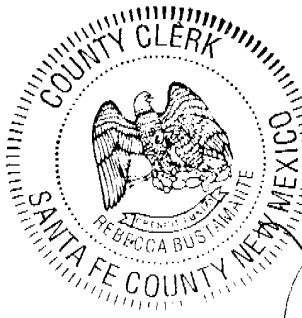


1174. 175
COUNTY OF SANTA FE) SS
STATE OF NEW MEXICO)



I hereby certify that this instrument was filed
for record on the 28 day of Sept A.D.
20 01 at 8:35 o'clock 2 m
and was duly recorded in book 1982
page 061-169 of the records of
Santa Fe County

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Rebecca Bustamante
Deputy

SANTA FE

1982061

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

AUGUST 28, 2001

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

SANTA FE COUNTY

1982062

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

August 28, 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 [late arrival]
Commissioner Paul Campos
Commissioner Jack Sullivan

Members Absent:

None

IV. APPROVAL OF THE AGENDA

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- B. Tabled or withdrawn items**

CHAIRMAN DURAN: I actually have one request. I have a request by a friend who asked if he could come up under Matter from the Floor, of Public Concern, and rather than stay all day here, I said that I would ask the Commission to see if you would mind him coming up and making a presentation to us. And it is Richard Morris. Not yet Richard. Could you just tell me real briefly what is it you're talking to us about?

RICHARD MORRIS: I'm here to invite you to the dedication of a new rugby field.

CHAIRMAN DURAN: So how about if we just do that right after approval of the minutes.

COMMISSIONER TRUJILLO: Good. Yes.

1982063

CHAIRMAN DURAN: Okay. Any other changes to the agenda? Sam?
SAMUEL MONTOYA (County Manager): None, Mr. Chairman.
COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.
COMMISSIONER SULLIVAN: Second.
CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

V. APPROVAL OF THE MINUTES: July 31, 2001

CHAIRMAN DURAN: Are there any changes to those minutes?
COMMISSIONER TRUJILLO: If not, Mr. Chairman, I move for approval.
COMMISSIONER CAMPOS: Second.
CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

X. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIRMAN DURAN: Okay, Mr. Morris, the floor is yours. Please step forward. Just give us your name for the record, please.
MR. MORRIS: My name is Richard Morris. Mr. Chairman, members of the Commission, thanks for giving me the opportunity to make this presentation to you. I'll keep it very brief. I'm a member of the Santa Fe Rugby Football Club and I come before you to publicly invite you to the dedication ceremonies to the new rugby fields out at the MRC on Caja del Rio Road. Those are taking place this Saturday. I have a little schedule here to give to you. We're having a youth clinic from 7 to 13 from 10 to 12 o'clock with the dedication ceremonies at noon. There'll be a men's rugby game after that with a high school game and then an old boys' game.
Rugby has been in Santa Fe since 1972, which next year will be our 30th anniversary. I think a lot of people don't realize that. We've been playing on fields all over town and now we have our own fields. I know Commissioner Sullivan spent years trying to get soccer fields and they're out there at the MRC and now we have some rugby fields also. We've had high school rugby since 1985 in Santa Fe. We've hosted overseas teams. We've hosted five overseas teams, the last being from Wales last spring. We've also been on tours. Santa Fe Rugby Club went on tour to England in 1986. We won one, we lost three.
The plans we have for these fields are next spring to have a youth rugby program,

1982064

SFC CLERK RECORDING 08/16/2004

and that will be from 8 to 13. It will be non-contact touch rugby, and then in the spring of 2003 we're bidding on hosting the national collegiate championships here, now that we have the facilities to do that. So once again, I hope that the Commissioners can make the dedication ceremonies on Saturday. If you can't on Saturday, we're having our tournament on Sunday the 3rd, which will go from 9:00 until 5:00 and we'll have a men's bracket, a women's bracket and a collegiate bracket. And I also invite all the County staff, anyone that's been out to the MRC. They are beautiful facilities and you should come out and enjoy them. I have little fliers. I can come forward and hand these out to you. Thank you.

