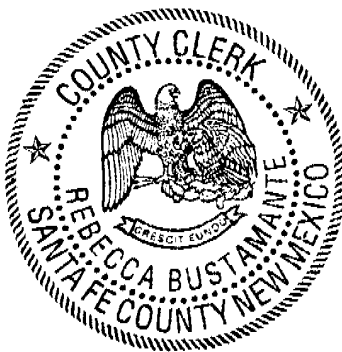


2227643

**SANTA FE COUNTY**  
**CONTINUATION OF THE JULY 30<sup>TH</sup> MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**August 15, 2002**

**Paul Duran, Chairman**  
**Jack Sullivan, Vice Chairman**  
**Paul Campos**  
**Marcos Trujillo**  
**Javier Gonzales [excused]**



1227.104  
COUNTY OF SANTA FE } ss  
STATE OF NEW MEXICO  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON THE 7 DAY OF Oct A.D.  
20 02 AT 8:07 O'CLOCK a.m.  
AND WAS DULY RECORDED IN BOOK 2227  
PAGE 643 - 676 OF THE RECORDS OF

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

DEPUTY

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

CONTINUATION OF MEETING

(Administrative Items)

July 30, 2002

AUGUST 15, 2002 – 2 p.m.

2227644

*Agenda*

~~I.~~ Call to Order

~~II.~~ Roll Call

~~III.~~ Pledge of Allegiance

~~IV.~~ Approval of Agenda

~~A.~~ Amendments

B. Tabled or Withdrawn Items

V. Matters of Public Concern – Non-Action Items

VI. Matters from the Commission

VII. Administrative Items

A. Committee Resignations

*approved* – 1. Resignation from the Workers' Compensation Board of the New Mexico Association of Counties

B. Committee Appointments/Reappointments

*approved* – 1. Appointment to the Workers' Compensation Board of the New Mexico Association of Counties - *Helen Quintana (Jeff Trujillo and attend)*

*approved* – 2. Appointment to the Health Policy and Planning Commission from the Community Access Program - *Dr. Arturo Gonzalez (a change 14 to 15 members)*

VIII. Staff and Elected Officials' Items

A. Community and Health Development Department

*approved* – 1. Request Approval of a Professional Services Agreement #23-0036-DW with Millennium Treatment Services, Inc. for DWI Outpatient Treatment Services

*approved* – 2. Request Approval of Professional Services Agreement #23-0038-DW with Life Link for DWI Outpatient Treatment Services

*approved* – 3. Resolution No. 2002<sup>10!</sup> – A Resolution Granting Authority to the Housing Board to Act on All Housing Matters

**B. Finance Department**

- Approved* - 1. Resolution No. 2002<sup>102</sup> - A Resolution to Surplus Fixed Asset Equipment
- Approved* - 2. Resolution No. 2002<sup>103</sup> - A Resolution to Donate Surplus Fixed Assets (Four Personal Computers) to the Santa Fe Public Home School Program

**C. Project and Facilities Management**

- Approved* - 1. Request Direction Regarding the Purchase of an 11-Acre Open Space Tract Known as the Madrid Greenbelt Property - \$7,900. -

**D. Public Works Department**

- Approved* - 1. Request Authorization to Publish Title and General Summary of an Ordinance to Amend Ordinance No. 1994-2, An Ordinance Regulating Procedures for Disturbing and Repairing County Property and Rights of Way

**E. Utilities Department**

- Approved, as amended.* - 1. Request Approval of the Santa Fe County Water Utility 40-Year Water Plan
- Approved* - 2. Resolution No. 2002<sup>104</sup> - A Resolution Adopting and Approving a Water Service Application Fee

**F. Matters from the County Manager, Estevan Lopez**

1. Manager's Recommendation Relative to a Federal Lobbyist

**G. Matters from the County Attorney, Steven Kopelman****Executive Session:**

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

**IX. ADJOURNMENT**

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

**SANTA FE COUNTY**  
**CONTINUATION OF THE JULY 30<sup>TH</sup> MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**August 15, 2002**

This continuation of the July 30<sup>th</sup> meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:15 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

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

**Members Absent:**

Commissioner Javier Gonzales

**IV. APPROVAL OF THE AGENDA**

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

**CHAIRMAN DURAN:** Are there any amendments or tabled items, Estevan?  
**ESTEVAN LOPEZ (County Manager):** Mr. Chairman, there are no amendments. I would ask that one item be tabled, Mr. Chairman. Under VIII. F. 1, the Manager's recommendation relative to the federal lobbyist, I would propose that that be tabled until the meeting of the 27<sup>th</sup>. And also there's no need for the executive session that's listed under VII. G. 1.

**COMMISSIONER TRUJILLO:** So moved, Mr. Chairman.

**CHAIRMAN DURAN:** Any other amendments? Just those two? Okay, there's a motion to approve the agenda as amended. Is there a second?

**COMMISSIONER CAMPOS:** Second.

**CHAIRMAN DURAN:** Any further discussion?

2227647

COMMISSIONER SULLIVAN: Question.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Estevan, why is it necessary to table the lobbyist issue?

MR. LOPEZ: Mr. Chairman, I was going to ask that it be tabled per a request from Commissioner Gonzales. He had requested that I bring this forward before. I'm not sure if he's going to be here today, but I gather he's not and he wanted to be part of that discussion.

COMMISSIONER CAMPOS: Then let's leave it off until September.

COMMISSIONER TRUJILLO: Next meeting is fine if he needs to be part of that discussion.

COMMISSIONER CAMPOS: He's not going to be here.

CHAIRMAN DURAN: Do you have a problem involving him in the discussion?

COMMISSIONER CAMPOS: Just an issue of lobbyists and who's going to be charge of the lobbyists will be whoever's here not whoever's gone.

CHAIRMAN DURAN: Is there any reason for not allowing him to discuss it with us?

COMMISSIONER CAMPOS: He's not here today.

CHAIRMAN DURAN: Why don't we let him be involved? If you really have some problem with it—

COMMISSIONER CAMPOS: [inaudible] on the agenda like you said.

CHAIRMAN DURAN: I don't see any problem with letting him discuss it with us. He's actually been the one that's been instrumental in this Commission hiring lobbyists and if you want to have some discussion based on all the knowledge you have about it, let's do it. I frankly don't know as much as he does and welcome his expertise and experience.

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

**V. Matters of Public Concern- NON-ACTION ITEMS**

CHAIRMAN DURAN: Is there anyone out there, any staff member out there that would like to address the Commission about any issue? How about anyone from the public?

**VI. Matters from the Commission**

CHAIRMAN DURAN: Matters from the Commission? Any Matters from the Commission?

COMMISSIONER SULLIVAN: I have one item, Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

2227648

COMMISSIONER SULLIVAN: There was an article in the paper today quoting the Chairman as saying under consideration was a concept of limiting discussion by Commissioners to five minutes during public hearings. I just wanted to make it very clear that not only would I oppose that but I do not intend to comply with any such ruling by the Chair. I think we as elected officials have constituents to represent and in particular, my constituents are in an area that's designated for a great deal of growth. And so almost every land use issue that comes up seems to be in District 5. So as a result, I have a great deal of constituent contact and constituent complaints and constituent concerns that I need to bring forward to the Commission.

Secondly, we seem to have strayed away from our policy of having materials ready by Thursday evening for the Commissioners to read and we're being presented with contracts and master plans and amendments to them at the Commission meeting, during which time we have to talk about them because we can't read them. I think that we need to have public debate on all public issues and that we do. One comment in the paper was from an individual that we should discuss some of these matters ahead of time and get them worked out ahead of time. Of course we can't do that. We're a public body and we conduct the public's business in public.

And the final issue is that we don't have rules and procedure that would indicate any limitation on time. So I just wanted to make that clear at the outset. Thank you.

CHAIRMAN DURAN: Thank you, Commissioner. I think perhaps you read the article incorrectly. What I said was that it's time for this Commission to find a way of controlling these meetings and that I was going to bring forward a recommendation to adopt new policies and procedures on how these meetings are run so that we can conduct the business of the County. With all due respect, you're the reason why we have been unable to complete an agenda. And we need to find some way of doing it. If you can come up with some ideas on how we can address your concerns, your numerous concerns, then I'm all for that. I think that if this Commission or a previous Commission decides to adopt rules of order and policies and procedures on how this Commission is run, and you choose not to conform with those rules and regulations or the policies then I would think that you would be out of order.

