?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion and a second. Is there further discussion?

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The motion to approve the settlement agreement with CDR Construction passed by unanimous [3-0] voice vote, with Commissioner Anaya having recused himself from the vote. [Commissioner Duran was not present for this action.]

CHAIRMAN SULLIVAN: You have your approval. Thank you, Mr. Anaya.

**XII. C. Finance Department**

**I. Resolution No. 2003-78. A Resolution Approving the Fiscal Year 2004 Interim Budget**

SUSAN LUCERO (Acting Finance Director): Mr. Chair, members of the Commission, we'd like to present to you the fiscal year 2004 proposed interim budget. [Exhibit 4] We are seeking your approval today in order to be in compliance with the statute requirements of the New Mexico Department of Finance Administration that it be in to their office by May 31<sup>st</sup>.

CHAIRMAN SULLIVAN: While the power point is powering up, Susan, does an interim budget mean that there will be another one following this?

MS. LUCERO: What interim means in terms of what DFA describes, interim is the preliminary budget, your total sources and uses, as projected, and the final is given to them and it's approved by you with minor changes. Typically, where maybe cash balances are being verified in specific special revenue funds, such and law enforcement funds, Fire, EMS funds, things of that nature. But for the most part this is in a sense our total final budget but there will be some minor changes required by DFA.

CHAIRMAN SULLIVAN: If something major comes in front of us during this next fiscal year, let's say for example some financial issues regarding the prison, then the procedure is what? We come back and amend this, revise this budget?

MS. LUCERO: Actually, if something were to come up between now and July 30<sup>th</sup> you would have an opportunity to amend this interim and make your changes conducive with your final budget.

CHAIRMAN SULLIVAN: After July 30<sup>th</sup>.

MS. LUCERO: Before July 30<sup>th</sup>. Let's say between now and the next 60 days.



CHAIRMAN SULLIVAN: I understand. And then after July 30<sup>th</sup>, what happens? 2594850

MS. LUCERO: After that, it's only done through a budget adjustment resolution.

CHAIRMAN SULLIVAN: Okay. It looks like you're ready. Here is a quick summary, since some of our Commissioners are new, we wanted to very quickly summarize to you total sources for Santa Fe County, represented by major revenue sources. So you'll see on the top, the two blocks, so to speak, of general versus dedicated funds. That way you get a really good feeling for what is discretionary goes to general and what is not goes to the dedicated funds. We've chosen a few of the major ones. The Indigent Fund/EMS health care fund, the fire tax quarter percent and the newest County Capital outlay fund. Our general obligation debt service fund, our notorious jail fund and others, for the totals to the very end as you see to the far right.

There are basically two major revenue funding streams afforded to the County as a whole, being property tax as the first one and gross receipts tax is the second. What comes to general fund for those two funding streams amounts to about \$29 million. The other revenue we've received down below in the general fund block is \$3.7, that composed of investment income, licenses, charges for services and miscellaneous items of that nature. This is a total summary of what this year's proposed budget looks like in terms of revenue. Total sources amount to \$91.4 million, of which \$10.9 are operational transfers between funds. We are showing that as a reduction so as not to duplicate revenue. So the actual total revenue, new or for this year's budget to the County is \$81.5 million.

You'll see the two largest slices of the pie being property taxes, gross receipts taxes. Those two elements are approximately 58 percent of the total budget. Our next largest slices are grants, \$7.3 million cash. This is across all funds. Care of prisoners revenue of \$5.4 million and St. Vincent's memorandum of agreement of \$3.5 million.

Now we'd like to break up for you and concentrate on the general fund sources and uses. In an effort to show you our presentation in balancing the budget. This year, our property taxes are up approximately 6.6 percent. This is about .7 greater than last year's budget for property tax growth. 1.5 of that comes to general fund and approximately \$250,000 of that goes to the valuation fund for their one percent administrative fee. We are seeing the effect of the nationwide recession in terms of the gross receipts taxes being flat. Gasoline taxes, motor vehicle taxes being flat. Investment income is down 25 percent due to the rates being down and a lot of our older Treasury bills that we've had invested at rates of 5.75 are now maturing.

Clerk fees are up. That's under all income and subsidies, primarily because of the refinancing wave that has been going on now for about 18 months to two years. Our overall cash required for baseline is down slightly from last year. Instead of \$2.1 million it's at \$2 million. So our total growth to the general fund is \$1.4 million.

On the use side, where that growth goes was primarily, as you can see to the very bottom line, transfer to jail fund, the very far right column under difference from FY03 for FY04 is a \$1.3 million increase from where we were a year ago to date. This is largely due to

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the loss of federal inmates who were paying at a rate of \$65 a day, which allowed the jail operation to operate with some profit margin, and it's largely due to an increase of Santa Fe County inmates with no offsetting revenue.

We have included in this budget, based on your direction funding for an economic development specialist in an attempt to spearhead the Santa Fe County economic business park. We are suggesting on that line and for that purpose that that position be term, or contractual better yet, for the first year of funding and for that to be funded through cash. In addition to this, we've funded, through cash, based on your request, discretionary projects for the Board in the amount of \$25,000 per Commissioner for a total of \$125,000.

Our contingency cost center, which last year was budgeted at \$1.25 million, we are suggesting to budget it at the same level this year, however \$250,000 of that to be budgeted from cash. We rarely -- I think the last time we used even half of the contingency budget was back when we first brought the jail on in 1997. So we think that there's a safe pattern of not having to use anywhere near the level that we're requesting that the budget be funded at.

In terms of net increases, I'd like to direct your attention to the last column. Under legal, we see this year an increase in the insurance rates. I don't believe it's a large percentage but it is indicative of what's happening across the nation. And also due to law enforcement premium increase, which I believe was at 34 percent, wasn't it? 34 percent increase in law enforcement premium, increase in comparison to last year.

Under the finance cost center, you'll see a reduction of \$516,000. What that is is the actual cost of living increase that was approved for CWA and for AFSCME and non-AFSCME employees as of January 1<sup>st</sup> and as of July 1<sup>st</sup> of this past fiscal year.

On the capital package we are looking at a similar funding level as last year, \$1.485 compared to \$1.423, also to be funded through cash. The other large areas would be in the Sheriff's Department where you see the \$390,000 increase due to the union negotiations afforded through the CWA agreement. So in total, we're looking at a \$360,000 net increase to the various departments within general fund.

On the transfer side, for operating transfers, we're reducing the road fund transfer because we are using some capital outlay GRT for road improvements and because there is a cash balance available for the following year's project. The total summary then on the use side is an increase of \$1.439 million.

What we have done regarding position requests, we are bringing these to you, requesting your guidance in what positions may or may not be funded at this moment. We are looking at approximately \$60,000 available for growth in terms of salaries. Two of the positions I would like to direct your attention to are somewhat regulatory in nature and that would be under PFMD, project manager. The description under this is fully fund from general fund instead of bond fund for approximately \$12,000 a year. This position last year was funded, I believe 67 percent through GOB money and another 33 percent or 38 percent from general fund. We are requesting general fund pay for this position this coming year because we are running out of GOB bond fund money. It needs to be used for wrapping up the projects.

Under the County Clerk, poll workers, 15 part time positions for five early voting sites,

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I believe it was the direction of the Commission to add these early voting sites and therefore we do need to have positions available to man them. And that would be at the cost of \$22,000. Those are two areas that I see might need particular attention due to regulatory reasons and duties.

So we are asking for your direction and discussion on what of these positions, if any, shall be funded with the difference available in the general fund of \$60,000.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: An issue I've raised before with Ms. Lucero, in the last six months, I believe, we made a commitment by ordinance to hire someone to actually go out and read meters to make sure people were compliant. We made a commitment by ordinance but I don't see that position listed here.

MS. LUCERO: There is an ordinance. It is water meter reading program.

COMMISSIONER CAMPOS: Okay. I get it. You're right.

CHAIRMAN SULLIVAN: But you're right. That's not built into the current budget, correct?

MS. LUCERO: Right. This is a new position. It came across as a new FTE request.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya. And then Commissioner

Duran.

COMMISSIONER ANAYA: So we have \$60,000 left and these are the positions you're asking us to look over to see which ones we would recommend.

MS. LUCERO: Mr. Chair, Commissioner, that is correct.

COMMISSIONER ANAYA: And the totals are what they would make?

MS. LUCERO: The totals to the right in thousands are what needs to be funded. If you look at - if we start at the very top, in the County Manager's Department, the Secretary I was funded in terms of internal reorganization. There were reductions of expenditures allowed in an effort to fund this position, but it's still showing up there as a request. However, that is how we were able to fund it. We're showing the economic growth specialist for \$100,000. This is the position we accessed to fund for the business park.

CHAIRMAN SULLIVAN: But the total, Susan, there was the additional funds that were available from your interim budget are only \$60,000 so what you're saying is from that right column, that far right column, we have to pare that down to \$60,000.

MS. LUCERO: Mr. Chair, that is correct.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: So you mean all those new position requests, we only have \$60,000 to allocate towards all of those?

MS. LUCERO: Yes, Commissioner. That is correct.

COMMISSIONER DURAN: And if we decide that we wanted to do all of



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them, we'd have to go to the budget and delete some positions or some equipment or something in order to do that.

MS. LUCERO: Mr. Chair, Commissioner, we would have to go back and pare down on the expense side, not capital, because that's funded with cash, but on the expense side such as contractual service, travel, etc. We'd have to do reductions in areas like that.

COMMISSIONER DURAN: And how much more do we need?

MS. LUCERO: Oh, about \$355,000.

COMMISSIONER DURAN: So \$355,000, that includes the \$60,000 that you say we have.

MS. LUCERO: Yes.

COMMISSIONER DURAN: Would this be an appropriate time to go through that list and find out which ones we want, if any, or are we going to go back to it to make that decision? What's the next step of your -- what would be the appropriate step to take here?

MS. LUCERO: Commissioner, what we're asking for is direction on what, if any of these positions you would like funded with the extra \$60,000. We can also look at expense reduction. We'd look very quickly, cursory at travel for example. We could potentially reduce that by 20 percent, but we're only talking about \$21,000. We could look at an across the board contractual service reduction, not to affect such things as maintenance contracts, and that may afford you approximately \$30,000, if we look at a ten percent reduction. So right there is another \$50,000 we could potentially look at, but these are already two budget categories that we have trimmed during the budget process and during the hearings. So they won't be a lot available there, but there are some things.

COMMISSIONER DURAN: So all of the ones that are shown on that list, the mandatory one is the County Clerk's issue, because we are now a Class A community. So we really have no choice on that particular item, right?

MS. LUCERO: Commissioner, I believe that is correct.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So we have \$28,000 left?

CHAIRMAN SULLIVAN: If you put the project manager and the poll workers in there, that's right. That's \$34,000 of the \$60,000, so you have \$26,000 left. Those are the two, am I not correct, that we need to fund?

MS. LUCERO: That is correct.

CHAIRMAN SULLIVAN: Commissioner Duran, do you have any more questions?

COMMISSIONER DURAN: I've got a question for you, Mr. Chair. How do you want to proceed with this? Can we decide which one of these we want? And then work through the rest of the budget or how do you plan on proceeding?

CHAIRMAN SULLIVAN: Well, my suggestion for the time being would be to decide within the \$60,000 and then go through the rest of the budget presentation and if we want to come back and make changes, we can go back and do that. Would that work for the

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Board? We had Commissioner Montoya, then Commissioner Campos.

COMMISSIONER MONTOYA: Unrelated to the question but related to the position, I would suggest that we look at those two, from the project manager to the poll workers, the other one I think that has provided an invaluable service to this County has been the position of website developer. I would like to see that somehow maintained. The other positions, three deputy positions, in the correspondence that I received from Sheriff Greg Solano is that it didn't appear that we would need new funding, but just reallocate existing funding for these positions. Is that correct?

MS. LUCERO: Mr. Chair, Commissioner, let me address that. What Sheriff Solano has reviewed or indicated he would like to pursue is a federal grant for \$150,000 that would go toward overtime, as I understand his written communication. That would work, if and when we have the grant in hand. He has also worked very hard on security contracts such as one with the New Mexico State Highway for the US 84/285 corridor. They are doing patrolling of the construction area. That contract expires January. It's my understanding from the state that they are pulling back all of their contracts. So I am not comfortable in budgeting that as a permanent source of revenue, especially after the first six months of the new year.

COMMISSIONER MONTOYA: Which one was that again?

MS. LUCERO: That was the State Highway Department contract for patrolling the construction area off of US 84.

COMMISSIONER MONTOYA: That's the one that you wouldn't want --

MS. LUCERO: It expires in January. I am certain he will work with trying to renew it but I've heard on the state level that they are pulling back all contractual services to some degree. So it would be a little sketchy to pursue that as a permanent funding source for a permanent position. Another area that we've discussed and we've never really used it 100 percent is the transfer from the local DWI grant that amounts to \$75,000. However, the overtime rate this last year was very high and we did use at least half of the DWI money to afford the overtime. We leaned on it for that reason. That's an area that if the overtime could be curbed or maintained at the level it's budgeted, we could potentially use that as a source of funding for a new FTE, at least for one and a half of one.

COMMISSIONER MONTOYA: I'd like to hear what the Sheriff has to say.

CHAIRMAN SULLIVAN: Okay, Sheriff.

GREG SOLANO (County Sheriff): Thank you, Mr. Chair, Commissioners. One of the things, it doesn't sound quite accurate, but I had worked with Katherine very hard before she left on funding these positions and I think we came up with a plan for funding at least two of them, which would really use the existing monies within my budget. One of them is the \$75,000 DWI grant that I talked about. And when I talked with Katherine, I talked with her about making an agreement that if we used that \$75,000 for these people, for these positions, that I would agree that in next year's budget, if we went over on our overtime, then I would agree to not hire for vacant positions until we made up the difference if that were to happen.

My intention is to stay within budget in the overtime area next year. So that \$75,000

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could be transferred from the DWI fund in my opinion to fund these positions. The other thing that I'm doing is on June 2<sup>nd</sup>, I have a meeting with the CWA Union on a memorandum of understanding. I'd like to do away with the hiring incentive bonuses that were put into the contract last year. My feeling is that for one, those shouldn't have been put in the contract anyway because those deputies don't fall under the union until they've been with the department for at least a year. So I really shouldn't be having to go for an MOU but I am. On June 2, Monday, I'll be meeting with the union, working on getting that finalized or taking the next steps. Once the union agrees to that MOU, then it would be brought before the Commissioners to agree to and that would be an additional \$20,000.

So that would give me a total of \$95,000 to fund at least two positions of the three. That would leave a balance of \$42,000 if we were to get the third position. I've asked that we be allowed to use savings from fiscal year 2003 in the Sheriff's budget to fund that additional \$42,000 and I've instructed my staff to stop spending except for essential items during the remainder of fiscal year 2003 so that I would have that \$42,000 remaining. So basically, I'm asking to use these financing areas that I've come up with to fund these three positions without any additional dollars from the Commission from the fiscal year 2004 budget at all.

COMMISSIONER MONTOYA: These are existing funds, right, Sheriff?

SHERIFF SOLANO: These are all existing funds. These aren't grant funds. I did mention in my memo that I was pursuing homeland security overtime grant funds and I mentioned some of our US 84/285 project funds, because I wanted to make a point that, for example, our overtime fund, I believe, was budgeted at \$275,000 last year, for fiscal year 2003. We have currently spent a little over \$300,000, but the difference has been made up through grant money. That has all come from grants, either DWI, STEP grants, US 84/285 project and other grants that we go in and we actually charge a little more than what we actually spend in the overtime, or in the case of 84/285 project, in the case of the STEP and the DWI grants those monies are monies for when we go out and we do the DWI enforcement, that comes out of our overtime budget but then we're reimbursed one for one on every dollar and that money is put back into our overtime budget. \$18,000 in the last two months. Another \$5,000 you approved today in the budget transfers on the Consent Calendar.

So my feeling is that we can fund these three positions without asking for any additional dollars. I actually thought, until this morning that we had come to an agreement and that the two positions at least were already going to be incorporated in the budget and that I wouldn't need to come and speak to you on them. But these positions are gravely needed. We have four less deputies today than we did five years ago and the County of course as you can imagine is very well grown. The number of constituent calls that I get from each of your districts asking for more deputies in the area, and I'm sure you get them too, is enormous and we need to start taking care of this problem. I think that I've worked very hard to come up with ways that we can fund this without even asking for any additional monies.

COMMISSIONER MONTOYA: Mr. Chair, Sheriff, on that \$42,000, is that recurring funding?

SHERIFF SOLANO: No, in that case it wouldn't be. I'm asking to use funding



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that's left over from fiscal year 2003 to carry over to 2004. The \$20,000 in the MOU, that's money that's been budgeted for that is recurring, and the \$75,000 DWI grant fund, of course, each year that could change. But that's money that really right now should be going into funding additional officers to assist with our DWI programs and such, rather than straight into the overtime budget where it's used throughout the department for all uses.