CHAIRMAN DURAN: Thank you, Richard. What time is that on Saturday?

MR. MORRIS: Saturday it starts at 10:00 with the youth clinic. The dedication ceremonies begin at noon. It will take probably a half hour for that and the men's game will begin.

COMMISSIONER TRUJILLO: Where are the fields?

MR. MORRIS: The fields are located out on the Caja del Rio Road, and if you take the Bypass and exit on County Road 62, take the north frontage road to the west and then take a right and head north on Caja del Rio. You go about a mile, a little over a mile and the rugby fields will be on your left-hand side.

COMMISSIONER SULLIVAN: Are you going to have someone explain how to play rugby?

MR. MORRIS: Yes, we will have someone to explain rugby.

CHAIRMAN DURAN: Okay. Thank you very much, Richard. Next speaker please.

WARREN SALMAN: Good morning, Commissioners. My name is Warren Salman. I am the project coordinator for the Zozobra event, which has been commissioned by the Library of Congress. Not really commissioned, but Senator Pete Domenici had asked us to put a documentary together for the bicentennial of the Library of Congress. We started this project approximately two years ago and the County was very kind in helping us fund our project. We have now completed the video portion of that project and we have sent invitations, I believe, to the Commissioners, to the world premier showing, which will be Monday at the Lensic Theater.

This is going to be open to the public and it will be a donational thing. So all people are invited to come to it and we are asking for donations at the door. The length of the showing will be 58 minutes. Mrs. Fleming is the producer of the video. Our narrator is Gene Hackman. Carla Aragon is one of the presents in it. Tony Hillerman is in it. Pedro Rivera Ortega is in it. And we're just here to thank the County for it and hope you all make an attendance to our world premier showing on Sunday.

I would recommend, we anticipate a good group of people to come to the event and we will do invitational seating at 3:00, starting at 3:00 and you people will have invitations so feel free to come down. Carol or I will get you right in. Thank you very much. We

1982065

appreciate it.

CHAIRMAN DURAN: Thank you.

MR. SALMAN: It's Labor Day, the third. I'm following up on the other gentleman. He had Sunday as the third. Sunday is the second and Monday is the third. It will be Monday the third, Labor Day.

CHAIRMAN DURAN: At three p.m.

MR. SALMAN: At 3 p.m. Be present at three p.m. and we'll take care of it at that point in time. Thank you very much.

CHAIRMAN DURAN: Thank you.

VI. CONSENT CALENDAR

- A. Resolution No. 2001-121. A resolution requesting a budget increase to the general fund (101)/County Sheriff overtime budget from traffic safety grants awarded through the NM State Highway and Transportation Department for expenditure in fiscal year 2002**
- B. Resolution No. 2001-122. A resolution requesting an increase to the general fund (101)/fire administration to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002**
- C. Resolution No. 2001-123. A resolution requesting an increase to the fire protection fund (209) to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002**
- D. Resolution No. 2001-124. A resolution requesting an increase to the fire tax fund (222) to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002**
- E. Resolution No. 2001-125. A resolution requesting an increase to the fire tax revenue bond fund (380) to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002**
- F. Resolution No. 2001-126. A resolution requesting an increase to the general fund (101)/County Clerk Bureau of Elections to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002**
- G. Resolution No. 2001-127. A resolution requesting an increase to the Clerk's fees fund (218) to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002**
- H. Resolution No. 2001-128. A resolution requesting an increase to the general fund (101)/DWI program to budget revenue received from a grant awarded through the NM State Highway and Transportation Department for expenditure in fiscal year 2002**
- I. Resolution No. 2001-129. A resolution requesting an increase to the general fund (101)/DWI program to budget revenue received from a grant awarded through the NM Children Youth and Families**