But that still is something that we need to discuss amongst ourselves, and we have a new Commission coming on board. The fact of the matter is we never get to complete the business of the complete. You're more than welcome to come up with new ideas and to listen to ideas that you have but it's totally unacceptable to me and to the community for them to come to a meeting and have some reasonable expectation that the issue that they're here to discuss be heard. And there is no reasonable expectation at all that that will happen.

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to chime in on this one.

CHAIRMAN DURAN: Be my guest. You have the floor.

COMMISSIONER CAMPOS: It seems to me we have a case management problem, putting on more cases on the agenda than we can handle. We're trying now to rush through a number of cases by the end of this month and it makes it awfully difficult for everybody. These cases require serious discussion. When we approve certain cases, the consequence is going to be there for 50 or 100 years in a number of these major cases we're looking at. So let's not try to push things too fast. Let's take our time and do it right. We do

2227649

have to run these meetings a little better and I think it's up to all of us to be more prepared when we come to the meeting. And that we be more focused in our questioning and give less speeches. I think everybody has had that problem.

**CHAIRMAN DURAN:** Again, I understand your concern that you think there are some projects that are being rushed through. There are four land use issues that have been before us for four or five months that we would like to hear while there is a Commission that is here that is well versed in the issues and the problems surrounding it. I think that to assume that we're trying to rush those projects through isn't fair. The Sonterra project, the Rancho Viejo special assessment district, all that stuff we've been working on for six months. How can you say that we're trying to rush those things through? We've been postponing them for five months.

**COMMISSIONER CAMPOS:** I don't want to have an argument with you about that. That's the way I feel about it.

**CHAIRMAN DURAN:** Well, I don't want to argue with you either, but for you to say that we're rushing things through is not a true characterization of the facts.

**COMMISSIONER CAMPOS:** That's your opinion, Mr. Chairman.

**COMMISSIONER TRUJILLO:** I'd just like to say that this Board has taken the direction of being an inquisition. I think it's our responsibility to give impetus to due diligence by trying to understand the issues before we come to the meetings. To micromanage and ask questions over and over again and to try to second guess a staff or a constituency, I think that prolongs the meetings. If we have specific questions before the meetings we should understand that and bring the broad picture before the public rather than doing a pseudo-inquisition and essentially bringing a lot of the staff and constituents to the carpet. We need to study the issues. We need to get informed before we come to the meetings rather than showcasing and grandstanding a lot of the issues and that's prolonging the meetings.

**COMMISSIONER CAMPOS:** My impression of the problem, we have to read our packets before we come to the meeting.

**CHAIRMAN DURAN:** We spent two hours on the land use issue surrounding San Cristobal and when we approved that, that was at least a two-hour meeting, we spent an hour and a half on Tuesday night talking about how we arrived at the decision that we made. Where is the logic in that? You can't sit there and tell me that we're managing this meeting properly when that kind of stuff occurs. Let's deal with the reality of it. You have to help us. Thank you.

**COMMISSIONER SULLIVAN:** Mr. Chairman.

**CHAIRMAN DURAN:** Commissioner Sullivan.

**COMMISSIONER SULLIVAN:** Let me just correct a couple of issues on this. Sonterra and Thornburg land use cases, they were tabled at the request of the applicant. The first time that they were tabled because of our lack of time to get to them was Tuesday night. So let me at that clarification. With regard to the special assessment tax district at Rancho Viejo, yes, it's been bandied around for months but I spoke just last week with our legal counsel and it was legal counsel's opinion that the document that they had submitted in no way

2227650

complied with the required resolutions that were necessary to move that forward. So as of last Thursday, the documents submitted by the applicant on that were totally inadequate. And let me confirm, so I'm not misstating that, let me ask Mr. Kopelman to confirm that or deny that.

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Sullivan, the resolution was legally inadequate and needed to be redrafted. That's correct.

COMMISSIONER SULLIVAN: So I don't think, Mr. Chairman, that those cases that you cited were holding up anybody. I think that a number of cases for whatever reason have been dropped onto this Board, several months worth of work in one month in order to meet an arbitrary deadline, and I feel it's incumbent on all of us to give each of those cases their due time, both with the public and with the Commission. I'll repeat again that since so many of them are in District 5 I make no apology for asking questions and delving into the issues. Thank you.

CHAIRMAN DURAN: Let's talk about this for another three hours. Well, the bottom line is we need to work as a team to figure out how we're going to do this. Because it's not fair for the public to come here with some reasonable expectation for their projects to be heard only to be delayed time and time again. And if you think that's fair then you need to help me understand how you got there.

COMMISSIONER SULLIVAN: Mr. Chairman, I would just add that the best way to do that is to set a time certain. I think you cannot assume any land use case is going to take less than two hours, particularly one that has 2,700 housing units in it, or 1.3 million square feet of commercial.

CHAIRMAN DURAN: That's fine. If that's how we're going to do it then let's do it that way. We need to find a way of doing it.

COMMISSIONER SULLIVAN: And if you set one at 6:00 and one at 8:00, then that's all you can get in that night. If there are, if we can get one completed in an hour and a half and we can slip in some staff items or something prior to the next one, fine. If we go more than two hours, if we go two and a half, at least the people who come at 8:00 will only have to wait a half an hour instead of two and a half hours. I think at this point in time some kind of scheduling like that is the best solution. That's what the Highway Department does. They set time-certain on their action items and then they move around on the agenda to hit those items. They don't always hit them exactly. But that would be just a recommendation.

CHAIRMAN DURAN: That would be one way. The other thing is the Bernalillo County Commission limits the Commissioners to a certain amount of time also. I've asked Estevan to go down to a County Commission meeting down there to check into how they manage their meetings and then come back to us with some recommendations. I think there are a lot of ideas out there. All I was saying is that we've created a pretty ugly thing here. We need to deal with it somehow. I think what you suggested is part of the solution. Okay.



2227651

**VII. Administrative Items**

**A. Committee Resignations**

**1. Resignation from the Workers' Compensation Board of the New Mexico Association of Counties**

MR. LOPEZ: Mr. Chairman, our County Clerk, Rebecca Bustamante was going to present this but she's out of town today so she asked that I present on her behalf. She was recently elected as president-elect of the New Mexico Association of Counties and as a result, she felt it appropriate to resign her position as Santa Fe County's representative to the Workman's Comp Board with the New Mexico Association of Counties. She requested that that resignation be effective as of July 31<sup>st</sup> of this year. So that is the resignation portion of it. She further went on to recommend that her replacement, her recommendation is that it be either a Commissioner or another elected official, or in the alternative, possibly someone like Jeff Trujillo who serves as our risk management officer for the County.

So that is our Clerk's resignation letter and her recommendation. I would offer also as an alternative possibly for you to consider in terms of the appointment, certainly it's whatever the Board chooses, but another alternative might be someone like our administrative services director, Helen Quintana. So with that I would pass it on to you.

CHAIRMAN DURAN: Estevan, Becky was—tell me again, what was Becky appointed? Was she elected or appointed?

MR. LOPEZ: She was appointed by this Board to serve on the Workman's Comp Board of the New Mexico Association of Counties.

CHAIRMAN DURAN: No, but what was the other one? Why is she resigning?

MR. LOPEZ: She just became, she was elected as the president-elect of the New Mexico Association of Counties.

CHAIRMAN DURAN: So this is the only one that she vacated?

MR. LOPEZ: Yes.

CHAIRMAN DURAN: This is the position that all elected officials voted on to appoint her to?

MR. LOPEZ: Yes.

CHAIRMAN DURAN: And this was a position where they sat with all the other elected officials I thought. Steve, the board that I was on before, the risk management board. You sit on that now?

MR. KOPELMAN: Mr. Chairman, there are two pool boards. There's the Workers' Comp and the Multi-line, and Becky was appointed by the Board of County Commissioners to be the Santa Fe County representative for Workers' Comp. She's been doing it now for probably less than a year.

CHAIRMAN DURAN: What's the board that Benito sits on?

MR. KOPELMAN: Benito's on the New Mexico Association of Counties, the big board, not the pool.

CHAIRMAN DURAN: Okay, that's what I was wondering. Okay.