CHAIRMAN SULLIVAN: Commissioner Montoya, are you through?

COMMISSIONER MONTOYA: I think, Mr. Chair, I would think that we would probably not need to tap into that \$60,000 for this particular one. Actually, it saves us the need, as the Sheriff has indicated for additional deputies. I get asked practically on a daily basis when are we going to see more patrols in the community, in the neighborhood. And I will support whatever we can do in order to obtain additional officers. So I would think that the plan that the Sheriff has come up with I would definitely support. That's kind of where I'm at right now, Mr. Chair. And again, just to reiterate, I think the web developer could, in some instances maybe expand the role and maybe look at some sort of economic development promotion there as well. I don't know if that's possible or not, but I know a lot of people compliment and comment on the website that we've got, that they get a lot of good information from there and that would be a beginning of how we may pursue additional economic development opportunities. Thank you, Mr. Chair. Thank you, Susan.

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

COMMISSIONER CAMPOS: Mr. Chair, A novel idea: the \$125,000 we use for Commission discretionary fund -- let's use it for something that we really need, filling some positions. For \$125,000 we can really have a direct impact on services instead of having every Commissioner spend \$25,000 on their district or pet project. That's a lot of money that could be used more effectively. That's what I would suggest. We have made a commitment to land use to the plans examiner, to the water meter reading program. That was a commitment by ordinance.

It looks like we need a custodian and the Enacon and the magistrates. That's protecting our own property. We have to do that. The Sheriff, that's very important. Utilities, Enacon, clearly they need a receptionist. They're going to have a lot of agencies and the most effective way to handle that is a receptionist right up front. You're going to have three, four agencies out there. You need to have a receptionist. So those are my thoughts. Thank you.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: We're going to have to pick and chose here and I'm going to make a motion. I'd like to make a motion that we, out of these new position requests we fund the economic growth specialist, we do not fund the Land Use plans examiner, or the Public Works parts clerk or the custodian. We fund the open space coordinator, the web developer, the project manager, the County Clerk's two items and the Sheriff, and we don't fund the Utilities. And I add this up, it's \$392,000. If we required the Assessor to fund the website specialist out of his budget, that takes it down to \$347,000, and the Sheriff pulls it off and is able to get that grant money, it takes it down to \$210,000. So my motion is to, having

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picked and choosing here is to move forward with the budget with those particular new positions and then, if, during this process, we decide that we can't fund them, at least we've whittled it down to ones we think, the Commission feels are worthy of bringing forward.

MS. LUCERO: Mr. Chair, members of the Commission, could I make one quick comment. There was quite a flurry of activity as you were discussing these different positions. On the project manager, PFMD has said that they will reduce their internal budget in an effort to fund that position at that dollar amount. They'll make cuts somewhere else for up to \$12,000. And speaking with the Assessor, we will shift one of his staff people from, that's currently funded in his general fund to the evaluation fund. That position is for an appraiser, but it would be an appropriate use of the money. And that will free up a similar salary range for the web developer, within general fund within the Assessor's department.

COMMISSIONER DURAN: So then my analysis of the situation would be \$210,000 that we would have to find in this budget process. Is that correct?

MS. LUCERO: Without adding up the numbers, I believe so. Can I ask for a clarification on the deputy positions?

CHAIRMAN SULLIVAN: I wanted to ask about that too, Commissioner Duran, because I think what Sheriff Solano has said is that he can fund those within his existing budget.

COMMISSIONER DURAN: So I've taken them out.

CHAIRMAN SULLIVAN: But I think you took \$150,000.

COMMISSIONER DURAN: No, I took out \$137,000.

CHAIRMAN SULLIVAN: You took out \$137,000. So I think a stipulation if you wanted to do that community policing would be that those need to be funded within the existing budget parameters. Is that your understanding, Susan?

MS. LUCERO: I wanted to make sure I understand if that was the direction in terms of three positions? Two positions?

COMMISSIONER DURAN: Three. It's \$137,000.

CHAIRMAN SULLIVAN: How many was that for? It says three here.

COMMISSIONER DURAN: It says three.

MS. LUCERO: That would be three positions. So --

CHAIRMAN SULLIVAN: But also that would be funded within existing amounts, but not fully the \$75,000 from DWI. You're indicating that only about half of that was available, is that correct?

MS. LUCERO: We used this current year, half of that for overtime. We needed to use it for overtime because we went over on the overtime budget. What I want to make sure I understand is that if the Sheriff can hold his overtime budget to the amount we budgeted this year, which was \$275,000, in addition, fund his overtime through STEP grants, traffic safety program grants and any contractual money he has with the State Highway Department, then that would free up \$75,000 from the local DWI grant. If he gets an amendment to the current MOU that's approximately \$20,000, so that would be \$95,000, we would still have a shortfall that needs to be made up somewhere of \$42,000 or are we indicating that this would be part of



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the \$60,000 to be funded for this difference?

COMMISSIONER DURAN: I think you're complicating it a little too much for us here. All the positions that I just mentioned add up to \$392,000 and the Assessor indicated to me that he'd be willing to fund the \$45,000 website individual out of his budget. Then I heard the Sheriff say that he can finance the three deputy positions. Taking the \$137,000 and the \$45,000 out of the \$392,000 I come up with \$210,00.

CHAIRMAN SULLIVAN: I guess, Commissioner Duran, that's where the disagreement is. I think Susan is saying that you can only, according to her calculations come up with \$95,000 of that \$137,000.

COMMISSIONER DURAN: Okay. Then whatever we can come up with.

CHAIRMAN SULLIVAN: Then there would still be \$42,000 in new money that had to go into it.

COMMISSIONER DURAN: So that would take that \$210,000 up to \$252,000.

CHAIRMAN SULLIVAN: Am I saying that right?

MS. LUCERO: I believe so, yes. So at this level, we can fund two deputies currently, unless we go back to the Sheriff's budget in order to reduce other expenses for the third deputy.

COMMISSIONER DURAN: Well, we're for \$210,000 anyway. If we look for \$252,000 we can fund all three. If we can't find it while we're looking, then we still don't have it. We still have to find it.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Sheriff, would you be okay with two deputies for now?

SHERIFF SOLANO: I'd really like to get all three. I'm willing to work with Susan and Gerald. [inaudible]

COMMISSIONER DURAN: How about three unless we can't find the money. Then it's two.

COMMISSIONER ANAYA: Could you go over what you were saying again?

COMMISSIONER DURAN: Yes. So my motion is, starting from the top, delete from the County Manager's Secretary I, maintain the economic growth specialist.

CHAIRMAN SULLIVAN: Let me stop you right there, Commissioner. If you want to delete that Secretary I, then that actually, the way I understand it, adds \$32,000 to our kitty. Because that's already in the budget. You see on the right hand column there's zero there.

MR. GONZALEZ: The money is already there for that position. It's not a need.

CHAIRMAN SULLIVAN: It's not part of the \$60,000.

COMMISSIONER DURAN: Oh, so then it's even less of an impact.

CHAIRMAN SULLIVAN: It's the same for the \$100,000.

COMMISSIONER DURAN: It's already there.

CHAIRMAN SULLIVAN: That second to last column are the numbers that would be in the budget, the total numbers. And if there's a zero to the right, that means they're



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already in the budget.

COMMISSIONER DURAN: Okay, hang on one second.

CHAIRMAN SULLIVAN: So that adds, if you wanted to delete that Secretary I that would add \$32,000.

COMMISSIONER DURAN: Well, let me just look at it a little bit differently. If we approved all of them, that's \$415,000. So then you're saying that my calculation of \$210,000 is further reduced because of the money that is already in the budget.

CHAIRMAN SULLIVAN: Those first two.

COMMISSIONER DURAN: Just the first two?

CHAIRMAN SULLIVAN: Yes, because the others, you'll notice are in the right column. Those two zeroes mean --

COMMISSIONER DURAN: Okay, good. I follow you. So then my \$210,000 is less \$132,00.

CHAIRMAN SULLIVAN: As I understand it. But you might better go back through it again one more time with feeling here.

COMMISSIONER DURAN: Okay. You want me to start over? So I'm going to delete these --

CHAIRMAN SULLIVAN: So if you're deleting Secretary I, you're adding \$32,000.

COMMISSIONER DURAN: Okay, so that's \$32,000.

CHAIRMAN SULLIVAN: If you're including the development incentive, economic business park, economic growth specialist, that's no change. That's neither a plus nor a minus because it's already in the budget.

COMMISSIONER DURAN: The \$100,000?

CHAIRMAN SULLIVAN: Correct.

COMMISSIONER DURAN: What's the difference between the \$100,000 and the \$32,000?

CHAIRMAN SULLIVAN: You're taking it out. You wanted to leave in the economic growth specialist. So if you leave it in, it stays, so that's a negative --

COMMISSIONER DURAN: So it's a wash.

CHAIRMAN SULLIVAN: It's a wash.

COMMISSIONER DURAN: So then the next one would be to delete the Land Use plans examiner. So there's nothing there. We're not going to add that. We remove the Public Works parts clerk. We remove the Projects and Facilities Management custodian, keep the open space coordinator. So that's \$44,000 that we don't have the need to find. Right?

CHAIRMAN SULLIVAN: All right. He's going down --

COMMISSIONER DURAN: One more time. We're going to delete everything -- let me back up. We're going to add, we're going to keep the economic growth specialist. That's \$100,000. But that's already in the budget so there's no change to the budget. Correct? So the next item that I'm suggesting that we approve, all the ones above it are deleted except for the economic growth specialist, would be the open space coordinator, and that would be

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adding \$44,000 to the budget, looking for \$44,000 in the budget. The web developer, we're going to switch to Benito so we're not looking for that \$45,000 but we're going to approve that position. The project manager -

CHAIRMAN SULLIVAN: Let me stop you right there. So where you are right now, you have a plus \$32,000 and you have a negative \$44,000. So right now, you're at negative \$12,000. That's of the \$60,000. Now the project manager is going to be funded out of their own funds, right? That's what Susan said.

COMMISSIONER DURAN: The project manager also?

CHAIRMAN SULLIVAN: Yes.

COMMISSIONER DURAN: And the web developer?

MS. LUCERO: Yes. PFMD will find reductions in their budget to afford that.

CHAIRMAN SULLIVAN: So we're still at negative \$12,000

COMMISSIONER DURAN: Then the Clerk, by law, I think we're required to do that so that would be \$32,000 and \$22,000.

CHAIRMAN SULLIVAN: Well, the only one that Susan said was the poll workers at \$22,000. Is that correct, Susan?

MS. LUCERO: Perhaps, let me ask the Clerk to speak on that because I may not be correct as far as what the requirements are.

COMMISSIONER DURAN: My motion is to do them both.

CHAIRMAN SULLIVAN: Throw them in there, just for the purposes of discussion. So that would add another \$54,000 to the negative \$12,000 which would be a negative \$66,000.

COMMISSIONER DURAN: And then adding in the three Sheriffs, for \$137,000.

CHAIRMAN SULLIVAN: Assuming none of it is going to come out of his existing budget.

COMMISSIONER DURAN: Right. No, no.

CHAIRMAN SULLIVAN: Assuming \$95,000 is going to come out of it.

COMMISSIONER DURAN: Right. Assuming \$95,000.

CHAIRMAN SULLIVAN: Assuming \$95,000 is going to come out of it. That leaves \$42,000 to fund the three positions. So \$66,000 and \$42,000 is \$108,000 in the hole.

COMMISSIONER DURAN: So my motion is to approve all of those.

CHAIRMAN SULLIVAN: What about the Enacon?

COMMISSIONER DURAN: No, I deleted that too.

CHAIRMAN SULLIVAN: Okay, so your motion then would result in additional funds of \$108,000.

COMMISSIONER DURAN: Right.

CHAIRMAN SULLIVAN: Assuming that \$95,000 of the \$137,000 from the Sheriff's Department was able to be funded through the DWI and holding the line on the overtime.

COMMISSIONER DURAN: And my motion, I'd be willing for some friendly



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amendments if someone feels that we need to add something else on here.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: We have a motion. Do we want to get a second and discuss it? How would we like to proceed here? I don't hear a second so go ahead, Commissioner Anaya. We can still work on it.

COMMISSIONER ANAYA: I would like to see if he could throw in the Secretary I for the County Manager because there's a lot of work going in that Manager's office. I know personally, there's a lot of work they do for me.

COMMISSIONER DURAN: If you second it, I'll include it in the motion.

COMMISSIONER ANAYA: So with that, yes.

COMMISSIONER DURAN: I'll accept that.

CHAIRMAN SULLIVAN: Okay, so we're now back to negative \$140,000 with a motion and a second by Commissioner Anaya. Further discussion of the motion. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I think possibly if we're going to include that Secretary I back that maybe we look at that economic growth specialist and maybe cut it in half into a contract as opposed to an FTE.

CHAIRMAN SULLIVAN: Could we get someone for \$50,000?

COMMISSIONER MONTOYA: I believe so.

CHAIRMAN SULLIVAN: Full time for a year?

COMMISSIONER MONTOYA: On contract. I don't know about full time, but contract I think to put that time that's needed. I don't know that it's a 40-hour a week job in terms of getting things started.

CHAIRMAN SULLIVAN: There was a recommendation that we cut \$50,000 off of the --

COMMISSIONER MONTOYA: Economic growth specialist.

COMMISSIONER DURAN: Oh, man. Who are we going to get to do that?

COMMISSIONER MONTOYA: A contract employee as opposed to an FTE.

COMMISSIONER DURAN: Like for six months or something?

COMMISSIONER MONTOYA: Six months, a year.

COMMISSIONER DURAN: I'd agree if it was a six-month deal. I actually think that six months would get us to a point where we could make some decisions. But I think to give someone \$50,000 for a 12-month period we're not going to get anybody that has any real expertise. So I'd agree to six months. Six months, \$50,000.

CHAIRMAN SULLIVAN: That adds a friendly amendment. So now we're down to that's \$50,000. It's going to be for six months. It's going to be a contract. We're now down to \$90,000 of Susan's \$60,000. Commissioner Campos. What would you like to add or cut?

COMMISSIONER CAMPOS: I think we should add the plans examiner, the water meter reader. We committed that. We committed to the public in a big way and now we're ignoring our commitment. It's easy to pass legislation but if we don't follow through



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fiscally it's just like blowing hot air and that's what we're doing here. And water is the primary issue. We've talked about water, water, water, and here we are saying all these other things, economic growth is more important. Right now, \$100,000. We don't know what we're going to get. We've spent five, six years on the project and we're still in deficit. We have to make some big priority decisions. We're talking about someone here for the Enacon, a custodian to protect our own property. How can you have property if you can't even protect it? The receptionist at the Utilities, how can you manage four agencies with no receptionist?

COMMISSIONER DURAN: Let's hire them all then.

COMMISSIONER CAMPOS: We have to make some decisions.

COMMISSIONER DURAN: I'll accept a friendly amendment if you want to put that water meter Gestapo guy on.

COMMISSIONER CAMPOS: I would say we should drop that economic growth specialist to zero.

COMMISSIONER DURAN: I won't accept that.

COMMISSIONER CAMPOS: And add \$125,000 discretionary funding so we can cover some of this stuff. I'd like to hear how the Commissioners feel about giving up the whole thing or a chunk of it.

COMMISSIONER DURAN: Well, that's not part of my motion.

COMMISSIONER CAMPOS: That's part of my discussion.

CHAIRMAN SULLIVAN: Okay, do you want to add anything, Commissioner Campos, you want to add the water meter individual. When we finish this, by the way, we're going to have to go back and say, Okay, where does the difference come from. So the day of reckoning is not yet here.

COMMISSIONER CAMPOS: I want to add that. We need a custodian at the Enacon and the magistrate court building. We need a receptionist.

CHAIRMAN SULLIVAN: So your request of the motion is to add the \$51,000, plus the \$24,000 and what's the other one?

COMMISSIONER DURAN: I won't accept that in my motion.

COMMISSIONER CAMPOS: The receptionist and the custodian.

CHAIRMAN SULLIVAN: Okay, the receptionist and the custodian. I'll tell you what, the custodian, boy, that district court is a mess. But anyway, the \$51,000, Commissioner Duran, you're okay with that, is that right?

COMMISSIONER DURAN: With the what?

CHAIRMAN SULLIVAN: The \$51,000 for the water meter Gestapo.

COMMISSIONER DURAN: If that's the only addition. We're going to have a hard time finding this money. I'm trying to whittle this thing down.

COMMISSIONER CAMPOS: Let's talk about the \$125,000 we have in discretionary money. That's hard money.

CHAIRMAN SULLIVAN: Let's for now see if we can get this motion amendment in there. Are you okay with the \$51,000, Commissioner Duran?

COMMISSIONER DURAN: I am.

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CHAIRMAN SULLIVAN: And the seconder?

COMMISSIONER ANAYA: Yes.

