

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
July 31, 2001 - 10:00 a.m.

1965636

Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- V. Approval of Minutes
- VI. Consent Calendar:

June 12, 2001 w/ changes

Approved

- A. Resolution No. 2001-⁹⁶95 A Resolution Requesting a Transfer from the General Obligation Bond (GOB) 1997 Series Fund (350) to the GOB Debt Service Fund (401) to Budget Interest Revenue for Debt Service Expenditure in Fiscal Year 2001 (Finance Department)
- B. Resolution No. 2001-⁹⁷96 A Resolution Requesting a Transfer from the Open Space General Obligation Bond (GOB) 1999 Series Fund (385) to the GOB Debt Service Fund (401) to Budget Interest Revenue for Debt Service Expenditure in Fiscal Year 2001 (Finance Department)
- C. Resolution No. 2001-⁹⁸97 A Resolution Requesting a Transfer from the General Obligation Bond (GOB) 2001 Series Fund (353) to the GOB Debt Service Fund (401) to Budget Interest Revenue for Debt Service Expenditure in Fiscal Year 2001 (Finance Department)
- D. Resolution No. 2001-⁹⁸98 A Resolution Requesting an Increase to the Series 2001 General Obligation Bond Fund (353) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Finance Department)
- E. Resolution No. 2001-⁹⁹99 A Resolution Requesting an Increase to the Series 1999 General Obligation Bond Fund (385) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Finance Department)
- F. Resolution No. 2001-¹⁰⁰100 A Resolution Requesting an Increase to the General Fund (101)/Fire Administration and Fire Regions to Budget Additional Ambulance Revenues and Revenues from a Joint Powers Agreement with the Town of Edgewood for Expenditure in Fiscal Year 2001 (Fire Department)
- G. Resolution No. 2001-⁹⁹101 A Resolution Requesting an Increase to the General Fund (101)/Local DWI Grant Program to Budget Additional Revenues Received from the NM Department of Finance and Administration for Expenditure in Fiscal Year 2001 (Community, Health & Economic Development Department)

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- Approved*
- H. Resolution No. 2001-102¹⁰⁰ A Resolution Requesting an Increase to the General Fund (101)/Smart Moves Grant Program to Establish a Budget for Fiscal Year 2002 (Community, Health & Economic Development Department)
- I. Resolution No. 2001-103¹⁰¹ A Resolution Requesting an Increase to the Housing Capital Improvement Fund (301)/Housing CIAP 1999 Program to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Community, Health & Economic Development Department)
- J. Resolution No. 2001-104¹⁰¹ A Resolution Requesting an Increase to the Property Valuation Fund (203) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (County Assessor's Office)
- K. Resolution No. 2001-105¹⁰¹ A Resolution Requesting an Increase to the General Fund (101)/Rural Addressing E-911 Grant Program to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Resource Development Department)
- L. Resolution No. 2001-106¹¹⁰ A Resolution Requesting Budget Transfers from the General Fund (101) and the Road Maintenance Fund (204) to the Road Projects Fund (311)/Tierra De Oro and Avenida Eldorado Projects for Expenditure in Fiscal Year 2001 (Public Works Department)
- M. Resolution No. 2001-107¹¹¹ A Resolution Requesting an Increase to the Road Projects Fund (311)/Agua Fria Drainage & Paving Phase II Project to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Public Works Department)
- N. Resolution No. 2001-108¹¹² A Resolution Requesting a Budget Transfer from the General Fund (101)/Finance Capital Package Budget to the Road Projects Fund (311)/Agua Fria Drainage & Paving Phase II Project for Expenditure in Fiscal Year 2002 (Public Works Department)
- O. Resolution No. 2001-109¹⁰³ A Resolution Requesting an Increase to the General Fund (101)/Region III Program Income Budget to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (County Sheriff's Office)
- P. Resolution No. 2001-110¹⁰⁴ A Resolution to Surplus Fixed Asset Equipment (Finance Department)
- Q. Resolution No. 2001-111¹⁰⁵ A Resolution Authorizing the Execution and Delivery of a Loan Agreement and Intercept Agreement by and Between the County of Santa Fe and the New Mexico Finance Authority (Resource Development Department)
- R. Request Authorization to Enter into a Loan Agreement with the New Mexico Finance Authority for Equipment Acquisition Project (Resource Development Department)
- S. Request Authorization to Enter into an Intercept Agreement with the New Mexico Finance Authority for Equipment Acquisition Project (Resource Development Department)
- T. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #21-46, for the Agua Fria Phase II Sanitary Sewer, Drainage and Road Improvements Project (Public Works Department)
- U. Request Approval of the Local DWI Grant Application (Community, Health & Economic Development Department)

- approved* V. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #21-67, for Sidewalk Replacements (Community, Health & Economic Development Department)
- approved* W. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #21-58 RB1, for Janitorial Supplies (Resource Development Department)
- approved* X. Request Authorization to Accept and Award a Professional Service Agreement to the Lowest Responsive Bidder, IFB #21-72, for Recording/Stenography Services (Land Use Department)
- approved* Y. Request Authorization to Accept and Award a Professional Service Agreement to the Lowest Responsive Bidder, IFB #21-65, for Microfilming Services of Old Marriage Books (Clerk's Office)

VII. Presentations and Awards:

- A. Presentation by Commissioner Sullivan on the Transfer of Edgewood Community Center to the Town of Edgewood, Mayor Howard Calkins

VIII. Administrative Items:

- A. Committee Expirations/Resignations/Vacancies:
 - 1. DWI Planning Council — *Mr. Pera request*
 - 2. Maternal Child Health Planning Council — *Whitney Robinson resignation*
- B. Committee Appointments:
 - 1. Maternal Child Health Planning Council — *Ms. Herrera approved*
 - 2. Santa Fe Community College District Local Development Review Committee

IX. Staff Report

- A. Report by the County Manager's Office *>*

X. Staff and Elected Officials' Items:

A. Community, Health and Economic Development Department

- Approved* 1. Request Authorization to Enter into a Joint Powers Agreement with San Ildefonso Pueblo for DWI Youth Prevention Activities
- approved* 2. Request Authorization to Enter into Amendment Number One to the Professional Service Agreement, #21-137, with the Regents of New Mexico State University Cooperative Extension Services to Provide Alternative Activities for Smart Moves Grant
- approved* 3. Request Authorization to Enter into Amendment Number Seven to the Professional Service Agreement, #20-044HS, with the Boys and Girls Club for Youth Services

B. Finance Department

- approved* 1. Resolution No. 2001-¹¹³ A Resolution Requesting Final Approval of Fiscal Year 2002 Budget

C. Fire Department

- approved* 1. Resolution No. 2001-¹¹⁴ A Resolution Establishing Development Permit and Regular Permit Fees for Santa Fe County Fire Department

D. Land Use Department

- approved* 1. Request Authorization to Enter into an Operating Agreement with Ranchlands Utility Company (RUC) for the Utilities Division to Operate the RUC Wastewater Treatment Plant

approved

- 2. Request Authorization to Enter into Amendment Number One to the Customer Contract with John J. McCarthy for Commitment of Water Service
- 3. Request Authorization to Accept 12.62 Acres into the County's Wildlife, Mountains, Trails and Historic Places Open Space Program in Exchange for Transfer of Development Rights (TDR) - The Property is located at the Intersection of County Road 62 and State Road 599, within Section 31, Township 17 North, Range 9 East (a.k.a Mercado at Santa Fe Property)
- 4. Discussion and Clarification of the Decision to Approve CDRC Case #Z 01-5130, The Village at Eldorado

Approved

E. Public Works Department

- 1. Request Authorization to Publish Title and General Summary of an Ordinance to Amend Ordinance No. 1988-11, "Creating a Road Advisory Committee; Establishing Geographical Areas of Representation for the Purpose of Citizen Input from all Communities within Santa Fe County"
- 2. Request Authorization to Enter into a Memorandum of Agreement with the City of Santa Fe for Intersection Improvements to Richards Avenue and Governor Miles Road

approved

Approved

F. Resource Development Department

- 1. Request Authorization to Enter into a Memorandum of Agreement with the City of Santa Fe for Equitable Cost Sharing on the 2001 Orthophotography Project
- 2. Resolution No. 2001-~~115~~¹¹⁶ A Resolution Officially Naming the Roads Servicing the County Economic Development Park, the County Public Safety Complex and Detention Center off of State Highway 14

Approved

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G. Matters from the County Manager, Samuel O. Montoya

- 1. Update on Adult and Juvenile Detention Facilities and Electronic Monitoring Program

H. Matters of Public Concern - NON-ACTION ITEMS

I. Matters from the Commission

- 1. Resolution No. 2001-~~115~~¹¹⁵ A Resolution Supporting Continuing Cooperative Efforts between the City of Santa Fe, Santa Fe County and the New Mexico State Land Office to Protect, Preserve and Rehabilitate the Santa Fe River as a Valued, Local Natural Resource and to Promote Public Educational and Recreational Opportunities Along the River Corridor
- 2. Resolution No. 2001-~~115~~¹¹⁵ A Resolution Calling for Santa Fe County to "Stand for Children"

2001-115

J. Matters from the County Attorney, Steven Kopelman

Tabled

- 1. Resolution No. 2001-~~115~~¹¹⁵ A Resolution Establishing the Rules of Order for Santa Fe County Boards and Committees; Repealing Resolution 2000-164
- 2. Request Authorization to Enter into Amendment Number Two to the Ground Lease with the New Mexico State Land Office for the Santa Fe County Economic Business Park

Done

3. Executive Session

- a. Discussion of Pending or Threatened Litigation
- b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights
- c. Discussion of Competitive Sealed Proposals Solicited Pursuant to the Procurement Code Relative to Contract Negotiations - Adult and Juvenile Detention Facilities and Electronic Monitoring Program

XI. 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).

1965641

SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

JULY 31, 2001

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

1965642

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

July 31, 2001

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

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

Members Present:

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

Members Absent:

None

I. APPROVAL OF THE AGENDA

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

SAMUEL MONTOYA (County Manager): Mr. Chairman, members of the Board, good morning. There is one issue, Mr. Chairman, that needs some clarification, and that is item X. D.4, which is on page 4 and it relates to a discussion and clarification of the decision to approve CDRC Case Z 01-5130, the Village at Eldorado. Other than that, Mr. Chairman, there are no amendments or tablings. This particular issue, I think needs some clarity. The Board, I believe, wanted to move it back to one of the August meetings.

CHAIRMAN DURAN: Well, I received a couple calls. The Crossinghams, the applicant, are not in town so they're unavailable to participate in the discussion. I don't know if in that discussion we need to open it up to the public but my understanding is that what

we're really trying to do is basically say, to clarify that at the last meeting, that the approval required that the final development plan be brought forward to the Board of County Commissioners for their final approval, for final approval, and the number of seats in the theater wasn't clarified and I believe since we cut it down by in half, that the 800 seats that were anticipated or planned for the six movies theaters would be down to 400.

And then the other thing was that staff recommendations were to be included in the approval.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: My understanding, Mr. Chairman is that at this point in time, we're simply going to vote to see if we want to put it back on the agenda to consider and reclarify. That's the only issue today?

CHAIRMAN DURAN: No, it's just a discussion item; it's not an action item.

COMMISSIONER CAMPOS: Is that the way it is?

CHAIRMAN DURAN: It's a no-action item.

COMMISSIONER CAMPOS: That's my recollection that the reason it was going to be placed on the agenda today was simply to get a decision from the Board whether we wanted to reconsider the item. That's it and that's why we could probably do that if it's an action item, and schedule it some time.

CHAIRMAN DURAN: Well, it wasn't published as an action item. It was published as discussion. Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Chairman, my intent in asking that this be brought back for clarification was to do exactly what you stated so that we could further clarify what the approvals called for. It was my understanding that today would allow for us to actually discuss the parameters that could be clarified and then at the 31st meeting, actually get a notice for some type of action so that we could correct the record or at least have in the record exactly what the approvals called for and what would be required of the development as it moved forward. So I was hoping that at least—I know that there are some issues between—I've talked enough to the staff to know that there's going to be a scope that we can act within and I know that, in listening to Commissioner Sullivan last time that there are some issues that maybe he felt we could discuss at this point as well.

I thought that during the discussion today, that we wouldn't be able to really clarify what it is that we will be able to clarify on the 31st. I don't know if that makes sense. That's what I thought the discussion today was going to be about, to just really develop the scope of what the next meeting was going to be about, as it pertained to the Village at Eldorado.

CHAIRMAN DURAN: Well, what if we, since there seems to be some Commissioners that want to have this discussed so that vote can be taken as to whether or not we want to bring it up to reconsider it. Why don't we just table it for this meeting, and at the next meeting, whatever Commissioner wants to bring it up as an action item can do so and we can discuss it then.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: I don't think from the legal perspective we can resurface this to reconsider. What we can do is like Commissioner Gonzales said is to clarify some items, because a decision has already been made, has already been rendered. The issue that I understand that has been brought forth is to clarify what the conditions of the approval were because it has already been approved. Is that correct, Steve?

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Trujillo, that's my understanding from the last meeting that Commissioner Gonzales' motion was to clarify some ambiguity in the decision that the Commission had made, and then the question is, what are those issues. Commissioner Duran had brought up the fact that there was some ambiguity regarding staff conditions, regarding the size of the theaters, and the fact that the matter would have to come back to the BCC. That was my understanding that we couldn't bring it back to reconsider the entire matter unless a motion had been made at the last meeting by someone who had voted in favor of it last time. And again, my understanding was that Commissioner Gonzales' motion was very narrow to just deal with clarification.

CHAIRMAN DURAN: So, I don't want to bring it forward for reconsideration and I was one of those in the majority that voted in favor of it. Do any other—

COMMISSIONER GONZALES: Mr. Chairman, my intent, again, is I think there is enough vagueness in the approval that warrants some discussion on clarification issues and in my discussions that I've had with people in the community and with staff people is that there are some things out there, like issues of traffic, like the size of the theater that fall within the parameters of the approval that was given but have not been defined enough to provide direction either to the Crossingshams or to the community as to how things may progress forward. That's really what I wanted to have, Mr. Chairman, is at least a discussion and some clarification and some action taken that would really clarify that more than what it is today.

Again, as I've stated last time, it was in a reconsideration of the amendment to the master plan that was approved, it's to really clarify and bring into focus for the community and the for the Commission and the staff, really what's expected of the Crossingshams as they go forward between now and preliminary and final.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, question for Mr. Kopelman. At the last meeting, let me start over. Clarification, is that some authority we do have, or do we have to reconsider? Is that the only authority after we've made a decision? What authority do we have to take a case back and look at it again? I mean can we say we're just clarifying it or correcting it, or do we have to reconsider it? Is that the only authority we have?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I think it is within the Commission's purview and authority to clarify a decision that's made if that point really does need clarification. In other words, you can't reconsider the entire case unless that was the motion and the motion was made by somebody who voted in favor of it last time, to reconsider the decision. So the clarification is a very limited scope and it would not reopen the matter for public hearing. It would just be the deliberation made by this Board, and it would have to be in

conjunction with the decision that was made. So you'll have the minutes in the packet for the next meeting, along with the motion that Commissioner Gonzales had made.

COMMISSIONER CAMPOS: The way I remember it was that, for example, let's say staff conditions were not included in the motion to approve. Is that a clarification or a correction or reconsideration?

MR. KOPELMAN: Mr. Chairman, Commissioner, I think it can be either a correction or a clarification. It was clearly the intent of the Board, based on our reading of the minutes, as well as it was the understanding of the applicant that those staff conditions would apply. So I think that really is merely clarification. I think the issue of the number of seats in the theater clearly is an ambiguity now, because the original application called for 800 seats and I believe six theaters, and so that issue was not specifically addressed. I think that's an appropriate matter to be brought back just to have clarification on.

COMMISSIONER CAMPOS: Commissioner Sullivan has also raised the issue of water and would that be an issue of clarification or correction, or reconsideration?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, my reading of the minutes indicates that that issue was dealt with by the BCC at the meeting and so I don't know that there's any ambiguity that would need to be addressed.

COMMISSIONER CAMPOS: So we'd have to reconsider that.

MR. KOPELMAN: I believe that would require a complete reconsideration of the case. Yes.

COMMISSIONER CAMPOS: I would suggest to Commissioner Gonzales that we do reconsider, we expand it to deal with the water issue, which is an important issue in the Eldorado area and I think some of the suggestions brought forth by Commissioner Sullivan are important to discuss. If he wants to address those now, I'd like to—

CHAIRMAN DURAN: We discussed it at the last meeting. I would like to— we discussed in our deliberation and made a decision based on the public testimony and we already made that decision. I'd like to make a motion that we table this until the next meeting.

COMMISSIONER GONZALES: Before I second, I just want to state something real quick because I know there's no discussion after the second. To Commissioner Campos, I don't mind until the next meeting sitting down with you or Commissioner Sullivan and the staff to really look at that issue more in detail. I'm not prepared at this point to actually fully defend or discuss the merits of the water situation. So I'll second it and then ask that we have the opportunity to meet with Katherine and the staff to further delve into this issue itself before I make a decision on whether I support reconsidering that item or not.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second.

COMMISSIONER CAMPOS: Is it out of order?

CHAIRMAN DURAN: It is out of order.

COMMISSIONER CAMPOS: Can I have just one question for Mr.

Kopelman?

CHAIRMAN DURAN: Sure.

COMMISSIONER CAMPOS: Mr. Kopelman, what is the jurisdiction to reconsider? How much time do we actually have to reconsider?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, the Commission's rules of order don't address reconsideration and our custom and practice has been to follow Robert's Rules on a reconsideration, which requires that at the following meeting that a member of the governing body who voted in favor of the project could then make a motion to reconsider. So I think that would have had to have been done at the last meeting. If my memory serves me, the parties who voted in favor of the matter were Commissioners Duran, Trujillo and Gonzales. So one of them would have had to make a motion to reconsider at the next meeting.

COMMISSIONER SULLIVAN: At the last meeting?

MR. KOPELMAN: At the last meeting. That's correct.

COMMISSIONER CAMPOS: Which is the last meeting? Last week?

COMMISSIONER CAMPOS: That was a continuation of another meeting.

MR. KOPELMAN: Either at that meeting or the meeting of the—let me see. What was the date? Okay, so it would be this meeting and that could be made, if this is the next meeting.

COMMISSIONER CAMPOS: So if Commissioner Gonzales does not make the motion this meeting, it's moot as far as reconsideration.

MR. KOPELMAN: That's the position that we've taken, yes.

COMMISSIONER CAMPOS: In light of that, Commissioner Gonzales, I'd like you to keep this alive at least for further discussion.

CHAIRMAN DURAN: Those in favor of the motion, signify by saying "aye." [Commissioners Duran and Trujillo voted in favor of the motion.] Opposed? [Commissioners Campos, Sullivan and Gonzales voted against the motion.] Motion fails.

COMMISSIONER GONZALES: For further discussion when we get to that point on the item.

CHAIRMAN DURAN: Well, let's figure out what we're going to do with this thing. Are we going to discuss it? Are we going to bring it forward now and discuss it or are we going to discuss it when it's scheduled to be heard on the agenda?

COMMISSIONER GONZALES: I don't mind talking about it now. It's up to the Commission if they'd like to move it to the top of the agenda.

CHAIRMAN DURAN: Well, we're in the middle of approving the agenda. We're not in the middle of discussing this issue. So if you want to move this item to the front of the agenda and continue the discussion so we can approve the agenda and then get into the matter, why don't we do that?

COMMISSIONER TRUJILLO: Let's do that.

CHAIRMAN DURAN: Do you want to make a motion to bring this item to the front of the agenda?

COMMISSIONER SULLIVAN: Mr. Chairman, I move for approval of the agenda with item X. D. 4 to be inserted after approval of the minutes.

CHAIRMAN DURAN: Okay. I would like to make an amendment though. The Mayor of Edgewood is here. I would like to bring, so he doesn't have to sit here and listen to all the testimony before his item, I would bring it before the Eldorado issue. So he would be the next on the agenda after approval of the minutes.

COMMISSIONER SULLIVAN: That's fine.

COMMISSIONER GONZALES: One other amendment if possible, Mr. Chairman. On the issue, Matters before the Commission, we have a resolution entitled "Stand for Children" if we can ask for that to follow, or actually we can have that follow the mayor's discussion. Because that should be fairly quickly as well. That might be helpful because I know there are people that are waiting to discuss that issue.

CHAIRMAN DURAN: Okay. Any other changes to the agenda? So Commissioner Sullivan, you made the motion to approve as amended?

COMMISSIONER SULLIVAN: That's correct.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER CAMPOS: Second.

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

V. APPROVAL OF THE MINUTES: June 12, 2001

CHAIRMAN DURAN: Are there any changes to those minutes?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: In the interests of time, the recorder and I have come up with a new plan, and I have given her a few technical changes to the minutes and she has them in her hands as we speak. I don't think they are anything substantive but if they are we'll read them off, if you want. Otherwise, I would move for approval of the minutes with those changes.

CHAIRMAN DURAN: Okay. And you're going to put those changes into the record for us? Any further discussion? Is there a second?

COMMISSIONER TRUJILLO: Second.

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

VII. PRESENTATIONS AND AWARDS

A. Presentation by Commissioner Sullivan on the transfer of Edgewood Community Center to the Town of Edgewood, Mayor Howard Calkins

CHAIRMAN DURAN: We welcome Mayor Howard Calkins. Please come

1965648

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forward, sir. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman and members of the Commission, I'll speak from here then I'll come down in a minute, but that way we both have microphones. First of all I want to introduce you to the Mayor of the Town Edgewood, Mayor Calkins, and to welcome him here. And the purpose for his visit, and we encourage it of course any time, Mayor, is some work that the County staff has been diligently pursuing for the last seven months and that is to transfer over to the Town of Edgewood some property which they use on a frequent basis which has been the property of Santa Fe County.

This property is actually Lots 6, 7, 8 and 9 of the Bassett Subdivision. The Bassetts are long time residents and good friends in the Edgewood area. They are also donating Lot 6, which is one acre in size of that parcel. They have donated to the County and are further donating it now to the town. The total land that we are transferring is 1.174 acres, and what it includes is a community building and a shed, and a small park in the back. The town uses the community building for its municipal meetings, for some of them, and the recreation area in the back is going to be improved by some of the local people. We actually have a land and building appraisal, value on this of \$42,705 for the land and \$40,000 for the building.

The Commission has approved the transfer on June 26 of this year and the State Board of Finance approved the transfer on July 10 of this year. We are making this transfer for some \$1. We feel that it's in the best interests of the County. The County has had to maintain this building and maintain the liability insurance on it and the basic services that are—the persons, individuals using it are those in the Town of Edgewood of course, who are a part of Santa Fe County and we feel that it can be more properly maintained and higher utilization through the town's stewardship.

So with that said, I have here a plat, a recorded plat and a quit-claim deed which I will present to the Mayor.

CHAIRMAN DURAN: Congratulations, Mayor.

MAYOR HOWARD CALKINS: Thank you. Mr. Chairman, Commissioners, ladies and gentlemen, it's a pleasure to come up here and be with you people today. I'm somewhat familiar with this. I served on the CDRC for about three years and listening to the discussion here sounds a little bit familiar with the town-works in Edgewood. Sometimes it takes us an hour to go through a meeting. Sometimes it takes us three and a half hours to go through the meeting. But it is somewhat familiar.

We appreciate you turning this over to us. We have a group of people who are anxious to get to work. Our people have come up with the idea and the thought of swimming pools, soccer fields, baseball fields, performing arts, and I said to them, you know, if you would start with a community building and show the community that you can do something, it's a start. And then we can work on those bigger things. So that's what we plan to do. And I'm sure that you can come down a little bit later and you will see that we have good intentions and that we are doing something with the community building.

I have been asked by Commissioner Sullivan to kind of bring you an update on Edgewood. I don't know where to start. We are progressing right along. We have a lot of

items on our plate which we have to discuss, which we have to try and do something with. The community building is first on my mind here and I think that I have spoken enough about that.

Our first item on our agenda is a sewer. We know that the area is going to develop further whether we try to do something and this is what we're trying to do. The sewer is very important to us because business need the sewer but they won't come until there is a sewer. And I can give you some examples of people who have looked. Walgreens have looked. I hesitate to say much about some of the people who are anxious to come out. We've had several of the major restaurants who have been interested, but then again, we need the sewer. The 7-11 and Sonic people have already bought property. They're waiting for the sewer. So that's the first thing on our agenda is to see if we can get that sewer in.

We also have a problem that I think everybody has: cell towers. This has been something that we're having to deal with lately. We had a cell tower pop up all of a sudden, 185 feet high. It doesn't bother me a bit. It is in a commercial area, along I-40 and between I-40 and old 66, and everybody has a cell phone. And everybody is complaining about the service. If you're not willing to pay the price, then why have a cell phone. I think this is good for the area but there's some people, they don't like to see that cell tower sticking up. So that is something we're having to deal with.

I kind of hesitate also to talk about Campbell Ranch. I try to refrain from that until later on, but we are still talking with the Campbell Ranch people. We are trying to work out the differences that we have. We're on about our fourth proposal and I don't know that you know that but I think you probably know that I'm for this. I believe that it's good for us. I believe we can be down the road two to three years faster by taking those people in. The reason why, my reasons for being for this is that they will build us a sewer. This could be from three to five million dollars. Some people are saying, Well, you're selling us out. Well, I don't really think so. We will get the gross receipts tax off any building that goes on over there and also the impact fees that now go to Bernalillo County. And this will help us to advance our community much faster than we would be able to do that otherwise.

Some of the complaints are they're way too far away from us. To get to them, we have to go 4.5 miles to get to their land to annex. Then it's 18 miles over the hill to get to them, but we don't think this is a great problem and they say, well, they'll be able to out-vote us and that's not good. But I don't think this is true because those are a different type of people than we have in the Edgewood area. I'm not putting the people down in the Edgewood area, but we have to have place for everyone to live. The guy with the little single-wide trailer, he has to have a place to live. The man who wants to build a half a million dollar house, he has to have place to live.

So that's what we're looking at. But this area of the Campbell Ranch are big money people. I think if you went to San Pedro Creek and looked at those buildings that there isn't one of them that's under \$250,000. And I've seen one that is \$1.5 million. Those people are going to come out there in the winter time and they can look up and see the ski area and they're going skiing. These are people from out of town. In the summer time, the school's out, mom's going to bring the kids out to the wide open spaces. Clear air. And they aren't going to

be there all that much. So that to me is not really a drawback. There are some drawbacks I suppose, but when I look at it, I think the good outweighs the bad and that's what we're going to try to do.