1982066

SFC CLERK RECORDING 08/16/2004

- Department for expenditure in fiscal year 2002**
- J. Request approval to enter into change order number two with Big Sky Builders for Eldorado/La Cienega transfer stations**
 - K. Request authorization to accept and award a construction agreement to the lowest responsive bidder, IFB #21-60 RB1, for the exterior improvements to the Galisteo fire station**
 - L. Request authorization to accept and award a price agreement to the lowest responsive bidder, IFNB #21-64 RB1, for microfilming services**
 - M. Request authorization to accept and award a construction agreement to the lowest responsive bidder, IFB 21-68, for roofing replacement at the Santa Cruz, Valle Vista and Camino de Jacobo housing sites**

MR. MONTOYA: Mr. Chairman, we ask the Commission to adopt the Consent Calendar as presented unless there's any issues that you'd like to pull.

CHAIRMAN DURAN: Are there any items on the Consent Calendar that the Commission would like to isolate for further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to discuss item J briefly.

CHAIRMAN DURAN: Okay, are there any other items the Commission would like to isolate?

COMMISSIONER TRUJILLO: Mr. Chairman, move for approval of the Consent Calendar except for item J.

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. [Commissioner Gonzales was not present for this action.]

- VI. J. Request approval to enter into change order number two with Big Sky Builders for Eldorado/La Cienega transfer stations**

JILL HOLBERT (Solid Waste Director): Do you have any specific questions, Commissioner, or would you like for me to make a short presentation?

COMMISSIONER SULLIVAN: If you could just give us a short background on where that transfer station is, progress-wise, and what this change order is about.

MS. HOLBERT: Okay. Commissioners, Mr. Chairman, the project is currently about 84 percent complete at the Eldorado transfer station. And some of the items that came up for the change order, and you can see this is all in your packet, the fire protection system required some revamping, in part because we're going to add a water

1982067

SFC CLERK RECORDING 08/16/2004

line into the facility. Originally, it was going to be stored water on site. Additional water line is needed for that water line coming in. The contractor will be performing some of that work to bring the water line in from the Eldorado Utilities.

We're going to have additional fencing, a few things, safety handrails for stairways, a septic line clean-out, some scale improvements and scale house modifications, those were things that we didn't catch early on and now realize there are some configuration problems with the scale house. Some electrical modifications for the main building. We do, however, get some deductions from the original contract, including the 6,000 gallon water storage tank, since we'll be going to a water line. A distribution box on a leachate line. The leachate line has been reconfigured and that's no longer needed. Some of the water line we're actually deducting because it was feeding to that storage tank which no longer will be needed and we are deducting some chainlink fencing as well. Are there any further questions?

COMMISSIONER SULLIVAN: I guess my main question was that why we're going from the stored water to the EDU system. And then secondly, does this, do County facilities not come within the moratorium on EDU hook-ups?

MS. HOLBERT: Mr. Chairman, Commissioner, I'll answer the second question first if you'd like. My understanding from Land Use is that we are an existing use. That's for new development. We're actually an existing development. So anybody who has an existing development would not fall under that moratorium.

COMMISSIONER SULLIVAN: But the existing development doesn't have a hook-up to EDU, right?

MR. HOLBERT: Correct. And you can ask Land Use directly, but my understanding from Land Use is that because we're an existing development that we don't fall under the moratorium. We also are looking at using less than a quarter acre-foot a year of water. We're a very small user. We're actually servicing one bathroom with that water and there'll be some fire hydrants which could have some use if there's a fire but otherwise there's just hydrants for fire protection. But our actual use on site is one bathroom.

COMMISSIONER SULLIVAN: I know, because I saw further on in the documents for review today. We have, I believe, a resolution to approve a contract to hook up to EDU and that ties into this. And maybe Land Use can answer this and it seems we're an existing use but we're expanding that use. The existing use was a dump, right?

MS. HOLBERT: Sir, we're actually not expanding our use. We're expecting the same tonnage we currently get. We currently have a bathroom onsite. It just happens to be a portable, a chemical toilet. We're making that bathroom a plumbed in bathroom, so our number of staff isn't changing. So we're really not changing or expanding our existing use. We're changing the structures onsite, but we're not expanding what we're doing there.