CHAIRMAN SULLIVAN: Okay. So we have a revised motion now that will put us in the hole for \$141,000. Okay. Now, Commissioner Campos is also asking if we want to take any of that money from the staff budgeted discretionary funds which total \$125,000.

COMMISSIONER DURAN: But that's not part of my motion, Mr. Chair.

CHAIRMAN SULLIVAN: I understand that. Okay. That's just part of the

discussion.

COMMISSIONER DURAN: Call for the question.

CHAIRMAN SULLIVAN: We're at \$141,000 on this.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: What if we took out \$10,000 from each of the

Commissioners? That would leave us with \$15,000 and it would put \$50,000 back in.

CHAIRMAN SULLIVAN: Okay, that will get you down to \$91,000, and that would make it \$15,000 in the discretionary fund each, rather than \$25,000. Sounds reasonable to me.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: The problem with chipping away at that

discretionary fund is that in the past, the Commission has contributed to non-profits that benefit the community like the Boys and Girls Club, like Women's Health and Services, like La Familia, the mentoring program, Youth and Family Shelters. All of those are ones that I've contributed to in the past that provide a service to the community. It's not against the anti-donation clause. They sign contracts with us indicating that they're going to provide the service to the community and if we chip away at it, we deplete their ability to provide the services that our community needs. So I'm opposed to depleting that at this point in time. I think that there might be other budgeted items that we can do without and perhaps at the end of the day, giving \$10,000 of our discretionary fund apiece is something that I would agree to but at this point in time, we have a whole budget in front of us to look at.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: I'd like to make that an amendment to the motion made by Commissioner Duran. Basically, exactly what his motion is except that every Commissioner, that the Commission budget would be reduced \$10,000 per Commissioner. That's a motion to amend his motion.

CHAIRMAN SULLIVAN: Okay. That was what was suggested by Commissioner Anaya. Is that what you're talking about.

COMMISSIONER CAMPOS: Yes.

CHAIRMAN SULLIVAN: So we have an amended motion in front of the Commission. Is there a second.

COMMISSIONER ANAYA: Second.



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CHAIRMAN SULLIVAN: Amended motion and a second. Discussion on the amended motion.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I think it's important, as Commissioner Duran just stated that this, I guess for lack of a better description, discretionary fund, is really a project that in the past has funded the summer recreation program for District 1 for the past two, three years for northern Santa Fe County residents. I think it's the type of funding that we don't have anywhere else in our budget to take a look at where we're going to be able to get that in order to run that summer program again. I think, again, this is something that is beneficial for the residents, for the youth of the community that I live in and serve. It would be difficult. It's unfortunate that we've lost other funding sources that used to fund this particular program and we do need to, in my opinion, invest in our youth and that's what I see that this funding will allow us to continue to do for the youth of northern Santa Fe County, invest in them and what they're involved in during the summer. So I would be opposed to reducing that amount by that much. I might consider \$20,000 to be something that is still affordable and something that they can still be able to afford to run that program during the summer.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran, and then Commissioner Campos.

COMMISSIONER DURAN: I'm not saying no to the reduction in the discretionary fund. I'm saying no for now until we can review the budget and see if we can keep the level of participation in these programs at the \$25,000 level. I know for myself, I contribute to the -- I don't contribute, the County contributes to the mentoring program, like I said Youth and Family Shelters. They're all very worthwhile non-profit organizations. All I'm asking is that the wait until we've gone through the budget to make that decision.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'm willing to provide \$5,000 of any discretionary fund I have to Commissioner Montoya's project in northern New Mexico. That would give him \$20,000 and I believe that's what he needs, \$20,000 to get that youth project out. So I'm willing to make that commitment to satisfy his needs in the northern district.

CHAIRMAN SULLIVAN: Okay, we have an amended motion and a second. I think we've gone through the discussion.

**The motion to amend the motion on the table to use \$10,000 from each Commissioner's discretionary fund for new employee positions passed by unanimous [5-0] voice vote.**

CHAIRMAN SULLIVAN: We're now done, gentlemen, to \$91,000 in the hole. The discretions will be \$15,000 and Commissioner Campos has committed \$5,000 to



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assist in District 1 in the summer youth program. Now we're back to the main motion. 1

COMMISSIONER DURAN: Call for the question, Mr. Chair.

CHAIRMAN SULLIVAN: Okay, are we all ready for the question.

COMMISSIONER DURAN: We've amended the motion.

CHAIRMAN SULLIVAN: It's already been amended.

COMMISSIONER CAMPOS: We've adopted --

CHAIRMAN SULLIVAN: We're down to \$91,000 now. We're down to \$15,000 on discretionary funds.

COMMISSIONER CAMPOS: I thought we just voted on that.

CHAIRMAN SULLIVAN: We haven't voted on the main motion yet. We're getting ready to vote on the main motion.

COMMISSIONER CAMPOS: We amended the main motion and we voted --

COMMISSIONER DURAN: We voted on your amendment.

CHAIRMAN SULLIVAN: Now we're voting on the main motion. Did you have a question, Commissioner Anaya?

COMMISSIONER ANAYA: So just to get it straight, we've got the Secretary I, economic growth specialist for \$50,000, open space coordinator, web developer, which will be funded through the Assessor, project manager --

CHAIRMAN SULLIVAN: Is funded through the department.

COMMISSIONER ANAYA: Okay. The voting machine tech and poll workers.

CHAIRMAN SULLIVAN: Correct.

COMMISSIONER ANAYA: And the three deputies.

CHAIRMAN SULLIVAN: And the three deputies, but only \$42,000 is coming out of new money.

COMMISSIONER ANAYA: Okay.

COMMISSIONER CAMPOS: Did we get the plans examiner for land use?

COMMISSIONER DURAN: No.

COMMISSIONER ANAYA: Oh, and the plans examiner.

CHAIRMAN SULLIVAN: Yes, we did. Yes, we did. You amended that in the motion. That's the \$51,000.

COMMISSIONER DURAN: Yes. You're right.

CHAIRMAN SULLIVAN: That's the water --

COMMISSIONER CAMPOS: What about the custodian for the Enacon and the magistrates?

CHAIRMAN SULLIVAN: That's currently not in the motion.

COMMISSIONER CAMPOS: And the receptionist for Utilities? Is that still on?

CHAIRMAN SULLIVAN: That is currently not in the motion.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I think we need to have those two positions in there.

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CHAIRMAN SULLIVAN: I understand. You've mentioned that before!

COMMISSIONER CAMPOS: Can I make a motion to amend?

CHAIRMAN SULLIVAN: You can make a motion to amend. You're going to need to get a second.

COMMISSIONER DURAN: I called for the question, Mr. Chair.

CHAIRMAN SULLIVAN: Well, we need to vote on the call for the question then.

**The motion to close debate passed by 3-2 vote with Commissioners Duran, Montoya and Anaya voting in favor.**

**The motion to approve the aforementioned new position requests passed by unanimous [5-0] voice vote.**

CHAIRMAN SULLIVAN: Well, that was easy. What else do you want to trouble us with, Susan?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Would it be appropriate to make an additional motion to include those other two, and then ask Susan what that would do in terms of increasing from \$91,000, an additional \$48,000 for the custodian and the receptionist? In terms of where anything comes from.

MS. LUCERO: What I really need to do right now -- I apologize, but I am somewhat confused with the total. I need to look at the very total and then go back with Paul and look at our sources and see where we are.

MR. GONZALEZ: Mr. Chair, excuse me for interrupting but we've got sort of a technical problem here. We need to swap out projectors. This may give the Commissioners a couple of minutes to kind of reflect where we are in the process, but we need to change projectors because one of them is needed for a meeting elsewhere. So if we could just have a brief moment for technical adjustment here.

CHAIRMAN SULLIVAN: I'll need to check my figures, but as we were going along, we're at negative \$91,000. Which means, if that's correct, we would need to pull \$31,000 out of something else in the budget. Now, you indicated some possibilities earlier there with two categories, travel and another, I think.

MS. LUCERO: Correct. Mr. Chair, what I had looked at was contractual services as well as travel. Contractual services would be an estimated ten percent reduction across the board, which would include any contract that has in the past been funded but is currently not under agreement or is currently going to expire June 30. And that would come to a little over \$30,000.

And on the travel side, if we reduce travel by 20 percent across the board, that would be a little over \$20,000. So that right there would be approximately \$50,000, from expenditure

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reductions in those two areas that we could use towards the personnel side.

CHAIRMAN SULLIVAN: Okay. Commissioner Duran.

COMMISSIONER DURAN: Commissioner Montoya, I was wondering if you would consider making that request after we go through more of the budget for those other two positions. Or I wouldn't mind bringing it up as an amendment to the motion I just made. But again, I think it's purely a funding issue here, where we're going to find the money.

CHAIRMAN SULLIVAN: If we do decide, either now or later, to add those others, then we will have in effect funded every single one of the FTE requests. That's the bottom line. With the exception and the only change we would have made would be the \$50,000 for the economic growth specialist.

COMMISSIONER MONTOYA: And the parts clerk.

CHAIRMAN SULLIVAN: Oh, and the parts clerk. You're right. I almost forgot about that one.

MS. LUCERO: Mr. Chair, one thing I'd like to point out is the Commission discretionary funding has always been funded through capital package, which is funded with cash, not with recurring revenues. So we're actually mixing apples and oranges a little bit when we use that towards permanent positions with the exception of, for example, the growth specialist, which is a contractual position, assuming it's a contractual position.

CHAIRMAN SULLIVAN: I'd put that \$50,000 right there. Because if it's \$50,000 and we cut ten off, then that's where I'd put that \$50,000. So I understand your problem there, but we just by accident made it equal to that \$50,000. So that could be our six-month economic growth specialist. Okay, are you ready to go on, or how do you conclude this, other than having to find --

MS. LUCERO: Why don't I direct you to the next page and once the slide comes up it will catch up with us. On the second sheet after new position requests, we have capital request recommendations, just so you can see what was requested initially, what we're recommending, a combination of Finance, the County Manager's office and meeting with the departments some times two and three times to try to narrow this list down.

The total original request was \$3,739 million. A lot of this is due to growth Countywide where we need structural renovation, improvements, etc., to buildings. And we opted to reduce, with PFMD, we opted to reduce those requests in the meantime and that's what allowed us to trim the budget down to \$1.623 billion as our recommended capital budget for the year. So this is across all general fund departments from the County Manager all the way through to the County Surveyor, as you can see on the list.

You have three items that are highlighted somewhat differently in color. For road projects and landfill closures, you'll see \$185,000 requested, \$185,000 recommended. The reason those are colored differently is those will be funded with non-general fund cash dollars, where we have special revenue funds that can be used for solid waste and solid waste improvements. Things of that nature.

CHAIRMAN SULLIVAN: Susan, does that deficit of \$138,000 then assume that those have already been funded from those sources?



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MS. LUCERO: Yes, Mr. Chair. Let me explain that. What comparison we're trying to make is originally, we were looking at a budget capitalized at \$1.485 and not it's increased to \$1.623, so that \$138,000 deficit will have to be used, we will have to rely on cash to fund that difference. It's just the phase of where we were originally when we first met with you and what we were looking at for capital package so you could see kind of how it's transitioned.

CHAIRMAN SULLIVAN: Okay, but that's already accounted for in the first page of your budget.

MS. LUCERO: Yes, it is.

CHAIRMAN SULLIVAN: That \$1.439 million increase.

MS. LUCERO: Mr. Chair, yes it is.

CHAIRMAN SULLIVAN: Okay. So we don't have to go pick and chose between these?

MS. LUCERO: No, please don't.

CHAIRMAN SULLIVAN: Thank goodness. We'd have been here until Easter.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I don't know if this is appropriate, but we've been having discussions with Solid Waste in Public Works about creating a self-sustaining, revenue-generating fund out of Solid Waste. Is this an appropriate time to discuss this? I think that could save the general fund a lot of money.

MS. LUCERO: Mr. Chair, Commissioner Campos, that is purely at your discretion. It's something we have all discussed so I think, with the exception of it taking time, it's something that we certainly want to explore this coming year and transition into it, and be looking already at mid-year of doing something full force to get us into the new year.

COMMISSIONER CAMPOS: So what you're saying is that even if we do this we may not have a revenue benefit for this fiscal year, or not until the last half of this year?

MS. LUCERO: Mr. Chair, Commissioner Campos, this budget doesn't reflect any consideration of transitioning Solid Waste into its own enterprise fund. We have had discussions with Public Works on that issue and it's something I think we're planning to transition into within the next six months, getting ready for the new fiscal year but it will actually maybe happen physically prior to June 30.

COMMISSIONER CAMPOS: Great. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Now that Commissioner Campos brought that up, I think there's other issues that we need to look at. Like for example, computer time, where the realtors tap into our computer. I don't know how long that fee has been in place but maybe we need to up that. We might want to look at business licenses. Commissioner Duran pointed out the land use. We might want to look at building permits, development permits and maybe put together a policy when we purchase vehicles. So there's quite a number of things we ought to

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look at other than just the land use. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Commissioner Duran.

COMMISSIONER DURAN: Just a real quick one. We've been working on putting together this GIS system for a number of years and I think we finally have it on line where we're able to provide the community topographical maps. You can lay the parcel map on the topography that we have and I really think that we need to establish a fee schedule for that based on what it has cost us to get it up to speed. That actually was \$400,000 of orthophotography that we spent to get that information. So I think there's a revenue stream there that we can tap into that falls within the confines of what we're able to do, charging the public for public information. So that's another resource.

CHAIRMAN SULLIVAN: Susan, let me ask a question here. These other items in your presentation. Are these information items? What I'm getting at is we have a couple of quick items and we have a COLTPAC hearing that's noticed and we need to be complete by six. Are there things here we have to give you direction on or could we give you a motion to approve the interim budget with the changes that we just made?

MS. LUCERO: Mr. Chair, I would greatly, greatly appreciate a motion to approve the interim budget with those changes.

CHAIRMAN SULLIVAN: I'll make a motion at this point then to approve the interim budget with the direction that \$31,000 or whatever the number may be, which we're in deficit, be obtained from the categories that the interim Finance Director has recommended which is travel and contractual services at her discretion, as appropriate.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: And there's a second. Is there discussion on that motion?

**The motion to approve Resolution 2003-78 with the above amendments passed by unanimous [5-0] voice vote.**

**XII. C. 2. Request Authorization to Accept and Award a Professional Services Agreement to the Highest Rated Offeror for RFP #23-32 for Bond Counsel Services for Santa Fe County**

CHAIRMAN SULLIVAN: Those items are in your packet. If there are any questions, Susan is here.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: There's a motion and a second by Commissioner Duran. Discussion, Commissioner Campos.



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COMMISSIONER CAMPOS: Ms. Lucero, this bond counsel will represent Santa Fe County, the County government itself, right?

MS. LUCERO: Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: So we'll have neutral, objective counsel when it comes to bonding issues, as opposed to having someone who comes in with a developer.

MS. LUCERO: Mr. Chair, Commissioner Campos, that is correct. This bond counsel contract is a result of a formal request for proposal. I believe we received two offerors, two respondents and this is the highest rated offeror that we are seeking the award and final contract to go to. It will be a multi-year contract up to three years, I believe.

COMMISSIONER CAMPOS: There's some -- the other bidder, Hughes and Strumor, they've done a lot of bonds for some of the developers in the area. It seemed that that might be a problems. What if Modrall came in and said, Hey, I want to do the same? Would they be allowed to do that because of this contract? Isn't their first loyalty to the County?

MS. LUCERO: Mr. Chair, Commissioner Campos, we've discussed the issue with Modrall, Sperling on conflict of interest issues and it was my understanding at the time that they had not completed a contract with a potential party that the County may be working with regarding development.

COMMISSIONER CAMPOS: But they could?

MS. LUCERO: Yes, sir, they could and it was my understanding in discussions with staff after the evaluation that they indicated to us that they would remove themselves from that situation, that their first interest would be with us because we are their first contract and they have been waiting and anticipating that they may get this contract with us.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Other questions. Okay, with that understanding then we have a motion and a second.

**The motion to award the bond counsel contract to Modrall, Sperling, Roehl, Harris and Sisk passed by unanimous [5-0] voice vote.**

**XII. C. 3. Request Authorization to Accept and Award a Professional Services Agreement for the Third Year of a Multi-Year Contract with Neff and Ricci, LC to Conduct the Annual Financial Audit of Santa Fe County for Fiscal Year 2003 as Required by NMSA 1978, Section 12-6-3**

CHAIRMAN SULLIVAN: What's the wishes of the Commission with regard to that item?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion by Commissioner Duran, second by



Commissioner Campos. Discussion?

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The motion to award the audit contract to Neff and Ricci passed by unanimous [5-0] voice vote.

**XII. D. Fire Department**

**1. Resolution No. 2003-79. A Resolution Proposing the Adoption and Ordinance Imposing a Quarter Cent Gross Receipts Excise Tax for Fire Protection in Santa Fe County**

CHAIRMAN SULLIVAN: That ordinance is currently in place and as I understand it expires at the end of the year. Stan Holden.