2227652

MR. KOPELMAN: This is a pool board vacancy. And also Mr. Chairman, members of the Commission, the way the bylaws are written now, Santa Fe County has a seat on both pool boards. So basically, whoever you appoint will have that position as long as you want that person to serve.

CHAIRMAN DURAN: I can tell you, I sat on the Multi-line pool board and had to deal with insurance claims and a lot of legal issues and I felt like a fish out of water actually and asked Steve to be, I asked the Commission to let Steve be our representative. And I think you all were here when we did that, actually. But I think, for the same reasons that we appointed Steve, it would be a good idea I think to appoint Jeff as our representative because he deals with those issues on a daily basis. That would be my recommendation.

COMMISSIONER CAMPOS: I think Jeff or Helen are excellent choices. One is risk management and the other one is personnel so I think they both would be strong candidates, someone who could actually contribute a great deal.

CHAIRMAN DURAN: How about if we send both of them?

COMMISSIONER CAMPOS: Campaign speeches or—

MR. LOPEZ: Mr. Chairman, I would just mention that you first have to accept Becky's recommendation.

COMMISSIONER CAMPOS: I move to accept the resignation of Becky Bustamante.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Any further discussion?

**The motion to accept Ms. Bustamante's resignation from the Workers' Comp Board passed by unanimous [4-0] voice vote.**

**VII. B. Committee appointments/reappointments**

**1. Appointment for the Workers' Compensation Board of the New Mexico Association of Counties**

CHAIRMAN DURAN: For her appointment, any recommendations or—

COMMISSIONER SULLIVAN: Mr. Chairman, I'd like to know what the County Manager's recommendation is.

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, my recommendation was that you consider Helen as the appointment.

COMMISSIONER CAMPOS: Mr. Chairman, I would move for the appointment of Helen Quintana.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Any further discussion?

**The motion to appoint Helen Quintana to the Workers' Comp Board passed by**

**unanimous [4-0] voice vote.**

CHAIRMAN DURAN: Congratulations Helen and Jeff. One less thing that you have to do.

COMMISSIONER SULLIVAN: Is it a necessity as a part of the bylaws that there be an alternate to that organization?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, there's no provision in the bylaws for an alternate.

COMMISSIONER SULLIVAN: So if she can't attend, we wouldn't be able to cover with Mr. Trujillo.

MR. KOPELMAN: Mr. Chairman, Jeff could attend. He wouldn't have the right to vote but he certainly could attend.

COMMISSIONER SULLIVAN: Perhaps at the County Manager's discretion we could set that up as a procedure if you felt that would work.

MR. LOPEZ: Mr. Chairman, Commissioners, I think personally that it would be an excellent opportunity for us to do just that. Jeff has done an excellent job in terms of running our risk management program and I think that it's really—for us to take it to the next level is to find an effective mechanism for him to work with Mark, our safety officer, and Helen, who oversees Mark. And that was kind of the reason for my recommendation.

COMMISSIONER SULLIVAN: Is there budget enough for them both to attend meetings even though one would be voting?

MR. LOPEZ: Mr. Chairman, Commissioner, I believe that that would not be a problem.

COMMISSIONER SULLIVAN: Again, it's up to your discretion obviously, but it's always good to have someone in training in the event that someone moves on as is the case here with Rebecca.

**VII. B. 2. Appointment to the Health Policy and Planning Commission from the Community Access Program**

VIRGINIA VIGIL (Policy Analyst): Good afternoon, Mr. Chairman and members of the Commission. Pretty straightforward one before you. Resolution 2002-73 that you enacted on June 25, 2002, expanded the membership of the Health Policy Commission to include a representative from the Sangre de Cristo Community Access Program. The Health Policy and Planning Commission has recommended to you—actually their appointment was Dr. Arturo Gonzales and through the endorsement of the Health Policy and Planning Commission we are requesting that you appoint Dr. Arturo Gonzales and the CAP representative, expanding the membership of the Health Policy and Planning Commission from 14 to 15 members.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Second by Commissioner Campos. Any further discussion?

**The motion to appoint Dr. Arturo Gonzales to the Health Policy and Planning Commission passed by unanimous [4-0] voice vote.**

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

**A. Community and Health Development Department**

- 1. Request approval of a professional services agreement #23-0036-DW with Millennium Treatment Services, Inc. for DWI outpatient treatment services**

DAVID SIMS (DWI Coordinator): Mr. Chairman, Commissioners, both of these items are very similar. The next item as well. They're exactly the same contract, just with different providers and for different amounts. So as I speak to either of these I'm speaking to both of them really. We have, based on our budgeting for outpatient treatment, we put out an RFP and received applications or responses from five different potential treatment providers and we've awarded contracts. With these two contracts, we'll have awarded all five of those contracts with varying amounts of money. The other three contractors are under the limit that the County Manager can sign off on without it having to come for approval from the Commissioners. I'll be happy to answer any specific questions that you might have.

CHAIRMAN DURAN: Any questions of Mr. Sims?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Of the five, Mr. Chairman, that you are recommending contracting with, are these the same five or are these some new providers?

MR. SIMS: Up until this year the DWI program, since I've been on board with the program, has only had one contractor. And my opinion is that we were putting all of our eggs in one basket, so to speak, and I felt like it was a wise thing to put out a new RFP. We actually continued our—the one contractor that we had was Life Link and we actually renewed their contract as it existed this year already so that we could provide services from July 1 until these new contracts were in place so that we did not have a gap in services for the community.

One of the things, for instance, the other three contracts, one is with HOY in Española, one is with Los Alamos Family Counsel in Los Alamos, and one is with La Rosa Wellness Center in Pecos. So we feel like we have a much better geographically tuned system now potentially in place because if someone, for instance, comes to magistrate court in Santa Fe for a DWI but they live in Española, then the logical place for them to go, especially if they have, for instance, a revoked drivers license, it's a lot easier for them to get to HOY legally then to get to Santa Fe regularly to come for treatment. So we felt like that just a lot of geographic and other factors made it—first of all, we had the geographic flexibility to do that, and also there are

some programs offered by specific treatment providers that are specialized programs that are not available at other providers. So we can more effectively cater the treatment that's being provided to the individual who needs the treatment and that that would be complemented by the outpatient treatment substance abuse treatment contracts that our indigent program has with other providers still.

So between the DWI program, outpatient treatment contracts for substance abuse, and the indigent program's contracts, we feel like we have a very full complement of opportunities to send people to the very most appropriate place for that person.

COMMISSIONER SULLIVAN: What about Edgewood? We don't have any in the Edgewood area.

MR. SIMS: First of all we looked at did not find anyone that provides such a service in the Edgewood area and I do not know if—to my knowledge there is no provider in that part of our county. And we did not receive any RFPs from anyone there.

COMMISSIONER SULLIVAN: Should we be looking then at some kind of cooperative agreement with Bernalillo County? Obviously, I would assume the same problems exist in Edgewood that we have in Santa Fe.

MR. SIMS: Exactly. And we do a lot of that. We, for instance, if someone lives in Albuquerque and they commit a DWI in Santa Fe County they go to court in the county where they offended. But we would not require them to come every week to Santa Fe for treatment. We work with the treatment providers that are accessible to the folks that live in southern Santa Fe County or in Albuquerque, for instance, or Moriarty or Timbaktu. Anywhere in New Mexico. Or if they are in California. If somebody lives in California, they've got to go to court in Santa Fe if they committed a DWI offense. So we're already doing a lot of that.

COMMISSIONER SULLIVAN: I guess I would just suggest as you work on this that you try to develop a mechanism—I understand what you're saying on the treatment but this is pre-treatment, as it were, isn't it. I mean, this is prior to them committing a DWI offense, isn't it?

MR. SIMS: No, sir. These are for court-mandated treatment because of substance abuse, alcohol abuse.

COMMISSIONER SULLIVAN: Okay.

MR. SIMS: And so for instance we, if someone lives in Santa Fe and is arrested and convicted of DWI in Las Cruces, what happens is we have a network with the affiliate of DWI coordinators, work very closely together so that we can, for instance if someone from Las Cruces commits a DWI but the live here, then our compliance staff will monitor that person's compliance with the treatment requirements here, because they can do that so much more effectively on a local level and on a face to face level with that individual so much more completely and thoroughly and effectively than someone that's on a DWI compliance monitor in Las Cruces.