COMMISSIONER SULLIVAN: Okay. I just think we need to be careful. What's good for the goose is good for the gander and when we apply the moratorium

1982068

requirements we have to apply them uniformly of course. Maybe Roman can add.

ROMAN ABEYTA (Deputy Land Use Administrator): Mr. Chairman, Commissioner Sullivan, the Land Use Department has looked at this and one, this does not require a new master plan and the moratorium applies to applications for new master plans. It also applies for applications for land divisions or subdivisions, which this is not. And two, we also agree that this does not constitute an expansion. It's an existing use. And we looked at the water budget and the water budget is below a quarter acre-foot of water per year in our estimation. So we did not feel that this fell under the guidelines and the requirements of the moratorium.

COMMISSIONER SULLIVAN: Okay. And the other question was why we decided, since the water use is so minor, to go through the process of a hook-up with extra cost, versus a storage system?

MS. HOLBERT: Mr. Chairman, Commissioner, the main reason was for fire protection. In meeting with the Fire Marshal, it was determined that a better system of fire protection would be a water line rather than the stored gallons in those water tanks. You know, we don't, obviously, anticipate using fire protection services but again, you have to have them available and you may need them. So again, it's purely for fire protection purposes.

COMMISSIONER SULLIVAN: So originally it wasn't designed with any fire protection or sprinklers or anything?

MS. HOLBERT: Mr. Chairman, Commissioner, yes it was. It was a different system. It was utilizing up to three water storage tanks onsite. Some of that money was coming out of our budget. Some of that money was coming out of the County Manager's. So we have consolidated that down to the water line.

In addition, kind of as a good point in this, we are harvesting water off of the roof. I know you're interested in that kind of engineering. We are harvesting water off the roof of the building or will be when it's completed. We have a 4,000 gallon storage tank that remains in the plans. That water will be used to wash the floor inside the building and that will be all stormwater that's harvested.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

MS. HOLBERT: Thank you.

CHAIRMAN DURAN: So the chair will entertain a motion to approve item J of the Consent Calendar if there's no further questions.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

1982069

VII. PRESENTATIONS AND AWARDS

A. Presentation of award to Becky Montoya for the Employee of the Quarter

VINCENT OJINAGA (Resource Development Director): Mr. Chairman, members of the Commission, the Employee of the Quarter is Rebecca Montoya. As a payroll officer for Santa Fe County, Becky has been responsible for payroll functions from analyzing time sheets to getting paychecks to correcting all the things that go on with our paychecks. If it wasn't for Becky, none of us would get paid, I guess.

Becky has been with the County for 20 years. She's done an excellent job. She takes her job very seriously and is a very dedicated employee. I would just like to say thank you to Becky for all her dedication to Santa Fe County and we'd like the chairman to present the certificate of appreciation to Becky.

BECKY MONTOYA (Payroll Officer): I'd like to thank you, Mr. Chairman and Commissioners, Corky, Helen and the Employee of the Quarter Committee that selected me. I've been with the County for 20 years. I've enjoyed it. It's an honor to be selected for Employee of the Quarter and I continue to look forward to working with the County for the future, in the future and I thank you again.

CHAIRMAN DURAN: Thank you, Becky. We appreciate your hard work and hopefully, you'll be with us for another 20 years.

MS. MONTOYA: Thank you.

VII. B. Presentation by the Parking Advisory Board regarding a parking structure at Sweeney Center

MIKE LUJAN: Mr. Chairman, Commissioners, Mr. Montoya, my name is Mike Lujan, with the City's Transportation Operations Division. One function of that division is a municipal parking system. As some of you may know, the City Council at their meeting of July 25, gave unanimous approval to move forward, directing staff to begin a feasibility study to develop a parking garage situated at the City Hall/Sweeney Center location. Part of that resolution, a copy of which was included in your packet, I believe, also directs staff to look at possible collaboration and moving forward for development of a facility with Santa Fe County as well as the state district court.