STAN HOLDEN (Fire Chief): Mr. Chair, that's correct. The resolution simply allows us to publish title and general summary of the ordinance for the Commission's action on June 10<sup>th</sup>. I would like to call your attention, Mr. Chair, to the actual notice of public hearing because there is one correction that we need to make to the proposed notice, and that would be on the tenth day of June, 2003, we need to change the time from 10:00 am to 4:00 pm. And with that one amendment, Mr. Chair, staff is recommending approval of the resolution.

CHAIRMAN SULLIVAN: All right. Are there questions of Stan?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Stan, did you say this is a continuation of an existing quarter percent tax, or this is an additional percent?

CHIEF HOLDEN: Mr. Chair, Commissioner Montoya, this is the existing quarter cent that we have in the unincorporated areas of Santa Fe County.

COMMISSIONER MONTOYA: Okay. Thank you, Mr. Chair. Thanks, Stan.

CHAIRMAN SULLIVAN: My understanding is that it does not apply, as you indicated, to the incorporated areas, i.e., the City of Santa Fe. Or Edgewood.

CHIEF HOLDEN: Mr. Chair, that's correct.

CHAIRMAN SULLIVAN: Unincorporated areas continue the same tax forward. Did we have a motion?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN SULLIVAN: There's a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: And a second by Commissioner Anaya. Is there further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Stan, do you think you could possibly look, could we purchase equipment with this? Is that what we do?

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CHIEF HOLDEN: Mr. Chair, Commissioner Anaya, that's specifically what this money does. It buys equipment, it purchases fire apparatus, it builds fire stations and provides for the operating expenses of the department. It cannot, by statute be used for salaries.

COMMISSIONER ANAYA: Maybe we could look into buying a water hauling vehicle for potable water.

CHIEF HOLDEN: That would not, Mr. Chair, Commissioner Anaya, that would not be classified as a fire protection fire truck. We've had that issue brought up before by Commissioner Sullivan. We've asked legal staff to look into that and we don't have the monies to buy that. What we have committed to is one of the trucks, the older trucks that is replaced in the future and placed out of service as a fire vehicle, perhaps reassigning that to the Public Works Department for use as a water hauler.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Okay. So there's a motion and a second. Any further discussion?

The motion to approve Resolution 2003-79 passed by unanimous [-0] voice vote. [Commissioner Duran was not present for this action.]

**XII. E. Land Use Department**

1. Presentation from San Marcos residents requesting contemporary community status to include designation of a contemporary community planning boundary and the creation of a contemporary planning committee

HUGH NAZOR: Commissioners, Mr. Chair, my name is Hugh Nazor, San Marcos Association and San Marcos Planning Committee. After me, Walter Wait of the San Marcos Association. We'll have a very brief few words. You mentioned the website a while ago with the website coordinator. Websites are wonderful things for those of us in neighborhood associations. This one gave us quite a weekend because this agenda went up on the website without this one article in it. And I spent the weekend thinking that we weren't going to be here today. Quite a time. Anyway, I would ask one more time that the website might post BCC minutes. It would be a lot more convenient to get them that way than to go downstairs and pay 50 cents a page after waiting an hour. Okay, on to the topic.

Most of you know that in March 2000 --

CHAIRMAN SULLIVAN: We have a limited time, Mr. Nazor, please address the topic of the contemporary community status.

MR. NAZOR: Yes, as I said. Most of you know that in March 2000 we had our first meeting about planning with then Commissioner Javier Gonzales. He encouraged us in our efforts but said that we would have to wait a year because of the limited County Planning staff. A year after that we had a meeting with Javier and the Planning staff and various

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community members and told that we would have to wait a year because of problems with the Planning staff. On March 12, 2002, at the end of the second year, we made a comment upon the passage of the amendment to the Community Planning Ordinance. We pointed out that we had helped to rewrite that ordinance and that we would like to be able to use it some day.

Quoting Commissioner Gonzales at that time, "This is something I feel committed to. You do your part and we do ours. You commit to the time. You commit to bringing the community together. You commit to a long planning process. We'll do our part to provide the resources, and now we're not able to do that." At Mr. Kolkmeier's suggestion at that time we were encouraged by the Commission to return to the BCC meeting in May and to seek planning approval. In preparation for the May meeting we sought approval from the CDRC and got that on May 20<sup>th</sup>.

We then came before the BCC in June and were again told that there was not adequate planning staff to go forward at that time. We were for the third time asked to wait one year, when promised absolutely by Mr. Kolkmeier that he would have staff in place now, a year later. We acquiesced and there was a vote, 3-1 against giving us planning approval to start immediately at that time. We are now back here requesting the same thing with essentially the same package.

I got a call from Mr. Kolkmeier a couple of weeks ago, suggesting a very ambitious enlargement of the rural planning process. He said he wanted to use our drive and organization to include lands of Rancho Viejo, Partners of Thornton Ranch, Galisteo, the Simpson Ranch areas. We objected to any involvement of the traditional village of Galisteo and to the suburban Simpson Ranch projects but we fully agreed with the rest of this expansion which we think will be a very good idea and will be able to handle collectively under four or five different planning groups and an umbrella organization, many of the rural problems of the southern part of the county.

Having heard Ms. McGowan this morning addressing you gentlemen and understanding now as I did not before that Simpson Ranch concerns might heavily go in the direction of transportation, I suggest that that would also be appropriate to include, because the roads would be cutting through our area and others that I just mentioned.

I requested a meeting with Mr. Kolkmeier. I met with him, Mr. Abeyta, Ms. McGowan, Ms. Mills and Ms. Ellis-Green who agreed to this presentation today. We're offering you at no cost the service of 25 professional, high-achieving people listed in the papers just handed you. This is a resource that brings considerable planning capability to you at no budgetary cost and at time has just demonstrated with extreme budget stress, I hope you find this as advantageous as I do.

Section 5.3.6 of the Ordinance reads that the Planning staff will work with the planning committee to reach an agreement on the planning process and the basic guidelines for decision making that shall be followed throughout the process. I know the Planning Department wishes to approach this section via a resolution to be presented at the June 10<sup>th</sup> BCC meeting and we have cooperated fully in that. We cannot cooperate as the planning committee until you give us approval as the planning committee, which is why we are here today. We ask for your



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recognition of the San Marcos planning district and the approval of the initial planning boundaries as set before you and of the planning committee. Thank you.

CHAIRMAN SULLIVAN: Did you have some comments, Commissioner Montoya?

COMMISSIONER MONTOYA: I'm sorry. I don't have any questions.

MR. ABEYTA: Mr. Chair, I just wanted to add that we have met with Mr. Hugh Nazor and we are in agreement with his proposal. We will, if directed today, we will bring back a resolution to ratify the decision to recognize them as a contemporary community and the planning committee.

CHAIRMAN SULLIVAN: Okay, now this doesn't overlap into the Simpson Ranch? I was a little confused about that comment.

MR. ABEYTA: Mr. Chair, no, it does not, but there may be some instances where the two groups interact to discuss common issues such as roads, etc.

CHAIRMAN SULLIVAN: Certainly.

MR. ABEYTA: So it may or may not.

CHAIRMAN SULLIVAN: So what you're asking today is for our direction for the creation of a contemporary community planning committee, which you will then bring back in June for the actual resolution. Is that correct?

MR. ABEYTA: Yes, that's correct.

CHAIRMAN SULLIVAN: Questions for the staff?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Is this something, Roman, that needs to go before the CDRC as well, procedurally, in setting up a local planning group?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, it's actually already gone to the CDRC. It was 12 months ago but they recommended approval of it and I don't believe that we need to go back. We can verify that before we come before you on June 10<sup>th</sup>. But it already went and they recommended approval.

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

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Roman, what is the process for notifying property owners within this planning area?

MR. ABEYTA: Mr. Chair, Commissioner Duran, I'm not familiar with the process but it's my understanding that they have been notified and there have been several notifications and perhaps Mr. Nazor can explain what that notification was.

COMMISSIONER DURAN: My concern is that if we approve the proposed San Marcos planning area that all the property owners within those boundaries have been given adequate notice of their inclusion in this planning area so that they have the ability to participate.

MR. ABEYTA: Mr. Chair, Commissioner Duran, we would make sure that

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they are notified once a boundary is accepted and perhaps Mr. Nazor can tell you how they've been notified so far.

COMMISSIONER DURAN: As long as you're satisfied with that notification process I'm fine with it.

MR. ABEYTA: Mr. Chair, Commissioner Duran, it's my understanding after having discussions with Jack Kolkmeier that they have met all the requirements as far as notification.

COMMISSIONER DURAN: Okay. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Before I make a motion, I want to thank the committee members for staying with it and being committed. I know it's taken a long time and now we can move forward with this. So with that, I want to make a motion to approve this.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: There's a motion and a second. And discussion.  
Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, last time this came up I understand staff had some concerns about resources, timing and the size of this district. Any other concerns and have you changed or have they changed or what has happened in the time period between then and now?

MR. ABEYTA: Mr. Chair, Commissioner Campos, a couple of things. One is it's our understanding that we won't actually begin the real active planning until some time late fall. So we're talking maybe October, November. But in the interim, we have made a lot of progress with the 285 plan so we feel that if we can get that plan wrapped up the way we proposed this morning by August, then that will free up some staff time to then start working with Mr. Nazor on their project.

COMMISSIONER CAMPOS: What about the size of the proposed district? I know staff raised a lot of concerns last time. What's the difference between then and now?

MR. ABEYTA: Mr. Chair, Commissioner Campos, we've gone back since then and we've looked at the general plan and the general plan really designates this as a rural district and pretty much fits the size. What we were concerned about was that if we just did a contemporary community this large that maybe it's more appropriate to do a rural district. For now, we're coming forward as a contemporary community but it may turn into an actual rural district. We think we can work out so that it fits into the bigger picture.

COMMISSIONER CAMPOS: So the boundaries may change? They may not be as proposed right now?

MR. ABEYTA: They may, but I would say that they're probably going to stay as proposed. But that's something I will keep working with Mr. Nazor on.

COMMISSIONER CAMPOS: Any other changes between then and now?

MR. ABEYTA: Mr. Chair, Commissioner Campos, no. Not that we can see.

COMMISSIONER CAMPOS: Thank you.

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CHAIRMAN SULLIVAN: Other questions?

COMMISSIONER DURAN: One last comment.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think if the Commission looks at the list of individuals that have agreed to participate in this process, I think it's a good cross section of the community out there and I'm sure that they'll bring something forward for us to consider that is representative of the entire community that you're planning. And I thank you for all the time you've put into this. I know it's been a little tough getting to this point.

CHAIRMAN SULLIVAN: Nothing good comes easy. All right. I think that concludes the comments.

The motion to approve San Marcos community's requests regarding community planning passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Thank you for your effort. I bet Mr. Gonzalez is going to suggest that we go to the COLTPAC hearing now.

MR. GONZALEZ: Actually, Mr. Chair, the one essential item that we do have to do is the Public Works Department, item G. 1. Get that done and then if we have time left for any of the other items we can go to them.

**XII. G. Public Works Department**

**I. Discussion and Concurrence with the New Mexico State Highway and Transportation Department's (NMSHTD) Functional Classification System and the Santa Fe Urban Area Boundary**

CHAIRMAN SULLIVAN: Okay, let's go to the Highway Department which is always, for some reason, an urgency. But aside from that, we'll take it on faith that it's an urgency and have staff explain to us what we're doing here on item G. 1.

DAN RYDBERG (Traffic Engineer): Actually, Commissioner, this is the road reclassification information that I brought to you a month or so ago for signature and you recommended that we bring it in front of the Board so the other Commissioners could know about it.

CHAIRMAN SULLIVAN: This also included the urban boundary discussions that were in the RPA. Is that correct.

MR. RYDBERG: Yes, that's correct. And I have the corrected map showing the area that you wanted to see.

CHAIRMAN SULLIVAN: Okay. Do you want to just unroll that?

MR. RYDBERG: Yes. Sure.

CHAIRMAN SULLIVAN: We went through this in some detail at the RPA and it was just a minor correction. That's the current urban boundary. And this is something that



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has to be submitted to the Highway Department, presto pronto.

MR. RYDBERG: It just requires your signature.

CHAIRMAN SULLIVAN: And I wouldn't do it. I remember now. Unless the Commission saw it. All right, I'll take the rap on this one.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: There's a motion from Commissioner Duran and a second from Commissioner Campos.

The motion to approve the NMSHTD classification system and urban boundary passed by unanimous [5-0] voice vote.

### **XIII. Public Hearings**

#### **A. Project and Facilities Management Department**

1. Recommendation to the Board of County Commissioners from the County Open Land and Trails Planning and Advisory Committee (COLTPAC) Regarding Acquisition to the Proposed "Little Tesuque Creek Assemblage" for Inclusion in the County Open Space and Trails Property Inventory Under the Urgent Project Policy (Resolution. 2003-61)

CHAIRMAN SULLIVAN: I want to make one clarification that the County Clerk brought up to me just a minute ago. We had put off the resolution earlier regarding the economic development specialist and we said we would include it in the discussion of the budget. Do you recall that? I think we resolved that issue by deciding that it would be a contract employee at a \$50,000 level. Does anyone see any need to revisit that resolution? Okay, I think Becky that that resolution doesn't require any further action.

Mr. Paul Olafson, tell us about this.

PAUL OLAFSON (Open Space Manager): Mr. Chair, Commissioners, thank you. We have before you an urgent project proposal that has been presented to COLTPAC. The proposal is being called the Little Tesuque Creek Assemblage and it's a total of 372 acres in three separate parcels and you'll see on the memo on the front page, we're being requested, and the applicant is the Trust for Public Land, to purchase the Thomas Nydes property. That's 109 acres. And we're not asked to purchase it but to contribute to the purchase price and the contribution requested is \$300,000. Along with this, the lend-lease property, 212 acres and a property owned by Ralph Brutsche, 51 acres, would also be donated for a total of 372 acres.

I'm trying to go through this very quickly. Below that there's a bulleted outline of who contributes what. The County would be requested for \$300,000 in funding. Ralph Brutsche has agreed to donate \$600,000 to the project, along with donating 51 acres, and then the donation of the lend-lease property. The estimated value for this project is approximately \$1,145,000.

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Actually, on updated appraisal it's slightly more than that.

This project was presented under the recently adopted urgent projects policy that was 2003-61. It was determined that the project did meet urgency because one of the property owners, the Thomas Nydes property owner has indicated that due to a family illness they have to make a decision on their selling or not selling of this property and they have an agreement with the Trust for Public Land that runs through May 31<sup>st</sup> and they need to have some direction or confirmation from the County if we are interested in this and if we are not interested then they will have to terminate this, or that purchase agreement will end and they've decided they'd like to go out and look for other buyers for this.

The property also connects, would provide options to connect trails from the City and County Dale Ball trail system up into the property and then further into the Santa Fe Forest. COLTPAC reviewed the project through their urgent process and it received a fairly high rating. COLTPAC made the recommendation that the Board give staff direction to a) approve the purchase, and b) begin entering negotiations to consummate the purchase. And COLTPAC also requested that there be three conditions attached with the recommendation to purchase.

1. To ensure that the property is identified for donation, the 212 acres and the 51 acres, are secured and included in the final closing.
2. To ensure that clear public access is provided through trail easements from the City/County Dale Ball system into the property and would carry on into the forest.
3. To make a statement of clarification that the project is being recommended but is not tied to any other development projects, either future or present development projects. It's a stand-alone open space project.

I think you might have seen in the newspapers there's been some recent press regarding this project and has the potentials to be supported through other projects as well, but those projects are not currently developed to the point, and I think the committee just wanted to make a clear statement that this project is a stand-alone project.

Also in your packets, I've included a brief map and I've just handed out color copies of that, [Exhibit 5] as well as the application materials and some supporting documents. And finally I did also just add a letter that we received today from a community member from the Hyde Park area outlining some of her issues or ideas about ensuring that the trail easements are clearly marked and approved and that the rest of the arrangements are done so that the project secures all of the various funding sources and land donations. [Exhibit 6] And I believe that person is here and will speak to that themselves. That's the end of my brief comments.

CHAIRMAN SULLIVAN: Questions for Mr. Olafson?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I think Commissioner Duran was first.

COMMISSIONER DURAN: Go ahead.

COMMISSIONER CAMPOS: Mr. Olafson, Thomas Nydes -- we're really buying that land, right? 109 acres? That's an outright purchase?

MR. OLAFSON: Correct, sir.

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COMMISSIONER CAMPOS: Now lend-lease and the Brutsches, they're both subject to some form of easements already?

MR. OLAFSON: Well, the lend-lease was a development transfer so that area is basically undevelopable because they've transferred the development potential, and Brutsche has a conservation easement on the 51.

COMMISSIONER CAMPOS: So really what we're getting is the Thomas Nydes. Could you explain the motivation behind all of this? I understand Thomas Nydes wants to sell. Lend-lease, their property, they can't use it for anything else.