COMMISSIONER SULLIVAN: Okay. Thank you. Any other questions of Mr. Sims? What's the wishes of the Commission?

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COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.  
COMMISSIONER CAMPOS: Second.  
COMMISSIONER SULLIVAN: Motion and a second.

**The motion to approve the professional services agreement with Millennium Treatment Services passed by unanimous [3-0] voice vote. [Chairman Duran was not present for this action.]**

**VIII. A. 2. Request approval of a professional services agreement #23-0038-DW with Life Link for DWI outpatient treatment services**

COMMISSIONER SULLIVAN: The next item is the second agreement which you mentioned which is professional services agreement #23-0038-DW with Life Link for DWI outpatient treatment services.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.  
COMMISSIONER CAMPOS: Second.  
COMMISSIONER SULLIVAN: There's a motion and a second.

**The motion to approve the professional services agreement with Life Link passed by unanimous [3-0] voice vote. [Chairman Duran was not present for this action.]**

**VIII. A. 3. Resolution No. 2002-101. A resolution granting authority to the Housing Board to act on all housing matters**

ROBERT ANAYA (CHDD Director): Mr. Chairman, Commissioners, given the discussion that was held in the housing board meeting I would stand for questions and just simply say that the request before you is to allow the Housing Authority Board to act on matters. Fiscal matters will still come to the BCC for consent if they are approved in the housing board. I'll stand for any questions.

COMMISSIONER SULLIVAN: Maybe just for the purposes of the public, Mr. Kopelman, could you clarify the clarifications that you made regarding this in the Housing Authority meeting?

MR. KOPELMAN: Mr. Chairman, members of the Commission, in effect what this resolution does is it allows the Housing Authority Board, which is comprised of all five County Commissioners and then the representative from actually the housing projects, Ray Martinez, sits on that board. That board would have the authority to make decisions regarding housing matters, with the exception of financial issues which have to come through this Commission. So really what it does is it avoids having to have the same matter discussed twice, by in effect the same body.

MR. ANAYA: Mr. Chairman, Commissioners, I would only add that Mr. Martinez does in fact have to hear financial matters as well, so those will go on both cases. In the event the housing board were to approve a financial matter and the Board of County Commissioners would change that matter, it would then have to go back to the housing board so that Mr. Martinez would have an opportunity to comment on those changes that were made in the Board of County Commissioners meeting. So with this items, they'll go to both places on the fiscal issues.

COMMISSIONER SULLIVAN: Okay. Any questions of Robert or Steve?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: There's a motion and a second.

**The motion to approve Resolution 2002-101 passed by unanimous [3-0] voice vote.**  
[Chairman Duran was not present for this action.]

**VIII. B. Finance Department**

**1. Resolution No. 2002-102. A resolution to surplus fixed asset equipment**

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, the request before you is pretty much a format of a resolution we use to surplus items on our fixed asset list. We're required by law to do that and to send that list, once it's surplused to the State Auditor before we can sell the property. The items on the attached list are items that were not surplused in the resolution that we brought forward in May but have since come forward from the departments, and we're requesting surpassing of those so that we can dispose of them and also remove them from our fixed asset list.

COMMISSIONER SULLIVAN: Are there questions of Ms. Miller?

COMMISSIONER CAMPOS: Question. Item 14 from your department.

Purchased in 1998, it was a monitor of some sort and now it's outdated. Is that a computer monitor?

MS. MILLER: Mr. Chairman, Commissioner Campos, I believe that it is. We had a computer and monitor that were cascaded out of our facility and we had some older monitors or some smaller ones and I believe this is one of those items that are no longer compatible with the computers that we have.

COMMISSIONER SULLIVAN: There's no questions?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: Motion from Commissioner Trujillo, second from Commissioner Campos.

2227658

**The motion to approve Resolution 2002-102 passed by unanimous [3-0] voice vote.  
[Chairman Duran was not present for this action.]**

**VIII. B. 2. Resolution No. 2002-103. A resolution to donate surplus fixed assets (four personal computers) to the Santa Fe public home school program**

COMMISSIONER TRUJILLO: Very good. Move for approval.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: There's a motion and a second. Is there discussion? I have a question, Katherine. I haven't seen us doing this before. Is this new?

MS. MILLER: Mr. Chairman, the Assessor—these were four computers in the Assessor's Office and it was requested at one time, by Commissioner Gonzales I believe, that if we did find computers that were still usable that we look to donating them to the public entities if that was possible and in this particular case the Assessor had cascaded some computers out that were still usable but not sufficient for our software programs. So he requested that these be donated to the Santa Fe Schools.

COMMISSIONER SULLIVAN: And the home school program is not a private entity? It's a part of Santa Fe Public Schools?

MS. MILLER: Mr. Chairman, it is my understanding that this is part of the public schools.

COMMISSIONER SULLIVAN: Okay. Any other questions? If not, there's a motion and a second.

**The motion to approve Resolution 2002-103 passed by unanimous [3-0] voice vote.  
[Chairman Duran was not present for this action.]**

**VIII. C. Project and Facilities Management Department**

**1. Request direction regarding the purchase of an 11-acre open space tract known as the Madrid Greenbelt property**

PATRICK KRAICH (Open Space Planner): Good afternoon, Mr. Chairman, Commissioners. If I could give you guys a memo and a visual too that goes with this presentation.

COMMISSIONER SULLIVAN: Is there anything in our packet about this? I don't have anything in the packet.

COMMISSIONER TRUJILLO: No.

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Campos.



2227659

COMMISSIONER CAMPOS: Why is this on the agenda today? Is there some urgency to it?

MR. KRAICH: Yes, they're very anxious to go ahead with this if you're willing.

COMMISSIONER CAMPOS: What's the urgency?

MR. KRAICH: We have some community folks here from the Madrid Land Association and also as County staff we're really sort of anxious to acquire this property and move ahead on the management side of things. It's an important open space piece.

COMMISSIONER CAMPOS: But is there an urgency to it other than you'd like to speed it up?

MR. KRAICH: Commissioner, I believe the urgency is that the community is anxious to go ahead with this project and that this has been in sort of limbo for quite a while now. So we're just requesting some direction.

COMMISSIONER SULLIVAN: Mr. Kopelman.

MR. KOPELMAN: Mr. Chairman, members of the Commission, very simply put, the Commission authorized us to move forward for a purchase price of \$38,000, which is far, far below—I think the appraised value is—

MR. KRAICH: \$160,000.

MR. KOPELMAN: And it turned out that—it looks like because the Madrid Landowners Association has had to make a slew of mortgage payments that the price has gone up a little over \$8,000. And I think that staff would like to move forward also to close this, but because the initial authorization was only for \$38,000 we're coming back to make sure there's no problem with the additional \$8,000 or \$9,000.

COMMISSIONER TRUJILLO: So it was already approved by the Board?

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, that's correct.

COMMISSIONER TRUJILLO: And the issue on the table now is for another \$8,000?

MR. KOPELMAN: That's correct.

COMMISSIONER SULLIVAN: Mr. Kopelman, was it purchased by the Madrid Land Association or has it always been owned by them?

MR. KOPELMAN: Mr. Chairman, my understanding is that it's always been owned by this organization.

COMMISSIONER SULLIVAN: And then did we have an appraisal done?

MR. KOPELMAN: Mr. Chairman, we did and the appraisal was at about \$160,000.

COMMISSIONER SULLIVAN: Okay, you did say that before. Excuse me. So we're well below appraisal so there's not a concern in that regard. Excuse me for going on. Go ahead and finish your presentation.

MR. KRAICH: Thank you, Commissioner.

COMMISSIONER SULLIVAN: And introduce yourself to the public.

MR. KRAICH: My name is Patrick Kraich and I am the Santa Fe County Open

2227660

Space and Trails Project Manager. In addition, the Madrid Land Association has offered to reduce the price to \$45,900 to assure the County in their interest in acquiring in this property. And they also found an individual citizen who was willing to donate the five percent maintenance fee, which is about \$2,300. And what is really interesting about this piece is if you look at the map, the piece is actually in green there and the Village of Madrid surrounds it. And also, what's really exciting is the connectivity. It connects to the already purchased Madrid Wilderness piece of 45 acres that you see indicated up to the north. So what this will enable us to do is go from the Village of Madrid on a trail system up into the Madrid Wilderness area and then potentially from there there are folks in the Madrid area who are looking into acquiring trail easements that would go up the arroyo and then connect also to our previously acquired Cerrillos Hills Historic Park. So the connections there are really exciting and what also one of the MLA members pointed out to me too is that there are existing easements south along the arroyo that aren't indicated on this map but those exist there. So this is sort of a missing piece between two parcels, and then also to potential to connect to the Cerrillos Hills Historic Park.