I can't tell you how it's going to go; it could go either way. And this property will come up for a vote some time in September. I don't think we can get it done this month. But we've studied this long and we have said we are on about our fifth draft and probably we'll have another one or two and we'll see how far it goes from there. Are there any questions?

CHAIRMAN DURAN: I don't have any. Does anyone have any questions?

COMMISSIONER GONZALES: Mayor, I just want to commend the Town of Edgewood for all the work that you've done. I know it's been a tough couple of years, but I admire the fact that the town has really stepped up to the plate in taking control of your future and I think we've always supported the right for communities to have their own self-determination and I know it's been difficult but it seems like you guys are progressing really well and congratulations on that effort. And thank you and the council for everything that you guys are doing on behalf of the community of Edgewood.

MAYOR CALKINS: Thank you. I would like to say that the County Clerk asked me if I was ready to start again for re-election and I don't like what I heard. I said, No, I don't have to. I've got two years left. She said, I don't know. I don't think so. I think you have to run again. Well, I hope she's wrong, because I've got a lot of gray hair and I am retired and I do enjoy the work. I serve the people in that immediate area with the water system for 36 years and there are a lot of good people there and I would like to return some of the good that they did for me serving them. I have the time to do it. So I hope that Ms. Bustamante is wrong because I'll be too old to go too much farther with that. Thank you all very much.

CHAIRMAN DURAN: Thank you, Mayor, you're doing a great job.

COMMISSIONER CAMPOS: Thank you, sir.

MAYOR CALKINS: Mr. Chairman, I have one other thing here.

CHAIRMAN DURAN: Please.

MAYOR CALKINS: I have a check here and I don't exactly know who to give this to. I was told it was two dollars but I only have one dollar with me and don't spend it all in one place. Thank you.

CHAIRMAN DURAN: Thank you.

X. I. Matters from the Commission
2. Resolution No. 2001-95. A resolution calling for Santa Fe County to
"Stand for Children"

COMMISSIONER GONZALES: Thank you, Mr. Chairman. Maybe Ms. Powers can come on up. I'm just looking at my packet real quick. What tab is it? Mr. Chairman, basically, what this resolution does, it asks for the County to develop a

1965651

comprehensive strategic plan for addressing support for children 0-3 in collaboration with the planning efforts of the Santa Fe County Maternal and Child Health Planning Council, that the County would fund and undertake this depth of strategic planning for the 0-3 population in our county, and the County should help develop sustainable funding sources for the implementation of the strategic plan.

I know that we, and we've indicated this to the group, that we have not allocated monies as of yet for specific issues like this. I felt that it was important that we bring this resolution forward and if we do adopt it, direct the staff to begin to identify areas where we could solicit money. But maybe our guest would like to address the "Stand for Children" program and its benefits to the County.

EDY POWERS: Commissioner Gonzales and Mr. Chairman, I'm Edy Powers. I'm coordinator for Santa Fe County Maternal and Child Health Council and we have been speaking with the Commissioners over a period of time about the importance of the earliest experiences for children in terms of their ability to succeed in their lives and be productive citizens. We've been very pleased and encouraged by the Commission's response to our discussions and feel very glad the Commissioner Gonzales has brought forth this "Stand for Children" resolution from the County.

I had hoped to have several people here to speak for this. I'm not sure that they're going to get here in time, but we feel very strongly that this is important work for the County and are glad that you're taking this step.

COMMISSIONER GONZALES: Can you give the County Commissioners a little bit of background about some of the areas we've invested in for early childhood development. There's a program that we've been involved in for the last couple of years that goes out and tried to assist new parents in developing strong parenting skills so that we can minimize negative impacts on infants that are brought into homes where there's a lot of stress or where young parents have a difficult time understanding all the elements of needing to provide care for children.

MS. POWERS: In 1999, the Commission funded the Community Infant project, which is a home visiting program, done by professionals in social work, nursing and child development and counseling. And the families that are referred to this program are families that are experiencing difficulty in making a positive relationship with their infant. And that there is a risk that this child will not bond or attach to the family.

The work of this program has been going on since 1999. The Commission has funded it for the third time this year and if the program goes forward. The program spoke to you at the end of May about the progress that they've been making.

COMMISSIONER GONZALES: We're seeing some measurable results in that work, the rates of reported child abuse and neglect have decreased. Is that right?

MS. POWERS: I don't think you can make those direct connections at this point. We have completed an evaluation protocol that is together and finished at this point and we will be able to measure the outcomes.

COMMISSIONER GONZALES: That would certainly be the goal of that

1965652

particular project. And this "Stand for Children" though, the issue of developing a strategic plan for addressing support for children 0-3, we know that there's a huge national effort that's going on right now that there's been enough studies that have shown that by communities' investing in child development from the ages of birth to three that that really has a measurable impact over the life span of an individual or a child in one's community. Is that correct?

MS. POWERS: That's right. Yes.

COMMISSIONER GONZALES: So through this program are we hoping to, through this strategic plan, see what we can do to meet some of the needs 0-3 in Santa Fe County so that we can make those investments and have that impact, and how does this—you may want to explain for the Chairman Duran—how this differs from the Community Infant Project. I'm assuming on that side we're educating the parents, on this side, we're actually trying to invest money or identify plans that will put money straight into early childhood development.

MS. POWERS: Right. And the strategic plan will be looking at what Santa Fe County actually has in place for 0-3, both from things like early Headstart and Vista and the things that are ongoing with the Children, Youth and Families Department and the Health Department, and look at all the things that are currently in place in this county for children 0-3. And then look at what other kinds of things need to be brought in to make these programs available to all the children in this county.

COMMISSIONER GONZALES: Do you have an idea for the Commission as to what it would cost to create this strategic plan?

MS. POWERS: To do the strategic plan? About \$3500, I think, for the plan.

COMMISSIONER GONZALES: What are you asking for from the Commission?

MS. POWERS: From the Commission, to do the plan, \$3500. And I think that we can put forth a really good plan with that amount of money. We will be doing in it conjunction with the planning efforts that are going on in the Maternal and Child Health Council right now. We are due to give the state an update of our Maternal and Child Health Plan by December and have a proposal to them by February. So we're working hard and this would be part of what we'd be doing.

COMMISSIONER GONZALES: Great.

MS. POWERS: Whitney Robbins is going to be doing the plan for the Maternal and Child Health Council. I'll let her speak to this.

WHITNEY ROBBINS: Mr. Chairman, Commissioners, I feel thoroughly attached and bonded to this project, which we're now calling a program, the Community Infant Program because I was chair of the steering committee when we conceived it and I'm now the program administrator. So we've gone big circles. But I wanted to thank all of you once again for giving us such tremendous support financially and spiritually, I guess to continue on with this project. One thing I wanted to add to what Edy said about the difference between the Community Infant Program and the 0-3 strategic plan is that the 0-3 plan will be what it says, 0-3, and at the moment, the Community Infant Program is serving families with children 0-1.

1965653

SFC CLERK RECORDING 08/16/2004

We hope some day to get to 0-3 as they get to three, but with the funding we have and the staff we have at the moment it's only 0-1.

As Edy said, there are a lot of people we called to come here and stand for us and help you stand for children and we just wanted to thank you and I'll speak on their behalf wherever they are.

COMMISSIONER GONZALES: Whitney, real quick, Mr. Chairman, what do we hope to do when the plan's completed though. Again, we talk about the big picture, needing as a community to make this front end investment for children that are in the ages 0-3, but is the plan going to identify individuals or organizations in the community that are able to do that and will basically create the role that the County will play in bringing together all those stakeholders in providing that service, or is it going to identify deficiencies that exist and maybe provide some direction on to how we can correct those deficiencies.

MS. ROBBINS: Well, I would hope personally, that it would be one more effort to identify who's doing what, who's not doing what and how to provide collaborative services to serve the 0-3 population. And with all the planning that seems to be going on, if we can't figure that out in the next year or so, I just think there are a lot of people in a lot of different areas who are doing different things and we need to come together and if we can have a plan that includes all the services and identify where the gaps are and work to fill them for that age group, it will be a big accomplishment.

COMMISSIONER GONZALES: When would the Commission receive the plan?

MS. ROBBINS: I'm assuming in the springtime. I think that's up to you. I don't know when the plan is desired, but our understanding was late winter, early spring. Because we have to finish the Maternal Child Health Plan by December and our proposal for funding in February and it all goes together very nicely.

COMMISSIONER GONZALES: Thank you, Mr. Chairman.

MS. ROBBINS: Thank you.

CHAIRMAN DURAN: Thank you. Any questions?

COMMISSIONER TRUJILLO: I have a question. Do we have any idea as to what the extent of the problem is, the dysfunctional social environments that are impacting formative 0-3 development? Do we have any idea what the extent of that problem is county-wide?

MS. ROBBINS: I don't have the figures in my head. I didn't do the evaluation, but the recent evaluation for the Community Infant Program has very specific figures about the families at risk. I think it's something like 480 families in Santa Fe County, if that's what you're asking. We'll make sure that that evaluation gets to you very soon, because it has some quantitative and qualitative results of the program, and it also has some background statistics. But as far as 0-3 age group goes, I think the strategic plan for 0-3 age group, if I understand it correctly, is to go beyond the population being served by the Community Infant Program. I think it's to include all health services and all needs for 0-3 population.

COMMISSIONER TRUJILLO: Very good. Thank you.

1965654

SFC CLERK RECORDING 08/16/2004

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question, Ms. Robbins. Once the plan is in place, what sources, financial sources do we have available to the County to seek funding for this bigger project?

MS. ROBBINS: I don't know how much bigger the project is going to be than the services that are already being provided by different funding sources. I think we'll have to come back to you with that. I don't have any idea. But I don't see it myself as something that's going to require a lot more money. I see it as a compilation of collaborative agencies and continuation of funding. Maybe we'll find something that is glaringly missing at the moment that might need funding but I don't think so.

COMMISSIONER CAMPOS: Resolution item three says the County should help develop sustainable funding sources for the implementation of the strategic plan. So you're doing the strategic plan, but then we're going to implement it, right? Somehow. And that's going to require sustainable funding and that's the question.

MS. ROBBINS: It may require sustainable funding. One thing we've been asking for all along is sustainable funding for the Community Infant Program. Beyond that, I don't know. I think it will depend on what's identified and the funding for the time being is to do the plan to discover what the needs might be.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER GONZALES: I would just say, Mr. Chairman, for Commissioner Campos' benefit, one thing we do know, that before state agencies, federal agencies or even non-profits give serious consideration to funding programs like this, I think they need to see this front end investment by the County in the development of the plan. They know that we've gone—we've done our thorough due diligence if you will, we've prepared for the program. We've planned for it, and my feeling is that once the plan is complete, it wouldn't so much be an issue of going after the general fund, but taking that plan and identifying state sources of revenue, federal sources of revenue, foundation sources of revenue. But most importantly, as Whitney indicates, and this has been the foundation for our Health Planning Commission is to find who's doing that out there, pull them to the table, use the collaboration and leverage that to make sure that this need is being met.

And that's probably more important than funding itself that that effort takes place. And I think that the County is in a position to do that. We're already doing it in other areas. This would be another area that I think we could successfully do it in. So in my mind—and I've had this discussion with the MCH group, that it's not just about County funding, because it almost won't always be County funding, but it's about creating a plan that will be able to, that we can present to state and federal agencies as a means to fund.

MS. ROBBINS: I think it says that we've done our homework and here's a solid base for what the needs are and if we need to go on from that to ask for funding, we've got some proof. So I hope that will be the end result.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER GONZALES: Mr. Chairman, I'd like to ask for approval

1965655

SFC CLERK RECORDING 08/16/2004

of Resolution 2001-95 and in that, ask the Commission to allow funding up to \$5,000 for the strategic plan that is being proposed.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: I have a question. So can we attach that additional item onto this?

MR. KOPELMAN: Mr. Chairman, the matter for action is actually the resolution. I think that that can be direction to staff. I think that it's implied that some money is going to have to be attached.

CHAIRMAN DURAN: Okay. So whatever you need to do to bring it up for a formal action, why don't you follow up on that. Commissioner Sullivan, you had something to say?

COMMISSIONER SULLIVAN: Right. I just had a comment, Whitney. In meeting with the folks from the Child Maternal Health Project, one of the big problems, I understand is actually getting the word out to new mothers and mothers to be. And I understand it covers both, or correct me if I'm wrong on that.

MS. ROBBINS: That's right.

COMMISSIONER SULLIVAN: It's mothers to be and new mothers 0-1, whose kids are 0-1. Will your strategic plan address that? And I've thought of ways of putting notices on bulletin boards and things of that nature, but the problem, whether it's 480 families or how many ever, seems to be getting the word to them that there are some services that exist to help them. And a lot of them, I understand, don't use traditional care providers. They use alternative or midwives or other providers to help. Have you addressed that or are you thinking about that?

MS. ROBBINS: Well, we're certainly thinking about it. I think it will be addressed in the strategic plan but we already have plans between now and the time when that plan is written to do some more community presentations and I think some of the staff frustration has been, if I can speak for them, that they're so busy with their case loads, they don't have time to go out and meet with people in the community—providers and potential families, and that's something I'm going to be helping them to do in the next several months, to become a public awareness. But I think a public relations and marketing piece of the plan is essential.

COMMISSIONER SULLIVAN: To physicians and to alternate health providers and so forth, so that their clients know that these services exist now.

MS. ROBBINS: Yes. And we have one committee on the Maternal Child Health Council, the Healthy Mothers, Healthy Babies Committee that has just mailed a five-page survey of access to perinatal care to all the perinatal, all the ob providers in Santa Fe County. So they will certainly know who we are by the time we get through because I'm sure we'll have to call them and follow up to ask for their surveys back, but we get our foot in the door somehow. That will be a place to start.

COMMISSIONER SULLIVAN: Good. Great. Thank you for all your efforts.

MS. ROBBINS: And any ideas you have are very welcome.

COMMISSIONER SULLIVAN: Well, thank you for your ideas and your time.

MS. ROBBINS: Thank you very much, everybody.

CHAIRMAN DURAN: There's a motion to approve Resolution 2001-95. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

X. D. Land Use Department

3. Discussion and clarification of the decision to approve CDRC Case #Z 01-5130, the Village of Eldorado

CHAIRMAN DURAN: I'd just like to remind the Commission that the applicant is not here and in all fairness to them, I think that if we are going to make some decisions on this that they are given the opportunity to participate. Okay, so who wants to start it off.

COMMISSIONER GONZALES: Mr. Chairman, maybe in an effort to expedite this, we can go on the issues that we know from a clarification standpoint, we can just get that on the record and then we can go to the issue of the water. I think you'd already addressed the issue of needing to address the size of the theaters, which I would like discussed when we come back for clarification, and the issue of requiring it to come back to the BCC.

And I guess I didn't—let me ask you this, Roman. I know that at the last meeting you stated or the staff stated that it was under the rules of the Code, they're only allowed to come forward to the CDRC and I was a little confused about that because I thought all preliminary and finals came up to the BCC.

ROMAN ABEYTA (Deputy Land Use Administrator): Mr. Chairman, Commissioner Gonzales, master plans for commercial developments only go to the BCC. The preliminary development plan goes to the CDRC. What comes to the BCC are final subdivision plans.

COMMISSIONER GONZALES: That's for residences.

MR. ABEYTA: For residential and which this does not have. So without any direction from the BCC, the development plans would just go to CDRC and be approved there. They wouldn't come to the BCC for a project of this type.

COMMISSIONER GONZALES: The other area that I had an interest in and this was brought to my attention from Commissioner Campos and he could probably clarify it a little bit better, is the issue of traffic. I know that there was a lot of discussion about the type of infrastructure improvements that would need to be put in place prior to preliminary or prior to final coming forward. And is the applicant responsible, or would the applicant be responsible for, and again, Mr. Chairman, this goes to the point of needing to clarify or not, responsible for making sure that all the traffic measures have been implemented, whether it's building out the roads on the property, getting access to major thoroughfares. I've had a call since that night

1965657

SFC CLERK RECORDING 08/16/2004

from individuals or have had calls from individuals who are concerned the property adjoins private roads or smaller roads and those could potentially be used as exit thoroughfares.

At what point, or do we need to clarify at this point at what points would be acceptable for traffic assessments?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, the Code is very clear that before the applicant submits a preliminary development plan, they need to submit a traffic impact analysis. That needs to go to both the Public Works Department and the State Highway Department for their comments. And so their traffic wouldn't be addressed, the details, until the preliminary development plan. But that is required. They will be addressed.

COMMISSIONER GONZALES: So if the Commission, for clarification purposes, requires that preliminary comes back before the Commission, then we would have oversight of the traffic plan that was submitted then. At that point, are we allowed to either affirm or dispute what they're proposing and alter through that public hearing process what we feel would be in the interests of the community?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct. At that point, the BCC—the Public Works Department and the State Highway Department are just making recommendations to the BCC. At that point, the BCC could alter the access if you choose to do so.

COMMISSIONER GONZALES: Okay. So it doesn't sound to me like that's an issue, but I'm going to ask Commissioner Campos if the chair allows to chime in on this because it seems like that was a concern that we had talked about, that at the preliminary level, we would be actually able to oversee the traffic plan that they were wanting to propose to handle the intensity.

COMMISSIONER TRUJILLO: Let me understand, Mr. Chairman, Commissioner Gonzales, you said that there's allegations that the traffic is going to infringe on private roads?

COMMISSIONER GONZALES: Some of the calls I got, and I haven't seen the layout. That's why I'm saying why I'm willing to defer until preliminary comes forward to actually see it, but some of the calls I got were people concerned that the traffic exit could be allowed onto I believe a small road that adjoins the property, that there is some proximity to that road with some residences.

COMMISSIONER TRUJILLO: That's a County road. That's Caliente, right? That's a County road. And that intersects another County road that's paved and I don't know the name of that road. But I did a site visit of the area and those are the only two roads that surround that property. I didn't see any private driveways or anything like that.

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, that's correct and I think the issue is the first reading of their preliminary traffic impact analysis was that direct access to Avenida Vista Grande would be prohibited. So the concerns came then, well if we're going to—that means all the access to this facility is going to come off of Caliente Road, which not only will serve this property but a residential neighborhood further west. And so the concern was then all the traffic is going to be coming up and down that road and we'd like an

1965658

SFC CLERK RECORDING 08/16/2004

access off of Avenida Vista Grande. But again, the Public Works Director and the State Highway Department has registered concerns with allowing access off of Avenida Vista Grande.

COMMISSIONER GONZALES: Are those, and that goes back to my original point. Are those things that can be discusses at preliminary and come forward and be debated at that time?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, it's my understanding that yes, it can and I don't know if legal has a different opinion but I believe that can be worked out at preliminary.

COMMISSIONER GONZALES: What about the costs of improving whether it's the County road to handle the increased infrastructure or the costs of going on? Does that have to be clarified now, or that could be clarified at the preliminary, who bears the burden of preparing the property for the level of use?

MR. ABEYTA: Mr. Chairman, that can be worked out at preliminary also. Mr. Chairman, Commissioners, at master plan, what you're doing is zoning the property for the uses. But at development plan, that's when the details come in to see whether or not those uses will actually work there. So there still is a lot of detail that needs to be worked out at preliminary and it could alter their overall master plan.

COMMISSIONER GONZALES: Can I ask another question, Mr. Chairman, since we're in this discussion period?

CHAIRMAN DURAN: Sure.

COMMISSIONER GONZALES: If at the preliminary plan we determine that the traffic plan that is being submitted does not meet or support the use that's being proposed, can we at that point, even if it's been zoned, deny that use based on the traffic plan that has been put into place. Because clearly a theater could have more intensity than an office park. Is that freedom given to the Commission at that point as well, even if it's been zoned for a list of uses, if the infrastructure that's being proposed does not support the use that's being presented and we determine that, are we allowed at that point to deny the use that's being set forth?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, the Code is clear that yes, they need to prove that at the development plan stage, the studies need to prove that the property can support the proposed use. So the answer is yes, it could be denied, based on inadequate water, or traffic or—the Code's clear. It can be denied. The answer is yes.

CHAIRMAN DURAN: It was my understanding when we approved this that that was an option that the Commission had. I have received hundreds of calls from people that have commended this Commission for approving that project. It's a community project and I understand, I am aware that there are some issues that we weren't able to resolve that evening because there just wasn't enough information. And by bringing it, and having the final decision, by allowing the County Commission to have the final decision as to whether or not the project meets, is approved, actually gave us, it allowed me some comfort knowing that the issues and concerns that were not addressed at that meeting, that we could address at a later date. So I think the concerns you have, Commissioner Sullivan and Commissioner Campos,

1965659

SFC CLERK RECORDING 08/16/2004

still cannot be answered today, but can be answered with the final development plan is brought forward for us to approve or disapprove.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I appreciate Commissioner Gonzales' efforts to try to get some of these issues clarified. I think that we need to clarify them early on so that the applicant and the residents know what to anticipate, rather than waiting for a preliminary plat. And whatever mechanism we chose to do that, I think would be useful to both the applicant and the residents. I think the water issue is still important. We apparently approved the use of a private well, where in all of our other subdivision and commercial projects, including one that we just approved in the TDR program, we required the developer to bring water rights to the project and not to work off a residential well, which does not have transferable water rights. So I think we've modified our policy there in the wrong way if we're going to proceed in that context.

Another issue that was touched on during the hearings and I'm not sure, two issues on it legally, and I would bring these to Steve's attention. Whether we get responses to that today or whenever's convenient for you. Number one, that we have apparently a development on a five-lot subdivision which has deed restrictions on it regarding the necessity to tie into Eldorado Utilities Company, and those deed restrictions, at least from one of the property owners across the street, who owns the shopping center across the street come into play and deserve to be enforced. That's one issue that I think we need some clarification on.

There's another issue as well and it's NMSA 3.21.6, regarding zoning issues. In that, it says in part that no zoning regulation restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties and interested citizens have an opportunity to be heard. And it goes on and talks about how you have the public hearing. And it further states, If the owners of 20 percent or more of the area of the lots and of land included in the area proposed to be changed by a zoning regulation, or within 100 feet, excluding public right-of-way of the area proposed to be changed by a zoning regulation, protest in writing, the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a majority vote of all the members of the governing bodies of the municipality, or a 2/3 vote of all the members of the Board of County Commissioners.

So my question again to our counsel would be does that require, in this particular case where I think quite clearly we had objections by more than 20 percent of the residents adjoining the property within 100 feet, does that require a 2/3 majority for this?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, Section 3.21.6 deals with a boundary change and I don't believe that that's really relevant in this case to begin with because I don't think—this didn't rezone the property. This was an amendment of the master plan, but in addition, my reading of 3.21.6 is that that document with a protest has to be provided to the Commission and staff prior to the meeting, because otherwise, there is no way to know whether that applies or not. That 20 percent rule has been used very sparingly, but I

1965660

SFC CLERK RECORDING 08/16/2004

don't believe that it's applicable to a situation like this where the zoning already had been granted years ago and this was an amendment to the development plan as opposed to rezoning of the property.

COMMISSIONER SULLIVAN: Well, it talks about, in the title, and again, I'm not an attorney but just trying to understand it from a lay standpoint, it talks about determining regulations, restrictions and boundaries. So it seems to be to me a little broader than just the boundaries. I understand the boundaries were determined before and it was determined based on a master plan submittal that this property would be zoned commercial. When the staff then brought it forward, they indicated to us that there were changes in this, and the changes included the use of a well as opposed to tying into the utility, the inclusion of a pub or bar, the inclusion of theaters, and I think that was the three major changes, and of course the traffic issues that we've talked about.

So I'm not sure that that statute as I just read it only talks about boundaries. Now, I'm not sure when these people have to formally put their protests in. We had a number of letters that were delivered prior to the time period. Are you saying that some entity has to assemble those letters and file them as a formal protest or something?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, the problem with that section, the way it works is that the Commission needs to know in advance and we need to be able to document clearly that that requisite number of property owners have filed a formal protest to begin with. If we're getting information as late as the hearing and we get it later, there's no way really then to make a determination on what the requisite vote has to be. So I think there's a serious due process issue. I think if a party or property owners want to avail themselves of that section, and again, I don't believe it applies in this case, but if they do want to avail themselves, I think that they need to be able to compile that data and show definitively prior to the meeting that in fact that percentage of property owners are protesting this application. Because otherwise, there's no real way to determine if in fact they have the requisite percentage and then that would affect the vote itself and you may have uncertainty on that months down the road in trying to determine if the 20 percent has been reached.

I don't have the exact language in front of me now but I'm very familiar with that statute.

COMMISSIONER SULLIVAN: Well, those are two issues that I'd like to see perhaps researched a little further in this case. It seems to put an undue burden on those who oppose a development to require them to somehow coalesce their opposition and state that there's 20 percent in opposition. I don't read that in the statute anywhere, any requirement of that beyond the public notice requirements. Unless that's something we've done as a matter of course and dealing. But I think it's an issue here that we certainly want to address as well as the issue of the plat restrictions.

But aside from—and I don't want to call these technicalities, but let me say aside from these legal issues, which are not technicalities, which are important issues, I still feel we need to take a very hard look at what we're saying here, what we're doing, what we're—the direction that we're giving in water usage in Eldorado, in the Eldorado area. And I think by this

1965661

SFC CLERK RECORDING 08/16/2004

approval and by not providing proper clarification to that approval regarding water usage, that we are opening up the floodgates to the use of residential, 3-acre-foot wells and bearing in mind that those do not carry with them any water rights. Those are a permissive use on a piece of property that cannot be transferable and as the County Hydrologist pointed out do have some—are allowed to be used for some limited commercial purposes.

By using three-acre-foot wells, we can see not only moratorium circumvented but our zoning regulations or any other future regulations that we adopt as a part of the contemporary community plan, circumvented through the drilling of three-acre-foot wells for commercial. And I don't think that's a precedent that we want to set. So I think we need to put in a pitch that we clarify that very strongly, in very strong terms and the traffic as well. I think the traffic connects it on the main arterial and would provide considerably less impact.

But whatever clarification that the majority wants to make, as I said earlier, would be of real value to both the applicant and the residents.