As many of you may know, the concept of a parking garage in the downtown area is not new. This was actually a recommendation that came out of the very comprehensive parking study done by Wilbur Smith Associates back in '94, '95. The Parking Advisory Committee, over the past two years has worked diligently on strategies to improve parking conditions in the downtown area. The committee, which was appointed by the Mayor for a four-year term is made up of a number of downtown stakeholders, primarily business owners, property owners, residents at large, as well as representatives from government,

1982070

including state, County and City. In fact Ish Lovato has served for the past two years on this particular committee.

Since the beginning of this particular calendar year, the committee has met to focus on priorities for the coming year, looking to the various improvement strategies that have been discussed over the years with regard to how to deal with it. They've elected and decided the top priority is to move forward, to get the governing body to move forward to actually considering development of a parking garage in the downtown area. Thus the report and the resolution that is found in your packet as well as what was presented to the Santa Fe City Council.

The committee itself again, like I said, felt it was very important to consider the possibilities of a joint effort with Santa Fe County, knowing the needs of the administrative offices here from a parking standpoint, as well as the needs for the state judicial complex. I should note that the committee was watching with great interest the recent bond issue, the County bond issue that would have possibly looked at development of a parking garage in the downtown area.

Feasibility itself at this stage is a very, very important step before we'd move forward. Obviously, we need to look at all the issues surrounding a parking garage in that particular area. This has been on the table probably since the mid-eighties I believe. The feasibility primarily would look at conceptual design, what will it look like? How can it fit in? What would be the urban character of the facility? What is the potential for mixed use? And obviously, work hand in glove with the various stakeholders, including County, federal, City, as well as private sector offices in the downtown area.

The next very important component besides the conceptual design would be to determine how we're going to fund it and how it can be paid for. Obviously big issues from the City's standpoint center around the priority of water issues. However, our approach in this regard is that there are a variety of potential funding sources there that might lend itself towards development of a parking garage in that area. So the study itself would be the next step, the feasibility. And our hope is to look at a consultant team that would have expertise, obviously in parking, architecture, finance, traffic, transportation management, who very possibly would team up with a local architectural firm as we move forward in this particular regard.

We envision representatives from a staff perspective, not only from Transportation Operations Division, but possibly representatives from County staff, very possibly our Traffic Engineering Division, Public Works, our engineering folks, to be part of this. Another real obvious component has to do with future plans for the Convention and Visitors Bureau on the site. We've met with Becky Ellis the director of the Convention and Visitors Bureau as well as made a presentation to the Lodgers in this regard. So there'd be very close coordination in that regard.

So with that, I would stand for any questions the Commission may have.

CHAIRMAN DURAN: Well, Mr. Lujan, I think it's a great effort we're undertaking here. Our judicial complex has been—the Steve Herrera Complex is really in

1982071

need of some renovation or expansion and rather than go out and get a \$35 million bond to build a new facility somewhere, I think the County is very interested in working with the City in developing a parking structure on your site that will allow us then to expand the existing building into the parking area that they have. I can't speak for all of us, but for me it sure seems like a logical thing for us to enter into with the City.

MR. LUJAN: Mr. Chairman, yes, I agree wholeheartedly. In fact, I had an opportunity to meet with Judge Vigil regarding the proposal and they are also quite interested in the potential that this project would have.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Two questions. One, in this study that you're planning to do, will this parking facility, or will one alternative for the facility accommodate a proposed convention center?

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, it's my understanding, the last time there was a real serious discussion about a convention center in that area, the parking facility would have been the first phase of that particular development and the way we're looking at this at this point is we'd look at opportunities to how that might blend in for future use of the Convention and Visitors Bureau. So we would work hand in glove in that regard. My understanding though is the footprint, which would be situated primarily behind the two facilities up to Federal Place, would lend itself to be able to do some parking development and still not take away from what could happen to the convention center.