COMMISSIONER SULLIVAN: And then what is the status of the management plans for the Madrid Wilderness and for this parcel?

MR. KRAICH: For this parcel I've been meeting with the MLA, as a matter of fact Gavin Strathdee who's here from the MLA. We've gone out to the site numerous times and we are slowly talking about ideas for management out there. In terms of open space management, Cerrillos Hills is obviously one of the projects that's moving along and we're trying to focus on that as well, but yes, we are anxious to get into management. That's what I'm excited about and what I went to school for is planning.

COMMISSIONER SULLIVAN: I'm concerned because I've heard, and correct me if I'm wrong on this, but on some of our properties such as Cerrillos Hills where tours have begun but management is not fully in place that it's actually led to some looting and some removal of artifacts. And I'm concerned that that may happen here. Do we have any artifacts on this property or the Madrid Wilderness property?

MR. KRAICH: On the Madrid Wilderness, there's a lot of historic pieces, and especially along the greenbelt. Basically, there's an old railroad line there, so we're talking historic. So there's old structures from where they used to move, I believe, coal up and down the line, that sort of thing. But in terms—also there is, in the Madrid Wilderness, there is a cave in that peak area, if you look on sort of a topo, there's a cave on that one side and so folks are anxious to investigate that. So yes, you are correct. Getting the management process is crucial because once we start the management process we can actually start establishing control over these properties and have sort of the public's eyes and ears out there. And then if so, if there is archeological evidence we can start documenting that and protecting that. So yes, that is crucial.

COMMISSIONER SULLIVAN: Other questions? Commissioner Trujillo? Commissioner Campos? I see some—this is not a public hearing but I see someone that has a sign in the back of the room that says "Madrid Greenbelt—Yes" so I can obviously conclude what their particular interest is in the matter. Are you three individuals from Madrid? And are you in favor of this acquisition? Okay. Are there any other questions? What's the pleasure of

summary to update our road-cut ordinance at Public Works.

COMMISSIONER SULLIVAN: What's included in the packet is the current 1994 regulations. There's no need to go through these because you're proposing to amend those. Is that correct?

MR. RYDBERG: That's correct.

COMMISSIONER SULLIVAN: Are there any questions?

COMMISSIONER CAMPOS: Mr. Rydberg, generally what type of amendments to you foresee?

MR. RYDBERG: Basically, putting some more control for the County in monitoring and assessing fees to contractors that are working in the County right-of-way, requiring some bonding and this ordinance was written pretty much when there was a lot of excavation being done and currently there's a lot of overhead or aerial work being done and a lot of boring and different types of excavation going on now that really wasn't covered in this existing ordinance. So we'd like to bring it up to modern standards and also slightly increase the fees to cover costs.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER SULLIVAN: Other questions?

COMMISSIONER TRUJILLO: I think this is a good ordinance. I would make a motion to approve the request authorization to publish title and general summary.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: There's a motion and a second. Mr. Kopelman, does this require one or two public hearings?

MR. KOPELMAN: Mr. Chairman, this only requires one public hearing. But this again is just authorization to publish.

COMMISSIONER SULLIVAN: Okay. And that would be at a land use meeting it would have to be heard?

MR. KOPELMAN: Mr. Chairman, the way we've been doing the non-land use public hearing matters in an ordinance is a public hearing is they're usually put on at the beginning of the land use meeting. But this would not come forward probably until September, October.

COMMISSIONER SULLIVAN: Okay. Thank you. Any other questions?

**The motion to authorize publication of general summary for a road ordinance passed by unanimous [3-0] voice vote. [Chairman Duran was not present for this action.]**

**VIII. E. Utilities Department**

**1. Request approval of the Santa Fe County Water Utility 40-year water plan**

GARY ROYBAL (Utilities Director): Good afternoon, Mr. Chairman,

2227663

members of the Board. Before you is the County's 40-year water plan. A draft of the water plan has been presented to the Board on two other occasions. This is the third time that it comes before the Board for approval. The 40-year water plan has three purposes for the County of Santa Fe. The first purpose is a legal purpose. Under the law of the state of New Mexico and the principle regarding water rights of use it or lose it, the law exempts municipalities and counties from this use it or lose it provision. It allows a county or municipality to plan up to a 40-year planning horizon and acquire its water rights and hold those water rights without any fear of abandonment for not using them.

The second purpose of the water plan is to establish a blueprint, if you will, of the water management strategy that the County will following in meeting not only its existing demands but also its future demands in the area of providing water service.

The third purpose of this plan, which is equally as important as the other two purposes is that the state legislature has placed a prerequisite on the County to have an approved 40-year water plan before going forward with the lease of the state penitentiary water system and wells. So with those three purposes, this water plan is being presented to the Commission. The water plan contains several sections and several items in there. The first section, or the first part of the water plan is an executive summary which basically summarizes the contents of the plan. Section 1 is an introduction and also discusses the purposes of the plan. It also establishes a planning strategy that the County Water Utility will follow in managing its water resources.

Section 2 is an overview of the County Utility systems, not only the water system but also the sewer system. It also discusses the infrastructure and the service areas in which the water utility provides service.

Section 3 discusses water rights. It not only discusses the water rights that are currently under ownership of the County but also the water rights that we are presently pursuing to acquire for the system.

Section 4 is a conservation section that talks about the conservation measures that are currently in place and other conservation measures that will be developed and also as the Board's well aware, there is a proposed ordinance that would expand the conservation measures that would be applicable throughout County of Santa Fe.

Section 5 are the demand projections for the County of Santa Fe within our service areas. Included in this demand projections is also a brief section on some of the areas outside of the service areas of the current utility system for instance, areas north of the county and areas northeast of the county.

Section 6 discusses the water rights priority allocations that the Board has put into place through resolution. And this section basically describes what that ordinance does for the purposes of allocating water rights available to the County and under their ownership and control.

Section 7 are the water supply strategies or alternatives that are being currently pursued or have potential option to be pursued in the future. Section 8 is a conclusion of the 40-year water plan.

This draft of the water plan was presented at three public hearings in February. One

2227664

public hearing was held in Pojoaque. Another public hearing was held in the La Cienega area and another public hearing was held at the Turquoise Trail Elementary School in the San Marcos area. This water plan was discussed. It was amended to incorporate some of the comments and concerns that were received in those public hearings and I stand here before you for questions on this water plan.

COMMISSIONER TRUJILLO: Mr. Chairman, in the water conservation area, I'm sorry, I haven't gotten into detail regarding the water plan, but I would conjecture that we address the depletion of the aquifers and how we will take efforts to stop or get away from doing that. Is that part of our strategy in the water conservation part of the report?

MR. ROYBAL: Mr. Chairman, Commissioner Trujillo, conservation is a strategy to minimize the demand on the aquifer, yes. It will not have the direct result of recharging the aquifer. What it would do is minimize the pumping effect on the aquifer which would allow natural recharge to occur probably at a faster rate than it would if there was not conservation. That is one method of addressing depletion of the aquifer. There are other tools that are discussed in this plan such as aquifer recharge through deep well injection that also address the depletion of the aquifer through artificial recharge.

COMMISSIONER TRUJILLO: Do we have, and I don't want to put you in a precarious situation. Do we have any source of information, any demographics that gives us a quantitative, comprehensive picture of water availability and/or water quality throughout the county?

MR. ROYBAL: Mr. Chairman, I'll defer that to our County Hydrologist, Katherine Yuhas.

KATHERINE YUHAS (County Hydrologist): Mr. Chairman, Commissioner Trujillo, there are databases that are not comprehensive, not all put together that do exist. The State Engineer has some, the Environment Department certainly has a great database of water quality information and right now, the State Engineer is working on a comprehensive model of the area, really the whole Española Basin. There's a technical working group that we're participating in, and they're looking at measuring water levels and evaluating the depth of the water and the full depth of the water, not just where it is, but how deep it goes, all of those issues. That's probably in the next two or three years, an ongoing effort that we're participating in.