MR. OLAFSON: Correct.

COMMISSIONER CAMPOS: Brutsche can't either.

MR. OLAFSON: Correct.

COMMISSIONER CAMPOS: So is that why they're giving it to us?

MR. OLAFSON: Yes, and because I think those existing conditions are there on these properties and if they're deeded over to a public entity it provides for a consolidated parcel much larger than the Thomas Nydes, which multiplies that benefit as well as the existing trail uses that run through there. There's a trail from Bishop's Lodge into the forest and well as the potential to link down to Dale Ball.

COMMISSIONER CAMPOS: A two-mile trail? Let me ask you this, are there any negatives that you perceive as far as the County taking this on?

MR. OLAFSON: Well, I think obviously, we as an entity then take over the management responsibilities and that's a longer term fiscal issue but I think we've also done that with many other properties and this property is pretty nice and serves up a great deal of different interests in the immediacy.

COMMISSIONER CAMPOS: So we'll be paying for the operation and maintenance improvements.

MR. OLAFSON: Correct.

COMMISSIONER CAMPOS: Okay. Also this property will be taken off the tax roll?

MR. OLAFSON: I would assume yes.

COMMISSIONER CAMPOS: And there is a lot of trees in there that might have to be thinned and that would be very expensive?

MR. OLAFSON: It could be and there's other options I think we could pursue with community forestry kind of things and some of the forest thinning ideas that I read about in the paper, I'm not an expert on that but I think we could pursue that.

COMMISSIONER CAMPOS: Okay. Do you have any idea how much we're going to lose on the tax roll?

MR. OLAFSON: No, sir.

COMMISSIONER CAMPOS: Those are the questions I had.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: COLTPAC has been trying to buy this or get the



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Commission to agree to buy this -- we've been working on this acquisition for a number of years, four or five years and I think it's a bargain at \$300,000. And I think that it works well with our open space program and I think we should move forward on this thing.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Olafson, what is TPL again?

MR. OLAFSON: The Trust for Public Land. It's a national conservation organization. They typically do this kind of transaction where they'll arrange a sale of private property for conservation purposes and then often they'll transfer it over or sell it over to a public agency.

COMMISSIONER MONTOYA: Now is there any, based on this letter that we received, is there any risk, I guess, that we're not going to receive the \$600,000 payment that you've outlined?

MR. OLAFSON: That was one of the conditions, was that, actually one of the conditions from COLTPAC was that the two properties be donated but the way that the transaction would actually take place was TPL will purchase the property and then request the County, when we are able, put in our \$300,000 and then transfer it over to us. So basically, if the \$600,000 isn't there, my understanding is the deal doesn't happen. So it has to be part and parcel. And we certainly are not going to -- it would be a different proposal if we were asked to come back for more.

COMMISSIONER MONTOYA: So we need to collect that.

MR. OLAFSON: Right. It will be collected as part of the transaction, from TPL buying it from Thomas Nydes, it will be part of that closing. And then we will subsequently do a closing with TPL with our \$300,000 after that.

COMMISSIONER MONTOYA: Okay.

MR. OLAFSON: So we wouldn't do ours unless that other \$600,000 happened.

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

Paul.

CHAIRMAN SULLIVAN: Questions? If not, this is a public hearing. Are there those in the audience who would like to speak in favor of or in opposition to this project?  
Seeing none --

COMMISSIONER DURAN: Move for approval, Mr. Chair.

CHAIRMAN SULLIVAN: Oops, here comes someone. You've got to move fast around here.

JANET DEGAN: I'm Janet Degan. That's the letter that you got today. Well, you have the letter so I won't read it. I'll just be brief to summarize that I'm very, very pleased that this property is becoming available for open space. And I just wanted to raise a few issues that we've run into before. And I want to ask, the issues that we've had problems with the developer of the adjacent development to this parcel to become open space. And I would like to deal with those problems separately from this win-win acquisition of open space.

The question I wish to pose to the County, is there any way the County can hold the developer accountable, separately from this open space acquisition? Currently, the Tesuque Creek Subdivision is under construction by Mr. Ralph Brutsche, which is also connected to the

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Summit Subdivision also owned by Mr. Brutsche. This is like an issue of possible non-<sup>1</sup> performance, because twice in the past the developer has made written agreements to make an open space contribution of this particular property. In 1993 and in April 2002 he has a signed contract to pay \$600,000 to TPL this week. And does the County have any way to put pressure on a developer to perform, since he had to make this donation in order to get the ability to construct the Tesuque Creek Subdivision, which is now already under construction.

So it was also a condition for building Summit. Summit is already built. So can construction of the Tesuque Creek Subdivision be halted or impacted by the County in any way until he fulfills his required open space gift? Mr. Brutsche has also non-performed in providing trails promised in written agreements and improved subdivision plans. My letter to you details the non-performance of providing trails, which the County Manager gave you the letter this afternoon.

Is there any way the County can hold a developer accountable for the promises he made to perform for building his subdivision? Can construction of the Tesuque Creek Subdivision be halted? Can the permit be revoked until the developer complies? Would making a promised open space gift and promised trails, which are a part of the agreement to be building this subdivision? Can he be called to the table somehow now by the County and be urged to make good on his promises without linking it to this go-ahead of purchasing this open space. We want the open space, we just say it's like one week to make this happen. Can the County, if he non-performs, bring him to the table and make him perform? I'm just posing that question. We want to purchase this open space. We want to ensure the performance of the developer and I'm just posing the issue to you in anticipation of former track record.

And I just want to give a great bit thanks to the County COLTPAC and the Trust for Public Land for their recommended acquisition of this valuable open space. Thank you.

CHAIRMAN SULLIVAN: Paul or Roman, would either of you want to respond to that issue?

TONY FLORES (Project Manager): Mr. Chair, members of the Board, after speaking with Roman, he has indicated that the development actually had conditions placed upon it for this transaction to take place and we also hold financial guarantees of a surety bond, performance bond or letter or credit for this as a condition also. So I believe there is some leverage from the County already to ensure that this transaction and his implementation of the conditions of approval be taken care of.

CHAIRMAN SULLIVAN: And this is the same piece of land that's indicated as being donated here, was a condition of a prior subdivision approval.

MR. OLAFSON: Mr. Chair, I'm not exactly sure about that. I think the element that I'm aware of was the donation of the \$600,000 to this process, to securing this.

CHAIRMAN SULLIVAN: That was \$600,000 in cash.

MR. OLAFSON: To the Thomas Nydes purchase.

CHAIRMAN SULLIVAN: And that's still --

MR. OLAFSON: That's part of this proposal that we're talking about.

CHAIRMAN SULLIVAN: That's part of this proposal, but what's indicated is

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that that was part of a previous subdivision approval. Is that correct? Roman is shaking his head. So that's nothing new. The \$600,000 was always supposed to have been committed towards the Nydes parcel.

MR. OLAFSON: I believe it was towards some kind of open space preservation in that area. If this project didn't happen then something else.

CHAIRMAN SULLIVAN: And the speaker indicated that that hadn't happened and one of the Commissioners said how are we sure that this \$600,000 is going to be put towards this? And I believe the staff response was that's condition number uno, that no money, no ticket.

COMMISSIONER DURAN: No laundry.

CHAIRMAN SULLIVAN: No laundry. So am I paraphrasing correctly?

MR. OLAFSON: I believe so.

CHAIRMAN SULLIVAN: But this is, we're talking about still the same parcel here. There's a little bit of concern to me that there were some promises made that haven't been

MR. OLAFSON: And I'm not sure. There might be other elements and none of us have looked into that development approval to that extent. And what we're asking for today is for the Board to approve of purchase of this with the conditions as they were stated as well as, then we enter into negotiations and we bring back a final agreement for you all to finally approve.

CHAIRMAN SULLIVAN: And you might want to look into that as a part of your negotiations. And I was concerned but I see it in this item 3 that the purchase is in no way deemed to lend support to any current or future development project in the area. We can't commit ourselves or some future Commission to what they might approve and that seems to take care of my concern on that. IS there anyone else that would like to speak at this public hearing?

DUKE KLAUCK: Commissioners, I'm Duke Klauck. I'm vice president of the Hyde Park Road Planning Group. I've been involved with the group since 1990 and as far back as that we were talking about Thomas Nydes. And I'm very pleased that this thing has finally come to the point where it might just happen. So I want to applaud COLTPAC for that and Paul and TPL. I think everybody has really worked hard to make this happen.

One thing that I want to add to what Janet said is that we have a pretty active neighborhood group here and I'd like to have the group apprised of the negotiations that are coming up between the developer and the acquisition of the land and COLTPAC, so that we can be a part of this process before it comes back to you. That's my only request. Thanks.

CHAIRMAN SULLIVAN: Thank you. Next speaker please.

JEAN ANN ROBINSON: My name is Jean Ann Robinson and we did have some concerns earlier today. We talked to Paul. I think he did a wonderful job of putting the entire presentation together and also addressing the concerns that we had.

CHAIRMAN SULLIVAN: Who's "we"?

MS. ROBINSON: Duke Klauck and I.



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CHAIRMAN SULLIVAN: Duke Klauck and you. Okay, I just didn't know whether you were representing an organization or --

MS. ROBINSON: I'm myself.

CHAIRMAN SULLIVAN: You're yourself and Duke is the we. Okay. Excuse me for interrupting.

MS. ROBINSON: And in view of some of the concerns that people have had I think about past performance by Mr. Brutsche, I think the only change I might request is on the first page, where it has a \$600,000 donation from Ralph Brutsche, that that might be changed to maybe a \$600,000 cash infusion. That's my suggestion.

CHAIRMAN SULLIVAN: All right. Thank you very much. Others who would like to speak on this issue? Seeing none, what is the pleasure of the Commission with regard to this recommendation for these parcels.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion for approval and there's a second from Commissioner Anaya. The motion was from Commissioner Duran. Is there further discussion?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just the issues I raised before. It seems like it's a great deal. I don't know if we've gotten all the information that we need. Tax roll information. That's a lot. Operation and maintenance improvements, that's coming out of the general fund, out of the GRT probably but we've spent that GRT three or four times already, the GRT for open space. And then there's the forest thinning issue. That's a huge expense. Will at some point we be required to do any of it, and if so, how much is it going to cost us? They're unloading some property on us, really, because they can't do anything with it. At least two of these pieces. So I would like to have a deeper analysis by staff when you bring these things up. These are big issues.

CHAIRMAN SULLIVAN: Thank you. Additional comments?

**The motion to approve the acquisition of the Little Tesuque Creek assemblage passed by unanimous [5-0] voice vote.**

CHAIRMAN SULLIVAN: Due to the EZA meeting we'll need to adjourn. I'd like to ask the Commission for a motion to table two items which we were unable to get to, that would be XII E. 3 and F. 1 to the next administrative meeting.

COMMISSIONER MONTROYA: So moved.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: We have a motion and a second.

**The motion to table items XII. E. 3 and F. 1 passed by unanimous [5-0] voice vote.**

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MR. GONZALEZ: Thank you, Mr. Chair, Commissioners, for my first interim budget.  
COMMISSIONER DURAN: Good job.

ADJOURNMENT

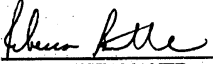
Chairman Sullivan declared this meeting adjourned at approximately 6:15 p.m.

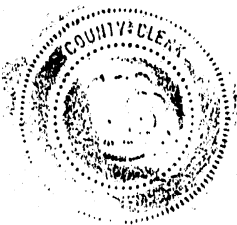
Approved by:

  
Board of County Commissioners  
Jack Sullivan, Chairman

Respectfully submitted:  
  
Karen Farrell, Commission Reporter

ATTEST TO:

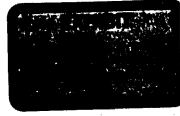
  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK





CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2000-30



AN ORDINANCE **2594885**

DECLARING AN EMERGENCY; AMENDING ORDINANCE 1996-20, EMERGENCY WATER REGULATIONS, REGARDING PROPOSED WATER USE RESTRICTIONS, WATER BILL SURCHARGES, AND FINES UNDER STAGES II AND III OF SECTION 25-5 SFCC 1987.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 25-5.1 SFCC 1987 is ordained to read:

**25-5 EMERGENCY WATER REGULATIONS**

25-5.1 Short Title. This section may be cited as the Emergency Water Regulations Ordinance.

Section 2. Section 25-5.2 SFCC 1987 is ordained to read:

25-5.2 Purpose. The purpose of this ordinance is to provide the city the means to implement measures for controlling water use in response to water-system-related emergencies or catastrophic events that may disrupt systems operations.

Section 3. Section 25-5.3 SFCC 1987 is ordained to read:

25-5.3 Scope. There is established a city of Santa Fe water emergency management plan that will apply to all customers of the city's water system.

Section 4. Section 25-5.4 SFCC 1987 is ordained to read:

**25-5.4 Declaration of Policy.**

A. The governing body, by and through its public utilities department, finds and



1 determines that a water service emergency exists based upon the occurrence of one of more of the  
2 following conditions:

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- 3 (1) A general water supply shortage due to increased demand or limited  
4 supply.
- 5 (2) Distribution or storage facilities of the city water utility are inadequate  
6 to meet demand or minimum quality standards.
- 7 (3) A disruption of the supply, storage, and distribution facilities of the city  
8 water utility occurs.

9 B. It is hereby declared that, because of the conditions prevailing in the city of  
10 Santa Fe, the general welfare requires that the city maximize the beneficial use of its available water  
11 resources to the extent to which it is capable, and that the waste or unreasonable use, and the  
12 conservation of such water is to be practiced with a view to the reasonable and beneficial use thereof in  
13 the interest of the citizens of the city of Santa Fe and for the public health, safety and welfare.

14 Section 5. Section 25-5.5 SFCC 1987 is ordained to read:

15 25-5.5 Authorization.

16 A. The city manager is authorized to determine and declare that a water emergency  
17 exists in any and/or all parts of the city or county of Santa Fe that is served by the municipal water  
18 system, and upon such determination, to promulgate such regulations, rules, and conditions relative to  
19 the time of using water, the purpose or purposes for which it may be used and such other necessary  
20 limitations as will, in the city manager's opinion, relieve the water shortage in any such section or  
21 sections of the water service area.

22 B. The city manager, or the city manager's designee, following public notice, is  
23 hereby authorized and directed to implement the water emergency management plan through the  
24 applicable provisions of this section, upon the city manager's determination that such implementation is  
25 necessary to protect the public health, safety and welfare, under the following conditions:

1 (1) In the event of an unforeseeable disaster or water emergency such as an  
2 earthquake, or other catastrophic event affecting the Santa Fe river watershed, or groundwater supply,  
3 or other major disruption in the water supply, the governing body shall authorize the implementation  
4 plans for stages 3 and 4 of the emergency provisions of this section. Public notice will follow  
5 enactment of said provision. **2594887**

6 (2) In the event of a foreseeable water emergency, such as extended  
7 drought conditions, the city manager, or the city manager's designee, shall be authorized to implement  
8 the applicable provisions of this ordinance, upon public notice.

9 Section 6. Section 25-5.6 SFCC 1987 is ordained to read:

10 25-5.6 Application. The provisions of this ordinance shall apply to all persons, customers and  
11 property served by the city water utility wherever situated. With the exception of drought emergency  
12 surcharges, these provisions shall also apply to all water users within the corporate limits of the city of  
13 Santa Fe including those on private domestic wells.

14 Section 7. Section 25-5.7 SFCC 1987 (being Ord. No. 1996-16, §7) is amended to  
15 read:

16 25-5.7 Water Emergency Management Stages. No customer of the city of Santa Fe water  
17 utility shall make, cause, use, or permit the use of water from the city for residential, commercial,  
18 industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this  
19 section, or in an amount in excess of that use permitted by the following water emergency management  
20 stages which are in effect pursuant to action taken by the city manager, or the city manager's designee,  
21 or the governing body, in accordance with the provisions of this section. Stages 1 and 2 may be  
22 declared by the city manager or the city manager's designee. Stages 3 and 4 may be declared by the  
23 governing body. If the severity of the water emergency lessens, the city manager may downgrade the  
24 water shortage to a lower stage. The water use restrictions, drought emergency surcharges, and fines of  
25 each stage apply to all higher level stages, unless the higher stage has a more stringent requirement. At

1 no time shall water be wasted or used unreasonably

2 A. Unreasonable uses of water shall include but are not limited to the following  
3 practices: **2594888**

4 (1) A customer shall not let water leave the customer's property by  
5 drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation  
6 and/or uncorrected leaks.

7 (2) A customer will not fail to repair a water leak upon initial notification.

8 (3) A customer will not use water to wash down sidewalks, driveways,  
9 parking areas, tennis courts, patios or other paved areas, except to alleviate immediate safety or  
10 sanitation hazards.

11 B. **Stage 1. Voluntary Compliance - Water Watch.** Stage 1 applies during  
12 periods when the possibility exists that the city of Santa Fe water utility will not be able to meet all of  
13 the water demands of its customers by up to fifteen percent 15% of the annual demand projection. All  
14 elements of Stage 2 and 3 shall, during Stage 1, apply on a voluntary basis only.