COMMISSIONER TRUJILLO: Regarding the issue of water my understanding is that the developer acted in good faith and up front, in discussions with the County about how they could use the well if they were to dig. They did not by any way try to circumvent or be surreptitious about any of their efforts regarding water. They understood going into the development that if they dug a well, they would be able to use that well to serve the development. That's what the County told them. They proceeded based on that guidance. Is that right, Katherine?

KATHERINE YUHAS (County Hydrologist): Commissioner Trujillo, that's correct, and that has been the case for everyone in the Eldorado area and the rest of the county.

COMMISSIONER TRUJILLO: So they proceeded in digging the well based on County guidance. They understood that by digging the well they'd be able to use it for that commercial development. And if I understand correctly, their water budget will not utilize all of their allocation, is what they're, the developer is telling us. So I am perplexed to hear Commissioner Sullivan say that we're circumventing some enigmatic, the moratorium and other things, when all along, the County provided the guidance that these people used to dig that hole.

MS. YUHAS: Commissioner Trujillo, that's correct. I spoke with the hydrogeologist that they had contracted to do their drilling for them before they drilled the well. They spoke with me about what, how they could proceed with their development and it has always been an option for someone with commercial property in the Eldorado area to drill a domestic well for their commercial purposes. That's just the way it is.

COMMISSIONER TRUJILLO: Water to me then is not even an issue. It's there. They have a hydrologist that says that there's enough water to serve that development.

MS. YUHAS: That, Commissioner Trujillo, that part of the evaluation will get done at the development plan level. I didn't want to mistakenly say that that was all finished.

COMMISSIONER TRUJILLO: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

1965662

SFC CLERK RECORDING 08/16/2004

COMMISSIONER SULLIVAN: Let me just add some clarification to that. I think there somewhat of a different area here. Number one, I think you bring up a good point and a problem that we need to stop that from occurring. (a) We need to stop the staff from suggesting it and (b) we need to put some better regulations on through our community plans, which we're doing on preventing that from happening. For example, in the Community College plan, if you're within 200 feet of a municipal water surface you have to tie into it. So those are regulations and zoning regulations that I hope will come forward in the Eldorado area plan as well.

But I think in this case we're a little different, because regardless of what advice the staff may or may not have given to the applicant, the applicant had a master plan approved and that master plan had in it requirements that the development receive its water from the Eldorado area Utilities Company. So that was a requirement and they also knew, I'm certain, that in order to change that requirement, they would have to come for approval to the County Commission. Now what they in fact did was drill the well first and then present a fait accompli to the County Commission.

So this was not a case of a raw land situation and an applicant not being constrained by any other regulations. They had a master plan approval that said you must tie in to the water system. They said We don't want to tie into the water system. We can't tie into the water system because of the moratorium, so we're going to drill a well and then after the fact, we're going to come to the County Commission and request approval. So I think the applicant took on a very large risk by doing that. What the applicant should have done is first brought the revised master plan to the County Commission and a part of that revision would have been the discussion of can you drill a well or not. And that didn't happen.

So I think the situation is a little bit more complex in this particular case.

COMMISSIONER GONZALES: Mr. Chairman, can we just go to that issue real quick, because I think that—at the master plan level that Commissioner Sullivan has indicated that was contingent on when they came forward with preliminary and final development they were hooked up to Eldorado Utilities. Is that correct? Was that part of the condition?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, the original master plan was approved based on this property utilizing Eldorado Utilities. And so as part of their amendment, they included the request to use a well instead of Eldorado Utilities.

COMMISSIONER GONZALES: Okay. So under that amendment that was approved by the Commission at the last meeting, that amendment was in compliance with the Code and with the rules of the moratorium that basically allowed for a domestic well to be used for commercial purposes. Is that correct?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, yes.

COMMISSIONER GONZALES: To the issue of requiring developers to bring water rights to the table, I know that when we, in our Subdivision Code, if you have 24 or more lots, or 25 lots, on the 25th lot it kicks in a requirement that you have to have water rights to support the subdivision and we have stated in place of that, you can actually bring water

1965663

SFC CLERK RECORDING 08/16/2004

rights to the table. Is that right?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct.

COMMISSIONER GONZALES: Is there a reason why the County, whenever we develop these rules and regulations did not require the same, or do we address the issue of commercial development and the size of commercial development and at what point a developer would need to bring water rights to the table versus just using a domestic well?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, Katherine could correct me if I'm wrong but it's my understanding that—well, there's two things. One, the State Engineer's Office, we send out the proposal to them for their comment on that issue and two, when a project is going to utilize more than three acre-feet of water for commercial purposes, that's when we will require water rights for that project.

COMMISSIONER GONZALES: So is that under the County regulation or is that a state law?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, I know it's County regulation; I don't know if it's state law or not.

COMMISSIONER GONZALES: Maybe this is a question for Katherine and for Steve Kopelman. Where does state law come in now in the determination of what rights the Crossingham's have as it relates to domestic wells and what those could be used for?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, the state law, as you know, a 72-12-1 well allows somebody to use up to three acre-feet. And that's what she's got.

COMMISSIONER GONZALES: Just let me ask you real quick. Does that regulation clarify, when we talk about domestic, in my mind I think about residential use. But is the definition of domestic, does that mean—what does that mean?

MR. KOPELMAN: That allows business use.

COMMISSIONER GONZALES: Business use as well.

MR. KOPELMAN: It does, yes, Mr. Chairman and Commission. And so the State Engineer will give an opinion. We will send, when we get all the information from the applicant, we send that information over to the State Engineer as we do to a lot of different state agencies, the relevant data. And we would get back an opinion from them as to whether this is adequate based on water budget and the like, and it's the same analysis that our County Hydrologist will do. And normally, the conclusions are the same.

COMMISSIONER GONZALES: My question is though for what the applicant is guaranteed under state law or if there's a guarantee under state law for access to water on their property. And what opportunities the County has either to limit that or support that use. And my point is this. If the zoning, master plan zoning—let's just say, called for them to hook up to Eldorado Utilities. They propose a use that uses less than three acre-feet of water a year, or whatever it would be a year, less than three acre-feet of water a year. Does the state give them the right to go ahead and go forward with that despite zoning or master plan zoning that would prevent that from happening? Are they granted that right to do it, or does it require the Commission to actually amend it to allow for a well to be used before the state will say, okay,

now we'll consider allowing use to use a domestic well to support your commercial use?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, separate out what the State Engineer does to what the County does. For example, we require a comprehensive geo-hydrologic test to be done to show that in fact, regardless of what the permit says, the permit says up to three acre-feet. The permit has language on it that allows local government to limit that use. That's an open issue as to whether—it hasn't been tested in court yet. But as a practical matter, they could get three acre-feet from the State Engineer, they could have a geo-hydro test that shows they have no water underneath their property, and in that case they're going to get a negative opinion from Katherine and that's a factor that you will take into consideration.

So you have a fair amount of discretion here, but it's got to be based on some rational basis. In other words, if a geo-hydro test shows that the water is not adequate there, or their water budget is such that it shows they're going to need over three acre-feet, in which case then, they either have to scale the project back or they do have to bring water rights to the table at that point. And they still have to show the geo-hydro test, that they have the wet water there to provide that water. And then there's the issue of impairment of other wells in the area.

COMMISSIONER GONZALES: So is it a policy issue then that we need to bring forward for discussion on whether we would allow this to be—do we have the purview to have that discussion, whether we would allow domestic use of wells for commercial use? I mean, if in the Community College District, someone came forward, in any area that we'd designated for business use and they say we're going to propose a use that's less than three acre-feet. Right now under the Code, I'm assuming that they can prove up the water. The way things are going right now then you would give them a favorable opinion as to coming forward if they met all the requirements of the Code.

MR. KOPELMAN: In the Community College District?

COMMISSIONER GONZALES: Well, I'm using that as an example. Community College District or anywhere else where someone says we want to use a domestic well to support commercial use.

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, Community College District provides for higher densities that imported water needs to be used. You can do that. The Commission does have the policy discretion to step back and look at water use. It would have to be done in a manner that's based on studies, but you can come back. And it's a policy issue. It has to be done prospectively; it couldn't be done retrospectively.

COMMISSIONER GONZALES: Right. So someone could not come forward and proposed a domestic use of a well in the Community College District where the policy has already been set that imported water is going to be needed to support commercial development to the area.

MR. KOPELMAN: Mr. Chairman, Commissioner, generally that's true. There are some specific exceptions on that. But in order to be able to do the development that's allowed under the Code, they would have to have imported water.

COMMISSIONER GONZALES: Imported water rights. Okay.

1965665

SFC CLERK RECORDING 08/16/2004

COMMISSIONER TRUJILLO: So without doing a geo-hydrological study and/or understanding the budget of the project, it would be premature to require the developer to bring more water rights to the table.

MS. YUHAS: Commissioner Trujillo, that's correct. If after they've done their geo-hydro and I've approved their water budget, they're not in sync, then that would be one of their options.

COMMISSIONER TRUJILLO: Exactly. Okay. Any other discussion?

COMMISSIONER CAMPOS: Question, Mr. Chairman, for Mr. Kopelman. Jurisdiction for the Board to say that after a preliminary or final it has to come back up to the Board, the ordinance says specifically that it simply goes to the CDRC. Do we have authority to condition it requiring BCC approval for preliminary or final?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I believe that the Commission does have superceding control over all land use cases, and in fact this matter or a similar matter was actually litigated. The City of Santa Fe went up to the Tenth Circuit, the Los Vecinos case. And in that situation, the court said that yes in fact it's within the scope of the authority of the governing body to make that ultimate determination. So I don't think that would be an issue.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, the Code specifically states that development plans shall be reviewed by the CDRC unless the Board wants to see it, gives direction. So the Code specifically allows you to do that.

COMMISSIONER CAMPOS: So the Code is specific on that issue. Okay. Thank you. Next issue. On the water issue that's being presented here, not as a policy matter, but can we at this point, without an ordinance, require Sierra Vista to say hey, you have to bring water to this well if you want to do commercial?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, right now I think the only way that the Commission could legally do that is if in fact they needed more than the three acre-feet. Three acre-feet is what they got on their permit and their geo-hydro test shows that they have adequate water. In that case the last issue really is in fact will that be sufficient to provide the needs. And that's a question we can't answer yet until they come forward with their preliminary. Because at this point, their water budget was very, very preliminary.

COMMISSIONER CAMPOS: My last question, Mr. Kopelman, as far as reconsideration, you said that the Board, someone on the Board would have to make a motion in the next meeting. My understanding is that the Board has two meetings a month. One is, the first meeting of the month deals generally with land use issues, right?

MR. KOPELMAN: That's correct.

COMMISSIONER CAMPOS: And the last one, mainly with administrative items. As I understand it, this case was part of the first meeting's agenda that was not finished but moved to the 24th, I believe, last week. Doesn't that mean that we would have the authority to reconsider up to the next, to the first August meeting?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, we have a problem. We need to amend our rules of order to deal with reconsideration. It's not in there

1965666

SFC CLERK RECORDING 08/16/2004

now. All our rules of order says on issues that are not directly addressed, when there's an interpretation needed, that the County Attorney, in conjunction with the chair, would make that determination. I would say in this case, in light of the fact that clarification is coming at the end of August, I think again, if you can get a majority to vote to reconsider it up until probably the meeting of the 31st, I would say, and again, at this point, Commissioner Trujillo, I believe, is the vice chair. So the way the rules are, it's pretty open-ended. And I think that if the majority of Commissioners wanted to at least keep that open, I think it's a possibility. I believe we've done that in the past where we allowed a reconsideration past the next meeting.

But my recommendation is for staff to be given direction to really amend the rules of order and to come up with a process to deal with reconsideration because we don't have it and we fall back to Robert's Rules and that's probably not a good option. So I'd say in this case, we probably do, but again, I think that the way it goes you still need to have a majority that wants to reconsider the case. And at this point it doesn't appear that that's the situation.

COMMISSIONER CAMPOS: I do think we need that clarification. It says the next meeting, but what does that mean when we have two County meetings, one land use, two administrative. To me, the interpretation would be that if we consider the item at the first meeting, it's a land use item, then the next meeting would be the next month land use meeting. It makes sense to me but I know there is precedent. I know you've done it in the past.

MR. KOPELMAN: And just one other point, Mr. Chairman, Commissioner, I would say that if you do want to bring that matter up at the next meeting, I would suggest that you have it put on the agenda.

COMMISSIONER CAMPOS: I thought we had done that. The purpose, I thought for today's meeting was to see if we're going to put it on the agenda for reconsideration or clarification or correction or whatever needed to be done. I thought that was the direction given to staff at the last meeting. That was my understanding.

MR. KOPELMAN: Mr. Chairman, Commissioner, I thought that it was just to clarify the decision and not for a full reconsideration.

COMMISSIONER TRUJILLO: That was my understanding and in fact, you reiterated that Steve when we asked you that question. It was totally for clarification and not reconsideration because of the liability ramifications. In this case, I think that's it appropriate to let this process proceed. The issues regarding traffic can be addressed through the process. The issues regarding water can be addressed through the process. Any questions that we have regarding those areas we can discuss at that time and either approve or deny the project based on the information that is provided. So we'll just—

COMMISSIONER GONZALES: Can I ask one final question. As the Eldorado plan comes forward, in that plan is the Commission given the authority to, or even on the moratorium when it comes forward, is the Commission given the authority to modify the allowance of domestic wells to support commercial use, or again, that goes back to the issue in my mind that some state rule that gives the applicant's use for water.

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, again, it would have to be done by ordinance to begin with and then I think we would need to see what the

1965667

SFC CLERK RECORDING 08/16/2004

scope of what the proposal would be and we'd have to make sure that it doesn't run afoul of state law. But I think the major point is, if there's a rational basis, if there's some logical basis to support taking, not allowing applicants to go forward with domestic wells, I think that's within your purview, but I think it has to be pretty narrowly structured and it has to have some kind of scientific basis in terms of the aquifer and the water quality and quantity issues.

COMMISSIONER GONZALES: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: So at this point I'm trying to get a sense of where we are. If we're not going to take any further action on this issue beyond today, have we given the necessary direction to the staff that the project comes back to the BCC for preliminary and final approval, number one? Is that, are we agreed on that?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, my understanding is that this matter will actually be brought forward on August 28 regarding clarification, and at that meeting, unless something changes before that date, the issues that are going to be addressed are staff conditions, the number of theaters and then whether this would be brought back to the BCC for preliminary as opposed to going to the CDRC. I think those are the issues that will be addressed directly on the August 28th.

COMMISSIONER GONZALES: Is that for action?

MR. KOPELMAN: That would be for action on those issues. And then we still have not drafted up and brought to the Commission a final decision in this case because again, the matter is still pending clarification of some of those points.

COMMISSIONER SULLIVAN: I guess I would say that's fine. By number of theaters I think you meant number of seats.

MR. KOPELMAN: That's correct. I'm sorry. Not number of theaters.

COMMISSIONER SULLIVAN: I wouldn't eliminate the issues of traffic and water to be brought back. Obviously, if the majority still feels that that is not a problem, and you will recall that the water budget was discussed during the hearing and was found to be extremely low by the County Hydrologist's per capita usage. So I think we know that the water budget is understated. But I don't have any problem revisiting these clarification issues on the 28th. I'd like to keep it general so that we don't limit ourselves if any of those between now and then in the next month feel the issues warrant clarification, that we be free to do it beyond those three that you enunciated.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, when the matter is noticed I think staff can make sure that it's general and just deals with clarification of the decision.

COMMISSIONER TRUJILLO: Are we going to take a lunch break or shall we proceed.

COMMISSIONER CAMPOS: I think we should proceed.

MR. MONTOYA: Mr. Chairman, if we could recommend that we possibly go through the Consent Calendar and then take a lunch break.

1965668

SFC CLERK RECORDING 08/16/2004

COMMISSIONER TRUJILLO: We've got a pretty extensive Consent Calendar. Do you want to take a few minutes to go over it and decide what you want to isolate, we'll do that.

VI. CONSENT CALENDAR

- A. Resolution No. 2001-96. A resolution requesting a transfer from the General Obligation Bond (GOB) 1997 Series Fund (350) to the GOB Debt Service Fund (401) to Budget Interest Revenue for Debt Service Expenditure in fiscal year 2001 (Finance Department)**
- B. Resolution No. 2001-97. A resolution requesting a transfer from the Open Space General Obligation Bond (GOB) 1999 Series Fund (385) to the GOB Debt Service Fund (401) to budget interest revenue for debt service expenditure in fiscal year 2001 (Finance Department)**
- C. Resolution No. 2001-98. A resolution requesting a transfer from the General Obligation Bond (GOB) 2001 series fund (353) to the GOB Debt Service Fund (401) to budget interest revenue for debt service expenditure in fiscal year 2001 (Finance Department)**
- D. Resolution No. 2001-106. A resolution requesting an increase to the Series 2001 General Obligation Bond Fund (353) to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002 (Finance Department).**
- E. Resolution No. 2001-107. A resolution requesting an increase to the series 1999 General Obligation Bond Fund (385) to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002 (Finance Department)**
- F. Resolution No. 2001-108. A resolution requesting an increase to the general fund (101)/Fire administration and fire regions to budget additional ambulance revenue and revenues from a Joint Powers Agreement with the town of Edgewood for expenditure in fiscal year 2001 (Fire Department)**
- G. Resolution No. 2001-99. A resolution requesting an increase to the General Fund (101)/Local DWI grant program to budget additional revenues received from the NM Department of Finance and administration for Expenditure in fiscal year 2001 (Community, Health & Economic Development Department)**
- H. Resolution No. 2001-100. A resolution requesting an increase to the general fund (101)/Smart Moves Grant Program to establish a budget for fiscal year 2002 (Community, Health & Economic Development Department)**
- I. Resolution No. 2001-109. A resolution requesting an increase to the Housing Capital Improvement Fund (301)/Housing CIAP 1999 Program to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002 (Community, Health & Economic Development Department)**

1965669

SFC CLERK RECORDING 08/16/2004

- J. Resolution No. 2001-104. A resolution requesting an increase to the Property Valuation Fund (203) to budget fiscal year 2001 cash balance for expenditure in fiscal year 2001 (County Assessor's Office)**
- K. Resolution No. 2001-105. A resolution requesting an increase to the General Fund (101)/ Rural addressing E-911 Grant Program to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002 (Resource Development Department)**
- L. Resolution No. 2001-110. A resolution requesting budget transfers from the General Fund (101) and the Road Maintenance Fund (201) to the Road Projects Fund (311)/Tierra de Oro and Avenida Eldorado Projects for expenditure in fiscal year 2001 (Public Works Department)**
- M. Resolution No. 2001-111. A resolution requesting an increase to the Road Projects Fund (311)/Agua Fria Drainage & Paving Phase II Project to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002 (Public Works Department)**
- N. Resolution No. 2001-112. A resolution requesting a budget transfer from the General Fund (101)/Finance Capital Package Budget to the Road Projects Fund (311)/Agua Fria Drainage & Paving Phase II Project for expenditure in fiscal year 2002 (Public Works Department)**
- O. Resolution No. 2001-103. A resolution requesting an increase to the General Fund (101)/Region III Program Income Budget to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002 (County Sheriff's Office).**
- P. Resolution No. 2001-104. A resolution to surplus fixed asset equipment (Finance Department)**
- Q. Resolution No. 2001-105. A resolution authorizing the execution and delivery of a loan agreement and intercept agreement by and between the County of Santa Fe and the New Mexico Finance Authority (Resource Development Department)**
- R. Request authorization to enter into a loan agreement with the New Mexico Finance Authority for Equipment Acquisition Project (Resource Development Department)**
- S. Request authorization to enter into an Intercept Agreement with the New Mexico Finance Authority for Equipment Acquisition Project (Resource Development Department)**
- T. Request authorization to accept and award a construction agreement to the lowest responsive bidder, IFB #21- 146, for the Agua Fria Phase II Sanitary Sewer, Drainage and Road Improvements Project (Public Works Department)**
- U. Request approval of the Local DWI grant application (Community, Health & Economic Development Department)**

1965671

SFC CLERK RECORDING 08/16/2004

budget adjustments, this is the Public Works and the Public Safety bond that we issued in May and received the proceeds in June of fiscal year 2001. On June 30 or June 28th, the last meeting in June we brought forward to the Commission the proposed budget for the construction of the Public Works facility and what would be done with the Public Safety money that was passed on those bonds. That was approved in the fiscal year 2001 budget.

At the time of the fiscal year 2002 budget we did not have those bond proceeds so we don't budget that until after we actually receive the money. Then when we closed out fiscal year 2001, we see what the cash is left in all those bond proceeds, and then bring that budget forward into 2002. So both this budget adjustment and the one following are to budget the cash from the bond proceeds in fiscal year 2002 for expenditure.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Okay, the chair will entertain a motion to approve item VI. D.

COMMISSIONER CAMPOS: I would so move, Mr. Chairman.

CHAIRMAN DURAN: Well, let me ask a question. Should we just go through them or approve them as we go over them?

COMMISSIONER TRUJILLO: Why don't we go through them and then approve them

CHAIRMAN DURAN: Okay. We'll do it that way. So there is no motion. Is that okay with everybody?

VI. E. Resolution No. 2001-107. A resolution requesting an increase to the series 1999 General Obligation Bond Fund (385) to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002 (Finance Department)

COMMISSIONER TRUJILLO: That's the same isn't it, Katherine, as item D? It's the same?

MS. MILLER: Mr. Chairman, yes. That's, on E, that is the open space. The first one was the Public Works and Public Safety bond and that's the open space bond. That's the remaining funds in the \$12 million open space bond proceeds, and we're just bringing those forward into fiscal year 2002 for land acquisitions.

CHAIRMAN DURAN: Any questions?

1965672

SFC CLERK RECORDING 08/16/2004

VI. F. Resolution No. 2001-108. A resolution requesting an increase to the general fund (101)/Fire administration and fire regions to budget additional ambulance revenues and revenues from the joint powers agreement with the Town of Edgewood for expenditure in fiscal year 2001 (Fire Department)

CHAIRMAN DURAN: Commissioner Sullivan, you had questions?

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. My question was for a little more clarification of the purposes. This request is the transfer of funds between categories in the fire administration to cover a category deficit in salary and wages due to overtime. This request is to budget ambulance revenue and funds received from the JPA for fire and rescue services with the Town of Edgewood to cover category deficits in salary and wages and employee benefits due to overtime and increased health care costs. What happened?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, this is a clean-up budget adjustment for fiscal year 2001. When all salaries were paid in fiscal year 2001, we did the last payroll, there's overtime in the four fire regions. As you can see, 801, 802, 803, and 804 are the fire regions. Actually, administration and then 805 is the other fire region. So it's moving excess money that was not spent within certain areas and moving it to salaries and wages, and also revenue from the JPA with Edgewood and revenue from ambulance fees that had not been budgeted last year. It's to bring that money in to cover the overtime in the four fire regions.

The overtime was about \$89,000 between overtime and benefits that overran the budget. And I'd like to say that those four regions only had \$5,000 in overtime each in the original budget, when the budget was approved for fiscal year 2001 and those are for 24-hour/seven day a week operations. This fiscal year 2002 we actually did increase their overtime budget and added a staff position, a floating position to cover this issue in fiscal year 2002. So this is a clean-up budget adjustment for fiscal year 2001.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you.

VI. I. Resolution No. 2001-109. A resolution requesting an increase to the Housing Capital Improvement fund (310)/Housing CIAP 1999 program to budget fiscal year 2001 cash balances for expenditure in fiscal year 2002

CHAIRMAN DURAN: Commissioner Sullivan, you had questions?

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. My question here is I think a fairly simple one and as I understand, this is to budget unexpended revenues from the one fiscal year into the next fiscal year but my question was that the majority of the \$66,525 out of the \$67,153 is being budgeted to buildings and structures. So it seems like someone had something in mind here and I wondered what was in somebody's mind.

1965673

SFC CLERK RECORDING 08/16/2004

STEVE SHEPHERD: Mr. Chairman, Commissioner Sullivan, I believe those monies are set aside for rehabilitation of the units at Valle Vista that are going to be part of the home sales program.

COMMISSIONER SULLIVAN: And is that what they were set aside for in the current fiscal year's budget?

MR. SHEPHERD: Commissioner Sullivan, I couldn't tell you that.

COMMISSIONER SULLIVAN: I don't think they were from reading the justification. And I'm not saying that's a bad thing to do, I'm just saying that I want to point out if they were monies for admin—salaries and wages and so forth, and we were moving them into structures, I wanted to be sure that we weren't then coming back at the end of this fiscal year and saying, Oh, we're \$67,000 short on admin money.

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, no. They're not administrative monies. They may have been moved from one work item or rehabilitation item to another though. I don't know if they were originally set aside for Valle Vista or Camino de Jacobo.

COMMISSIONER SULLIVAN: But you're comfortable that we're dealing with the same categories of budgeted funds?

MR. SHEPHERD: Yes, sir. I am.

CHAIRMAN DURAN: Any other questions?

VI. L. Resolution No. 2001-110. A resolution requesting budget transfers from the general fund (101) and the road maintenance fund (204) to the road projects fund (311)/Tierra de Oro and Avenida Eldorado projects for expenditure in fiscal year 2001

CHAIRMAN DURAN: Commissioner Sullivan, you had some questions?

COMMISSIONER SULLIVAN: I just wanted to get an update here. This applies also to the Agua Fria, just from the standpoint of learning what's going on here, but we're—we came, apparently over the budget on these road projects and I was curious as to why. And then we're transferring money to them from the other funds and I want to be sure, obviously, that we have the funds to do that and that we're not shorting some other account.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, this is more of an accounting budget adjustment. When we receive funds for a project from the state, we might have \$50,000 and we budget that in fund 311 in the project development fund. But then also there's times some general fund employees are put to that project as well as road maintenance, where we might buy basecourse or things like that. And as you can see, there's three different funds, there's fund 101, which is general fund, fund 204, which is road maintenance, and fund 311.

From an accounting perspective, to track the costs associated with a particular project, we are moving the expenditure to the project fund, which is fund 311 and as you can see, under that department division section on the budgeted revenue side, you'll see 0667, that's Tierra de

1965674

Oro project, and 0665, that's the Avenida Eldorado project. It's so we can capture all the expenses under one fund, even though we use general fund employees and road maintenance employees and their time, and we associate it with that particular project. We did not overrun budget, it's just putting all the expenses into one area. And that helps us for requesting reimbursement from the state as well.