COMMISSIONER TRUJILLO: So we can utilize that data to make informed and objective decisions regarding impact of development on the water, on the aquifer?

MS. YUHAS: Exactly. And another group, the Jemez y Sangre Regional Water Planning Group, looking at even a larger area for water, is evaluating what the water needs are and what the resource is. They're also looking at stream flow, those types of things. So there are several groups that are looking at a large-scale type of database.

CHAIRMAN DURAN: Any other questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Gary, what is the purpose of appendix or

attachment 1? You say state of New Mexico policy on water, and it includes statutory language regarding groundwater storage and recovery. There is of course a great deal more statutes than just that regarding water for the state of New Mexico. Why are we making that a part of the County's 40-year water plan?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, our strategy is to use a conjunctive use strategy of surface and groundwater and I put this in here to support that type of a management strategy.

COMMISSIONER SULLIVAN: At the beginning of the document on page 1, you make a statement which I think is a reasonable one, at the bottom of the page stating that aquifer storage and recovery and aquifer recharge options will also be evaluated as possible methods to reduce the overall water rights which must be purchased. I think we're all interested in looking at those options and being sure that they're fully tested. As we go through the document, and then moving back to page 27, item 7.3, we then seem to go into a very detailed explanation of aquifer storage and recovery that seems to border on a promotional piece, and really, when we look at the 40-year water plan we're trying to lock in place what our water needs are for the next 40 years so we can get away from the use it or lose it strategy.

And I had some concern with that, with all of the language in that section which seems to promote it without our having even studied it. For example, on line 24, one of the statements says Rancho Viejo de Santa Fe, Inc. has conducted pilot tests to determine the possibilities for aquifer recharge through infiltration ponds. What were the results of the pilot test?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, my understanding is that there was a good result and that the water did infiltrate into the ground. However, there was no determination whether there was any actual recharge of the aquifer.

COMMISSIONER SULLIVAN: Were the results submitted to the State Engineer? Did the State Engineer have any comments on it?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, I'm not aware of any official position that the State Engineer has taken on that, nor am I aware that there's been any application to the State Engineer to make an official determination on that.

COMMISSIONER SULLIVAN: Did they do any unofficial review of the results or was this just done by Rancho Viejo separate and apart from the State Engineer?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, it's my understanding that the State Engineers Office and staff were aware of this pilot test taking place and that it was done with their knowledge.

COMMISSIONER SULLIVAN: And what type of informal comments did they have on it?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, I wasn't present for that. This is just based on my understanding of discussions with other staff people.

COMMISSIONER SULLIVAN: I just again question why we are discussing injection in Arizona facilities and we've already indicated that we're going to pursue that as an option but I read, as I read through 7.3, I read this as we as a Commission have an already established policy that we are going to do this. I don't think we're there yet. We may well be

2227666

there yet. I think a great deal of study and evaluation is necessary but I read this as saying that this is where we're going. Now, conjunctive use is certainly where everyone needs to go, but conjunctive use doesn't *ipso facto* mean aquifer storage and recovery. There's other ways of conjunctive use. And I've discussed this with you previously. I feel that we've gone beyond the intent and the requirements of a 40-year water plan by and in particular this paragraph 7.3.

COMMISSIONER TRUJILLO: Mr. Chairman, the way that I interpret paragraph 7.3 is that Santa Fe County will avail itself of the technology that's available, state of the art technology that's available regarding aquifer storage and recovery and injection. And I think it would behoove Santa Fe County to be an active participant in that area, to make sure that they're on top of a technology and so that the depletion of the water table and the aquifer is addressed. And if this is something that we can use in Santa Fe County we should use it. I think that we should include it as part of the 40-year water plan. If we need to take things like the Rancho Viejo de Santa Fe, Inc. out or whatever, that's fine, but I think the technology is out there and that we need to avail ourselves to that technology.

CHAIRMAN DURAN: I agree. The way I read 7.3, it's basically an explanation of the process. I see no reason to have Rancho Viejo in sentence 24 referenced, nor do I think we need to say anything like on line 45 where Santa Fe County through SFC Water Utilities is open to a public/private partnership to investigate options in the Community College District. I think that could be omitted. I think to say that the Santa Fe County Water Utility will pursue a deep well injection pilot project using potable water may not be the right thing to say right now. But I do think that having it in here as a point of reference and actually part of our vision is totally adequate. Did you have a problem with removing the reference to Rancho Viejo, the Community College District, and kind of keep the discussion based on the importance of this kind of technology?

CHAIRMAN DURAN: I think, Mr. Chairman, you're on the right track. I think a) we mentioned that on page 1.

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: So we've set that as a goal to investigate. On page 5, and I ask you to look also at line 7, which starts, that sentence, at line 3. "Santa Fe County Water Utility will continue to develop and manage its water supply portfolio to achieve and maintain a balanced aquifer through conjunctive management of its water resources that includes imported water, local groundwater, local surface water resources, aquifer storage and recovery and deep-well injection."

CHAIRMAN DURAN: Could we say, "that could include"?

COMMISSIONER SULLIVAN: We could, or we could say, we could drop out aquifer storage and deep-well injection until we made the policy that that's a procedure we want to use.

CHAIRMAN DURAN: But if we said "that could include" that would indicate that we are investigating those possibilities. I spoke to the—

COMMISSIONER SULLIVAN: That's fine. You spoke to who?

CHAIRMAN DURAN: I was going to say, I spoke to the State Engineer about

2227667

this about a month or so ago, about the storage and the return flow credits and he's not sure that he's going to be able to provide or approve any return flow credits because the process of proving that it's returned to the river, it's hard to do. And actually, he's going to be here tonight talking about all this stuff. What's wrong with just changing the reference or changing this so that it only references the truth of the matter which is we are interested in pursuing the technologies? We haven't yet completed that process.

COMMISSIONER SULLIVAN: I think including "could" would be fine. That's what my intent was when I read the document. The references seemed to take me considerably away from that. With regard to 7.3 let me suggest something that may slim it down. If you look on page 28, after we go through all the kind of history of aquifer storage and recovery, which I think anybody can obtain in the text documents, on page 28 at the top, starting with line 2, if we start right there at the end where it says the County. "...the County plans to evaluate options for aquifer recharge with reclaimed water. If tests results from the pilot project are positive, it may also be possible to store excess surface water in the aquifer during wet years." Then we go on to say further on down, "If successful, aquifer storage and recovery may allow pumping to occur." I think that paragraph, starting at that point says we're going to look at these things and if we're successful we're going to proceed with them mitigating adverse impacts on other water right users. I like that particular paragraph as a concise summary of where we're going on evaluating aquifer storage and recovery.

COMMISSIONER SULLIVAN: Why don't you change it?

COMMISSIONER SULLIVAN: I would make a motion or make a change that we start 7.3 with the words—

CHAIRMAN DURAN: Just make sure that you wrote it down. This would be an amendment that Commissioner Sullivan would like to propose.

COMMISSIONER SULLIVAN: I would propose, as an amendment two things. One of which Commissioner Duran brought up. One was that change on page 5 using the words "could include" instead of "that" on line 5. And under paragraph 7.3, that the totality of that paragraph start at line 2 with the words "The County plans to evaluate options..."

COMMISSIONER TRUJILLO: And the duration of the—

COMMISSIONER SULLIVAN: And then the balance of it, yes, down to the word "uses."

CHAIRMAN DURAN: That would include—so 7.3 would only be that paragraph?

COMMISSIONER SULLIVAN: Just that term. Right. That says it all.

COMMISSIONER TRUJILLO: I think that says it all. What do you think? What does staff think?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, Commissioner Trujillo, that would be fine. This just explains benefits but what the plan basically does is that these are options available and it does get to that point that these are options that we could be investigating.

CHAIRMAN DURAN: Okay. I like that. Commissioner Campos.



2227668

COMMISSIONER CAMPOS: Mr. Roybal, you said you had public hearings? I'm curious about what kind of comments you received. What were the biggest issues on the minds of people that attended these meetings?

MR. ROYBAL: I didn't attend the La Cienega one, so Katherine Yuhas and Doug Sayre attended them. Basically, their concerns were the use of water rights and the impact on the aquifer and how these water rights are going to be used in our service area in the southern part.

COMMISSIONER CAMPOS: You're saying they're concerned about water rights because someone may transfer them to their area and may start pumping near them?