15 C. **Stage 2. Mandatory Compliance - Water Alert.** Stage 2 applies during  
16 periods when the probability exists that the city of Santa Fe water utility will not be able to meet from  
17 sixteen percent 16% to thirty-five percent 35% of the water demands of its customers. The stage 2  
18 implementation plan is incorporated into Chapter 25 SFCC 1987 as Exhibit "C", Amended June 28,  
19 2000.

20 D. **Stage 3. Mandatory Compliance - Water Warning.** Stage 3 applies during  
21 periods when the city of Santa Fe water utility will not be able to meet from thirty-six percent 36% to  
22 fifty percent 50% of the water demands of its customers. The stage 3 implementation plan is  
23 incorporated into Chapter 25 SFCC 1987 as Exhibit "D", Amended June 28, 2000.

24 E. **Stage 4. Mandatory Compliance - Water Emergency.** Stage 4 applies when  
25 a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the



1 water distribution system of the federal, state or other water authorities, or the city water utility, upon  
2 which supply of water the municipal water system relies. In addition, if these or other factors lead to a  
3 probable shortage in excess of fifty percent 50% of anticipated demand, the stage 4 implementation  
4 plan will be activated. Upon implementation by the governing body and publication of notice, the  
5 following measures shall apply except when reclaimed water is used: **2594889**

6 (1) All outdoor irrigation of turf and ground cover is prohibited with the  
7 exception of plant materials classified to be rare, exceptionally valuable or essential to the well being of  
8 the public at large or rare animals. Irrigation of trees and shrubs is permitted only by hand-held hose  
9 equipped with a positive shut-off nozzles, hand-held container or drip irrigation system. Grey water  
10 may be used in accordance with regulations to irrigate fruit trees, ground covers and ornamental trees  
11 and shrubs. Grey water is defined as household wastewater other than toilet and kitchen sink waste.

12 (2) The use of water at commercial nurseries, commercial sod farms and  
13 similarly situated establishments shall be reduced in volume by an amount determined through  
14 approval of the stage 4 implementation plan by the governing body. Grey water may be used in  
15 accordance with state regulations to irrigate fruit trees, ground covers and ornamental trees and shrubs.

16 (3) The washing of automobiles, trucks, trailers, boats, airplanes and other  
17 types of mobile equipment is prohibited. The use of water by all types of commercial car washes or  
18 commercial vehicle service stations and not in the immediate interest of the public health, safety and  
19 welfare shall be reduced in volume by an amount determined through approval of the stage 4  
20 implementation plan by the governing body. Further, such washings are exempt from these regulations  
21 where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings such as  
22 refuse collection trucks and vehicles used to transport food and perishables.

23 (4) The filling, refilling or adding of water to swimming pools, spas, ponds  
24 and artificial lakes is prohibited except where this use is storage for a water supply.

25 (5) The watering of all golf course areas is prohibited.

1 (6) Use of water from fire hydrants shall be limited to fire fighting or other  
2 activities immediately necessary to maintain the health, safety and welfare of the citizens served by the  
3 municipal system.

4 (7) All restaurants are prohibited from serving water to their customers  
5 except when specifically requested by the customers. **2594890**

6 (8) Water shall not be used to wash down sidewalks, driveways, parking  
7 areas, tennis courts, patios or other paved areas, except to alleviate immediate fire or sanitation hazards.

8 (9) The operation of any ornamental fountain or similar structure is  
9 prohibited except for short periods of time to prevent damage.

10 (10) The use of water for commercial, manufacturing or processing purposes  
11 shall be reduced in volume by an amount determined through approval of the stage 4 implementation  
12 plan by the governing body.

13 (11) All sales of non-reclaimed water outside of the water service area shall  
14 be discontinued, with the exception of sales previously approved by the governing body.

15 (12) No new construction meters will be issued. Construction water shall  
16 not be used for earth work or road construction purposes. Construction projects necessary to  
17 maintaining the health, safety and welfare of the public shall be exempt from these regulations.

18 (13) Except for property for which a building permit is issued, no  
19 new building permit(s) shall be provided, except in the following circumstances:

20 (a) For projects necessary to protect the public's health, safety, and  
21 welfare;

22 (b) When using reclaimed water;

23 (c) When the recipient of the building permit can demonstrate that  
24 no net increase in water use will occur; or

25 (d) Where the recipient of the building permit provides a

1 conservation offset.

2 (14) Stage 4 will be terminated by the governing body.

3 Section 8. Section 25-5.8 SFCC 1987 is ordained to read: **2594891**

4 25-5.8 Mandatory Conservation Phase Implementation. The city water utility shall monitor  
5 the projected supply and demand for water by its customers on a daily basis during periods of  
6 emergency or drought and shall recommend to the city manager the extent of the conservation required  
7 through the implementation and/or termination of particular conservation stages, to prudently plan and  
8 supply water to its customers. Thereafter, the city manager may order the implementation or  
9 termination of the appropriate phase of water conservation in accordance with the applicable provisions  
10 of this ordinance. The declaration of any stage beyond stage 1 shall be made by public announcement  
11 and shall be published a minimum of one time for three consecutive days in a daily newspaper of  
12 general circulation. The stage designated shall become effective immediately upon announcement.

13 Section 9. Section 25-5.9 SFCC 1987 is ordained to read:

14 25-5.9 Penalty. It shall be unlawful for any person, corporation or association to violate the  
15 provisions of this section. Unless otherwise stipulated, violations of these provisions shall be a  
16 misdemeanor subject to penalties provided in Section 1-3 SFCC 1987. The public utilities department  
17 may alternatively seek injunctive relief in the district court. In addition to any other remedies which  
18 the public utilities department may have for the enforcement of this section, service of water may be  
19 discontinued or appropriately limited to any customer who willfully uses water in violation of any  
20 provisions thereof.

21 Section 10. Section 25-5.10 SFCC 1987 is ordained to read:

22 25-5.10 Severability. If any provision, section, subsection, sentence, clause or phrase of this  
23 section, or the application of same to any person or set of circumstances is, for any reason, held to be  
24 unconstitutional, void, or invalid, the invalidity of the remaining portions of this ordinance shall not be  
25 affected, it being the intent of the governing body in adopting this section that no portions, provisions,



1 or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of  
2 any other provision hereof, and all provisions of this ordinance are declared to be severable for that  
3 purpose.

**2594892**

4 **Section 11. Section 25-5.11 SFCC 1987 is ordained to read:**

5 **25-5.11 Emergency Water Regulations; Publication of Terms of Water Use.** Upon such  
6 emergency declaration by the governing body, it shall be the duty of the administration to give public  
7 notice by publishing a notice giving the extent, terms and conditions respecting the use and  
8 consumption of water, at least once in a newspaper of general circulation in Santa Fe; that upon such  
9 declaration and publication of such notice due and proper notice shall be deemed to have been given  
10 each and every consumer supplied with water by the municipal water system.

11 **Section 12. Section 25-5.12 SFCC 1987 is ordained to read:**

12 **25-5.12 Santa Fe Watershed and Water Reservoir System; Posting of Notices; Authority**  
13 **to Enforce Regulations.**

14 A. The properties of the water reservoir system owned by and under the control of  
15 the city of Santa Fe and the United States Forest Service shall be posted with notices against  
16 trespassing, bathing, unauthorized shooting, hunting, fishing, camping, or hiking, and warning all  
17 persons against violation of any of the ordinances of the city and county of Santa Fe, of the laws of the  
18 state of New Mexico, the United States government or any rules or regulations adopted pursuant  
19 thereto, which provide for the protection of any reservoir, or properties of the water impounding  
20 system.

21 B. All officials and employees of the city water utility of the city of Santa Fe are  
22 hereby vested with authority to enforce all laws, orders, rulings and regulations enacted for the  
23 protection of these waters and the properties pertaining thereto.

24 **Section 13. A new Section 25-5.13 SFCC 1987 is ordained to read:**

25 **25-5.13 Regulation of Domestic Wells.** All domestic wells within the jurisdiction of the city

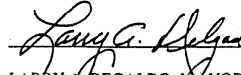
1 of Santa Fe shall be governed by this Ordinance as authorized by §§3-53-1 and 3-53-2 NMSA 1978.

2 Section 14. A new Section 25-5-14 SFCC 1987 is ordained to read:

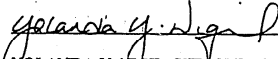
3 25-5-14 Effective Date. This Ordinance shall become effective immediately upon adoption.

4 PASSED, APPROVED and ADOPTED this 28<sup>th</sup> day of June, 2000.

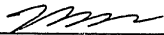
2594893

5  
6   
7 LARRY A. DEGALDO, MAYOR

8 ATTEST:

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10   
11 YOLANDA Y. VIGIL, CITY CLERK

12  
13 APPROVED AS TO FORM:

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15   
16 PETER A. DWYER, CITY ATTORNEY

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25 Irene/Peter/Drought.Ord.

- 1 Adopted: May 29, 1996
- 2 Amended: June 13, 1996
- 3 Amended: July 31, 1996
- 4 Amended: September 11, 1996
- 5 Amended: June 28, 2000
- 6 Amended: April 10, 2002

2594894

**CITY OF SANTA FE**  
**EMERGENCY WATER REGULATIONS**  
**WATER EMERGENCY MANAGEMENT PLAN**  
**STAGE 2 IMPLEMENTATION PLAN**  
**EXHIBIT C**  
 (Subsection 25-5.7 C)

14 1. **LANDSCAPE IRRIGATION RESTRICTIONS.** Once Stage 2 or a higher  
 15 stage is declared, any requirements to plant new landscaping under Chapter XIV associated with  
 16 new construction shall be held in abeyance until all water shortage stages are rescinded. The  
 17 property owner or developer shall post a bond sufficient to cover the costs of installing the  
 18 required landscaping.

19 The following shall apply to all forms of outdoor irrigation:

- 20 a. The planting of all new turf seed and sod is prohibited. The planting of
- 21 all other new in-ground landscaping and outdoor containerized
- 22 landscaping is strongly discouraged.
- 23 b. **Times and Days of Irrigation:** The odd-even address three (3) day per
- 24 week watering schedule identified in subsection 25-2.7A. shall be in
- 25 effect. Newly installed turf seed and sod 60 day exemptions granted prior



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1 to the declaration of Stage 2 under subsection 25-2.7B(2) shall remain  
2 valid. No new exemptions shall be granted. Outdoor plants in above  
3 ground containers movable by hand shall be exempt from these  
4 restrictions. Plant nurseries are exempt from the watering restrictions.  
5 Landscape maintenance companies doing manual watering are exempt  
6 from the time of day and day of week watering restrictions but must not  
7 manually irrigate their clients' landscaping more than three (3) days a  
8 week. For those customers of landscape companies that have automatic  
9 irrigation controllers, the odd-even address watering days and times must  
10 be complied with. Grey water and water harvested from precipitation  
11 shall be exempt from the three day per week watering restriction.  
12 Landscaped street medians shall only be irrigated with effluent and no  
13 more than three days per week.

14 **2. OUTDOOR USE RESTRICTIONS.**

- 15 a. Allowing water to run beyond a property owner's boundary is prohibited.
- 16 b. Using water to clean hard surfaces such as tennis courts, sidewalks, and  
17 driveways is prohibited unless there is a public health or safety hazard. A  
18 violation occurs even if water does not leave the property owner's  
19 boundary.
- 20 c. **Swimming Pools/Spas:** One initial filling is allowed for recirculating  
21 pools. Non-recirculating pools may not be filled or refilled.
- 22 d. **Ornamental Fountains:** Non-recirculating fountains are prohibited.
- 23 e. **Vehicle Washing:** All vehicle washing at residences is prohibited. All  
24 vehicle washing is limited to once-per month at commercial car wash  
25 facilities, including do-it-yourself car wash facilities. Commercial car

2594896

1 sale lots and other commercial and governmental entities with on-site  
2 vehicle washing facilities are limited to washing their vehicles one time  
3 per month during the first full week of the month, unless there is a  
4 demonstrated public health or safety reason for more frequent washings.

5 **3. INDOOR USE RESTRICTIONS AND PUBLIC NOTICING**  
6 **REQUIREMENTS.**

7 a. **Posting of Water Shortage Bulletin:** Excluding residential facilities,  
8 owners of restrooms, showers, and locker facilities shall post a city-  
9 provided 8.5 by 11 inch water shortage announcement in the restroom,  
10 shower, and locker room areas. This provision applies to all private,  
11 public, governmental, and commercial establishments. In addition to  
12 restroom signs, all indoor commercial establishments shall post the same  
13 announcement in a location clearly visible to their customers.

14 b. **Low Flow Shower Heads and Faucet Aerator:** All commercial  
15 entities shall have the following installed within two weeks of the  
16 effective date of the Stage 2 declaration: (1) Shower heads with a flow  
17 rate not to exceed two and one-half (2.5) gallons per minute. Emergency  
18 safety showers are exempt from this provision. (2) Lavatory and kitchen  
19 faucets shall be equipped with aerators so that they will not exceed a  
20 water flow rate of two and one-half (2.5) gallons per minute.

21 **4. DROUGHT EMERGENCY SURCHARGES.** The following Drought  
22 Emergency Surcharges shall be applied to water bills for all customers served by Sangre de Cristo  
23 Water. Surcharges shall become effective with the first beginning meter read following the Stage  
24 2 effective date. Surcharges shall remain in effect through an entire monthly billing process, even  
25 if Stage 2 is rescinded on an earlier date. Surcharges shall not be assessed for estimated bills.



2594897

1 Rule #22, Customer Complaint Procedures, under subsection 25-4.1, shall be used for customers  
2 desiring to appeal their Drought Emergency Surcharges or their Water Use Violation Fees under  
3 Section 5 below. Surcharges shall be adjusted accordingly for partial month or multiple month  
4 bills.

5 a. Residential Customers: \$15.00 per one thousand gallons for all usage  
6 above 10,000 gallons per month up to 20,000 gallons per month. \$25.00  
7 per one thousand gallons for all usage above 20,000 gallons.

8 b. Small and Large Commercial Customers: \$2.00 per one thousand  
9 gallons on all usage.

10 5. ENFORCEMENT AND ADMINISTRATIVE FEES FOR VIOLATING  
11 WATER USE RESTRICTIONS. The enforcement modes and administrative fees identified in  
12 Section 25-1.4 shall apply to this and each higher level water emergency stage.

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1 Amended: September 13, 2000

2 Amended: April 10, 2002

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4 CITY OF SANTA FE  
5 EMERGENCY WATER REGULATIONS  
6 WATER EMERGENCY MANAGEMENT PLAN  
7 STAGE 3 IMPLEMENTATION PLAN

2594898

8 EXHIBIT D

9 (Subsection 25-5.7 D)

10 1. LANDSCAPE IRRIGATION RESTRICTIONS. The following shall apply  
11 to all forms of outdoor irrigation, unless effluent or grey water is used:

- 12 a. Except for turf seed and sod, the planting of landscaping is permitted. All  
13 plant nurseries or landscape professionals or community gardens shall  
14 provide their customers at the time of sale or service contract, literature,  
15 the text of which is provided by the city, indicating that the city is under  
16 once per week watering restrictions, that the new plantings must comply  
17 with those restrictions, and that they are subject to administrative fee  
18 assessments if they don't comply with those restrictions.
- 19 b. Times and Days of Irrigation: Outdoor watering of landscaping, is  
20 limited to once per week. Odd numbered addresses may water on  
21 Tuesdays. Even-numbered addresses may water on Fridays. Newly  
22 installed turf seed and sod exemptions granted prior to the declaration of  
23 Stage 3 under subsection 25-2.7B(2) are no longer valid. No new  
24 exemptions shall be granted. Outdoor plants in above ground containers  
25 movable by hand shall be exempt from these restrictions. Plant nurseries

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are exempt from the watering restrictions. Landscape maintenance companies doing manual watering are exempt from the time of day and day of week watering restrictions but shall not manually irrigate their clients' landscaping more than one day per week. For those customers of landscape companies that have automatic irrigation controllers, the odd-even address watering day and times noted above must be complied with. Grey water and water harvested from precipitation shall be exempt from the one day per week watering restriction. Landscaped street medians shall only be irrigated with effluent and no more than once per week.

2. OUTDOOR USE RESTRICTIONS.

- a. **Swimming Pools/Spas:** Swimming pools without pool covers are prohibited. All pools must be covered when not in use. The filling and refilling of swimming pools or spas at single family residences is prohibited.
- b. **Ornamental Fountains:** The use of all ornamental fountains is prohibited.

3. INDOOR USE RESTRICTIONS.

- a. **Lodging Facilities:** Lodging facilities shall not change the sheets and towels more than once every four (4) days for guests staying more than one night unless there is a justified public health reason. Guests shall be informed of this requirement in writing at the time of check-in.