COMMISSIONER SULLIVAN: Okay. So I was reading the sentence in the justification where it said, During construction of the Avenida Eldorado project in FY2001 additional funding was needed to complete construction of the project. You're saying that additional funding was needed simply as a budget adjustment, that the project itself didn't overrun the costs.

MS. MILLER: That's correct.

COMMISSIONER SULLIVAN: People are shaking their head behind you.

MS. MILLER: That is correct. I wanted to make sure on that project that was the case. But we did not overrun the Public Works budget or budget for these things, it's just that the grant might be for a certain amount but we still budget within other areas for those projects.

COMMISSIONER SULLIVAN: Thank you.

- VI. M. Resolution No. 2001-111. A resolution requesting an increase to the road projects fund (311)/Agua Fria drainage and pavement phase II project to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002
- N. Resolution No. 2001-112. A resolution requesting a budget transfer from the general fund (101)/finance capital package budget to the road projects fund (311)/Agua Fria drainage and pavement phase II project for expenditure in fiscal year 2002
- T. Request authorization to accept and award a construction agreement to the lowest responsive bidder, IFB #21-46, for the Agua Fria phase II sanitary sewer, drainage and road improvements project

CHAIRMAN DURAN: Commissioner Sullivan, you had questions?

COMMISSIONER SULLIVAN: Again, my question, I assume this would probably be of interest to the chairman, but this is not a change of scope in the Agua Fria project, or can someone explain to me what we're doing? Are we just transferring money from the one fiscal year to the next fiscal year to get the project started? Is that what we're doing?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, there's actually three items on the Consent that concern this particular project. The first item, M, last year, fiscal year 2001, we had budgeted money for Agua Fria phase II. We did not award a contract at that time, but we did bid it out. And we now have the bid and would like to award that. The money, this first one, item M, is the cash balance from last year that was not expended, that we're bringing into fiscal year 2002, because at the time of budget preparation of fiscal year

1965675

SFC CLERK RECORDING 08/16/2004

2002 we didn't know what that cash balance would be, not knowing what work would be or would not be done.

Now, we've actually closed the year and know the cash balance and it's that \$1,175,000 and that's all grants and any money that the County already has. So item M is to bring that money into fiscal year 2002. Then item N, since the actual bid for the project, which is item T, is \$1.2 million for what was bid out, to award that contract we need \$1.22 million, plus a contingency. So in order to meet that budget number, we need to do item N, which is to move some money in the capital package. We're requesting that we move—we had budgeted \$450,000 for the Jacona landfill project, or transfer station. And we're requesting to move, on item N, \$167,000 of that to the Agua Fria project in order to award the contract and have a contingency on Agua Fria phase II.

COMMISSIONER SULLIVAN: Well, that was my—combining M and N together and also T. That was my question on N was that you indicate that the Jacona transfer station will be reduced from \$450,000 to \$282,000. What's going on with the Jacona transfer station? Are we delaying some phase of it, or why is it suddenly a lot less expensive?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, James Lujan could probably answer that better.

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner Sullivan, what we plan to do is scale back somewhat on the project and also build it in-house with our project development forces. We've done the—we have plans for the Eldorado, we looked at those plans and we're probably going to be able to build that in-house with project development forces. So it's going to reduce the project's cost.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner

COMMISSIONER CAMPOS: Mr. Lujan, what do you mean by scale back?

MR. LUJAN: I don't know if we're want to go with that big building and the size that we have. The project at Eldorado cost almost a million. We're not going to go with that big of a facility at Jacona. We're going to build a transfer station, tipping floor and then the building. And we think we can do it within those dollars that we have left over.

COMMISSIONER CAMPOS: So you've amended the plan then.

MR. LUJAN: No, we have not even put that plan together then. We're working on that.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER TRUJILLO: James, a question for you. What's the life span on something like that? Will we be able to accommodate augmentation?

MR. LUJAN: We're building for probably 20 years.

COMMISSIONER TRUJILLO: Taking into consideration augmentation and usage, more people moving into the area and—

MR. LUJAN: Correct. All of that. And the lease that we'll be able to acquire with the Pueblo itself. So we've got to take a look at that.

COMMISSIONER TRUJILLO: Okay.

1965676

CHAIRMAN DURAN: I'd just like to say that phase II of the Agua Fria project had a lot of input from the community and in order to satisfy some of the community's concerns relative to the width of the road and being able to provide them with sidewalks on either side, we had to re-engineer the project and when it came back, after being re-engineered, it exceeded the original budget. And I commend you, James, for finding money in other projects to fulfill the commitments we've made to the community relative to this project. And that's pretty much what M, N, and T is all about. Isn't that correct?

MR. LUJAN: I'm sorry. I didn't get that question.

CHAIRMAN DURAN: Just say yes.

MR. LUJAN: Yes. Also, I just want to point out something on Agua Fria. We're working with the City and Sangre de Cristo, the water portion on Agua Fria phase II is \$113,000 and the City, it went to Finance Committee yesterday and they have committed to paying that portion of it so we'll get reimbursed for that. Also we have a \$56,000 legislative appropriation for the sidewalk. So those monies will be able to be paid back to Jacona. So that's what we're going to do with that.

COMMISSIONER SULLIVAN: So Jacona will go back to the \$450,000 that you budgeted, although that's less than half of what the Eldorado transfer station costs.

MR. LUJAN: Correct.

COMMISSIONER SULLIVAN: So you feel \$450,000 is a doable figure for you?

MR. LUJAN: Yes, we do, Commissioner.

COMMISSIONER SULLIVAN: And since we're also talking about T, we'll get that one out of the way at the same time if it's okay with you, Mr. Chairman.

CHAIRMAN DURAN: Sure.

COMMISSIONER SULLIVAN: The low base bid was Condor Construction? Have we worked, have you all worked with them before? What's their experience record? The name just doesn't ring a bell with me.

MR. LUJAN: I myself as Public Works Director have not worked with them, but they are the contractor that's building Rufina and South Meadows right now for the City. But I myself have not worked with them being here in Public Works.

COMMISSIONER SULLIVAN: As far as we know, the City's gotten along all right with them.

MR. LUJAN: As far as the project is going on schedule. They plan to have it open by November so I guess they are working fine on that project.

COMMISSIONER SULLIVAN: And then also, I notice the agreement calls for 150 days. Is that—that seems to be a fairly tight schedule. They feel they can make that?

MR. LUJAN: We were looking at that yesterday, Gino deAngelis and myself, and we're hoping they may be able to put the first mat over the winter months. They may have to come back in spring and finish the paving. But we probably can get most of the sidewalk, I mean the storm sewer and utilities in within this year. And the first mat of pavement down so that they're driving on pavement over the winter months. The good thing about this project,

we're going to be able to close off the road to through traffic, being that we have a detour on San Isidro to Lopez Lane or County Road 62.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN DURAN: So that takes care of M, N, and T.

- VI. R. Request authorization to enter into a loan agreement with the New Mexico Finance Authority for equipment acquisition**
S. Request authorization to enter into an intercept agreement with the New Mexico Finance Authority

COMMISSIONER SULLIVAN: Brief question on this \$833,333 loan agreement is that I don't see that it's been reviewed by our legal counsel. There's a lot of technical language in here which I'm not familiar with and I just wanted to have that comfort factor.

CHAIRMAN DURAN: Steve, are you going to be reviewing this contract?

MR. KOPELMAN: I believe I've reviewed it already.

COMMISSIONER SULLIVAN: I don't see your signature on it.

MR. KOPELMAN: I know, but I just signed it a little while ago. I had reviewed it but there wasn't a signature space, so they added that in.

COMMISSIONER SULLIVAN: This is the loan agreement dated September 14, 2001.

MR. KOPELMAN: The loan agreement, the intercept agreement, and the resolution. That's correct.

COMMISSIONER SULLIVAN: Okay. So there's two that go together here, Mr. Chairman, R and S, and I had the same question, if legal counsel had reviewed the terms of those.

MR. KOPELMAN: I have reviewed them, Mr. Chairman, Commissioner Sullivan, and they are virtually identical to the last set of documents that we got through the Finance Authority.

- VI. U. Request approval of the Local DWI grant application**

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. I had an opportunity to meet with Mr. Anaya about a week ago and he brought me up to date and I appreciate that on some of the issues around this detox center and really what the scope of it might be. And I guess my question, what I got out of that, David, is that it's still in flux as it were, but that by doing this, we avail ourselves of this \$300,000 annual grant, but we still have flexibility as to what the scope of that detox center's services are. Am I correct in that?

DAVID SIMS (DWI Coordinator): Yes sir. Mr. Chairman, Commissioner

1965678

Sullivan, that is correct. We have had dialogue directly with the Department of Finance Administration indicating to them that this was something that we completely intend, but as it takes more solid shape we will be going back to them and getting approval of any changes that we make that are deemed appropriate by the Santa Fe Care Network to utilize this money effectively. And so they are very much aware that this is in flux and it is something that will change.

COMMISSIONER SULLIVAN: And we, David, already have some money more or less in the bank for this project, do we not? How much is that?

MR. SIMS: I don't know exactly how much the exact dollar amount is but there's an MOU that involves the hospital as well as the County and I think some other entities that have already provided some funding for some preliminary work and so this is something that's been in process for some time now. So it is something that because of House Bill 103 that passed in January I believe, that now the money is available. The state DWI Grant Council met in April and made a preliminary approval of this request even back in April, which was at a time when it was even in a more preliminary stage pending the completion of this grant application, and also the approval then of the Department of Finance Administration.

COMMISSIONER SULLIVAN: I understand the Care Network has made some recommendations. The City has some recommendations, which vary somewhat from the Care Network recommendations, but at some point in time, is this going to come to the BCC or is it going to come to the Health Planning Commission first or what's the mechanism?

MR. SIMS: Are you asking when the final plan is made?

COMMISSIONER SULLIVAN: Yes, once we decide what we're going to do with all this money that we're applying for. I understand we're going to build a facility but we're not quite certain what the scope of that facility is, whether it's going to be a 24 or 48-hour holding facility or whether it's going to be a seven day facility or whether it's going to have administrative offices in it. A lot of programmatic things are still up in the air and I was wondering what's the schedule on homing in on those.

MR. SIMS: Mr. Chairman, Commissioner Sullivan, we included on page 31 of the grant application a preliminary time table, what we anticipate might be a reasonable approach of when things will happen and I think that this might answer many of the questions you just raised. I don't know, I can't tell you specifically the sequence of events of where it might go first or second as far as the Health Planning Commission or the DWI Planning Council or the Santa Fe Care Network or other entities that are all working together and partnering on this effort. So I can't give you a definite answer as to what the sequence might be. But certainly any major decisions, certainly anything that would have a financial obligation to the County would be brought back to the Commission. And I would anticipate that we would be giving periodic updates to you as things solidify.

COMMISSIONER SULLIVAN: Okay, then I see in your schedule that the MOU will come to the Commission on August 28th.

MR. SIMS: That's what we anticipate, yes sir.

COMMISSIONER SULLIVAN: At that point you should have the scope fairly

1965679

SFC CLERK RECORDING 08/16/2004

well defined. Or do you feel that it's well defined now?

MR. SIMS: Mr. Chairman, Commissioner Sullivan, I'm not sure we'll have the final scope. I think it's going to be an evolving document. The MOU that's mentioned in here is really an MOU that many parties, up to 44 entities, we hope, will be involved in this particular MOU, which will simply be basically a document that will say we are working together to move forward with this. And then this MOU does not have financial obligations attached to it. It's simply a document that says we are part of this process and we're indicating that in a formal way through an MOU.

There would need to be some other documents implemented at some point down the road where people make—whether it's the County or the City or St. Vincent Hospital or other entities that actually make solid financial commitments to this effort.

COMMISSIONER SULLIVAN: I think, David, what I was a little concerned about is that in September we're going to issue architectural plans for the facility and I don't know if by August we'll have a solid idea of what we're building and what to tell the architect to design. And perhaps, one way to address this is a work session the way we did with the 911 Emergency Response Center. I just felt in visiting for an hour and a half with Robert about the issues, and there's lots of good ideas on the detox center, someone is going to have to make a decision. And since it's the County's money, I guess that decision is going to be us, in cooperation with all of the individuals you have in the MOU, obviously.

MR. SIMS: Yes sir. Mr. Chairman, Commissioner Sullivan, we are working very diligently with many different entities, many different parties that have concerns, getting input, getting suggestions, compiling that data, trying to accommodate as many of the needs that have been expressed within our community as can be done in one facility. And we are continually tweaking that and trying to make sure we can do the best we can to accommodate the needs of every interest.

COMMISSIONER SULLIVAN: That would be my recommendation. I know the Commission has limited time but I think the work session was useful on the emergency center. That gave us a lot of information and we didn't have to go through in the formal meeting and I think this detox center is a great facility but I think at this point in time the Commission needs an updating on the concept, the programmatic concept where this is going. So if we could work that out, Sam, I think that would help. I don't know if the other Commissioners are perhaps maybe more familiar with it than I am, but it seemed like there were still a lot of open issues. Would that be possible, Sam, to do a work session? Do you feel that that would be useful?

MR. MONTROYA: Mr. Chairman, Commissioner Sullivan, I do and I wanted to add to this discussion that last week I met with Representative Lucky Varela on this precise issue and the issue was relating to some legislative appropriations made to the County to construct a facility of this nature. And I want to point out that one of those appropriations which totaled \$175,000 was for a detox facility was then reauthorized to construct the Care Network edifice, so he was concerned about what the calendar looked like in terms of what is being proposed for design and construction, and also wanted to know if we were going to tap

1965680

SFC CLERK RECORDING 08/16/2004

into the \$300,000 that was granted to the County from the liquor excise tax allocation. And we had a very thorough talk, including the City Manager because at one point in time, the City had set aside half a million dollars for construction. However, the problem at the time was that they did not want to be involved in operating expense, and I think that's where the debate or discussion broke down.

But we did confirm to the representative that we were moving progressively to address this issue and that we would be drawing down on the legislative appropriation and the liquor excise money. And to answer the question, long-windedly, yes, Mr. Chairman, Commissioner Sullivan, I think that would be a great idea and we will schedule that soon.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

MR. SIMS: Mr. Chairman, Commissioner Sullivan, one thing I'd like to add and make sure is very clear is that DFA has indicated to us that if we don't have a--this is \$300,000 that is going to revert if it's not spent during this calendar year, during this fiscal year. And DFA has made it very clear to us that we can go ahead and use some of this funding, not just for construction of a building, but for programmatic efforts as well. For instance, if we wanted to do some, set aside a pod, for instance, in the detention center, that would be specifically for use for detox. Some of this funding could be used for something like that. It's not just specifically for a building, but it can also be used for programmatic efforts as well.

COMMISSIONER SULLIVAN: Right. And I understand that the issues are that this is to be screening building and as a screening building, what is its function? And if it's only a two-day screening, can you really even screen an applicant who is detoxing in a 48-hour period. He or she may not even be able to be responsive in that short period of time. So there's questions of do we need a separate screening building or should we do the screenings elsewhere within the providers and following up on the data that you need to acquire from these screenings. All of these are issues that I think I was very interested in and I think you're on the right track, certainly, to identify them but I think we need some Commission update on them.

MR. SIMS: Mr. Chairman, Commissioner Sullivan, one of the things that has been discussed extensively is the problem of just a revolving door, of somebody goes in, they pick them up, there's nowhere to take them but to the jail or to the hospital. They go in. They sober up. We turn them loose then they go right back. So one of the things that we want to have as a component of this is someone who would actually be like a case manager who would track that person and make sure they got to the places that they needed to go for help, to where it's not just a revolving door but we really are helping people get their lives back together.

COMMISSIONER SULLIVAN: I understand. And my concern was--and we need to do that. We need to do that not only for the individuals well-being but to get additional federal funds to have good data. But my concern was the setting up this facility with only a 48-hour holding time and would we get that information in that period of time. I mean, detox, individuals detoxing may take longer than that. So do we need a larger facility or do we need to do it in the jail? And some of those issues of really what's the programmatic layout of the facility. I think we need to hash out and I don't want to do it here at this meeting but I think in

1965681

SFC CLERK RECORDING 08/16/2004

a work session it would be very useful

CHAIRMAN DURAN: Thank you, David. Okay, Sam, I have a question, but I don't want to talk about it too much, since we need to move on. But is there any way of using this DWI money or this detox money at the jail? Couldn't we offer? I mean, they mentioned something about maybe using a pod out at the jail. Why couldn't we isolate a pod for this program and use some of this money for our detox center, and it would change the scope of services that we're looking at for our jail operator. And maybe we could save some money.

MR. MONTOYA: Mr. Chairman, members of the Board, we are looking into that, Mr. Chairman. The other thing we're looking into is the possibility of building on to some of the additional providers like RAP and some of the others to do protective custody when people are picked up that need 48 hours of constant supervision, or 24-hour supervision. So we're studying all those alternatives and I think when we do set up this work study, we can give you an in-depth possibility for that and the cost related as well.

CHAIRMAN DURAN: Because I've heard some criticism that we have a—that we built too big of a jail. So rather than build a new facility, if we could use some of—I'm sorry. Rather than build a new detox center, if we could use the existing facility, that might be a cost savings that we would experience and be able to take advantage of it. The other thing is that in your negotiations with the jail provider, I think you need to leave that option open for us.

MR. MONTOYA: Okay. Very good, Mr. Chairman.

CHAIRMAN DURAN: Does that sound like something we want to check into?

COMMISSIONER SULLIVAN: I think you may need to do both, Mr. Chairman, because you do have those that are brought in under protective custody, and they couldn't go into this facility that we're talking about building because we wouldn't have the bars and protective components. These would only be, this detox facility that we're talking about would only be for non-protective custody—the revolving door, a lot of them in the revolving door clientele, as it were. So I think you're exactly right. We need to do both. We need to have a detox facility in the jail and we need to then look at what the programmatic needs of this facility are. And so I think it's a two-pronged offensive.

CHAIRMAN DURAN: Okay, great. Why don't you check into all that?

MR. MONTOYA: I will. Thank you, Mr. Chairman.

VI. Y. Request authorization to accept and award a professional services agreement to the lowest responsive bidder, IFB # 21-65, for microfilming services of old marriage books

CHAIRMAN DURAN: Have you got any questions on that, Commissioner Sullivan?

COMMISSIONER SULLIVAN: Yes. Actually, I just wanted to give Becky a

1965682

SFC CLERK RECORDING 08/16/2004

chance to visit with us and talk, but my question was, in these solicitations where competition in this case between private document companies, of which there were three, and the construction industries, who quite understandably came in at half the price, and so we're recommending that these document microfilming be done by Construction Industries, I believe in Grants.

Is this—it's kind of why bother? In the Construction Industries, we know it's going to be half the price or it's going to be a lot less, is this fair competition to the other proponents or are we wasting their time? It's pretty hard at \$6.59 and the next lowest one was \$12.46 per document I assume that is, that it's kind of no contest.

TONY FLORES (Procurement Director): Mr. Chairman, Commissioner Sullivan, you are correct that Correction Industries, actually—we wouldn't be required to put out any type of formal bid if we were going to contract with another state agency. But it has been our experience that it is not always the case that other state agencies can give us a better price than the private industry. We've had that happen quite often. So it is always our policy to have open competition at all costs. We were not sure at the time that Corrections Industry would even put in an application. They have in the past on some and they haven't in the past on others.

So we would not know whether they would put in a bid for any particular item. So it is at that County's interest to try to get all potential bidders out there to put in an application or submit a bid for our services.

COMMISSIONER SULLIVAN: And you've dealt with them before and they've provided satisfactory product for the Clerk's Office?

MS. BUSTAMANTE: Mr. Chairman, Commissioner Sullivan, no, we haven't. We had another RFP in which they bid. We are rebidding that because of the type of service we needed and the other microfilming was not adequate. They're not able to do it, or at least not to our satisfaction. But in this particular case, we felt that they could do it. And we did work with them and talk to them about picking it up and just a whole lot of other things. My feeling is if they really want to break into this and it's one way of doing it throughout the state. They have very limited contracts. But we're satisfied that they'll be able to do this contract for us, this microfilming.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Okay. The chair will entertain a motion to approve the balance of the Consent Calendar, which is items D, E, F, I, L, M, N, R, S, T, U and Y.

COMMISSIONER GONZALES: So moved.

CHAIRMAN DURAN: There's a motion.

COMMISSIONER CAMPOS: Second.

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

[The Commission recessed from 12:45 to 2:00 pm.]

1965683

VIII. Administrative Items:

A. Committee Expirations/Resignations/Vacancies:

1. DWI Planning Council

MR. SIMS: Mr. Chairman, Commissioners, Andy Pena was relatively newly appointed and it turned out he was not able to attend regularly at the meetings and participate so he requested that his resignation be accept.

COMMISSIONER CAMPOS: Move to accept the resignation of Mr. Pena.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: There is a motion to accept and seconded.

All those in favor? [Unanimous] Opposed?

Then Mr. Pena will be removed from the DWI Council and we will get a recommendation of a replacement in the short term?

MR. SIMS: Mr. Chairman, Commissioners, one of the things that we have discussed, in fact in last month's planning council meeting was how we determine when we need a new planning council member. There is a requirement that we have a minimum of nine people on the planning council but there's not a cap of how many people are on it. There are specifications from both DFA and from Traffic Safety as to the make-up of the planning council. The planning council is in the process at this time of developing a mechanism where, when there is a vacancy that we are able to identify it and to make sure that we fill any vacancies that are on the council with the required membership. And then also to add additional members as we think is appropriate and then bring that recommendation to you as the Commissioners.

COMMISSIONER TRUJILLO: So Mr. Pena will not be back-filled, or—

MR. SIMS: Not immediately, no sir.

VIII. A. 2. Maternal Child Health Planning Council

CHAIRMAN DURAN: I guess Whitney Robbins is resigning. Are there any questions of staff? Does the Commission accept her resignation?

COMMISSIONER CAMPOS: Move to accept.

CHAIRMAN DURAN: There's a motion to accept Ms. Robbins' resignation.

COMMISSIONER TRUJILLO: Second.

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

And tell Ms. Robbins that we appreciate all the hard work that she's done for our community.

1965684

SFC CLERK RECORDING 08/16/2004

VIII. B. Committee appointments
1. Maternal Child Health Planning Council

EDY POWERS: Mr. Chairman, I'm Edy Powers, coordinator for the Santa Fe County Maternal and Child Health Council and we are nominating Kathryn Rice and Carol Herrera, and we're bringing their names forward for their appointment. Kathryn Rice is a psychotherapist here in town and has been interested in adoption for a long time. Carol Herrera is in the district court doing mediation with families there. And they both have expressed an interest in being part of the council.

CHAIRMAN DURAN: Okay, any questions? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman, of Kathryn Rice and Carol B. Herrera.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Okay, there's a motion to approve Ms. Rice and Ms. Herrera. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

VIII. B. 2. Santa Fe Community College Local Development Review Committee

CHAIRMAN DURAN: Is this item going to always be on the agenda?

MR. ABEYTA: Mr. Chairman, at the last meeting, staff was directed to take out another advertisement in the *New Mexican*, which we did, in order to get more names than the five that we had. And staff has only received one more name, which I'll pass out to you now for your consideration.

CHAIRMAN DURAN: And is the plan—how many members are we planning to have on the committee?

MR. ABEYTA: Mr. Chairman, the resolution calls for five members. The names we've received so far are Robert Garcia, Michael Bartlett, Bob Wilber, Jim Klemmer, William Tilley, Paul Fragna and now Irving Breslauer.

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, when you get these names, do you follow up with interviews or contacts with the prospective applicants?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, normally staff doesn't, but sometimes the committee—this is unique in that it's a new committee that's being formed so we don't have a lot of experience with new committees. Normally, existing committees will sometimes interview for vacant positions but again, because this is a new committee, what we've done in the past is we've just brought names forward to the

1965685

SFC CLERK RECORDING 08/16/2004

Board and we've let the Board decide how they want to handle that.

COMMISSIONER CAMPOS: How would you feel about having the duty of interviewing some of these folks? Would it take up a lot of your time?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, we're open to that and I think our staff would be open to that, but again, it's really the decision of the Board as to who you want to put on that committee. But we can arrange something like that and I would suggest that maybe some of the Commissioners sit on that interview committee with us because ultimately, it's your decision.

CHAIRMAN DURAN: This applicant states that he doesn't have any bias. I'm not sure we want someone like that on this committee, do we? How about the other six? So we're only going to appoint five, is that what we're going to do?

COMMISSIONER CAMPOS: At least five, I believe. Is that right, Mr. Abeyta? At least five?

MR. ABEYTA: That's correct. The resolution, Mr. Chairman, Commissioner Campos, states that the committee will consist of no less than five. And so we would prefer an odd number, obviously, five or seven.

COMMISSIONER CAMPOS: The name I recognize is Mr. Klemmer. I've had a little contact with him.

CHAIRMAN DURAN: How about you, Commissioner Sullivan?

COMMISSIONER SULLIVAN: Mr. Chairman, I know just from visiting with some of these individuals over the last year, a couple of these individuals. Robert Garcia, just taking them down in the order that they're there, has been at some of the Community College District Plan meetings and has some experience in California, having served in Santa Cruz on the Planning Commission and also being mayor of the city from '96 to '97. He lives in Rancho Viejo.

Michael Bartlett is an accountant. Lives in the Dinosaur Trail area. Bob Wilber is retired and lives in the Vista Ocaso area, which is out near the bulk plant off of Route 14. Jim Klemmer lives in the west Arroyo Hondo area, which is in the district, and was also active, as Commissioner Campos said, on the Community College District planning. Mr. Tilley I don't know personally. He teaches at the Community College and is a resident of Rancho Viejo. So that seems like that would be good to have some Community College representation. Mr. Fragna is an employee of IAIA and I called him and he doesn't live in the district but he's an employee of IAIA which is in the district. I'm a little unclear as to whether he qualifies under the regs, but certainly it would be useful to have someone from IAIA that would be participating in the development decisions in that area. And then the last gentleman I don't know but he also seems to have interest and time to devote to this and he's a Rancho Viejo resident as well.

So I think they're all good nominations, if you wanted to make the committee seven I think they would all contribute a great deal to the process.