MR. ROYBAL: Yes, Mr. Chairman, or that we would acquire water rights within that area and that they would be used for development. And to address that issue with those comments if you would look on page 5, line 21, where it says, "Local water rights purchased by Santa Fe County Water Utility will have a first priority to meet local needs of the community from which the water rights are permitted." So at this time what this essentially does is say that those water rights will be used within that community.

CHAIRMAN DURAN: But we're taking that out. Oh, no, we're not. That's what you were talking about earlier today, right?

COMMISSIONER TRUJILLO: But these are not traditional water rights. Are they traditional water rights, local water rights? Purchased by—or can they be traditional water rights?

MR. ROYBAL: Mr. Chairman, Commissioner Trujillo, at the present time we are not looking at acquiring any type of traditional or what I would consider acequia rights. These would include rights such as ground water rights, say from the penitentiary or other rights that may be transferred into this area.

COMMISSIONER TRUJILLO: Domestic wells?

MR. ROYBAL: Domestic well rights, groundwater rights, yes. Another comment we received was in San Marcos which I found very interesting is that they didn't want the County utility service going into their subdivision, their area.

COMMISSIONER CAMPOS: They did not want—

MR. ROYBAL: They did not want that.

COMMISSIONER CAMPOS: What was their reason?

MR. ROYBAL: They were perfectly happy with their water situation.

COMMISSIONER CAMPOS: Do they have a mutual domestic?

MR. ROYBAL: No, I believe they were on their own wells.

COMMISSIONER CAMPOS: Stand-alone wells?

MR. ROYBAL: Yes, their own domestic wells.

CHAIRMAN DURAN: Because it would increase the densities out there. It could possibly affect their densities. Wouldn't you say that's why they're concerned. Because right now we're limiting the wells. That's the Silverado area, isn't it?

COMMISSIONER SULLIVAN: Right adjacent to it.

MR. ROYBAL: And at the Pojoaque public hearing only one person showed up

2227669

and she was a city customer who just wanted to know what the County was doing.

COMMISSIONER CAMPOS: Mr. Roybal, another question. Going to Section 2, County Utility Overview.

CHAIRMAN DURAN: What page is it?

COMMISSIONER CAMPOS: I'm just looking at the content, not a particular page. We talk about the utility service area, one thing I'm concerned about is places like Chimayo that do not have water. Isolated communities like Cañoncito del Apache or Cerrillos who are having water problems and really serious water problems that are not being addressed in this 40-year plan. How do you suggest just generally that we address the community problems that do not come within this utility area?

MR. ROYBAL: Mr. Chairman, Commissioner Campos, that would require a significant amount of resources, not only capital resources but human resources. Just the limited amount of involvement I had both in Chimayo and the Cañoncito area, it does require a significant level of human resources to help these people in the area of possibly organization, grants, grant funding, maybe some planning. Also capital is a big issue and possibly the way to help these communities would be to establish kind of as we received that one grant, that \$300,000 grant we were able to help two communities with that grant, is to continue to lobby and try and receive federal funding and assistance for these communities. But it does require a significant amount of human resources to do this because you have to be involved with these communities. You have to attend their meetings. You have to know what they're doing. You have to be able to sit down with them and go to these meetings.

For instance, Chimayo needs to get an environmental assessment to put this well that they have to drill with that \$400,000 grant they have. However, that may take a year and a half or longer for BLM, the Bureau of Land Management to get around to issuing a permit for it. So probably County assistance in that area would help. However, because the utility system doesn't extend out there it's very difficult for the utility itself to go out and provide the service. As for the Chimayo area, long-range there could be a possibility that some type of partnership with the City of Española and possibly if this Aamodt settlement comes to conclusion and is developed, that could be another source. So there are options out there that could be made available.

Cañoncito, we are, the 40-year plan recognizes that we may be providing bulk water to Eldorado. It's just a short distance from Eldorado to Cañoncito's system to be able to import water to them. The issue there is water rights again, the acquisition of water rights. I think as a County we can help these entities in the area of human resources and the acquisition of federal funding and possibly even state funds.

COMMISSIONER CAMPOS: Mr. Chairman, I would just like to say that to me this is a very critical area in the County and this plan here focuses on our service area which is fairly small and fairly limited. We have big problems and I think it's such a big problem that at some point we're going to have to dedicate more money to this area because it's critical. The Cañoncito mutual domestic is having trouble collecting fees. I think they're in default. It's not a very strong organization. The water's not drinkable. They just have so many problems out there

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and they just don't seem to have a lot of resources to deal with these problems. I think this should be—we're local government. This should be one of our primary responsibilities to help these communities. I just want to start thinking about this. Maybe in the next few months come up with some ideas as to how we can actually make them part of our service with human resources, guidance, working with the legislature, training, all kinds of things. I think they're in dire need of human resources, people who know something about water systems.

MR. ROYBAL: Mr. Chairman, Commissioner Campos, I'd be happy to be looking into that. As you're aware, Virginia Vigil and I have been working with Cañoncito.

COMMISSIONER CAMPOS: Yes, I know.

MR. ROYBAL: And Rudy Garcia and myself have been working with Chimayo, so it is very, very resource intensive to do this. So that is one of the issues that we would need to deal with is to be able to expand our staffing to be able to provide that type of assistance. There is a lot of expertise on the staff here that is very beneficial to small domestics.

COMMISSIONER CAMPOS: I agree. I think that would be excellent.

COMMISSIONER TRUJILLO: And I'm glad that coupled with what Commissioner Campos is saying, there's a major issue in the northern part of the county regarding water quality. There's a proliferation of individual septic tanks and they putting all sorts of nitrates in the water table and that's an issue that we have to address immediately. And that's going to have to include capital. It's going to have to include cooperation by many governmental entities including the Native American community, and cost copious money. But it's something that we need. I don't know how we're going to include it in the 40-year plan but we're in dire need of help.

CHAIRMAN DURAN: Wasn't there a way to add something in this 40-year plan that we recognize the need to provide assistance to these areas and to help them to get local, federal and state funds to address their needs?

MR. ROYBAL: Mr. Chairman, page 21, line 14, and I entitled it Northern Santa Fe County because at the time that's what I was working with, and that seemed to be the most immediate need at the time, in the Chimayo area where people had literally run out of water and they were taking it out of a ditch and the ditch went dry. We've been working with them. But at the bottom of the sentence, at the bottom of that section, I do indicate that we would work with other entities throughout the county. We have in our system, we have to provide bulk water to residents in Santa Fe County whose wells have gone dry or who just purchase bulk water for domestic needs. And we have taken up that service.

Another idea that's come up is, and I believe Commissioner Sullivan brought this up two months ago, was to buy a water tanker, a major water tanker where you could haul water to a storage tank in the community if they're running dry or to hold them over for a period of time till their system came back up to some adequate level. So there are other options that we can pursue. I don't believe that it's necessary to the plan but it can be included in the plan if that's what the Board desires.

COMMISSIONER CAMPOS: I agree, it's not necessary to the plan. I think it's necessary to this discussion that we have this big picture discussion now. But you know, a lot of

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these communities, they need water and they need it immediately. Trucking may be the only solution. I don't know if it merits buying something. We could rent tankers on an as-needed basis. But it's something to look at.

MR. ROYBAL: Mr. Chairman and Commissioner Campos, that is something that I think we need to be looking at also.

COMMISSIONER CAMPOS: We have a meeting with Cañoncito on Monday? The folks in Cañoncito del Apache about the water system situation?

MR. ROYBAL: Mr. Chairman, Commissioner Campos, yes. It will be the members of the mutual domestic board, Senator Maes, Senator Griego, representatives from the New Mexico Finance Authority, from the Environmental Department, from the State Engineer's Department and we will be there also.

COMMISSIONER CAMPOS: What time?

MR. ROYBAL: I believe it's at 1:30 at the state library.

COMMISSIONER CAMPOS: I'll talk to you about exactly what room we're meeting.

MR. ROYBAL: Room 220, I believe.

CHAIRMAN DURAN: What day?

MR. ROYBAL: Monday.

CHAIRMAN DURAN: Is that the one you left me a message on?

MR. ROYBAL: No, Mr. Chairman. That was with Congressman Udall at 9:00 at his office.