4. CONSTRUCTION USE RESTRICTIONS.

- a. If the effluent fill station is permitted by the State and effluent is available, potable water for construction purposes through a metered hydrant is prohibited.

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5. FEES FOR VIOLATING WATER USE RESTRICTIONS. The fees for violating Sections 1, 2, 3 and 4 above shall be the same as those stipulated in Section 5 of the Stage 2 Implementation Plan (Exhibit C).

2594900

price/emp/ass/gn/utilities/water/Stage 2, 3 ordinance



May 18, 2003

**Weekly Water Report**

City Well Field	Weekly Total MG	Weekly Total AF	Out of Service Dates
St. Mikes (378)	4.235	13.00	
Agua Fna (823)	7.822	24.00	
Santa Fe (183)	1.801	5.53	
Torreon (413)	4.236	13.00	
Osage 25 af/yr (201)	0.000	0.00	
Ferguson (200)	1.874	5.75	
Alto (195)	1.779	5.46	
Northwest (957)	7.430	22.80	
<b>City Well Production</b>			
<b>Weekly Average MGD</b>	4.17	12.79	



Buckman Well Field	Weekly Total MG	Weekly Total AF	Out of Service Dates
# 1 (542)	3.429	10.52	
# 2 (852)	4.401	13.50	
# 3 (319)	2.981	9.15	
# 4 (357)	2.944	9.03	
# 5 (256)	2.393	7.34	
# 6 (744)	7.160	21.97	
# 7 (715)	6.653	21.03	
# 8 (525)	5.256	16.22	
# 9 (400)	3.940	12.09	
<b>Current Buckman Production</b>			
<b>Weekly Average MGD</b>	5.63	17.27	

2594901

Combined Well Production	Million Gal per Day
For Buckman & City Wells	9.79

Weekly Average Production from	MGD	Acre Ft/Day
Surface Water Plant		
05/04/2003	0	0.00
05/11/2003	1.351	4.15
05/18/2003	3.315	10.17

Weekly Average Production of Complete System	MGD	Acre Ft/Day
Wells plus Treatment Plant		
May 18, 2003	13.11	40.23

**Las Campanas Weekly Averages**

Weekly Averages	MGD	Acre Ft/Day	MGD	Acre Ft/Day
Total Consumption/Demand				
05/11/2003	10.893	33.43	1.41	4.33
05/18/2003	12.003	36.83	1.39	4.27

Reservoir Information	Total Capacity	Useable Capacity	Useable MG	Useable AF
05/11/2003	60%	40%	514	1575.98
05/18/2003	64%	44%	565	1733.58

Reservoir Inflow Wkly Avg	(Estimate) MGD	Acre Ft/Day
05/18/2003	8.077	24.78

**Summary of Weekly Data Comparisons vs Previous Years**

City Well Field	Million Gal per Day	Acre Ft/Day
2001	2.53	7.8
2002	3.78	11.6
2003	4.17	12.8

Buckman Well Field	Million Gal per Day	Acre Ft/Day
2001	3.67	11.3
2002	6.16	18.9
2003	5.63	17.3

Surface Water Plant	Million Gal per Day	Acre Ft/Day
2001	6.65	20.4
2002	0.96	2.9
2003	3.315	10.2

Total Consumption/Demand	Million Gal per Day	Acre Ft/Day
2001	12.71	39.0
2002	11.67	35.8
2003	12.00	36.8

Las Campanas Consumption	Million Gal per Day	Acre Ft/Day
2001	1.11	3.4
2002	1.21	3.7
2003	1.39	4.3

Reservoir Information	Total % of Capacity
2001	96%
2002	27%
2003	64%

Reservoir Inflow Wkly Avg	(Estimate) MGD
2001	17.14
2002	0.46
2003	8.08

Data Peak Day	Million Gal per Day	Acre Ft/Day
2001 (June 20)	19.807	61
2002 (June 7)	16.625	51
2003 (Msy 13)	13.506	41

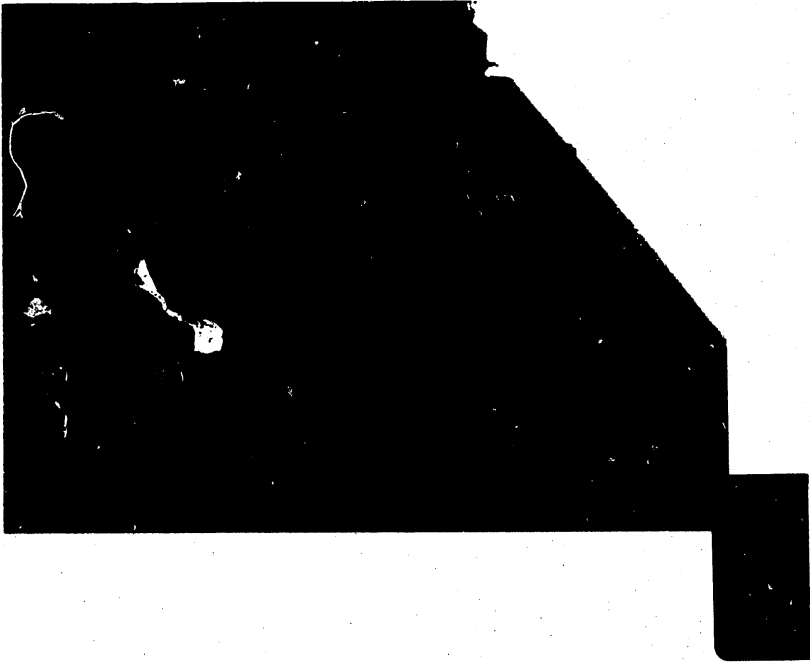
2594902

c: Well Production.xls  
 By: Gary Martinez  
 Cc: Mr. Mayor/Governing Body/City Manager/PUD Director/City Web Page/City Clerk

2594903

**Santa Fe County  
Fiscal Year 2004  
Interim Budget**

**BCC  
Presentation  
May 27, 2003**





2594904

# Santa Fe County Revenue

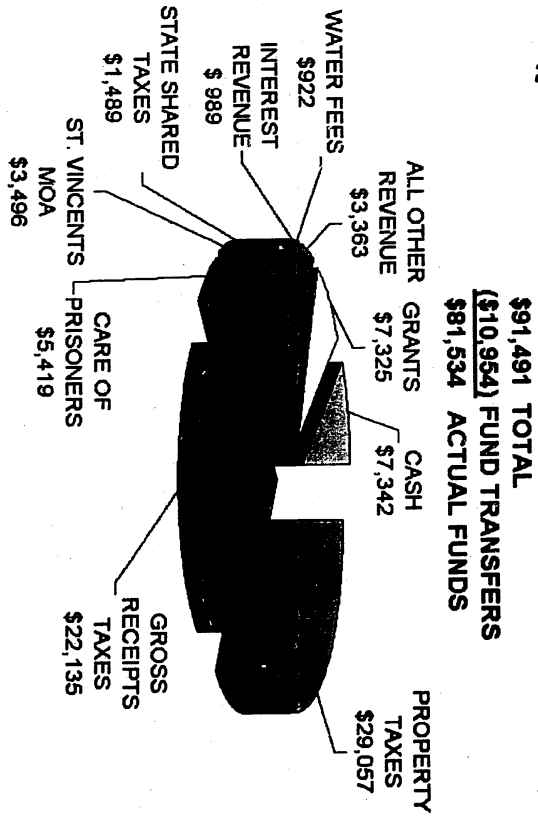
\$ million

FY 2004 INTERIM BUDGET  
BCC PRESENTATION  
MAY 27, 2003

	DEDICATED FUNDS									
	GENERAL FUND	INDIGENT FUND	EMS HEALTH CARE FUND	FIRE TAX FUND	COUNTY CAPITAL OUTLAY FUND	GENERAL OBLIG. BOND DEBT FUNDS	JAIL FUND	OTHER	TOTAL	
PROPERTY TAX	\$24.5					\$3.9		VALATN \$0.6	\$29.0	
GROSS RECEIPTS TAX	\$4.5	\$3.9	\$3.9	\$1.3	\$7.9			ENV \$0.7	\$22.2	
OTHER REVENUE	\$3.7	MOA \$0.7	MOA \$2.8				\$5.4	PUB HS, WATER \$1.3	\$13.9	

2594905

# Santa Fe County Revenue



FY 2004 INTERIM BUDGET  
BCC PRESENTATION  
MAY 27, 2003



2594906

## Santa Fe County General Fund Sources

**AS OF 6/23/2003**  
**DOLLARS IN THOUSANDS**

SOURCES	FY 03	FY 04	FY 04	FY 04	FY 04	FY 04
	ORIGINAL BUDGET	RECURRING BUDGET	NON- RECURRING BUDGET	TOTAL INTERIM BUDGET	INTERIM DIFF FROM FY03 ORIG	UP 8.5% FLAT RATES DOWN CLERK FEES DEBT RETIRED ADDITIONAL NFR SOURCE
Property Taxes	23,098	24,818		24,818	1,518	
Gross Receipts Taxes	4,550	4,580		4,580	10	
State-Shared Taxes	850	875		875	25	
Investment Income	1,000	800		800	(200)	
All Other Income & Subsidies	1,734	1,856		1,856	222	
Grants			2,185	2,185		
Transfer from Env. GRT Fund	485	489		489		
Cash Required for Baseline	2,183		2,000	2,000	(183)	
<b>TOTAL SOURCES</b>	<b>33,890</b>	<b>33,290</b>	<b>4,185</b>	<b>37,464</b>	<b>1,439</b>	

FY 2004 INTERIM BUDGET  
BCC PRESENTATION  
MAY 27, 2003



2594907

# Santa Fe County General Fund Uses

FY 2004 INTERIM BUDGET  
BCC PRESENTATION  
MAY 27, 2003

AS OF 6/23/2003  
DOLLARS IN THOUSANDS

USES	FY 03	FY 04	FY 04	FY 04	FY 04	FY 04
	ORIGINAL BUDGET	RECURRING BUDGET	NON- RECURRING BUDGET	TOTAL INTERIM BUDGET	INTERIM DIFF FROM FY03 ORIG	
County Manager	1,224	1,237		1,237	13	
Economic Development Spec.			100	100	100	
BCC - Discretionary Projects			126	126	125	
Contingency	1,260	1,000	250	1,260	0	
Legal	1,780	1,632		1,632	62	INSURANCE INCREASE
Finance	2,073	1,567		1,567	(516)	JAN 1 INCREASE
Capital Package	1,423	339	1,485	1,485	82	
Community Health	321	338		338	17	
Land Use	1,524	1,551		1,551	27	
Public Works	4,010	4,010		4,010	0	
PEMD	3,662	3,666		3,666	(87)	
County Clerk	1,341	1,378	40	1,418	10	
Treasurer	500	510		510	10	
Assessor	1,187	1,242		1,242	55	
Sheriff	5,183	5,683		5,683	380	SPECIAL ELECTION
Probate	23	36		36	13	SALARY INCREASES
Administrative Services	453	477		477	24	CWA AGREEMENT
Surveyor	28	27		27	(2)	
TOTAL ORGANIZATIONS	25,883	24,343	2,000	28,343	380	
TOTAL GRANTS			2,185	2,185		
Transfer to Road Fund	1,880	1,444		1,444	(248)	CAPITAL OUTLAY FUNDING
Transfer to Debt Service Funds	781	758		758	(3)	
Transfer to RPA Fund	77	87		87	10	
Transfer to Jail Fund	5,348	8,887		8,887	1,318	LOSS OF FED INMATES
TOTAL USES	33,850	33,259	4,185	37,494	1,439	
BALANCE - SOURCES - USES		0	0	0	0	

2594908

## Santa Fe County New Position Requests

FY 2004 INTERIM BUDGET  
BCC PRESENTATION  
MAY 27, 2003

DEPARTMENT	POSITION	DUTIES	TOTAL (\$ 000)	ADD BUD REQ (\$ 000)
COUNTY MANAGER	SECRETARY I ECONOMIC GROWTH SPEC.	INTERNAL REORGANIZATION DEVELOP BUSINESS INCENTIVES & PLAN FOR BUSINESS PARK	\$ 32	\$ 0
LAND USE	PLANS EXAMINER	WATER METER READING PROGRAM & ENFORCE WATER CONSERVATION	\$ 100	\$ 0
PUBLIC WORKS	PARTS CLERK CUSTODIAN	PROCURE PARTS & TRACK TOOLS ENACON AND MAGISTRATE COURT	\$ 51 \$ 24	\$ 51 \$ 24
PROJECT & FACILITIES MANAGEMENT	COORDINATOR WEB DEVELOPER	FIELD WORK & MANAGE OPEN SPACE PROPERTY MAINTAIN COUNTY'S EXTERNAL WEB SITE	\$ 24 \$ 44	\$ 24 \$ 44
COUNTY CLERK	PROJECT MANAGER (39%) VOTING MACHINE TECH POLL WORKERS	FULLY FUND FROM GENERAL FUND INSTEAD OF BOND FUND INCREASED VOTING POLL-PLACE REQUIREMENTS	\$ 12 \$ 32	\$ 12 \$ 32
SHERIFF	(3) DEPUTY POSITIONS	15 PART-TIME POSITIONS FOR FIVE EARLY-VOTING SITES. COMMUNITY POLICING - 1 FOR EACH OF 3 TEAMS	\$ 22	\$ 22
UTILITIES ADMIN SERV	RECEPTIONIST	ENACON BUILDING RECEPTIONIST	\$ 137	\$ 137
			\$ 24	\$ 24



2594909

# Santa Fe County Capital Requests & Recommendations

FY 2004 INTERIM BUDGET  
BCC PRESENTATION  
MAY 27, 2003

DEPARTMENT	REQUEST	RECOMM
COUNTY MANAGER AND BCC	\$ 110	\$ 102
LEGAL	\$ 0	\$ 0
FINANCE	\$ 0	\$ 0
COMMUNITY HEALTH DEVELOPMENT	\$ 0	\$ 0
LAND USE	\$ 22	\$ 0
PUBLIC WORKS (GENERAL FUND)	\$ 1,073	\$ 471
(GEN FUND REIMB FROM ROAD PROJ)	\$ 185	\$ 185
(ENV REV RESERVE FUND - LANDFILL CLO)	\$ 72	\$ 72
PROJECT & FACILITIES MANAGEMENT	\$ 1,930	\$ 617
(CAP OUTLAY/FAC FUND - MODULAR FURN)	\$ 367	\$ 367
COUNTY CLERK	\$ 153	\$ 53
COUNTY TREASURER	\$ 0	\$ 0
COUNTY ASSESSOR	\$ 11	\$ 11
VALUATION FUND - FURNITURE	\$ 409	\$ 409
COUNTY SHERIFF	\$ 0	\$ 0
COUNTY PROBATE	\$ 0	\$ 0
ADMINISTRATIVE SERVICES	\$ 0	\$ 0
COUNTY SURVEYOR	\$ 42	\$ 42
<b>TOTAL COUNTY GENERAL FUND REQUESTS</b>	<b>\$ 3,739</b>	<b>\$ 1,623</b>
<b>INTERIM BUDGET (\$138 DEFICIT)</b>		<b>\$ 1,485</b>



## Santa Fe County General Fund Capital – Big Stuff

016952

ORGANIZATION	CAPITAL ITEM	BUDGET
SHERIFF	POLICE VEHICLES (19)	\$ 405
PFMD – Info Tech	NET APP F940 FILESERVER	\$ 200
PW – Solid Waste	TUB GRINDER	\$ 165
PW – Solid Waste	ROLLOFF TRUCK (REPLACE)	\$ 120
COUNTY MANAGER	TRIBAL LAND OWNERSHIP / ACCESS RESEARCH	\$ 75
PFMD – Buildings	HEALTH CENTER ROOF HEAT/COOLING UNITS (4)	\$ 70
PW – Solid Waste	COMPACTOR UNITS (3)	\$ 56
PFMD – Buildings	RE-ROOF SEC 2 (HEALTH CTR)	\$ 35
PFMD – Parks & Rec	BOBCAT 863G LOADER	\$ 35