CHAIRMAN DURAN: Why don't we do that? Why don't we just appoint all seven of them?

1965686

COMMISSIONER TRUJILLO: That's fine.

CHAIRMAN DURAN: If they want to contribute to the community, that's great.

COMMISSIONER SULLIVAN: I move, Mr. Chairman, approval for the Community College District Local Development Review Committee, Robert Garcia, Michael Bartlett, Bob Wilber, Jim Klemmer, William Tilley, Paul Fragna and Irving Breslauer.

COMMISSIONER CAMPOS: Second.

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

MR. ABEYTA: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Oh, for the record, I know William Tilley. Not well, but—

COMMISSIONER SULLIVAN: Will he be a good member?

CHAIRMAN DURAN: Yes, I think he would be.

IX. STAFF REPORT

A. A report by the County Manager's Office

CHAIRMAN DURAN: What is this on?

MR. MONTOYA: The function of the County Manager's Office and we do have a visual aid for you as well as a color presentation in your book, Mr. Chairman.

CHAIRMAN DURAN: Excuse me, Sam. This is a presentation on the County Manager's Office?

MR. MONTOYA: On the operation of the County Manager's Office. Yes, Mr. Chairman.

CHAIRMAN DURAN: With all due respect, how long is this going to take?

MR. MONTOYA: About ten minutes, Mr. Chairman.

CHAIRMAN DURAN: Okay. Good. While you're up there, remember we had talked last week—while we're waiting for the battery—about trying to change the format for the land use cases. Have you presented those ideas and thoughts to the other Commissioners?

MR. MONTOYA: Mr. Chairman, we have not discussed those formally with the Commissioners but we are formalizing an attempt to reduce the number of items on the agendas. We're most definitely going to strike the administrative issues off the land use agendas.

CHAIRMAN DURAN: Okay.

MR. MONTOYA: So that the longevity of these meetings is kept to a

1965687

SFC CLERK RECORDING 08/16/2004

reasonable hour.

CHAIRMAN DURAN: Thank you.

MR. MONTOYA: Mr. Chairman, members of the Board, I would like to present the presentation of the County Manager's Officer to the Board. Mr. Chairman, starting with the mission statement talking about the fact that the directive of the County Manager's Office is to provide effective and efficient and responsible public service which improves the quality of life for Santa Fe County residents as well as developing and implementing the policies that are directed to the Manager's Office from the Board of County Commissioners.

Mr. Chairman, we have provided a flow chart for the members so that you might see exactly who works under my purview directly. I'd like to introduce to you Ms. Tila Rendon, who is here with us and works managing the financial function of the office and also does some other administrative functions relative to travel and other issues. Mr. Chairman, I'd also like to introduce you to Debra, who basically is my assistant and helps the Commissioners with some of the issues that come before them and also helps provide the meeting packets for every meeting that comes before you, and helps with constituency services as well.

I'd also like to introduce Gloria Wheeler, who unfortunately today is out because her father is quite ill. But she's a new hire and is our new receptionist and has taken to the job quite well and we're hoping her family is on the way to recovery and she'll be back with us soon. I'd also like to introduce to you Rudy Garcia, who is one of our policy analysts, and Virginia Vigil, who is also sick today with stomach flu.

But I'd like to point out that the total staffing in my office is a total of seven people. Currently we have five in place. We do have a senior policy analyst position vacant and another policy analyst position which is also vacant. Those two positions were held by Mr. Berron Briscoe, and also by Mr. Terry Brunner, who has moved on to Senator Bingaman's staff.

Mr. Chairman, we have not filled those two positions simply because we're in the process now of reconstructing the duties and directives of the policy analysts. We will be meeting with some of the County Commissioners tomorrow, and we'll be consulting with the balance of the members to seek from them any comments or directives as to how they believe we could reorganize and restructure the duties of these individuals.

Mr. Chairman, I'd like to move further on and tell you more specifically about Ms. Vigil and her tasks. She works in the constituency service area, works directly with the Health Planning Commission. She is a lawyer by trade, and has helped staff this organization since its inception. She is our lead lobbyist, along with myself at the New Mexico state legislature. She helps draft policy, is a community liaison with Smart Moves and also with the Executive Leadership Council, which is an organization to try to stimulate a County presence in the school systems. And she is also very active in the St. Vincent's memorandum of understanding to implement the functions of that agreement with St. Vincent's under our indigent fund program.

1965688

SFC CLERK RECORDING 08/16/2004

Mr. Rudy Garcia, Mr. Chairman, is responsible for constituency services in many different ways, is the tribal summit coordinator, we'll talk more about the tribal summit in a few minutes, is the lead on the Black Tar Heroin Prevention Initiative, which is underway in the northern sector of Santa Fe County, and also very alive and well in the community of Santa Fe. He is also in charge of moving ahead the Chimayo Boys and Girls Club program, the scholarship fund which we have been working on, and is our liaison to the Governor's Career Conference.

Mr. Chairman, the other two vacancies that we have, as we begin to discuss these vacancies with the Board, who will formulate these job descriptions and bring those positions and their functions to the Board at a later time.

Mr. Chairman, at this point I'd like to talk about the population of the community very shortly, and just indicate to you that there is graph in your packet that talks about the growth in our community from 1980 and estimates its growth through 2010. In 1980, the county was at approximately 75,000 residents. The estimate for 2010 is projected at 157,925. I want to point out that for the 2000 census, Mr. Chairman, we're at 129,292. The importance of this number, Mr. Chairman, indicates that any county over 100,000 in population is a Class-A county and we are fully expected to transition to a Class-A status probably in January of 2002. I have engaged a report that will be coming forth to the Board that will indicate to you what the differences are from moving from a Class-B county, which we currently are, to a Class-A county. There are some statutory augmentations that come with this new classification, and there are also some salary adjustments that come to the elected officials, as an example, and some other statutory issues that we want to enumerate for you specifically. So that report will be coming forth to you.

I did want to indicate, Mr. Chairman, that from 1990 to 2000 there was a severe growth in the county of approximately 30,000 people. And I think Commissioner Sullivan has alluded to this statistic in other Commission meetings that the growth in the county has exceeded the growth in the city during this last 10 years. Mr. Chairman, I think just based on the types of agendas that are before you for land use cases you can see that growth in the county is alive and well.

Mr. Chairman, I want to move on to the employee relations segment of our presentation, pointing out to you that it is our initiative to move ahead with the different departments that are under my auspices, to work toward promoting our staff, and also to provide safety programs for all of our employees while implementing all of the initiatives that lead to improved customer service and that provide employee morale, Mr. Chairman.

We have utilized the staff retreat component to strengthen our ability to plan and organize. We have had two of these retreats for the last two years, and the function of these retreats is to bring together a strategic planning document to look at our financial planning issues, to do goal setting, to provide development of an action plan, to do some community assessment as to what the needs of our community are, to do team building and training for our staff, and to develop a leadership curriculum, which I'll expound on in a

few minutes. But most directly that goes to strengthening the abilities of our core senior staff, to be able to provide their services from their perspective of their department as well as their potential as an individual to strengthen all of those capabilities.

Mr. Chairman, we have also initiated a new morale builder, which we are calling the "Employee Appreciation Day." We held the first one last year. It was quite successful, we're planning to have the second of its nature on September the 14th of this year. Our indication from all attempts is that we are trying to develop better employee relations. We are incorporating a health fair with this Employee Appreciation Day, to do testing in all different kinds of areas, from high blood pressure to cholesterol levels, trying to keep our employees healthy, therefore if they are healthy, they come to work and not miss lots of sick days, and are productive members of the staff.

Mr. Chairman, we are also doing our best to strengthen our educational endeavors, and also our employee assistance training programs, or the EAP, where we provide specialized services to our staff that is in need, either because they are suffering from a substance abuse problem, or need some kind of counseling, either financial or otherwise. We most certainly strive every budgetary cycle to improve our benefits package for our employees and their families.

Mr. Chairman, the County Leadership curriculum initiative that I mentioned to you earlier is a local initiative, an internal initiative if you will, to prepare a strengthening of our ability to provide services to our constituents. The way we plan to do that is to strengthen the individual capacity of each of our senior staff members. We are developing a curriculum with the Santa Fe Community College, whereby each of our senior staff must go through this same curriculum to strengthen their ability to speak in public, to strengthen their ability to do analysis, to strengthen their ability to write, to strengthen their ability to communicate orally and in the written format.

Mr. Chairman, the basic intent is to allow our people an ability to strengthen in their own capacities. I also want to point out that our next staff retreat, and I would like to ask the Board of County Commissioners to please put this on your individual calendars, we will be having our next staff retreat the afternoon of August the 30th, which is a Thursday, at the Santa Fe Community College. We'll complete the day on Friday, August 31st, with a presentation from Dr. Lowell Catlett, who is an agricultural economist at New Mexico State. We are going to be unveiling on that Friday the 31st, Mr. Chairman, what we are calling "Lectures in Public Government." Mr. Catlett will be our first speaker. We are going to offer this public lecture at 3:00 at the Community College, and we'll be inviting the community at large, the business leaders, the city councilors, people that serve on the school board, and the people that serve Santa Fe County in an advisory capacity in all of our different advisory commissions and committees. The intent here, Mr. Chairman, is to ask articulate and innovative speakers to come before the community and share their wisdom. Dr. Catlett is an international speaker, motivational speaker, and talks about technology and the world today, and we're very excited that he is free to come and speak to our senior staff, and also to the general public.

1965690

SFC CLERK RECORDING 08/16/2004

Mr. Chairman, in relation to our educational outreach program from the County Manager's Office, we have been directed by the Commission, specifically under the leadership of Chairman Duran, to move ahead and to become involved in educational outreach. The specific charge that the chairman has given us is to participate in a mentoring program, and I also want to indicate that Commissioner Sullivan has been very active in this program, and himself is a mentor at the schools, which I think is a great example for our senior staff. We will be working diligently to have our senior staff participate in this mentoring program, and our intent here, Mr. Chairman, is to introduce government to the schools at every level. We are hoping to create a coloring book that features County government. The Sheriff's Department, the Fire Department, the County Commission chambers, and all of the different functions that county government does, so that students at the earliest ages can begin to relate to the fact that County government is about community. We're hoping to develop this product and take it into the schools soon.

We want to share knowledge, we want to talk about the functions and the programs of the County, and with that we are espousing interns and we've brought several of these young individuals that are either in high school or college students to come to Santa Fe County and intern in the different departments, all the way from Public Works to the Legal Department. We have seen great strides in the interest from these young people, and we've earned some excellent services from them as well in return. So Mr. Chairman, we're trying to open our doors and show our youth that government is about them and about their future.

Mr. Chairman, with that, I'd like to say that as I stated earlier, that Ms. Vigil, who is one of our policy analysts, has been the lead in the executive leadership council, and I want to tell you a little bit about what that does. It's a partnership between the Santa Fe school districts and a lot of the corporate people in our community. What we try to do here, Mr. Chairman, is to promote collaborative initiatives to strengthen education, to enhance health, and to support the Santa Fe Public School System. The outreach continues with the Community College, as you know, the Board of County Commissioners has this new initiative to take all of these meetings to our constituents' living rooms through Channel 6 and through and through the Santa Fe Community College, and that has worked very well and we are very pleased to be able to communicate with our constituency through that medium.

Mr. Chairman, under the Intergovernmental Relations Program, I want to point out that we have some strong working relationships with the City, with the state of New Mexico, with our federal government and the tribal entities. As an example, the City of Santa Fe, we have the Juvenile Justice Advisory Council, which is an initiative that goes directly towards after school programs and how to keep our children from getting into trouble. Also, trying to reduce the likelihood of dropout rates and decreasing those numbers, trying to have meaningful programs for our children after school so they're not left alone between the time that their parents come back from a hard day's work.

Mr. Chairman, the other relationship we have with the City which is very important

1965691

SFC CLERK RECORDING 08/16/2004

is the Solid Waste Management Agency, we have collaborations with the City Manager's office, we have a slew of services that are provided by the City to the County under an agreement, under joint powers agreement, that provides everything from parking to transportation for handicapped individuals within our boundaries. The other, Mr. Chairman, is joint initiatives that go to the federal lobbyists looking for innovation and money that can bring new programs and projects to our community as a joint initiative.

With the state of New Mexico, Mr. Chairman, we've been very, very successful in engaging some leases with the State Land Office. One example is 33 acres for the Public Works facility, where we will be building a new facility on this site that was approved by the voters, \$4 million bond to construct this facility. We also have a teen center that has been completed and will have a grand opening soon at La Puebla, that is also built on State Land Office through a lease agreement with the County. We are attempting to finish our work to lease water rights at the old penitentiary from the state of New Mexico. We have an existing lease on water and wastewater at the penitentiary as we speak. We have an ongoing collaboration with legislative officials at the state level. And we have been quite successful in attempting to bring the issue of needs and the appropriation of dollars for specialized County projects throughout the county. We continue to draft legislation that is in the best interest of our constituents that we serve.

With the federal government, Mr. Chairman, I want to point out that we have been very successful as well with the Bureau of Land Management to secure leases for the Boys and Girls Club in Chimayo, also that we work strongly with them to move ahead with the acquisition of open space through the COLTPAC advisory committee, collaboration with our federal officials through our legislative lobbyist, and also to administer federal grants in every aspect that you can conceivably think of. Most specifically, the Regional Development Corporation has been a very good tool for us that helped us to build our business park.

Mr. Chairman, the tribal summit, I was very pleased that all five of our Commission members attended the tribal summit. Our initiative here was to open lines of communication with the seven tribal governments around our boundaries, to develop a protocol process, to resolve pending issues that are very detailed and quite complex, and to improve the regional quality of life. Those have been the four goals that we have set, and we have been quite successful. We are planning now the third tribal summit, where we will have the actual signing of an agreement that brings us together with an actual protocol for the resolve of these issues. Mr. Chairman, under the Association of Counties, we work quite hard to support the other concerns of the 32 other counties in our state. We bring state-wide legislative issues that affect Santa Fe County and sometimes affect other counties, and we ask for their support. We collaborate with NACo on the national issues and we're very proud to have the national president sit on our board. Commissioner Gonzalez, congratulations on your presidency, and we look for many great things from your leadership.

Also, Mr. Chairman, we work very hard on the specific legislative package that

1965692

SFC CLERK RECORDING 08/16/2004

Santa Fe County brings, and we build that agenda based on the needs and the concerns, the directives from this Board. Then we take that list and we lobby for it and work hard towards bringing those dollars back to the County so we can disseminate them to our communities. Under regional planning, Mr. Chairman, I want point out that the Jemez and Sangre initiative has been a very important initiative, particularly in the northern part of Santa Fe County, under the direction of Commissioner Trujillo. We are trying to resolve water and wastewater issues that are so prevalent in some of our rural communities where we have septic system proliferation that is now harming the groundwater, and we're very concerned about how the growth in these communities will impact the quality of that water, and how we can process the wastewater. So, Mr. Chairman, the Jemez and Sangre has been a very important initiative for us. San Ildefonso Pueblo is a partner with us to try to find a method of delivering fresh water to all of the county, and this in tandem with what we have been trying to do at the Buckman wells has been a serious initiative that County has spent a lot of time on, and we're very happy that we have a solid relationship with San I, and we'll continue to nurture it.

Mr. Chairman, under Community and Economic Development, I want to talk to you a little bit about the fact that we work hard to try to keep our business relationships open, and to work with the health, judicial and legislative arenas to move our planning initiatives together and the goals and objectives that the County Commission sets forth for our department. Under that, Mr. Chairman, one of the major success stories has been the Health Planning Commission. We are now working hard to develop a county-wide health plan that goes to all of the specific issues that are relevant to our constituency. We use that plan to leverage grant dollars from around the state and federal availability for those grants. We are looking to proceed to have new programs put on the ground. One of the issues you discussed this morning with the Maternal Health Care people about working on 0-3 years for -- [Audio difficulties]

COMMISSIONER TRUJILLO: -- was really clear and concise, and describes what direction the County is going and what projects have been initiated and where we're going. And Sam, I can't say anything but kudos to you and your staff for, and I've said this before, taking the County to the next level. And I really appreciate that.

MR. MONTOYA: Thank you, Commissioner. I want to thank the senior staff who worked so diligently and my personal staff for their due diligence. And it is an honor to serve you. Thank you.

COMMISSIONER GONZALES: Mr. Chairman, just a couple of items. One, just to acknowledge that also, Sam, for the good job that you're doing. I know that Commissioners Sullivan and Campos don't remember this because they weren't here, and I'm not sure if Commissioner Duran was here, but a few years back the Commission was faced with a lot of challenging issues concerning our employee relations. And I think Commissioner Trujillo can remember the day that the employees had voted to boycott our family businesses and the laboratories, because they were unhappy with the way the management was acting towards them. And since then, what we have found is that

through your efforts that the employees seem to be far happier with the working conditions.

In fact, from what I understand, they have disbanded the union that represents them, or were looking at doing that. That's a strong testament to your leadership, and what you have sent down to your department heads on how employees should be treated. Minus the fact that we can't pay them what we know they deserve, and we what we'd like to pay them, it's important to have an atmosphere that makes them feel comfortable and wanting to belong. So I want to thank you for that.

But on two specific issues, one that relates to the deliverable out of the Native American summits, were we going to actually move forward in hiring or contracting out for an individual to solely focus on working Native American issues? I know that that was brought up at one of the summits, that we would have an individual on staff that was solely focussed on Native American issues, and I'm just wondering what the status of that is.

Secondly, we have been talking for some time to Santa Fe Economic Development, Inc., about having them, rather than just receiving our money, becoming a full partner with Santa Fe County and how we possibly manage our economic development park, how we market Santa Fe County to businesses within Santa Fe County so that they can grow, trainee programs. All those things are available. What I'd like to see, Sam, is, we've been talking about this for about two or three years. I'd like to ask you, with the concurrence of the Commission, to at least assemble an internal team to sit with us at EDI, to bring something before the Commission as to how this partnership can work for the benefit of Santa Fe's residents, and I'd like to ask a specific timeline be put into place, within the next month that something come back. I know that they're ready to sit down with the staff. I know you have the staff that's ready to sit down with them.

But we need to make that actually move the next step. They're willing, they're ready. It's just nothing has been able to come before the Commission to act on and I'd like to provide direction on that.

MR. MONTROYA: Mr. Chairman, Commissioner Gonzales, on your two points. The first is that we have a meeting scheduled for Friday with Santa Fe EDI to talk exactly about what you just addressed. This is about our third meeting and we're now at the stage where we're going to actually draft a recommendation to the Board that we can bring to you for your consideration. In that recommendation we'll have some specificity as to what exactly Santa Fe EDI will do for the County in relation for some monetary compensation. And when we complete the discussion on Friday, Mr. Chairman, I would say that it wouldn't take any more than probably two to three weeks to bring that before the Commission in a draft form that can be brought to you for discussion and for direction.

On the second point, Mr. Chairman, we have set aside some funds to engage a liaison with the tribal governments. We have not moved that task any further because we wanted to complete the protocol relationship with the third summit, which is probably coming up within the month and then once that is consummated, then we would talk to the Commission again about engaging that individual. Mr. Chairman, we have planned for

1965694

SFC CLERK RECORDING 08/16/2004

that and we need to come back to you for some more directions, but that is in the workings.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Sam, I wanted to ask, I hadn't heard anything about contracts with SFEDI and I certainly think that's a good thing to explore. I would also suggest that your research other alternatives. We've discussed informally how to focus our economic development initiatives for the County and we listened to a presentation about our advertising program at the last meeting, which I think could be improved, having listened to that presentation. And we've supported some of these economic development agencies in the past and continue to do so and I'm not at all clear what we're getting for our money. But I am clear that they're doing a yeoman's job at what they're doing. I'm don't mean my comments to be taken that way.

But I think we need to know if we are linking up with any agency like that, any entity like that, do we have people on their board of directors? If not, we should. And what specific deliverables are they going to present to us? We've talked about the types of economic development we want to see, encouraging local types of development, setting up the structure for that, and I think we need to have more than one alternative to look at in that context. So whether it's just employing someone on staff, that's a potential, whether it's—I like outside consultants because they tend to be broader and have more capabilities that they can bring to bear, typically, than one person can. Typically, I like that. But I would just like to see some alternatives discussed rather than just bringing us a contract with SFEDI that suddenly appears on the agenda.

MR. MONTOYA: Very good, Mr. Chairman, Commissioner Sullivan. And I'd like to speak with you more about that tomorrow when we meet on the other issue. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you, Sam. Okay, Commissioner Campos was requesting that the State Land Office item be brought forward. Maybe ten minutes? Okay.

X. STAFF AND ELECTED OFFICIALS' ITEMS:

A. Community, Health and Economic Development Department

1. Request authorization to enter into a Joint Powers Agreement with San Ildefonso Pueblo or DWI Youth Prevention Activities

MR. SIMS: Mr. Chairman, Commissioners, this is an agreement that we have entered into, I believe this will be the fourth year, with the San Ildefonso Pueblo. It is essentially an agreement whereby we subsidize the salary for the coordinator for the youth alcohol substance abuse prevention program at the Pueblo. I'd be happy to answer

1965695

SFC CLERK RECORDING 08/16/2004

any specific questions you have.

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

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve.

COMMISSIONER SULLIVAN: Second.

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

- X. A. 2. Request authorization to enter into amendment number one to the professional services agreement, #21-137, with the Regents of New Mexico State University Cooperative Extension Services to provide alternative activities for Smart Moves grant**

BETTY CARDENAS (CHEDD Administrative Assistant): My name is Betty Cardenas. I work with the CHEDD Department, specifically with the Smart Moves grant.

CHAIRMAN DURAN: Do you have a few words for us?

MS. CARDENAS: Yes, sir. What we want to do is here is request that we can enter into amendment number one with the Cooperative Extension. They are the providers for the 4H part of the grant. And this amendment extends the time that they're going to be implementing the program. It also adds some extra funding from the Department of Health.

CHAIRMAN DURAN: Any questions of Betty? If not, what's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

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

- X. A. 3. Request authorization to enter into amendment number seven to the Professional Service Agreement, #20-044HS, with Boys and Girls Club for Youth Services**

DODI SALAZAR (Housing Administrator): Mr. Chairman, County Commissioners, amendment number seven includes additional funding received from the Department of Health for the Smart Moves program, funding received from the Department of Housing and Urban Development for the Drug Elimination grant program, and also monies received from Santa Fe County to run the Youth Services program.

The contractor in Santa Fe County intended for amendment number five to extend

1965696

SFC CLERK RECORDING 08/16/2004

the contract through June 30, 2002. However, it was an oversight that the contract could only be in effect for one year at a time. So this amendment will also extend the termination of the original agreement to June 30, 2002. I stand for any questions.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

X. B. Finance Department

1. Resolution No. 2001-113. A resolution requesting final approval of fiscal year 2002 budget

MS. MILLER: Mr. Chairman, Commissioners, in May, the Commission approved an interim budget and we send that to DFA so that they give us a temporary approval of the interim budget so that on July 1 we can actually roll that budget and function off the interim approval. What they do is then review that budget and make recommendations for changes or they ask any questions. I've included in the memo in your packet the items that they brought up to our attention and I also included a memo explaining to the Commission all the changes that we did make and we submitted those back to DFA so that they will approve that budget, but it needs a resolution by the County Commission stating that you would like to submit that as the final budget for their final approval. So I'm requesting that you approve the resolution for approval of the fiscal year 2002 final budget.

CHAIRMAN DURAN: Any questions of Katherine?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Katherine, I notice one of the comments from DFA was that the County Assessor's salary exceeded the maximum allowed by law for a Class-B county. I notice in your memo of July 31, which I guess are your responses to the various DFA comments that that is permitted as an exception for a Class-B county due to appraiser certification. Could you explain that? Does that mean that if the County Assessor is certified as an appraiser, he's entitled to some additional compensation?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, yes. The appraisers receive incentive pay when they're certified and the Assessor is eligible for that as well and that's been checked through our attorney's office and that is an incentive pay that he's actually entitled to under law.

COMMISSIONER SULLIVAN: And how much is that incentive?

MS. MILLER: I believe it's \$1500 or \$2000. Off the top of my head, I'm

1965698

again to try to fund additional FTEs for both, for the prevention division for inspections, code enforcement, public education, what have you. So they're all new, sir.

COMMISSIONER TRUJILLO: Presently, there's I think \$.27 a square foot impact fee that is charged. Is that going to remain intact or is that going to go away, or is this another charge on top of that charge on top of more charges? What's going on?

MR. BLACKWELL: Mr. Chairman, Commissioner Trujillo, the impact fees directly help fund the operations and maintenance of each fire district, primarily in terms of fire stations, fire apparatus, maintenance and costs for fire protection as those particular fire districts grow. As we get more development, more fire load, more EMS calls, that's what the impact fees are for. They fund each fire district in terms of just operations and response for those areas. Those impact fees do not fund anything in terms of fire prevention, in terms of code enforcement, in terms of inspections, in terms of fire investigations, in terms of public education.

So it is an additional fee. I might also let you know that right now, in prevention division, I have two full time employees. Those two employees have to review most everything that the development review specialists in the Land Use Department review from the fire side. All the plan reviews, all the development reviews, all the business inspections for the county, which number over 2,000. All the home and business license application reviews, the investigations and call-out after hours, complaints, all the code enforcement activities, as well as trying to keep all of those certifications, qualifications up, not only as inspectors and code enforcement officers, but as the EMTs and firefighters and hazardous materials response people. And all of that, we're attempting to do with two full time equivalents with little or no overtime budget.

So consequently, in terms of fire and life safety, we're very understaffed in terms of that. We felt that this would be appropriate in terms of trying to move toward some funding, if you will, and fund where the impact is. Fund the developers, fund the contractors, fund the people that are requesting these services that take literally, in some cases, hundreds of hours of our staff time in some of the larger subdivisions. So we felt that it was more fair to try to use this as an alternative revenue source than something out of quarter percent or general fund, where some people would be paying taxes for services that they're really not—for a work load that they're not generating.

So that's a long answer to your question but I hope I answered your question clearly.

COMMISSIONER TRUJILLO: Let me give you a scenario. It seems that we're overloading the community with fees on top of more fees on top of the ubiquitous layer of fees. I have a constituent that was charged \$1400 impact fees to build his house, \$1400, \$.27 a square foot to build his house. His wife got sick. An ambulance, or the rescue squad from the Pojoaque Fire Department went to his house to pick her up. They received a charge of \$500 for that service. So they're being charged the impact fee, \$1400. They're being charged for the response, the ambulance, \$500. Now there's another charge here. So when is this going to become affordable? We're getting away—that's a scarce word. We're over-inundating our citizenry with fees.

1965699

SFC CLERK RECORDING 08/16/2004

MR. BLACKWELL: Mr. Chairman, Commissioner Trujillo, probably the best way I can answer that question from where I sit as the County Fire Marshal, is to look at the fact that when we're able to—I'll refer back to our County Manager's report just a few minutes ago. If you look at our population growth and the fact that we're now qualifying as a Class-A county and part of those responsibilities also trickle down from this Commission and the County Manager's Office to each one of the departments. If you start looking at our call volume and you start looking at what it takes to actually staff our fire department and to try to stay within national response time limits in 2,000 square miles with a call volume that is not really a linear progression. We're looking at almost a geometric progression in terms of the amount of calls because of the amount of development.

But our budget is not really keeping up with that. In terms of that EMS bill, absolutely. But if you look at the cost of each run, and we're using those revenues to offset costs, but they're not replacing the costs. In many cases it costs us much more, each run by run to respond in an ambulance to those locations, do that level of treatment and respond back and get them to the hospital, get the vehicle back in service, replace all our medical supplies and get ready for the next run, especially with our call volume.

Again, the impact fees, as we get more development, those impact fees are basically used to fund fire and emergency services in that particular district. And again, with the growth and the demographics, without using general fund, what we're doing is using impact fees and we're doing specific fees to those people that need those services, as opposed to trying to request an increase in general fund where all the taxpayers are paying for those specific services. That's indeed what we're doing here with permit fees.

Again, if you look at the Land Use Department, and we've worked very well in terms of trying to be more effective with limited staff. If you look at the number of development review specialists that you all have agreed, there's still very understaffed in terms of work load and all the new development committees and all the evening meetings. We have a responsibility to participate in the vast majority of those reviews if not all of them. We also have to participate in code enforcement activities county-wide. We have to look at traditional community planning and some of the things there that the other planners have to participate in. We have no clerical support. We have two FTEs with no overtime and we're not looking at zoning, we're looking at life and fire safety. Consequently, just with the growth in the county, the issue becomes where do we find more staff, because obviously, we're understaffed incredibly.

The proposal here is to try to parallel what you suggested the Land Use Department do which was to increase their development fees to fund another development review specialist position because of work load and evening meetings. We're trying to parallel that because again, we feel that it puts the burden where the growth is, as opposed to the burden generally across the county to all taxpayers. It's an alternative revenue and it's just one that we're bringing before you for your consideration because we surely need some growth in terms of code enforcement and the other areas in prevention as well as public education.

COMMISSIONER TRUJILLO: These fees, Hank, will be simultaneously

1965700

SFC CLERK RECORDING 08/16/2004

charged with what Land Use is charging for one of these master plan, commercial amendments. So Planning will charge \$75 or \$100 to process that application, and the Fire Department will turn around and charge another \$75 to process the same application where review is being done in a different way, for different things, but now we're going to double the expense to the resident, to the developer, to whomever. And if a family, starting off, has \$2000 to lay down on a down payment for a mobile home to situate on a big piece of land that their dad gave them, with all these fees that are being charged, that depletes the down payment, and they have to wait two or three more years to put a down payment on that mobile home.

So it's just extreme, what's happening with all of these fees on top of fees on top of—I think we should get more creative and fund some of these positions with the general fund monies, instead of being dependent, always being dependent on where the growth is occurring or on the community as a whole or whatever. It's always on the backs of taxpayers. And that's my concern.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I appreciate the conversation that's been going on between the Marshal and Commissioner Trujillo and I think that we have continuously heard several things since we last put in the fire impact fee. One is that it has been burdensome on individuals, but on the other hand, the equipment that we have today to address fire needs in rural communities is far greater than what it was four years ago or whenever we implemented. So it's meeting—it's having some successes. However, it's having somewhat of an impact on individuals' pocketbooks.

Is there an opportunity through the law or through the ordinances to take into account financial well-being or if there's an issue of affordability that there could be a sliding scale that's done so that those who can afford it, like the developers—because that's really who we're targeting. We're targeting large landholders who become developers and consume a lot of land and provide more density that you guys have to cover, you want to pick up some of these fees so that you can take care of some of those areas that need.

Commissioner Trujillo brings forward examples of what we see in many communities where lands are passed on in traditional communities or people have land and it's a single lot, but because of all these fees that are stacked up, it can mean the difference between actually achieving home ownership or not achieving it. So it sounds to me like the direction we should give or look at should be to proceed possibly forward in finding ways to increase revenues based on development that's occurring in the community, but understanding that there are areas where there may be a need to grant waivers for affordability or for individuals who can't afford it.

But the other thing I was going to bring up, I was in Washington recently and a conversation with some of your friends at the International Association of Fire Fighters. And there's a bill that's going up or that's been passed, it's one of the Senate bills. It's going to require local governments across the country to provide either the infrastructure to assure that a response time by a fire unit is something like five to ten minutes. Are you familiar with that

1965701

SFC CLERK RECORDING 08/16/2004

national bill that's going through? What's the response time that they're asking for?

MR. BLACKWELL: Mr. Chairman, Commissioner Gonzales, right now, the national standard is ten minutes.

COMMISSIONER GONZALES: Right. So now they're trying to take it down to what?

MR. BLACKWELL: There's a proposal right now and I don't know if it will be passed, but the proposal is to try to drop that to five minutes. That may indeed be very successful in a metropolitan area.

COMMISSIONER GONZALES: It's being very successful in the Congress though and it's moving its way through and that's an area that we're at odds with the IAFF because of the fact of funding this type of issue. It's a feel-good issue that I think Congress will support. So that brings into mind the issue of here very soon, that we're going to be faced with having a federal mandate to make sure that any call that comes in is responded to within five minutes. And so that's going to create more challenges for us down the road because then as you say, in county where there's 2,000 square miles, we're having a difficult time now with our own response. So we've got—as Commissioner Trujillo indicated, and I guess my own point out of this is there's going to be some federal mandates that are coming down that are going to lower the time from ten minutes on down to five. I think we know that that's going to happen here over the next Congress.

Secondly, so with that, or knowing that, we're going to need to figure out innovatively how we can fund or how we can meet some of those federal requirements, without, as Commissioner Trujillo indicates, putting it on the backs of the taxpayer or having to pay for this infrastructure continuously. So my only point out of all that, in a very long-winded way, is that maybe in the short term we can find a sliding scale to reduce the fees for individuals who can't afford it, but we need to know what's coming down the pike and know that we're going to have to prepare to lower the response time because it is going to happen.

MR. BLACKWELL: Mr. Chairman, Commissioner Gonzales, and also Commissioner Trujillo, to respond to some of your comments. First of all, if you look at the fee structures, most of the fee structures deal specifically with commercial interests and commercial development. The ones that deal with home occupancies or deal with residential issues are all \$25, \$50. Right now, in terms of that sliding scale, which again mirrors what was approved for the Land Use Department two weeks ago. Consequently, it's not really a sliding scale but that was already taken into consideration, and that's something, again, that we can look at either lowering again, or even eliminating.

What I'm looking for, and the other answer to your question in terms of response time, in terms of fire service, trying to get creative, it's a soap box I know I'm on to maybe too much, but that's what I'm sworn to do. The issue is prevention, and the more we can prevent accidents, the more we can prevent fires, structure fires and wildfires, the more we actually do get creative in moving toward a better response time, because we're not responding from the get-go. So consequently, prevention's hard to measure. I can't tell you how many lives we've saved or structures we've saved or forests we've saved by preventive actions right now, but I

1965703

SFC CLERK RECORDING 08/16/2004

effort. So that's what we did.

COMMISSIONER CAMPOS: But some counties are charging for fire permitting and inspection?

MR. BLACKWELL: Absolutely. And there are some in New Mexico and there are very many across the country, that's a primary source of revenue for a lot of prevention divisions.

COMMISSIONER CAMPOS: It's not uncommon then to have these charges?

MR. BLACKWELL: Mr. Chairman, Commissioner Campos, no sir. It's not.

COMMISSIONER CAMPOS: And have you compared the actual dollars to other counties, let's say in New Mexico are charging?

MR. BLACKWELL: No, sir. Not at this time. We haven't.

COMMISSIONER CAMPOS: Have you received any comments from the development community?

MR. BLACKWELL: No, sir. We have not.

COMMISSIONER CAMPOS: Mr. Montoya, what are your thoughts about this? Have you had a chance to review this?

MR. MONTOYA: Mr. Chairman, I think it's important to point out that these fees that are being recommended go towards new development and the taxing of the sitting staff over the work load that they currently have before them. And I think it's important to note Commissioner Trujillo's concern that it go towards impacting families that are restricted by means. I think the intent here is to review the larger new developments that come before us and to do thorough, specific review of those particular types of developments. It's not tailored, in my opinion to the folks that have restricted means.

And that's my understanding. Mr. Chairman, I think it goes without saying that public safety is one of our key concerns and one of the major charges that the County has before it. And that I believe is our rationale for bringing this before you for your consideration.

COMMISSIONER CAMPOS: Mr. Montoya, do you think it would be wise to have maybe some consultation with developers, just to get some feedback?

MR. MONTOYA: Mr. Chairman, Commissioner Campos, I don't think that's a bad idea. And I also concur with Commissioner Gonzales in his concept of a sliding scale. That might also be a possibility. I don't know how the Marshal feels about that, Mr. Chairman, but I think we need to be very cognizant of the constituency and the cost related to any type of developing.

COMMISSIONER CAMPOS: Mr. Blackwell, one last question. Number 32 on your list is wood products, more than 200 square feet, \$250. What's that related to?

MR. BLACKWELL: Mr. Chairman, Commissioner Campos, that, all those permits come directly out of our Uniform Fire Code. Those are already in the Code that we've adopted by ordinance. Right now, we don't charge for those permits. In some cases, we don't even permit those operations. We're moving toward doing that because of our staffing. But that's lumberyards, large lumber storage areas, for instance, landscaping firms that actually store large piles of wood, railroad ties, what have you.

1965701

COMMISSIONER CAMPOS: 200 square feet?

MR. BLACKWELL: 200 square feet or greater, yes.

COMMISSIONER CAMPOS: Because 200 square feet doesn't seem to be a lot, does it? Or do you think that's a lot of wood?

MR. BLACKWELL: No, but that's what's currently in our code.

COMMISSIONER CAMPOS: That is what's in our code.

MR. BLACKWELL: Yes, sir.

COMMISSIONER TRUJILLO: Hank, I know you guys have your own vernacular. Item 6, candles and open flames. There's a fee of \$25 for candles and open flames and on 26, open burning, there's no charge. I'm confused.

MR. BLACKWELL: Mr. Chairman, Commissioner Trujillo, we felt that number one, candles and open flames, normally what happens is, the only time that we deal with that under our current fire code is if there's a special event. And there's a special event wherein a place of assembly, somebody wants to have a bunch of open flame, mainly candles. So it takes staff time to actually meet with those people, discuss it over the phone, go out and do a physical inspection and tell them how they can have candles to make sure there's not a fire hazard while there are people involved in that activity or that assembly for public safety.

So there's staff time involved. It's usually far greater than the \$25 fee, but it helps us recoup some. It was felt though, that because open burning is such a tradition here in Santa Fe County, not only agricultural, but in the spring with all the acequias and the acequia associations, that we felt that because that was traditional, that it was not proper, or that it was improper to charge for that, because we have never—we have always had to permit those for safety, but we've never charged for agricultural burning or open burning. So we felt that that was something that we didn't want to have a fee for.

COMMISSIONER TRUJILLO: So churches are not going to be charged \$25, whatever, to burn candles.

MR. BLACKWELL: Mr. Chairman, Commissioner Trujillo, they may, again, depending on, it's just like a church or a public school. Somebody has a carnival in a public school and they want candles, we've got to make sure that the children or the occupants in that area are safe. That there's enough exits, that they're using the candles properly and that takes a great amount of staff time. And consequently, that's why that fee was added. That doesn't even cover the processing of the permit and the fee and the recording and what have you. But it does help move toward trying to recoup some of the staff time and the costs for those things that we continually do.

COMMISSIONER TRUJILLO: So what's the added value? We've had in 400 years of religion and candle burning in churches here in northern New Mexico without any problem. And now all of a sudden, we're going to require permits to burn candles and charge \$25.

MR. BLACKWELL: Chairman Duran, Commissioner Trujillo, these are for special events. Not for what's normally going on in mass every Sunday. These would be special events where there's a number of candles or a number of occupants in these areas that

1965705

SFC CLERK RECORDING 08/16/2004

would create an additional risk to those people, like a carnival. It would not affect traditional activities in churches or what have you. Again, one of the reasons that we're recommending this is the fact that again, I've got two people, and I'll reiterate that, I've got two FTEs with no overtime to basically do the work of about 20 people. And we're falling further and further behind and the liability, as far as what I'm sworn to do, and I'm not just required by my job description, but sworn to do as a County Fire Marshal, is life safety. And I'm trying to get to the point where I'm more effective at doing that in terms of public education, investigations, code enforcement or what have you.

These—this open candle and flames is already in the fire code that was adopted by this Commission n 1997. And it has to do with special events. It has nothing to do with normal activities. So it wouldn't affect those kinds of things that I think you're referring to right now.

COMMISSIONER TRUJILLO: The responsibility of the County, Sam, is to provide services to the community. The community now is paying for solid waste, we're paying impact fees in fire protection. They're paying for water, they're paying for just all kinds of things, and it seems now that this is another fee that they need to pay for a service that the County should provide. The County should afford those services. What I would suggest is that we look for ways to fund these positions, because I understand that the Fire Chief and the staff is undermanned and they have a lot of work to do, but we need to look for ways to fund these positions from the general fund, rather than always putting them on the backs of the taxpayer.

If we want to provide it and we don't have the money, give it to the taxpayer, another fee for the taxpayer. It's the hunchback syndrome. We can't afford it anymore.

CHAIRMAN DURAN: It seems to me too that perhaps a little bit more scrutiny needs to be given to this resolution that you're asking for us to approve. I think that doing an analysis on the risks of candles at a special event that could be something in the middle of the rodeo grounds, I think there's very little risk for fire because of that and to require someone to pay for you to make a decision, to analyze the risk in that kind of a situation I think is a little—I think we're overdoing it a little bit.

I think, what I would like is to table this and discuss it a little bit further and allow us to analyze it a little bit more. Commissioner Gonzales.

COMMISSIONER GONZALES: Thank you, Mr. Chairman and I apologize for interrupting when you were talking. I guess my feeling is that we need to keep our eye on the ball and certainly the issues that the Fire Marshal is presenting before us and that is that there is a deficiency that exists in the Fire Marshal's office to be able to address fire protection in this county. And what they are bringing forward is a resolution that complements other resolutions that have been passed by this Commission to bring and generate revenues to support some of the deficiencies. And I completely agree with Commissioner Trujillo in that there are people in this county that just can't afford to pay and continue to pay these fees. But on the other hand, I think there is a large part of this county where individuals can afford to pay it and I would hate to minimize or to not allow the venue to collect revenues for something as important as this because of individuals up there that can't pay.

So what I'd like see happen, Mr. Chairman, is that there at least be, if we're going to table it fine, but with the direction that this is going to come back for some type of adoption but that there be some special consideration given to the needy and the low-income people of this county, or families that are just getting started, that are the ones that really need the help out there, that we go above and beyond in trying to provide assistance for them and in return, keep a fee schedule in place for the rest of the community that will be either developing or who can afford it. And I don't know how we're going to police that. I don't know how we're going to try to say, well, you can afford it so you pay it. You can't afford it so you can't pay it.

So I think that there warrants some time to try and figure that out. However, I do think that it's important that we get this community, or we get our fellow Santa Feans used to the fact that we're going to have to pay more and more for fire service. I think what's happened thus far is we have tried to keep up as much as we can, but there's going to come a time here, either through the state or federal mandates, that we are going to be required to move from a voluntary state of providing fire protection. We're going to have to move from a voluntary state of providing fire protection to a mandated state of providing fire protection. And when that comes down, it's going to be enormously expensive for us to be in that position.

So I think that we need to have some foresight on this issue. We need to prepare for it, and I don't know, Commissioner Trujillo, if we're going to have that in our general fund because there's so many other things that are competing for general fund dollars right now that I don't know if we're going to be willing to make that commitment. This Commission did make the commitment where we could on our indigent monies. When we had the excess indigent monies available we made the commitment to go to full time paramedic service throughout the county. That's been good. We're saving lives because of that, but it is costly. And it comes with a price.

Because we traditionally have not provided this service, we have not traditionally provided a source of revenues to support this level of servicing. Now we have to. The day is here where we're having to acknowledge the fact that there are serious deficiencies in our ability to provide fire protection. So what the Fire Marshal is trying to do is bring us some alternatives as to how we can close that gap. I don't think with this development fee schedule we are going to close that gap. Clearly, it's going to try and make a dent, but we're not going to be able to ever fully charge the fees that we need to cover the cost, but we can minimize the impact and hopefully stretch our dollars a little bit farther in providing the level of protection.

To end with what I started with, the goal here is to provide protection for individuals and communities or in subdivisions that are under the threat of fire. And in those instances, we know that the last thing on people's minds are how much did it cost for us to have this fire protection. No one is thinking about money in time of need. No one is thinking about money when they're in need of an ambulance service. They're just thinking about how quick can we get someone here to protect us. And I think what the Marshal is trying to do is help us get there to that point. Development fees, impact fees are a way that's accepted in many communities across the country as a way to meeting some of this need and I think this is a first step.

1965707

SFC CLERK RECORDING 08/16/2004

So if anything, Mr. Chairman, if we do table it, I'd like to go with the direction that we are going to have some type of fee base in place but that we really try and isolate and pull out individuals in our communities that can't afford this or who are trying to get a fresh start. Those are the people that we should encourage to get into home ownership, not discourage just because of a fire development fee or some development fee that we've had to charge to review their application. So maybe we need a little bit more thought from our staff on how we can achieve that objective.

COMMISSIONER TRUJILLO: This whole problem would be resolved if we would really get from the state what the county puts into the fire fund. Then we wouldn't have any financial problems. But I understand that the legislature uses those monies and distributes them to do other things. And that's another tax that the community is paying, ostensibly for the purpose of fire protection, but it doesn't come back to the county so we can use it for the benefit of our citizens. Is there anything that we can do to make sure that we get what we contribute? What we deserve?

MR. MONTOYA: Mr. Chairman, Commissioner Trujillo, I don't know how to answer that immediately, but we can certainly look into that and do some research and see if there is a possibility of finding some support for drafting some legislation that would bring additional dollars to counties for fire protection. We can certainly put that on as one of the issues to research.

COMMISSIONER GONZALES: Commissioner Trujillo brings up a good point. What is—there's a large percentage of the fund that we generate or monies that we generate in this county that go to the Public Regulation Commission to be used on other things. Is that right? It doesn't come back to the County?

MR. BLACKWELL: Mr. Chairman, Commissioner Gonzales and Commissioner Trujillo, yes, there is. And every year, there has been a bill to try to get the full amount of the fire protection fund before the legislature and it's failed. It's usually died in committee every year. We will continue every year to do that, number one. Number two, the Fire Protection Fund would not fund prevention activities. It funds operation activities for fire stations to keep the fire stations maintained, operating, to help keep the equipment maintained and operating, and that's basically the vast majority of the Fire Protection Fund is used again for operational items to keep those substations, those unstaffed stations as well as fully staffed stations, to give them some assistance to make sure that they can pay their water and light bills, that they can maintain their vehicles and they can maintain their stations in good working order. And that's where most of the Fire Protection Fund monies, according to the Fire Protection Fund Act, are to go.

But again, every year, we've worked, and this year again, not only the fire fighters, several association and also your County Manager at the roundhouse, all lobbied again for that Fire Protection Fund, but it again did not survive this session.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of brief comments. I think perhaps

to address some of Commissioner Gonzales' concerns, you might eliminate the fees for development plans for single family residential, or make them very minimal, and I suggest eliminating them. And the same I think would go for low-hazard business license permits and low-hazard home occupancy permits. That's a minimal collection and almost not hardly worth the paperwork to do it.

And then I had a question on inspections. When you do a permit review, say for a business license permit, then would the inspection—say you did a medium-hazard business license permit, \$60. You also have to go out to the area to inspect it. So then that would be another \$100 for the inspection. Is that correct?

MR. BLACKWELL: Mr. Chairman, Commissioner Sullivan, currently under this fee structure it is. What we've done to try to meet this demand of over 2,000-plus businesses in the county that we do not have the staff to get to, we're in the process of automating all of those businesses now into high, medium and low hazard occupancies. The high-hazard occupancies will be the direct responsibility of the fire prevention staff. The medium hazard occupancies, which there are a great many, what we're in the process of doing is combining those with our pre-fire planning program, which is just now underway. Those would be a combination of our regional career personnel doing pre-fire plans and conducting an inspection simultaneously to increase our effectiveness. The low-hazard would be self-inspections and they'd be every three years. The medium-hazard would be every other year. The high-hazard would be every year.

So we've tried to stretch out our staff and what we're doing now by doing that. But what happens is it still takes a member of our staff to get in that vehicle and travel from one of the county to another. And between travel time, between meeting, between the inspection, between writing up the report, mailing the report, entering into the database, even on a simple inspection, you're still looking at several to many hours of work. So yes, to answer your question—

COMMISSIONER SULLIVAN: The answer is yes?

MR. BLACKWELL: Yes.

COMMISSIONER SULLIVAN: Okay. So that would be \$160 for the business license permit. I think we could restructure out some of these more aggravating fees. An associate of mine just recently had to fence in, wanted to fence in his back yard in the city and it took him two weeks and \$82 to get a permit to fence in his backyard. And I said, what does this add to the public health, safety and welfare of the citizens of Santa Fe? I couldn't really come up with a good answer for that. So I think we perhaps can filter out some of these objectionable, more objectionable fees and concentrate on where I think you're focusing, which is on the development reviews that take so much of your staff time.

And I think, by the way, those are important. There's a lot of substantive comments that I see coming back on those development reviews that no one else catches. Land Use doesn't get them and so if somebody doesn't pick those up, we're going to have poorly executed development. So I think we need to enhance those reviews.

The other question that came up a couple of years ago when the City proposed

1965709

SFC CLERK RECORDING 08/16/2004

substantial increases in fees, and they said they would hire eight more people in their Land Use Department and time periods would increase substantially. The first thing, I think if you were to meet with the development community that they would say is probably, we're willing to pay reasonable fees if we can get reasonable review periods and back. And usually the answer is yes, if we can hire more FTEs, we'll get it done more quickly. And that kind of goes back and forth and back and forth and work expands to fit the time allotted and things kind of move back to the way they used to be.

So one suggestion I would have, if you're going to go back and kind of rethink this a little bit would be that you set a response time for these applications, if you don't meet that, the fee is waived, whatever it is. Whether it's a 1500-lot subdivision or whatever, that you give your own staff some motivation to complete that on time and in a timely manner and for developers and for individual residents, time is money. So if you're giving something, if you're adding value in this process, then it may sit a little better, I think.

And the last question or issue that I had is for legal. Does this require an ordinance? I see we have the tag team here on the legal. We're wearing out lawyers as the time moves on.

CHRIS GRAESER (Deputy County Attorney): Mr. Chairman, this has been through legal review, and I believe, Mr. Chairman, it does not require an ordinance, that a resolution is sufficient.

COMMISSIONER SULLIVAN: It doesn't require a public comment or an ordinance?

MR. GRAESER: Mr. Chairman, the public comment period would be now. It is on a public agenda.

COMMISSIONER SULLIVAN: But when we set fees, we can set fees by resolution?

MR. GRAESER: We can set reasonable fees, Mr. Chairman.

COMMISSIONER SULLIVAN: Unreasonable fees we do by ordinance, is that it? All right. I like that idea. Well then, this must be reasonable fees, I guess because unreasonable ones we do by ordinance. So an ordinance is not required, that's what you're saying.

MR. GRAESER: Mr. Chairman, Commissioner Sullivan, I don't believe so. We can double-check on that if this is going to be tabled, but I don't believe so.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: I guess I have a couple comments. I'm a little concerned that we, if we table this, if we go back with the understanding that we're going to try to find ways to have a sliding scale, to have it apply to some people and not others, I think that will never happen. I think that it either applies across the board or it doesn't. The other thing is that if we're trying to implement this plan with the idea that we're going to generate \$50,000 worth of revenues that would allow you to hire an FTE, I think that we are creating a situation that is unnecessary. I think that there are some services that we need to provide to the community. I think this happens to be one of them. And if the total amount that we're looking at is \$50,000, well, I think we can find \$50,000 somewhere else to take care of it and just offer

1965710

SFC CLERK RECORDING 08/16/2004

this service to the community.

I do believe though that some of the fees relative to major development should be implemented and I understand the time it takes to review a master plan and there should be fees associated with that. But as for the regular old individual out there, I think that we should provide them some services. I don't think that every time they turn around they get hit with some kind of a fee. I don't think that's the approach that we should take.

COMMISSIONER GONZALES: Mr. Chairman, could I make a motion then?

CHAIRMAN DURAN: Sure.

COMMISSIONER GONZALES: Falling in line with that, then it seems that it would be appropriate to approve this resolution and exempt from that, items two, which are development plans for one to five structures, and three—

CHAIRMAN DURAN: Three? You'd do three too?

COMMISSIONER GONZALES: No, actually, I would just exempt two. I'm sorry.

CHAIRMAN DURAN: Okay.

COMMISSIONER GONZALES: On the sprinkler and fire protection—

COMMISSIONER TRUJILLO: How about one, Commissioner, master plans?

COMMISSIONER GONZALES: That would be for commercial.

COMMISSIONER TRUJILLO: That's for commercial.

COMMISSIONER GONZALES: Okay, I would eliminate one through five.

CHAIRMAN DURAN: Second.

COMMISSIONER CAMPOS: Question. I think this requires community input.

The motion passed by majority [4-1] voice vote with Commissioner Campos voting against.