COMMISSIONER SULLIVAN: In Washington. Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just two other minor wordsmithing items I'd like the Commission to consider. Back on page 5, line 28, where it says "Santa Fe County Water Utility will pursue the reuse of reclaimed water, etc. including aquifer recharge of some combination of the three." I would just ask that we say there, "Santa Fe County Water Utility will pursue the feasibility of the use of reclaimed water."

CHAIRMAN DURAN: That's fine with me.

COMMISSIONER SULLIVAN: And then on page 15 at the bottom, starting with line 42, reference is made to conservation measures resulting in an average water usage of .21 acre-feet per household per year. I think we need to add in there that in the last two of the three years the County, during which those measurements were taken, the County's been under drought restrictions. I assume the numbers are factual and I think also were we not under drought restrictions that number may have been different. So I think just the addition of a sentence that indicates that during two of the three years of that period we've been under drought restrictions.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, I'll qualify that statement.

COMMISSIONER SULLIVAN: And check on my numbers. It may have been three of four years but I think it's two of three. Whatever the proper qualification is I think

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that's useful.

MR. ROYBAL: I'll do that.

CHAIRMAN DURAN: Any other questions of Gary?

COMMISSIONER TRUJILLO: Mr. Chairman, move for approval.

COMMISSIONER SULLIVAN: I second, as amended.

**The motion to approve the 40-year water plan, as amended, passed by unanimous [4-0] voice vote.**

**X. E. 2. Resolution No. 2002-104. A resolution adopting and approving a water service application fee**

[audio difficulty at the start of this issue.]

DOUG SAYRE (Water Utility Director): Mr. Chairman, and members of the Commission, I believe there's a variable rate but I believe they've established around \$2300 per connection for a residence. I think it's graduated and goes up and there's also a user charge fee but I can't remember what that is exactly. I can find that information out for you if you'd like it. Thank you.

MR. ROYBAL: Mr. Chairman, Commissioner Trujillo, and I'm not sure if that was just in relation to this resolution, because this would be something different from a connection fee.

COMMISSIONER TRUJILLO: This would be what then?

MR. ROYBAL: Basically, when you have a developer coming into and requesting service from the County, we would enter into that water service agreement that was amended by the Board, I believe it was on Tuesday, and that's just to process the water service agreement. That has nothing to do with connection fees or anything else.

COMMISSIONER TRUJILLO: And it will cost them \$500.

MR. ROYBAL: That would cost them \$500, yes. And that number was based on approximately three and a half hours of legal time. That would be to review the applications to transfer water rights and any other meetings that would be required. We have under contract John Utton who does a lot of our water rights work and he would be reviewing this and we pay him so I think that it would only be fair that those costs be placed on the applicants since they're the ones requesting the service.

COMMISSIONER TRUJILLO: And this is in addition to transferring domestic water rights that a property owner might have?

MR. ROYBAL: Mr. Chairman, no. This will not apply to, let's say the people in La Cienega who would be transferring their domestic right to us. This is not applicable to them. This is applicable to developers.

COMMISSIONER TRUJILLO: Developers. Okay.

MR. ROYBAL: Yes.

COMMISSIONER SULLIVAN: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I question that we may be low on this for this reason. I know that in our resolution to look at water rights transfers we state in there that we may enter with the applicant as a friend of the court. We may testify before the State Engineer and so forth. How are our costs covered to do that?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, there was a provision in the standard service agreement that they would pay all fees including engineering and legal fees associated with the execution of that agreement. If it's required that we attend some of these that we testify, I believe that we have the ability through that agreement to recover those costs from the applicant.

COMMISSIONER SULLIVAN: So there's no limit then on that? That obviously could go into the thousands and thousands of dollars. The applicant has to pay whatever Santa Fe County feels is fair and reasonable to protect the interests of Santa Fe County and its residents in tracking that application and making testimony and so forth as necessary. Would that be correct?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, yes. Any time that we spend on that up and above what we allowed out of the \$500 would be I think recoupable under that water service agreement.

COMMISSIONER SULLIVAN: So in this case, the application of course ultimately is headed for the State Engineer's Office. Is that correct?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: And so we're—why are we looking at it? Explain that to me.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, we're looking at it to make sure that the language in there on the diversion points are appropriate, that there's no—that the language—that the County's protected basically in any of the applications that are being provided. In fact we're reviewing one right now in which we have an issue with.

COMMISSIONER SULLIVAN: Okay, and if we do have—the applicant pays the fee, we review it, the attorney comes back with a number of comments. What happens then?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, if they return it back to us with comments—

COMMISSIONER SULLIVAN: Yes. We send it and we send it to the attorney and we say don't spend more than \$500, which would mean two hours, and give us your comments on this application. Our attorney prepares comments which may have issues or concerns. So what do we then do?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, we then return that application back to the applicant, have them amend that application and resubmit it to us for our review and approval based on those comments and concerns that we would express in that

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situation.

COMMISSIONER SULLIVAN: And if we can't come to agreement with the applicant in terms of the language in the submittal, what happens?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, I would assume that that application doesn't get filed with our approval. It needs the County approval to get filed. So if we don't give that approval it doesn't get filed.

COMMISSIONER SULLIVAN: So the State Engineer requires County approval for an application by the developer to be filed?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, no. The County's requiring our approval.

COMMISSIONER SULLIVAN: We're requiring—

MR. ROYBAL: We're requiring that we have final approval of the form of the application before it's filed with the State Engineer. The State Engineer has approval of the application, jurisdiction on that approval.

COMMISSIONER SULLIVAN: And could the applicant say, well, I disagree with you and it's the State Engineer who has the authority here, not the County. I'm going to go ahead and submit my application anyway? A legal question, obviously.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I'll need to recheck the contract but if my memory serves me, I think that would be a basis for terminating the contract. They can go forward. They wouldn't be able to move the water rights to that point of diversion then.

COMMISSIONER SULLIVAN: So they have to sign the contract first and then they come under the provisions of this resolution for \$500 and the submitting of the fee.

MR. KOPELMAN: That would be part of it, right. When they sign the contract, part of the application process would be paying the County whatever amount you decide is appropriate. Whatever amount the Commission decides.

COMMISSIONER SULLIVAN: So if they don't agree with us as to diversion point or whatever the issue might be, then that would terminate the contract, which means that they could submit to the State Engineer, but we wouldn't provide them the water.

MR. KOPELMAN: Mr. Chairman, the other issue is that it's our point of diversion. So in effect, they'd have to find some other place to move it. The whole point of the contract is for them to be able, presumably, and support their development project. So it really would behoove them to work with us on this.

COMMISSIONER SULLIVAN: Okay. The point then you're indicating, Mr. Roybal is that if we have disagreements in terms of that application, those have to be worked out between the County and the applicant before it moves forward to the State Engineer's Office.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, yes.

COMMISSIONER SULLIVAN: And you really feel that \$500 is adequate to review these? Wouldn't the review be a function of what kind of water rights, how much water rights, whether they were Rio Grande main stem or whether they were above or below the

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gauge?

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, that would be part of the review. However, I don't know if that would take a significant amount of time to determine whether they were above or below the Otowi Gauge. The amount of water rights come in their letter of application. At that point, once, assuming that that application, the County approves the application or the permit application for transfer to go to the State Engineer, the State Engineer would then determine how much water rights are transferable and then that would determine how much water they have available to them.

COMMISSIONER SULLIVAN: Of course you could always come back later and ask for the resolution to be amended if you find that—how much time have you spent on the one that you're working on now?

MR. ROYBAL: Mr. Chairman, I spent a lot of time on the standard service agreement so I assume that would be part of it but on the current, on the one that we're looking at right now I haven't spent more than 30 minutes on it at this point.

COMMISSIONER SULLIVAN: And it's also being reviewed by legal counsel.

MR. ROYBAL: Mr. Chairman, Commissioner Sullivan, yes. And if I may add on that, I have asked our legal counsel to itemize those types of costs so that we can track them. So if \$500 isn't enough we can always come back and change them. This is a new administrative function that we're taking on and it would be good just to see where we're at and then be able to adjust that later on in the future.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion?

**The motion to approve Resolution 2002-104 passed by unanimous [4-0] voice vote.**

## ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 3:50 p.m.

Approved by:



Board of County Commissioners  
Paul Duran, Chairman




Respectfully submitted:

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Karen Farrell, Commission Reporter

ATTEST TO:

  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK