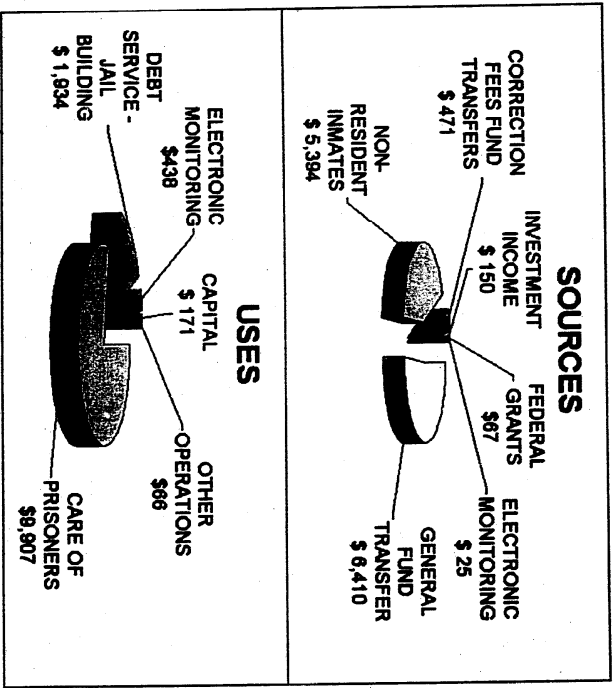
FY 2004 INTERIM BUDGET  
BCC PRESENTATION  
MAY 27, 2003

2594911

# Santa Fe County Jail

## \$12.516 million

FY 2004 INTERIM BUDGET  
BCC PRESENTATION  
MAY 27, 2003





2594912

## Santa Fe County General Fund Finding Additional Sources

ACTION	COMMENT
RECURRING REVENUE SURPLUS	SMALL
INCREASE USE OF CASH	POSSIBLE SMALL EXTENT FOR CAPITAL OR NON-RECURRING ONLY
DELETE SERVICES WITH LOW BENEFIT RETURNS	TAKES TIME / ANALYSIS & PROGRAMS ARE ENTRENCHED, BUT HIGHEST POTENTIAL
LAY-OFF EMPLOYEES	HIGH MORALE COST - DIFFICULT TO DO WITHOUT HURTING SERVICES
HIRING FREEZE	ONLY FOR NON-RECURRING REVENUE
SALARY SAVINGS	NO HIRING FLEXIBILITY
CELL PHONES	VERY LITTLE RETURN
TRAVEL	VERY LITTLE RETURN FOR THE EFFORT
	VERY SMALL BUDGET RIGHT NOW

FY 2004 INTERIM BUDGET  
BCC PRESENTATION  
MAY 27, 2003



2594913

# Santa Fe County EMS Healthcare and Indigent Funds

FY 2004 INTERIM BUDGET  
BCC PRESENTATION  
MAY 27, 2003

SOURCES	EMS HEALTH CARE FUND	INDIGENT FUND
GROSS RECEIPTS TAX	\$ 3,896	\$ 3,896
MOA WITH ST. VINCENT HOSPITAL	\$ 2,319	\$ 660
AMBULANCE AND OTHER FIRE AND EMERGENCY RELATED REVENUE	\$ 660	
OTHER HEALTH RELATED REVENUE	\$ 70	
BUDGETED CASH	\$ 646	
<b>TOTAL</b>	<b>\$ 7,579</b>	<b>\$ 4,556</b>

USES	EMS HEALTH CARE FUND	INDIGENT FUND
SOLE COMMUNITY PROVIDER	\$ 3,166	\$ 826
FIRE DEPARTMENT	\$ 2,885	\$ 2,022
STATE-SUPPORTED MEDICAID		
RECC (EMERGENCY DISPATCH)	\$ 866	\$ 666
INDIGENT PRIMARY CARE		\$ 492
INDIGENT REHABILITATION		\$ 317
INDIGENT HOSPITAL AND OTHER SPECIALIZED CARE	\$ 266	
SENIOR SERVICES	\$ 140	
MATERNAL CHILD HEALTH - INFANT AND CHILD	\$ 288	\$ 243
HEALTH ADMINISTRATION	\$ 7,579	\$ 4,556
<b>TOTAL</b>	<b>\$ 7,579</b>	<b>\$ 4,556</b>

2594914

ACCOUNT DESCRIPTION	FY 2003 ORIGINAL BUDGET	FY 2003 APPROVED BUDGET	FY 2004 INTERIM BUDGET	FY 2004 ORIGINAL
GENERAL FUND	36,488,508	37,966,595	37,483,984	1,025,476
CORRECTIONS FUND	175,000	175,000	471,000	296,000
PROPERTY VALUATION FUND	664,205	675,461	628,462	35,743-
ROAD FUND	2,343,646	2,369,318	2,404,137	60,491
EMERGENCY AND RICE FUND	117,849	145,158	117,203	646-
PARK & RECREATION FUND	3,500	3,600	2,500	1,100-
FIRE PROTECTION FUND	786,246	2,753,952	769,715	16,531-
LAW ENF. PROTECTION FUND	70,200	81,274	70,200	0
ENVIRONMENTAL CRT	798,000	798,000	665,000	133,000-
CAPITAL OUTLAY CRT	2,564,000	2,564,000	7,790,000	5,226,000
LOBBING TAX FACILITY FUND	133,635	133,635	133,635	0
LOBBING TAX ADVERTISING	190,324	190,324	188,199	2,125-
RECREATION FUND	500	500	1,200	700
CLERK RECORDING FEEB FUND	310,000	320,000	199,000	111,000-
INDIGENT FUND	4,139,904	4,374,975	4,555,252	415,348
PIRE TAX 1/4% FUND	1,884,426	1,891,725	1,330,000	554,426-
FIREARMS FORFEITURE FUND	0	14,684	0	0
DECTION 8 VOLUNTARY FUND	1,695,493	1,740,552	1,773,952	78,459
US DEPT HOUSING URBAN DIV	1,068,296	987,750	908,356	159,940-
HHS-HEALTHY CARE	7,261,918	7,676,789	7,579,601	317,683
WILDLIFE/MONUMENTS/TRAILS	265,211	320,738	21,947	243,264-
COMMUNITY DEV BLOCK GRANTS	0	199,230	0	0
US ENVIRONMENTAL PROTECTN	0	288,000	0	0
HOUSING CAPITAL IMPROV	413,741	816,768	886,573	472,832
ROAD PROJECTS FUND	695,830	1,885,436	0	695,830-
STATE SPEC. APPROPRIATION	618,261	1,391,832	0	618,261-



ACCOUNT DESCRIPTION	FT 2003 ORIGINAL BUDGET	FT 2003 ADJUSTED BUDGET	FT04 INTERIM VERSUS FT03 ORIGINAL
EQUIPMENT LEASE PROCEEDS	45,000	100,860	0
OOB SERIES 1997 PROCEEDS	216,924	707,287	0
OOB SERIES 2001	26,460	6,433,381	2,539,129
OOB SERIES-OPEN SPACE	589,515	589,515	0
FACILITY BOND 97 PROCEEDS	7,665,211	7,665,638	0
GEN BLDG. BOND DEBT SVC	3,822,575	3,822,575	3,875,482
ENVIR GNT BOND DEBT SVC	170,534	170,534	520,000
EQUIPMENT LEASE DEBT SVC	377,185	377,185	417,719
GRT REVENUE BOND DEBT SVC	422,475	422,475	422,300
FIRE REV. BOND DEBT SVC	542,618	542,618	641,655
REGIONAL PLANNING AUTHORITY	221,209	229,349	206,975
ENTERPRISE - WATER FUND	1,673,625	2,026,786	1,111,042
ENTERPRISE - HOUSING ADMN	1,214,755	1,267,227	1,222,967
JAIL OPERATIONS FUND	10,450,658	12,159,289	11,563,865
	90,169,537	106,272,895	91,339,530
			1,169,993

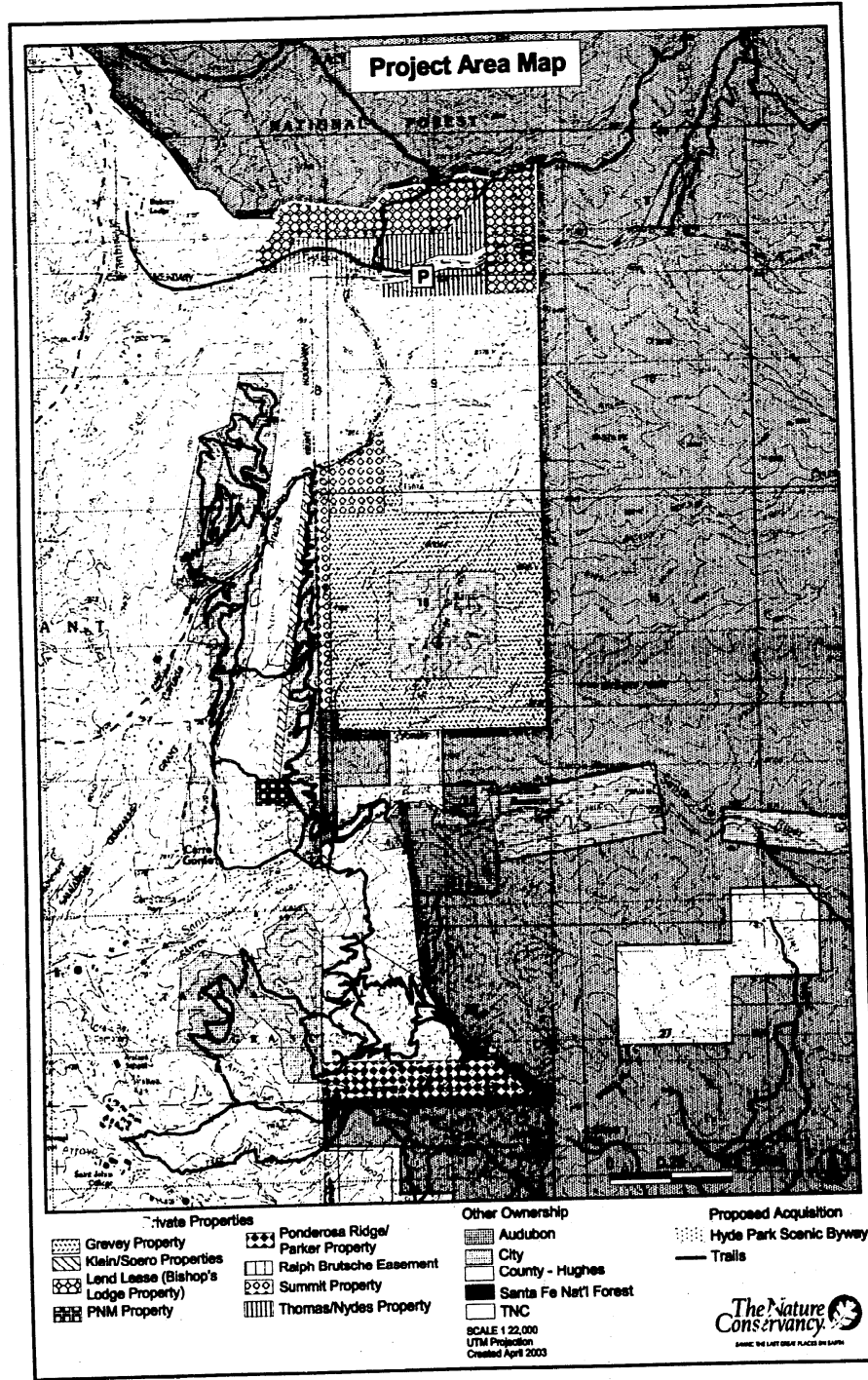
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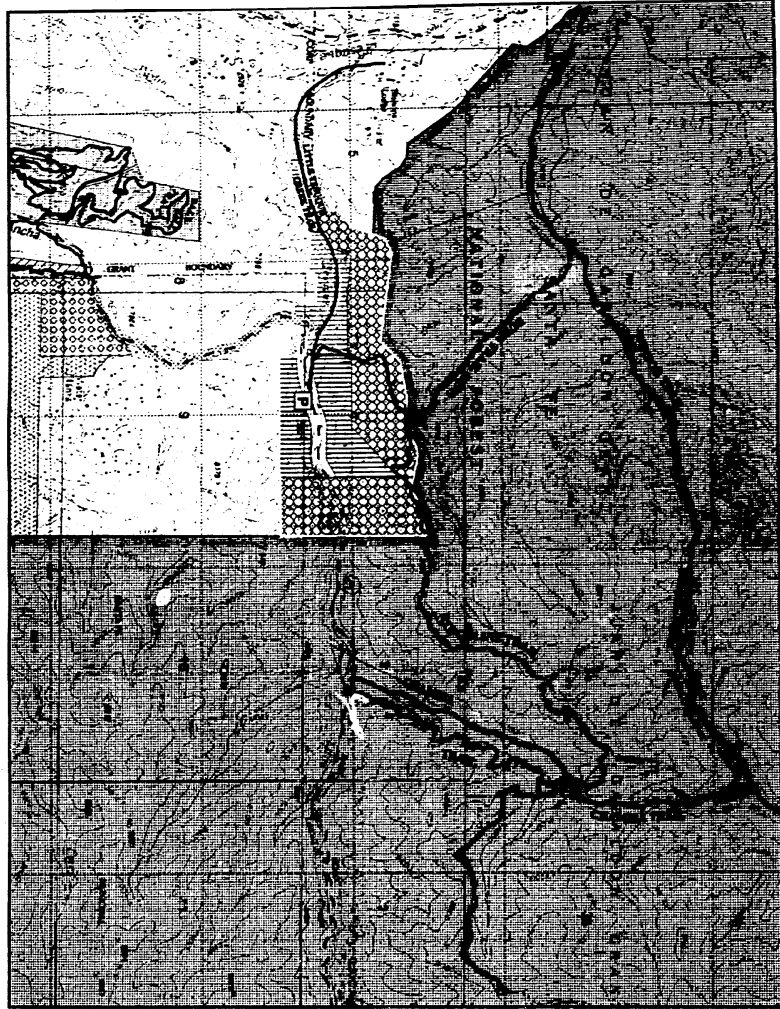


2594916





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### Site Map

- Private Properties
  - Grewey Property
  - Klein/Scano Properties
  - Land Lease (Bishop's Lodge Property)
  - Ralph Brutsche Essement
  - Summit Property
  - Thomas/Hydes Property
- Public Ownership
  - Santa Fe Nat'l Forest
  - City
- Proposed Acquisition
  - Hyde Park Scenic Dwyer
  - Trails

SCALE 1:22,000  
UTM Projection  
Created April 2003



The Nature  
Conservancy  
www.natureconservancy.org



2594919

Janet Degan  
2125 Paseo Primero  
Santa Fe, NM 87501  
May 27, 2003

Dear County Commissioners,

As a member of the Hyde Park Rd. Neighborhood Planning Group and the Santa Fe Nat'l Forest Scenic Byway Coordinating Committee, I am very pleased with COT-Pac's recommendation that the county allocate \$300,000 to complete the purchase of Thomas Nydes property. This parcel is a valuable open space with existing visual, ecological and recreational qualities including Tesuque Creek, prairie vegetation, well used trails, and trail linkages between the Santa Fe National Forest, the Scenic Byway Corridor and the Tale Ball trails. We obtained several years ago and submitted to COT-Pac nearly 1,000 signatures in support of this property becoming public open space. Carole Bro of the Hyde Park Rd. Neighborhood Planning Group will be displaying a map of Santa Fe showing with nearly 1,000 red dots the widespread distribution of support around the city for purchase of this property for open space.

I would like to recommend several stipulations to be included in the fund allocation. The \$300,000 should be earmarked for this property's purchase which TPL will transact. Easements assuring open space and recreational trail use should become a requirement upon purchase of the property. Mr. Ralph Brutsche, the developer of Summit and Tesuque Creek Knoll, must perform on his contract with TPL to pay \$600,000 for the other 2/3 cost of this property. Mr. Brutsche agreed to buy this property in a 1993 legal agreement with Hyde Park Rd. Neighborhood Planning Group as a condition for his development of Summit. He again agreed to purchase the property for the approval of the Tesuque Creek Knoll

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subdivision in an April 2002 agreement with the Hyde Park Rd. Neighborhood Planning Group. To date, the \$600,000 has not been paid and Tesuque Creek Knoll subdivision is under construction. The contract for purchase of the Thomas/Hydes property expires May 31. Mr. Brutschue must perform on his contract to pay TPL this week, or else stop construction of Tesuque Creek Knolls. Mr. Brutschue has also not performed in providing the promised trail linkage for public access through Summit and Tesuque Creek Knolls. As a condition for approving Summit in 1993, the subdivision was to remain un gated and have trail linkages provided. The approved Summit plans called for 3 trails, one along the main subdivision road which would link with the current Dale Ball trails, one going down an old road bed to Tesuque Creek and one in the arroyo alongside Hyde Park Road. The Tesuque Creek Knolls construction has obliterated the former trail following the old road bed going down to Tesuque Creek. The arroyo trails has not been built and there are no plans for building it, currently it is impassable as it <sup>is several neighborhoods</sup> ~~appears~~ on the approved Summit plans. Repeated attempts <sup>by several neighborhoods</sup> ~~in~~ 1993 to the present to walk through Summit on these trails have been denied by the gate house guard. Parking for trail use has also been denied. Public trail use through Summit and Tesuque Creek Knolls must be provided by the developer, or else stop construction of Tesuque Creek Knolls. The developer needs to be held accountable for not performing yet on the pledged \$600,000 and for not providing the promised trail linkages.

I am thankful to the county, Colt Pac, and the Trust for Public Land for the recommended acquisition of this valuable open space. The developer must deliver on the contract to pay TPL \$600,000, and on the trails, to make it happen. Sincerely,  
and Lola member Janet Deagan