X. I. Matters from the Commission

- 1. Resolution No. 2001-115. A resolution supporting continuing cooperative efforts between the City of Santa Fe, Santa Fe County and the New Mexico Stte Land Office to protect, preserve and rehabilitate the Santa Fe River as a valued local natural resource and to promote public education and recreational opportunities along the river corridor**

ROBERT GRIEGO (Planner) : Mr. Chairman, Commissioners, this is a resolution concerning the development in the river's rehabilitation and protection by participation in planning activities for the river, and the possible acquisition of trail easements along the river. We have three members of the State Land Office here to make a short presentation.

LINDA MACINTYRE: Thank you, Mr. Chairman, Commissioners, my

1965711

SFC CLERK RECORDING 08/16/2004

name is Linda MacIntyre and I'm a planner for the New Mexico State Land Office. I'd like to talk with you very briefly today about a resolution before you to support some joint planning efforts for river restoration between the City and the County and the Land Office.

The resolution itself concerns primarily a piece of land that's located off the 599 Bypass, at the intersection with Caja del Rio Road. The portion of the Santa Fe River that we're working on right now is south of the bypass and north of Airport Road.

The reason we're coming before you today with a resolution is to ask for your endorsement for planning efforts that have already started between the City and the County Land Use staff and the State Land Office. We had a City, County and State Land Office river walk day along this portion of the Santa Fe River to review improvements that the Land Office has been making over the last year on July 14th. The day was a great success.

We had about 50 people come out there and look over the work on the river, and we're going to also ask you if you're interested in attending another river walk on August 23rd to review the same sort of work.

The resolution, if I may briefly go through, it supports the Land Office's goals for the project, which are to support and enhance efforts to restore the Santa Fe River and associated riparian zone along this portion of the river; two, to provide for trails and trail connections to allow residents and visitors to Santa Fe to experience the river and nearby recreation facilities; and three, to develop a conceptual master plan for sustainable, mixed land uses that are compatible with the needs, desires and cultures of the Santa Fe region and that optimize revenue for the State Trust Land beneficiaries.

So we're asking for your endorsement today for these efforts. The upcoming events that you may want to know about too is the City will review the final resolution on August 8th. August 23rd is the second river walk. And on August 25th, we're planning to hold a land use design workshop for the entire area you see over here in blue on the State Trust Land that also includes that portion of the Santa Fe River that that Land Office has been working on.

Very briefly, those are my comments. I do have two additional staff members here to describe our educational outreach efforts, which are already ongoing with the County, which have been going on this summer, and also to detail any information on the restoration efforts themselves.

COMMISSIONER TRUJILLO: Thank you. Any questions? So you have some other people that want to talk?

MS. MACINTYRE: I know you're running tight on your agenda today. If you have the time, we'd love to tell you more about it. The two people I have with me is Danna Vacker, who will talk to you a little about the educational outreach efforts, and if you have any technical questions, Jonathon Ambrose from the Land Office is here as well.

COMMISSIONER TRUJILLO: Thank you.

DANNA VACKER: Good afternoon, Commissioners. My name is Danna and I'd like to tell you a little bit about our environmental education program that's going on, both currently, and initiatives we'll be looking to in the future. Right now, in

1965712

SFC CLERK RECORDING 08/16/2004

partnership with the City of Santa Fe and their KKCKS program, which is Kids Kicking in the Community Services, we're doing the River Angel Project, which is a five-week program.

We have 25 boys and girls, club members who come out weekly for a morning of outdoor classrooms. We've invited environmental educators, some of our staff and the City to participate and do hands-on experiential education activities, both to promote the restoration on the river, environmental education efforts, and also connect the children to this land and this property, so that through these experiences they have a better awareness of its importance and come to care about it.

This fall and spring, we'll be looking to our public schools to implement some environmental education easements, which we would offer to them free of charge for outdoor classroom activities, and we're also looking at an opportunity to work with a proposed YCC grant to get children out for both restoration and environmental education purposes. Thank you.

COMMISSIONER TRUJILLO: Thank you. Anybody else?

MS. MACINTYRE: Mr. Chairman, Commissioners, unless you have any technical questions about the work going on out on the river, I can describe that a little bit, or we can be done and out of here.

COMMISSIONER TRUJILLO: Yes. What's the desire? Commissioner Sullivan?

COMMISSIONER SULLIVAN: I just want to add that I think it was about a month ago, the River Coalition had a walk out along this area that's been revegetated that I participated in and had an opportunity to meet with the land Commissioner and discuss some of the efforts that they have done. And there was a question of whether or not those efforts could be continued on the part of the State Land Office. And so my question was, what is your commitment beyond this point? Not to minimize what you all have done to-date, but to ask where, do you have any time and money left to continue this effort?

MS. MACINTYRE: Mr. Chairman, Commissioner Sullivan, yes, that's an excellent question. I think that's one of the reasons why we want to look at developing a master plan for this site beyond the river restoration work that we've been doing so that we can ensure that future uses on this site respect the work that's going on in the restoration area. We are committed to this project in the long run. We are working with the EPA to acquire grants. The work that we're doing in the river is not short-term work.

If I can turn this over very quickly here, the Santa Fe River restoration plan is something that's going on within the banks of the Santa Fe River and we're looking at the project itself as something that's designed to minimize the speed of the flows when storm water comes into the Santa Fe River. It's designed to be a long-term project, it's designed to bring back the health and the quality of the river as it was some time ago when the flows that went down here weren't quite so fast. They didn't wipe out the vegetation. We know from comments from people in the area there's an increasing problem with erosion and siltation in the area. The work that we're doing is designed to slow those problems down.

1965713

SFC CLERK RECORDING 08/16/2004

It is very much a long-term commitment to the project, and we really do believe that by master planning the site and looking at all future uses on the site, that we can protect the work that we've begun, that we're committed to in the long run, and I think we can even continue to make it better.

COMMISSIONER SULLIVAN: I think that, again as I said, in walking the site, I just was impressed with how much work it is to do even a short stretch. I think there's a lot of staff commitment, and I forget the dollar amount, but it is on the order of \$25,000 or something, in terms of funds that the Land Office actually put out. So it was an excellent commitment on the part of the Land Office to initiate this, and from the staff time, they didn't have too many dollars to buy the necessary trees and vegetation and the little rolls they have of erosion protection, blankets and things that they used out there, which are quite innovative. I was just concerned that as to, and I know you're asking for more participation. But where is it going to come from? We can participate here—are you asking for financial participation? I just saw this as a large need and needing a much larger project focus than it had as the next step. What the Land Office having done being a good first step. So, where are you planning to go from here? Are you looking for money from Santa Fe County, or do you have legislative requests in the offing? Where do we go?

MS. MACINTYRE: Mr. Chairman, Commissioner Sullivan, right now this resolution is not designed to be a financial request from Santa Fe County. In the future though, the Land Office continues to seek funding for this project in the long term, and we've been very blessed to date that not only have we had resources at the Land Office and money from the EPA to work on this project, but we've also had substantial community commitment from groups like the El Camino Real, the KKCKS program and Ron Sandoval from the City. So there's been some community involvement, Danna referenced some of the summer programs where we've had kids out on the river doing some of the work. So we very much do see this as a long-term project, but the financial resources from that project are largely coming from grants.

COMMISSIONER SULLIVAN: And all of this is on riparian lands owned by the State Land Office, correct?

MS. MACINTYRE: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: And what is the commitment from the City, or what are the plans to do similar work beyond the State Land Office lands?

MS. MACINTYRE: Mr. Chairman, Commissioner Sullivan, we have been working with the City as well as the County to look at efforts all the way up and down Santa Fe River, all the way from the watershed area down even past La Cienega to try and look at a sustainable, healthy river corridor so that the good work that's being done in one portion can eventually be matched by good work in other areas, and will minimize problems such as erosion along the corridor, and also bring back some of the vegetation. There are a lot of efforts going on on the Santa Fe River right now, there's a lot of interest in it, a lot of community-based groups that come to us and are actively working with us to

1965714

SFC CLERK RECORDING 08/16/2004

see that happen, so that it isn't just something in isolation.

COMMISSIONER SULLIVAN: But this is physically—correct me if I'm wrong, is this physically the only area where improvement modification efforts have taken place?

MS. MACINTYRE: Mr. Chairman, Commissioner Sullivan, I'm not aware of any kind of work on the Santa Fe River quite to this extent. There are many efforts underway that the City has done on other areas on the river, in conjunction with work in the Land Office, as a matter of fact, to do river restoration projects. If you would like, I could have Jonathan Ambrose speak to you on a more technical level on exactly what restoration efforts are underway in other areas.

COMMISSIONER SULLIVAN: Well, I know what the City's done down by Casa Solana in lining the big ditch down there and so forth, and some of the trail, sidewalk efforts and things that they've done down there. But I was thinking more on these, the less urban efforts here. We've got miles and miles of this river. It's just a daunting undertaking and when you go out there and look at it, you just say that if we do it at this rate for the next hundred years, we're gonna get five miles down the river. I just hope that we can help you participate in a larger capacity to move this forward, because it is a good natural restoration, and it doesn't require a lot of gavions and physical structures that cost a great deal of money, and that relies on native vegetation to establish itself. I think that's the only way economically that we're ever going to really restore the Santa Fe River.

MS. MACINTYRE: Mr. Chairman, Commissioner Sullivan, those are good comments. I would add one additional thing: I think one of the greatest tools that the City and the County is working on right now, and the Land Office is joining in with you, is the Southwest Sector plan. As we've worked through that process there's been an enormous amount of neighborhood interest from the residents in the Southwest Sector plan area in restoring the health of the river. There's a lot of comments in the plan that was issued, I believe in May of this year, that are very heartfelt things, that speak to the meaning of the river corridor in Santa Fe, its history, and the link between the residents and the land. And I think that the policies put out in that plan are also a very effective tool to continue this good work beyond just this one-mile stretch.

COMMISSIONER SULLIVAN: Well, thanks for your efforts.

MS. MACINTYRE: Thank you.

CHAIRMAN DURAN: You know, we're headed towards another recess of the meeting because we have such a long agenda still left. Ok, is the presentation complete?

MS. MACINTYRE: Mr. Chairman, yes it is unless you have any additional questions. I thought you'd said thank you and I was sitting down, I apologize for that.

CHAIRMAN DURAN: Are there any other questions? No. Ok, what's the pleasure of the board?

1965715

SFC CLERK RECORDING 08/16/2004

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman, of resolution 2001-115.

COMMISSIONER CAMPOS: Second.

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

X. J. 2. Request authorization to enter into amendment number 2 to the ground lease with New Mexico State Land Office for the Santa Fe County economic business park

CHAIRMAN DURAN: And this is basically to allow the NAARP to go out, to extend it from 25 years to 99 years?

ANN LOVELY (Assistant County Attorney): That's correct, Mr. Chairman.

CHAIRMAN DURAN: I think we're all familiar with the issue here. Is there any specific questions that any of the Commissioners have relative to this request?

MS. LOVELY: Mr. Chairman, if I could I just—Rudy has passed out to you an amended agreement. The only difference in what you had in your package and this one is in the definition on page 1, d. That wasn't filled in, the project master plan. That wasn't filled in, and it is filled in on the new, and that's the only difference.

CHAIRMAN DURAN: Ok. Any questions of staff or the Land Office?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

MS. LOVELY: Thank you.

X. D. Land Use Department

1. Requests authorization to enter into an operating agreement with Ranchlands Utility Company for the utilities division to operate the RUC Wastewater Treatment Plant

DOUG SAYRE (Utilities Director): Thank you, Mr. Chairman and Commissioners. The Utility Department comes before you for your consideration on an operating agreement with Ranchlands Utility Company for Santa Fe County through its Utility Division to operate the RUC, meaning the Ranchlands Utility Company Wastewater Plant. For

1965716

SFC CLERK RECORDING 08/16/2004

the past two years, we've operated this plant for them, since its inception or its completion back in August of 1999. We propose to operate this plan for a cost of \$3,760.80, which includes gross receipts tax. That includes the labor involved, also some testing twice a month, and some other fees, what we anticipate it was required for us to operate that plant for them. So far, I think we've been able to do this very efficiently and effectively for ourselves, and also for Ranch Viejo, or Ranchlands Utility Company.

Perhaps at this time I could take some questions regarding this, but we want to have you consider this and approve this agreement Ranchlands Utility for this coming period, meaning August 1 to July 31st, 2002, with one-year extensions.

CHAIRMAN DURAN: Doug, after the first year and it comes up for an extension, do we have a right to renegotiate, or to reevaluate the entire agreement?

MR. SAYRE: Mr. Chairman, yes we do.

CHAIRMAN DURAN: Ok. Any questions of Doug?

MR. SAYRE: Both sides have that option.

COMMISSIONER CAMPOS: Mr. Chairman?

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Sayre, why are we operating this system?

MR. SAYRE: When Ranchlands Utility Company built this plant, they took proposals to have somebody operate it for them. We looked at it, and knowing that we're in the vicinity, and it's very similar to our plant, meaning the prison wastewater treatment plant that we presently operate, we thought we could effectively and efficiently operate it, and as a profit to the County do it. And we made a proposal, and that's why we're into this.

COMMISSIONER CAMPOS: So the County's making a profit on this?

MR. SAYRE: Yes, we are.

COMMISSIONER CAMPOS: You're charging about \$3800?

MR. SAYRE: Per month.

COMMISSIONER CAMPOS: Per month?

MR. SAYRE: Yes, sir.

COMMISSIONER CAMPOS: And are you at liberty talk about how much profit is involved?

MR. SAYRE: Probably in the vicinity of about 15 percent.

CHAIRMAN DURAN: What do you mean, "profit involved"? What does that mean?

MR. SAYRE: Well, I guess this goes back to my days as a consultant. What I looked at was how much labor is involved, and then an overhead fee, plus a profit margin. And that's why we put that into the fees that we charge them for operating this plant. Similar to the way a consultant looks at a project, and that's why I looked at it for the county, what would it be as a profit to the county to do this.

COMMISSIONER CAMPOS: What's the benefit to the water utility company? Are you thinking of connecting, or in the future bringing this into the system? What are your

thoughts?

MR. SAYRE: Mr. Chairman, Commissioner Campos, long-termwise, I think we feel like this is in our operating service area. We'll take this over and operate it similar to the way we do the prison wastewater facilities. Therefore, it will look at conjunctive reuse of water, benefit with credit water rights and things like this. And that's going to be the advantage for the county.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions of Doug?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Doug, just a quick question: we operated it for two years prior?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, yes we have.

COMMISSIONER SULLIVAN: And at the same fee as this? Or is this an increased fee?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, no, this is an increased fee of about \$600 per month.

COMMISSIONER SULLIVAN: Ok, so we've kept up with inflation or with the salary increase. This is a sequencing batch reactor plant, is the prison an SBR?

MR. SAYRE: The plant at the prison is basically aerated lagoons with [inaudible] lagoons and then storage, and then irrigation. This plant is a sequential batch reactor, with storage and then irrigation. So the preliminary treatment's a little bit different. More, I guess, upgraded type treatment. Not as large an area has to be encompassed for the treatment plant.

COMMISSIONER SULLIVAN: And does Ranchland Utility pay for the utilities? Who pays for electric?

MR. SAYRE: Ranchland Utilities pays for all utilities.

COMMISSIONER SULLIVAN: Okay.

MR. SAYRE: We just furnish the operating personnel, and take care of the plant on a regular daily basis. If there's any maintenance required, that's an additional fee.

COMMISSIONER SULLIVAN: And the plant's permitted by the state and the feds, or just the state?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, it presently has a discharge permit. So it's permitted by the state of New Mexico. They have requested a discharge permit from EPA, an NPDS permit. I think that's in consideration—I don't know if it's been granted to them or not, but it's probably in the mill to be granted.

COMMISSIONER SULLIVAN: And the discharge permit is effective for how long?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, I believe it's until 2003. I'd have to look at that. I have the discharge permit, but I believe it's to August of 2003.

COMMISSIONER SULLIVAN: None of our services in discharge permit

1965718

SFC CLERK RECORDING 08/16/2004

work, either with the feds or the state?

COMMISSIONER SULLIVAN: Mr. Chairman, Commissioner Sullivan, yes they are. We submit the monthly tests and any other data required to the state of New Mexico.

So that's part of our operating procedure. So we do that quarterly, that we submit all the testing that was made, how much irrigation was distributed to the irrigation fields, what we consider effective operation of the plant.

COMMISSIONER SULLIVAN: But we're not involved in any modifications to their discharge permit or to getting a federal discharge permit?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, no we're not.

COMMISSIONER SULLIVAN: I don't think we should be in the business of doing their development work for them, is what I'm getting at.

MR. SAYRE: Okay. We are not.

COMMISSIONER SULLIVAN: Okay, thank you.

MR. SAYRE: Are there any other questions? For your consideration, we'd like approval of this contract. We think it's been beneficial to the County as well as the Rancho Viejo.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

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

X. D. 2. Request authorization to enter into amendment number one to the customer contract with John J. McCarthy for commitment of water service

MR. SAYRE: Thank you. Mr. Chairman, Commissioners, presently the County Utilities Department has a contract with John McCarthy for benefit of the state lands for 22 acre-feet. Within that contract there's a requirement that they submit a final plat for development by December 28th, 2001.

Because this is a very large and complicated development, and this whole development has cooperated very much in forming the community development district- Community College district, excuse me, which encompasses, by the way, all the state land. Also, he must undertake a public process pursuant to requests from the State Land Office. We think consideration of this two-year extension of time to submit this final plat is warranted. Therefore, we recommend approval of this agreement to the contract.

CHAIRMAN DURAN: Any questions of Doug?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Have payments been made on this contract so far, Doug? Namely the 10 percent down and the \$396,000 a year. I mean, the \$99,000 a year.

1965719

SFC CLERK RECORDING 08/16/2004

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, yes they have, and they are up to date, including the stand-by fee, they are up to date. He's been abiding by the contract.

COMMISSIONER SULLIVAN: I noticed in this agreement that, unlike the one we approved the other night, the payment period is five years versus ten. Is five years the standard or is ten years the standard, what is the standard?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, normally it's been five years on contracts. I think there was probably a consideration. Are you talking about the Sena contract?

COMMISSIONER SULLIVAN: Correct.

MR. SAYRE: There was probably some consideration because of that type of development, we looked at a longer term. But normally we just consider five years.

COMMISSIONER SULLIVAN: If the applicant doesn't complete a development plan within the two-year period, are the payments forfeited?

MR. SAYRE: The payments are forfeited and contract reverts back to the County Utility Division, Mr. Chairman and Commissioner Sullivan.

CHAIRMAN DURAN: As do the water rights?

MR. SAYRE: Yes, Mr. Chairman.

COMMISSIONER SULLIVAN: That's all the questions I have.

CHAIRMAN DURAN: Any other questions of Doug? What's the pleasure of the board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

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

MR. SAYRE: Thank you very much.

CHAIRMAN DURAN: Ok, thank you.

- X. D. 3. Request authorization to accept 12.62 acres into the County's Wildlife, Mountains, Trails and Historic Places Open Space Program in exchange for development rights. The property is located at the intersection of County Road 62 and State Road 599, with Section 31, Township 17 North, Range 9 East (AKA Mercado at Santa Fe)**

MR. ABEYTA: Thank you, Mr. Chairman, members of the Commission. The applicant, Mr. Phil Sena has been working with the Land Use Department to restrict development on 12.62 acres located at the intersection of State Road 599 and County Road 62 in exchange for development rights to be transferred to Sena Vista Heights. The applicant is requesting to convey title to this 12.62-acre tract to the County in accordance with

1965720

SFC CLERK RECORDING 08/16/2004

Section E of the transfer of development rights ordinance. The property is currently vacant of any structures with the exception of a water well.

If title is transferred to the County, it will include the water well and any associated water rights. Under the provisions of the transfer of development rights ordinance, the applicant is entitled to 151 TDRs in exchange for a deed restricting future development of this land. The County is not required to accept the property in order for Mr. Sena to receive TDRs.

Another option for the applicant is to grant a TDR conservation easement to a land trust or non-profit organization.

Requested action: staff is requesting authorization to accept 12.62 acres into the County's Wildlife, Mountains, Trails, and Historic Open Space Program in exchange for transfer of development rights. If approved by the BCC, the following conditions must be complied with prior to the County taking title to the property.

1. The applicant must submit title insurance verifying there are no outstanding liens or encumbrances on the property.
2. A phase one environmental assessment to be paid for by the County must be completed.
3. The applicant must submit a survey plat consolidating the three tracts into one 12.62-acre tract.
4. The applicant must submit a warranty deed conveying title to Santa Fe County with a restriction on future development.
5. The transfer of land must include the water well and any associated water rights.

Thank you, Mr. Chairman.

CHAIRMAN DURAN: There is a well on the property, Roman?

MR. ABEYTA: Mr. Chairman, yes. There's a well on the property.

CHAIRMAN DURAN: How long has the well been there?

MR. ABEYTA: Mr. Chairman, I believe the well's one year old. I believe it was drilled as part of the Mercado de Santa Fe application.

CHAIRMAN DURAN: What would we do with that well? Cap it?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, I'm not sure. We might want to keep it for future maintenance of the park or development of that open space as a park or we could cap it.

CHAIRMAN DURAN: Okay. Any questions of Roman?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Roman, you say a well with associated water rights. Are there any associated water rights, or is this a three acre-foot well?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, after speaking with the applicant, it's my understanding that there aren't any. It's the three acre-foot well. It's my understanding. But we're not clear on that, so to be sure that we get those, we've added it as a condition, if there are any.

COMMISSIONER SULLIVAN: So we couldn't transfer it anywhere but if

1965721

SFC CLERK RECORDING 08/16/2004

the County did anything with the property that required irrigation, we could probably use the well, although I think as a condition, you also, if it's a residential well, then you need to have a transfer of the well permit to Santa Fe County, has to be accomplished.

MR. ABEYTA: Okay.

COMMISSIONER SULLIVAN: That's a form that the State Engineer's Office has.

CHAIRMAN DURAN: Okay, any other questions of Roman?

COMMISSIONER GONZALES: Move for approval of the request.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Question for Mr. Abeyta. Just a quick one. The 151 TDRs, have they been used already?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, no. They haven't. They haven't even been issued yet. But it's my understanding that 70 of them have been earmarked for the Sena Vista Heights project.

COMMISSIONER CAMPOS: So he has another 70-plus TDRs to use elsewhere.

MR. ABEYTA: That's correct.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER SULLIVAN: Mr. Abeyta, is there an appraised value of this land?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, there's an appraisal that's been done by I don't know that number right off the top of my head.

COMMISSIONER SULLIVAN: Can you give us a ballpark figure?

CHAIRMAN DURAN: Wasn't the value based on the TDRs? That's the value that we've established, right?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I believe that was—we used part of that appraisal in determining how many TDRs would be allocated to property in this area but again, I couldn't give you a number for that appraisal. One's been done.

CHAIRMAN DURAN: Maybe Jack knows. Do you know, Jack?

JACK KOLKMEYER (Planning Director): Mr. Chairman and Commissioner Sullivan, there was an appraisal done and we think that was \$1.2 million. But the way that we valued the TDRs was through our own average appraisal process and it was less than the \$1.2 million, but the property owner agreed to the amount that we had derived through our appraisal. I'm not sure of that \$1.2 million but we think that's what the independent appraisal was.

COMMISSIONER SULLIVAN: I think the value that we assigned was 12

1965722

SFC CLERK RECORDING 08/16/2004

TDRs per acre. Is that correct?

MR. KOLKMEYER: Correct.

COMMISSIONER SULLIVAN: And each TDR was worth—was it \$5,000?

It was four or five or six.

MR. KOLKMEYER: Four thousand.

COMMISSIONER SULLIVAN: So from a TDR standpoint it would be \$48,000 per acre, times 12 acres would be something over \$500,000 from a TDR evaluation standpoint. I assume the \$1.2 evaluation is a node evaluation.

CHAIRMAN DURAN: Was it a node evaluation?

COMMISSIONER SULLIVAN: A phantom node.

MR. KOLKMEYER: I don't know, Mr. Chairman. We'd have to go back and check on that, but I don't know the answer to that at this point except that we think that the independent appraisal was \$1.2 million.

CHAIRMAN DURAN: Okay. Any other questions of Jack? Thank you, Jack. Any other questions of Roman? There was a motion and a second.

COMMISSIONER CAMPOS: Mr. Chairman, could you clarify the motion? Its for the County to accept, for the County to transfer to a non-profit? Or to convey title to the County?

CHAIRMAN DURAN: Right.

MR. ABEYTA: To convey title to the County is what staff is requesting.

CHAIRMAN DURAN: That was your motion, correct?

COMMISSIONER GONZALES: That's correct.

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

[Unanimous] Opposed? Motion carries.

Okay, another special spot preserved.

X. E. Public Works Department

- 1. Request authorization to publish title and general summary of an ordinance to amend Ordinance No. 1988-11 creating a Road Advisory Committee, establishing geographical areas of representation for the purpose of citizen input from all communities within Santa Fe County**

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, several areas of representation of the Road Advisory Committee have major arterials as boundaries. This has caused several communities to be split in half requiring committee members to represent communities that are not in their immediate area. Let me give you an example. The community of Nambe, north of State Road 503 is in Area 2 and south of 503 is in Area 4. The Public Works staff and Road Advisory Committee would like the BCC to consider some proposed boundary changes that will be provided during the public hearing.

Therefore Public Works requests authorization to publish title and general summary of Ordinance No. 1988-11 creating a Road Advisory Committee, establishing geographical areas of representation for the purpose of citizen input from all communities.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: Second. For discussion.

COMMISSIONER TRUJILLO: Discussion. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Under the discussion, Mr. Chairman, I just wanted to add that number one, I want to thank Robert and the Road Advisory Committee for the work that you all do. It provides a lot of early warning systems out there on our County roads as to signs that are down and roads that need work and so forth before our own people can get out there, which limits our liability and gives up a heads-up on issues. And they're very dedicated. I've attended some meetings and they're a very dedicated group, as you all know. So thanks for that.

Number two, put in a pitch at some point in time for better funding of the Road Advisory Committee's efforts. At one time we had put \$200,000 in road graveling. That's in all 1900 square miles of Santa Fe County, \$200,000, count them, and now that's down to \$125,000, count them. So we're going backwards on our road maintenance in Santa Fe County in terms of keeping up with the gravel efforts. So whether it's through legislative help or wherever it is, I want to add a pitch that we consider supporting this program more, if at all possible. And again, I offer my thanks to the committee and this sounds like a reasonable way to better allocate the volunteer responsibilities.

COMMISSIONER TRUJILLO: Okay. Any other comments, discussion? All those in favor? [Unanimous] All those opposed? Okay. Carries. [Chairman Duran was not present for this action.]

X. E. 2. Request authorization to enter into a memorandum of agreement with the City of Santa Fe for intersection improvements to Richards Avenue and Governor Miles Road

JAMES LUJAN (Public Works Director): Mr. Chairman, members of the Commission, the County currently owns and maintains Richards Avenue from the city limits to the Community College entrance. And as you're aware, we're under contract for improvements of that road. The City of Santa Fe has requested that we enter into a memorandum of agreement to do some improvements to the intersection of Governor Miles, which is to install a traffic signal. And they will be paying for the improvements and some geometrics to that intersection. They will be paying for the improvements and we are requesting authorization to enter into agreement with them so it can be done under the contract that we currently have.

COMMISSIONER TRUJILLO: Any questions of James?

1965724

SFC CLERK RECORDING 08/16/2004

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Lujan, does the City insist on ownership of the roadway?

MR. LUJAN: On one of the items that they do get authorization to install this intersection, Public Works is requesting that they take ownership of .4 mile after we do the improvements to it. And we were going to do the improvements to the roadway itself under this current contract and they will accept it a year after construction is completed, so that the County still has the warranty with the company that's doing the construction. So they will take it over, yes.

COMMISSIONER CAMPOS: When you say Public Works, you're talking about County Public Works.

MR. LUJAN: County Public Works.

COMMISSIONER CAMPOS: You're recommending that the City take ownership and maintenance responsibilities?

MR. LUJAN: Right. And they have agreed to it. And they will take care of all the intersection improvements right now and the power and the improvements to the light itself.

COMMISSIONER TRUJILLO: Any other questions of James? If not, what's the desire of the Commission?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER GONZALES: Second.

COMMISSIONER TRUJILLO: Got a motion and second. All those in favor?

COMMISSIONER SULLIVAN: Discussion.

COMMISSIONER TRUJILLO: Discussion.

COMMISSIONER SULLIVAN: Just one comment. Glad to see that the Richards Avenue widening is underway and I think this is a good idea because that .4 mile section is the most dangerous of that portion of Richards Avenue with the poor sight distance. So if there's any liability issues they're going to be on the City and not on us. And it make sense too in terms of your moving into that traffic light and the signing and the signalization. It goes together. That makes a sensible package I think to have the City maintain that. We'll be very glad to see that. I talked with a City Councilor this weekend and she said We've been dragging our feet on that traffic light, and now we see the County is paving the road so we better get moving on the traffic light. So I guess this is it.

Two other things. One is that in the areas out there, particularly around the intersection with Dinosaur Trail, it's becoming a picnic trash area for the construction crews and I'd appreciate if you'd pass along for them to clean up the litter that they're dumping alongside the road. The other question is—I didn't see the signature but this has been approved by County Legal, as I see. Right, Steve? County Legal is okay with this agreement with the City? Because it's already been approved by the City so this is its final

1965725

SFC CLERK RECORDING 08/16/2004

stop.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I did review it and did sign off on it.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: Any other discussion? If not, all those in favor? [Unanimous] Opposed? Motion carries. [Chairman Duran was not present for this action.]

X. F. Resource Development Department

1. Request authorization to enter into a memorandum of agreement with the City of Santa Fe for equitable cost sharing in the 2001 Orthophotography project

ERLE WRIGHT (GIS Coordinator): Good afternoon, Commissioners, Erle Wright, GIS Coordinator. The item before you, as you're aware, the County is already executed a professional services agreement to conduct this orthophotography project. The memorandum of agreement before you is the City's commitment to pay their fair share of this contract. The agreement in quick summary is they will pay 100 percent of the cost within the city proper. That's about 50 square miles and they are willing to share on a fifty-fifty basis the cost of the EZ-5 area, the Five-Mile Extraterritorial area.

This has been through City Finance and it was approved by the City Council last Wednesday on the 25th and that information wasn't actually in your memo but it actually has happened. The City has approved it. We do have executed copies from the City which we received yesterday. Those probably didn't make it into your packet since we got them late yesterday afternoon. I stand for any questions.

CHAIRMAN DURAN: Any questions of Erle?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'm glad to see the City participating in this Erle. Based on the number of sections and so forth I was a little surprised to see how small their participation was, and I don't mean that derogatorily, but this is an \$800,000-plus contract and their participation is about \$43,000. That's less than five percent. Is that just the area of the city and their contribution to half of the Extraterritorial Zoning area only represents about five percent of the total area that we're covering?

MR. WRIGHT: Mr. Chairman, Commissioner Sullivan, that's partially the reason. One other reason why their numbers are so low, the 50 square miles just for the city is that the City spent a lot of money in 1992. Got a very good elevation surface. They are reusing that surface so they're actually getting the cost benefit from their previous investment. That's something that the County will be able to enjoy now that we went into this project to the extent that we did, to actually do the LIDAR piece and get a very

1965726

SFC CLERK RECORDING 08/16/2004

accurate surface. Next time, when we revisit an aerial photography project in the county, we will see a similar cost benefit on our end.

That '92 project, the County basically went for a DEM surface, capable of producing ten-foot topo. The City actually went for a DTM surface, digital terrain model, capable of producing four-foot, and that's being used in the City's piece. That's one of the reasons you'll see the numbers are so low for the City in this MOA.

CHAIRMAN DURAN: Okay, any other questions of Erle? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

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

X. F. 2. Resolution No. 2001-116. A resolution officially naming the roads servicing the County economic development park, the County Public Safety Complex and Detention Center off State Highway 14

CHAIRMAN DURAN: Erle, this ought to be fun. What did you come up with?

MR. WRIGHT: Well, I have a list before you there. I don't know if you want me to go through these. These were solicited from staff since the last meeting when we brought this to your attention. Several of the names, many names were suggested. Some we had to discard because they were duplicated either within the county or within the City of Santa Fe. Actually, Commissioner Sullivan, you had suggested Sunrise, of that sort. We went back and looked at it. There was almost a dozen variations of that of some sort. Both Sunrise and Sonrisa.

So what you see before you is a list that we've gone through for both of the roads, and I've kind of lumped them together into the economic development park and also the Public Safety/Complex Detention Center. A lot of the names associated with the detention center are only appropriate for that road. It's possible that any of the roads suggested for the economic development park could be applied also to the Public Safety Complex/Detention Center road.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to throw out a name, since I couldn't sell the Sunrise Boulevard name of Veterans Way. I know 599 is called Veterans Highway, is it not now? Is that correct? And can we use "Ways?" Is that a problem if we use a "Way" and we have a highway. I think it's kind of complementary since they're

1965727

SFC CLERK RECORDING 08/16/2004

fairly close to each other.

MR. WRIGHT: Mr. Chairman, Commissioner Sullivan, that's possible. We like to avoid ones that are that similar. One of the things that we've discussed in the department is along the Veterans Memorial Parkway, the 599 Bypass, is actually setting a theme along there to actually assign it maybe to veterans and memorial along that highway. That's just a thought, since you had the idea here. That could be conflict. I don't think there's going to be a lot of addresses signed off of Veterans Memorial Highway, mainly because it is a bypass with restricted access. However the frontage roads could be assigned addresses to that. It would be a little confusing for dispatch and I would suggest maybe we try to avoid that one, just for potential conflicts with dispatching.

Now it's possible we could do a variation on that, but I'd need to go back and check the databases to make sure we are okay with that one.

COMMISSIONER SULLIVAN: Do we have a Bataan Boulevard?

MR. WRIGHT: I don't believe so. One of the things that would be—and again this is up to the discretion of the Commission, if we were to follow themes. One of the things we looked at here along Turquoise Trail was some sort of mining or mineral association with the Turquoise Trail. It is a scenic route designated by the state. Unfortunately, a lot of those names were already taken. You'll notice there's several versions of "de Oro" there. We already have a Goldmine Road. So we looked at some of those issues along, since these roads were both off South 14, but a lot of those have already been taken in that theme as well, so in a way, we're kind of running out of road names here.

CHAIRMAN DURAN: Well, Commissioner Campos had a good one. Jailhouse Road.

COMMISSIONER SULLIVAN: I think we'd like to have a positive name, rather than a negative one.

COMMISSIONER TRUJILLO: There's one name that we need to designate here? One name out of all these?

MR. WRIGHT: There's actually two roads.

COMMISSIONER TRUJILLO: Right. But there's one name—

MR. WRIGHT: Actually, it's a name for each road.

COMMISSIONER TRUJILLO: For the economic development and another one for the Public Safety Complex.

MR. WRIGHT: Yes.

COMMISSIONER TRUJILLO: Okay.

MR. WRIGHT: And I brought forth a resolution. It's in draft form because we need to actually plug in those names before we can accept that resolution. And I'm willing, I guess what I should stress and it is a critical issue with the Public Safety Complex, because we are in construction there. If we're unable to provide physical addresses there in a relatively quick time frame it could possibly impact the completion schedule on that project. We need to get services, data and phone line services to those

addresses and Qwest and our other service providers will not establish service unless we have a valid physical address out there. So that's one of the reasons why we're before you now.

COMMISSIONER GONZALES: We can name it anything? What about something with Justice in it, since it's leading toward the Public Safety Building?

COMMISSIONER TRUJILLO: No, it's economic development.

CHAIRMAN DURAN: It's one or the other.

MR. WRIGHT: It's actually two roads, so we have the possibility of selecting two names, one for—

COMMISSIONER GONZALES: Justice Avenue. It's leading toward the detention and the Sheriff's facility, right?

MR. WRIGHT: And also fire protection.

MR. MONTOYA: Mr. Chairman, Commissioner Gonzales, that would be Camino Justicia.

MR. WRIGHT: I like that.

COMMISSIONER SULLIVAN: I like the Montañas de Oro for the development park. Mountains of Gold for economic development. I like the subtle.

CHAIRMAN DURAN: I like Yellow Brick Road.

COMMISSIONER GONZALES: Let's move into the future. I'd like to make a motion then that we name the road leading to the Public Safety Building Camino Justicia, and the one leading to economic development Montañas de Oro.

CHAIRMAN DURAN: Second.

COMMISSIONER SULLIVAN: What does the first one mean?

COMMISSIONER TRUJILLO: Camino Justicia, Road of Justice.

COMMISSIONER SULLIVAN: Oh. I like that.

MR. WRIGHT: I believe that road name will be okay, but I should verify that to make sure. I don't know if you want to table briefly until I do that.

COMMISSIONER SULLIVAN: No, it will be fine.

CHAIRMAN DURAN: If it's not, let us know.

MR. WRIGHT: It shouldn't be there but I'd hate to come back to you and say, We have to do this again.

COMMISSIONER SULLIVAN: It will be fine.

CHAIRMAN DURAN: Okay, there's a motion. There's a second. Any further discussion? You have the names?

MR. WRIGHT: Camino Justicia and Montañas de Oro.

COMMISSIONER SULLIVAN: Good names.

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

[Unanimous] Opposed? Motion carries.

X. G. Matters from the County Manager

1. Update on adult and juvenile detention facilities and electronic monitoring program

MR. MONTROYA: Mr. Chairman, members of the Board, I would simply like to share with the Commissioners the proposed schedule for getting to the end of the road relative to proposing a recommended vendor to the Board for operation of the adult and juvenile facility. Mr. Chairman, we had communicated to the members of the Board that we would attempt to finish the drafting of the adult facility contract by August 3, which is basically Friday of this week. Mr. Chairman, to the best of our ability we hoped to have this contract completed by tomorrow, end of business. We hope then to forward it on to the vendor, MTC, and we'll then ask that the vendor visit with us here at the County offices next Monday.

Mr. Chairman, pending that discussion and that negotiation, we will ask the Board of County Commissioners to establish a special meeting to consider our recommendation, hopefully the week of the 6th as well, toward the end of that week. Mr. Chairman, relative to the juvenile facility, we have as well been negotiating with the vendor that was ranked number one. We have also asked some other queries of the second ranked vendor. We hope, Mr. Chairman, to also be done with that negotiation by Friday or Monday of next week and would at the same time recommend to you at that special meeting, a vendor for the juvenile facility.

The electronic monitoring, Mr. Chairman, will also be a component of that recommendation. So Mr. Chairman, in a nutshell, the contract is 95 percent complete. We're down to the last redlining. It should be complete by tomorrow. We forward that on to the vendor. Hope to meet with them face to face next Monday and would hope to have a recommendation for you by late next week and ask that the Commission schedule a special meeting simply for this purpose. I stand for any questions, Mr. Chairman. And I want to thank the Commission for their patience. We have attempted to do our best, utmost in terms of due diligence and we hope to have a good recommendation for you, Mr. Chairman.

Another thing, Mr. Chairman, very quickly. I want to point out to the Board of County Commissioners that this is the Governor's Achievement Award, sponsored by the New Mexico Clean and Beautiful, from the New Mexico State Highway Department. This award is based on beautification and litter control. This is a competition where all counties in the state compete. Santa Fe County, through its Public Works Department, its Solid Waste Division, was chosen as first place for its beautification program. So, congratulations to Mr. Lujan and that beautiful red tie he's wearing today and to Jill Holbert for a good job.

CHAIRMAN DURAN: Great.

MR. MONTROYA: Mr. Chairman, last, but not least, I wanted to announce to the Board of County Commissioners that I have created a redistricting committee, an internal redistricting committee, comprised of the Clerk, the Assessor, and several of the

1965730

SFC CLERK RECORDING 08/16/2004

departments that relate to GIS and Planning. The intent of this committee, Mr. Chairman, is to come together with all the statistical data that would be considered in potentially redistricting the five Commission districts. We had our first meeting yesterday. We intend to have our second meeting next Monday at 3:45, and then when we come together with a basic data format, we intend to make a presentation to the Board for further direction and guidance.

I simply wanted to put that before you, Mr. Chairman, that we are doing some due diligence in that area.

CHAIRMAN DURAN: Do you think you can get Eldorado into my district?

MR. MONTOYA: Mr. Chairman, I don't know if we can get the whole thing, but we'll consider that, Mr. Chairman. Thank you very much.

CHAIRMAN DURAN: Oh, that's right. I'm termed out. Never mind.

X. H. Matters of Public Concern - NON-ACTION ITEMS

CHAIRMAN DURAN: Is there anyone out there that would like to address the Commission?

X. I. Matters from the Commission

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of quick items to remind the Commission, first of all, August 9 through 12 is the Santa Fe County Fair, once a year, held at the Rodeo Grounds. And the County Fairgrounds of course are a County facility and the 4H and the other fair participants, it's a lot of fun, a lot of effort by the youth that are involved in this once a year from throughout the county. A lot of whom are from District Five, so we'd like to have everyone come out for the fair, which actually gets going the 7th and 8th, but the public events, the 9th through the 12th. So that's one item, the County Fair.

The item is just to report some at least initial progress on trying to get the County Commission meeting broadcast in the Eldorado area. There are some discussions going forward with ComCast out there, the satellite provider, the provider out there, to look at possible satellite connections out in Eldorado. Currently, we're not broadcasting in Eldorado because of the separation of the two cable systems. So that's moving forward. Nothing final or definitive to report on that yet.

And the last thing is something to suggest for your consideration to think about over

1965731

SFC CLERK RECORDING 08/16/2004

the next couple of weeks, and that is that if at all possible, I'd like to see us reconfigure the rostrum in a semi-curve effect, rather than straight across.

CHAIRMAN DURAN: The what?

COMMISSIONER SULLIVAN: The rostrum where we sit. I think it's awful hard to lean down and communicate in this linear fashion, which is kind of judicial fashion. And I feel perhaps we could save a little room in the back part and curve it around, not in a complete 180 degrees but somewhat of a configured U that we'd able to look at each other as we speak.

CHAIRMAN DURAN: We'd have to look at each other?

COMMISSIONER SULLIVAN: Yes, and perhaps that would be good, perhaps not. But I think it would improve the communications. There's a cost factor obviously involved. We may be able to do it.

CHAIRMAN DURAN: Actually, staff built this.

COMMISSIONER SULLIVAN: I understand, and also the TV box there and did an excellent job on it, so I don't know where we stand money-wise and I don't know how you all feel about that, but it certainly would make it more comfortable for me to be able to have eye-contact with the other Commissioners while we're getting mad at each other. No, while we're debating and discussing issues. How does that sound?

CHAIRMAN DURAN: I like that too.

COMMISSIONER SULLIVAN: Sam, what do you think?

MR. MONTOYA: Mr. Chairman, we'll check with our construction crew and see if that's a possibility and how quickly they could do that if that's your wish.

CHAIRMAN DURAN: The City Council has it that way.

MR. MONTOYA: Right. That's true.

COMMISSIONER SULLIVAN: And we're only five, so we don't have to be quite a large curve as the City Council, and we have some room in the back here that we could work with. I just think it would make a more amenable—

MR. MONTOYA: Kind of a semi-circle design.

COMMISSIONER SULLIVAN: Curvature. Yes. That's all, Mr.

Chairman.

CHAIRMAN DURAN: Well, I have a few quick ones. I was wondering, Sam, if in your contract with the jail, if you could have a requirement in there that they put some lights on there that when someone escapes that a light goes on so that the neighbors will know they need to be cautious. Not cautious, but they're aware that there's been an escape. I've gotten a couple of letters from people who have expressed an interest in that. I guess it used to be done in the past and they're not doing it right now.

MR. MONTOYA: Mr. Chairman, we understand that the State Penitentiary used to do that and we might look into that. It's a good time to bring that up, Mr. Chairman. I appreciate it.

CHAIRMAN DURAN: I just bring it up so we can talk about it. Have it in the contract so that if we feel that it's appropriate that at least we have it in the contract.

1965732

SFC CLERK RECORDING 08/16/2004

MR. MONTOYA: Very good.

CHAIRMAN DURAN: Then the other thing is I was wondering if you could get the Commissioners up to speed on the monies that we have allocated in the past to non-profits that have provided services to the community, like Youth and Family Shelters, the Maternal Health, the Childcare Service that they have at the high school. I know we've contributed some money to those organizations in the past and my understanding is there was some money set aside for these kind of special programs, again, provided that they can prove that they provide a service to the community.

MR. MONTOYA: Mr. Chairman, you would like a historical report?

CHAIRMAN DURAN: No, I just would like for us to make some decisions on, before we find other places to put that money, I'd like to make some decisions as a Commission, what organizations we would like to contribute to.

MR. MONTOYA: I see. Yes, Mr. Chairman, we can put that together.

CHAIRMAN DURAN: And then the last thing is the water allocation that we have right now, could you give us at the next meeting an update on how—the City believes that we're entitled to 375 acre-feet of the San Juan Chama water. And in our wheeling agreement we are receiving 500 acre-feet. If the City Council is desirous of us agreeing to 375 acre-feet, and if we decide to do that, what happens to the allocation that we've made for the other 125 acre-feet? So I guess what I'm saying is, I don't know how we can agree to 375, when we've already allocated 500 acre-feet. I just need an explanation on how we got to that. We don't have to do it now but sometime in the next few weeks or so.

MR. MONTOYA: Very good.

CHAIRMAN DURAN: You could even call me and tell me. I'm just—I know that the City Council is trying to come up with some kind of agreement to present to us and I know that some of it hinges on 375 acre-feet. And then if you could give us an update—actually I want to make sure in the contract you're negotiating for the jail, that the operator is aware that this Commission has made a commitment to the community to have a jail oversight committee involved at some level.

MR. MONTOYA: Mr. Chairman, that is in the contract language.

CHAIRMAN DURAN: Okay, good. So once we get under contract with them, we need to figure out what the next step is to develop that oversight committee.

MR. MONTOYA: That's correct, and at the special meeting that we request to the Board, we will go through the contract section by section, article by article, so that you understand the content of the contract and its elements.

CHAIRMAN DURAN: Okay. I don't have anything else. Anyone else?

X. J. Matters from the County Attorney

1. **Resolution No. 2001-___. A resolution establishing the rules of order for Santa Fe County boards and committees, repealing**

Resolution 2000-164

CHAIRMAN DURAN: Steve, this is yours? I guess you're the County Attorney, right? Here comes another one.

MR. GRAESER: Mr. Chairman, this is pursuant to a request by the Board members. This will allow the chairman of County boards and committees, other than this Board, to vote and make and second motions, very similar to the amendment we made last year for this chairman.

CHAIRMAN DURAN: For the Commission. Okay, any questions of—

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This applies not only to other boards and commissions appointed by the County but also applies to the BCC as well. Correct?

MR. GRAESER: Mr. Chairman, Commissioner Sullivan, we already amended it so it applied to the BCC. This will add in those other boards so it will apply to all now.

COMMISSIONER SULLIVAN: Right. So this resolution in its completed form would apply to the BCC and to the other committees.

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

COMMISSIONER SULLIVAN: Okay. What I think I sure would like to see is that—we have two other resolutions that we passed recently and one, I'm looking at page 2 at the top, B, about elections, requires the board or committee shall elect a chairperson and so forth each year. We have another resolution that we passed, I think in January, that for the BCC the election would be in January after the election. It seems like it would be good to incorporate that, the text of that resolution into this one, so we have one comprehensive resolution that deals with all procedural issues.

MR. GRAESER: Mr. Chairman, Commissioner Sullivan, so in other words, we're going to add that in and then the January election would also apply to other boards and committees as well, is the suggestion.

COMMISSIONER SULLIVAN: No, not necessarily. Whatever you think, but it certainly would apply to the BCC, I think and we could just so state in here. I'm looking for getting all our rules and procedures into one document.

MR. GRAESER: Mr. Chairman, Commissioner Sullivan, that's actually a fine idea. We've had some discussions among staff of some suggestions we want to bring forward for some other changes in the rules or order and also to get some more comprehensive rules down to address the new situations that tend to come up that are not in the rules. And that that's why we want to kind of put together a committee of staff and work on. And if I may be so bold as to suggest, we could at that time try to encompass any other regulations we have regulating rules of order, get them all in one place and then that would dovetail nicely with when we compile our ordinances we also want to have a section that has for instance, rules of order for all the—

COMMISSIONER SULLIVAN: Why don't we do this now? For example, in Section 6 under filing of official documents, we also have a resolution that stipulates when people are supposed to get their documents in to be reviewed by the public, three days in advance. That would be useful to have in here so that again, one resolution could include all that information that could be made available to the public, to developers, to anyone who had a question about the County's rules of procedure. And if you had some other suggestions, I think we have some situations where we've talked about bringing issues back up again that we're unclear on that we're following Robert's Rules of Order and I'd say get it all in here at one shot, would be my suggestion.

MR. GRAESER: Mr. Chairman, Commissioner Sullivan, that's certainly a good suggestion. I'm open to suggestions and direction of the Board.

CHAIRMAN DURAN: The other thing is it may not be a bad idea to have the resolution, as I've talked to Steve about, where each Commissioner can sit on any of the Boards or that any Commissioner is a member of. Like for instance, the EZA, the RPA—that we're interchangeable. But rather than try to deal with all that right now, why don't we approve this resolution and then why don't you bring something forward that is more comprehensive and includes all of the procedures that govern how this body transacts business.

MR. GRAESER: Mr. Chairman, I could certainly do that and I could certainly meet with individual Commissioners and get some ideas as to what changes they want. If I could also add on the record that the intent of this resolution, as with all our resolutions that we adopt pursuant to our rules or order is that it will take effect at the next meeting of any of these boards.

COMMISSIONER SULLIVAN: Mr. Chairman, if we adopt it, I see one problem in that we have a resolution that says the chair is elected in January. Now we've changed it by this resolution that says the chair is elected once a year. So we have two resolutions, neither is an ordinance, so which resolution controls?

CHAIRMAN DURAN: Then why don't we table this until we have it all together?

COMMISSIONER SULLIVAN: The latest one would control, so we've abrogated the January resolution.

MR. GRAESER: Mr. Chairman, Commissioner Sullivan, as a matter of statutory interpretation, not necessarily. Only if there's a conflict. If you could have an election in January that's also an election once a year you'd read them together. But we can certainly take direction and work however the Commission wants.

COMMISSIONER SULLIVAN: I move to table.

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



COUNTY OF SANTA FE 1170 } SS
STATE OF NEW MEXICO 2455
I hereby certify that this instrument was filed
for record on the 29 day of Aug A.D.
20 01 at 11:55 o'clock A.m
and was duly recorded in book 1965
page 636-735 of the records of

Santa Fe County
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Cathy Albani
Deputy

- X. J. 1. Executive session
a. Discussion of pending or threatened litigation
b. Discussion of possible purchase, acquisition or disposal of real property or water rights 1965735
c. Discussion of competitive sealed proposals solicited pursuant to the procurement code relative to contract negotiations - adult and juvenile facilities and electronic monitoring program

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

[The Commission met in executive session from 5:15 to 6:45.]

Commissioner Gonzales moved to come out of executive session having discussed only the matters outlined in the agenda and no action taken. Commissioner Sullivan seconded and the motion passed by unanimous voice vote.

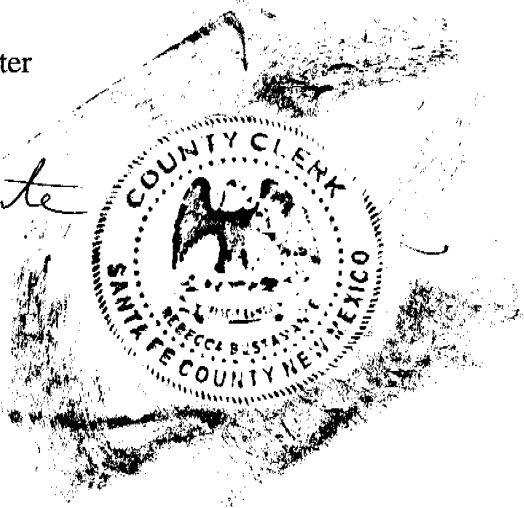
ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 6:45 p.m.

Approved by:
[Signature of Paul Duran]
Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:
[Signature of Karen Farrell]
Karen Farrell, Commission Reporter

ATTEST TO:
[Signature of Rebecca Bustamante]
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



SFC CLERK RECORDING 08/16/2004