COMMISSIONER SULLIVAN: The Council hasn't made any decisions, obviously, on the location of a convention center or I guess even if there's going to be one, but it would seem that that would be something that the consultant would need as input from the Council. Is Sweeney Center ever going to be a real convention center or is it just simply going to be the Sweeney Center. Because wouldn't it make a big difference in the size of the parking structure?

MR. LUJAN: Correct, Commissioner Sullivan. Obviously, yes, it would make an impact. And our hopes as we move forward in this project is that we would work very closely with Convention and Visitors Bureau staff in that regard. There have been very preliminary conceptual designs developed by the City's CIP Division on how things like that could work, but there would have to be close communication in that regard. As well as demand-based in this regard.

COMMISSIONER SULLIVAN: The last that I heard, and the reason I bring it up is, not to do the City's business for it; we have plenty to do on our own. But the last I recall, the Mayor had a proposal out for a joint convention center/parking structure at the site of the existing City Hall and that was the last, at least that I heard, and then that got put on the back burner as a result of water issues and finances. Is that still the City's current, if not totally official, semi-official plan for where the convention center will be, to your knowledge?

1982072

SFC CLERK RECORDING 08/16/2004

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, I can't speak for the Convention and Visitors Bureau staff, but my understanding is that is still the focus and whether or not that would move back forward to the priority list is still a question mark. So yes, it's hard to say. I would imagine, my guess at this point is that, yes, down the road it probably still would be a consideration.

COMMISSIONER SULLIVAN: And the second question, and then just briefly that I had was I know the City has talked for some years, as has the County about working cooperatively to do some type of a park and ride situation. Has there been any progress on that?

MR. LUJAN: Mr. Chairman, Commissioner Sullivan, that is one of the strategies that would still have to be investigated. The approach here is that a parking garage isn't going to solve the issues downtown. It's just one component of many strategies. One of the strategies being the park and ride. We are still working closely with the possibility of a peripheral parking shuttle. We've looked at the City's railyard property as a potential site, as an intercept site in which possibly commuters could stop and then hop a shuttle or walk into the core. That idea is still being investigated and pursued. What's slowed that down at this point is the current master planning process for the railyard. But I want to make it clear that again, based on the recommendations that came out of the '95 study, it's going to take a combined systems approach of strategies such as park and ride, obviously managing the demand in some way, looking at alternatives, but also some centralized parking development.

COMMISSIONER SULLIVAN: Well, I would just throw out a possibility to consider and that is that again, working in cooperation with the County, if the County might be able to help locate a site, perhaps further out than the railyard, that could be connected with the bus system and bring residents to the state offices as well as downtown. That might be a quid pro quo for our participation in the judicial complex in some parking spaces there. I think the County has land or has the ability through zoning and other development proposals that are coming forward to designate land as a possible park and ride area, again, beyond the city limits. So I just throw that out as a possibility that we might be able to work cooperatively on that to get a lot put together that was accessible to the bus system and see if we could reduce the number of vehicles downtown that way.

MR. LUJAN: Commissioner Sullivan, we'd definitely be interested in investigating those possibilities, by all means.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Mike, or Sam, does this mean that potential acquisition of the St. Vincent's property is dead in the water? Because we were looking at accommodating some parking structures in that property if the acquisition would take place. So that's not even an option at this point?

MR. MONTROYA: Mr. Chairman, it continues to be an option, however,

1982073

the state of New Mexico now is searching for a broker to actively sell that real property and the initiative has been I think in the past they've tried to sell it at least twice to different interested parties, including the City, including some interests from the County, and we're not able to consummate the deal completely. So I think now they're looking more to the private sector and it still is a possibility of the County or the City would want to put a serious effort behind it, it could conceivably happen but I believe for the purposes that we're talking about, going back to the chairman's point about parking need for the judicial complex, going back to Commissioner Sullivan's point about a convention center, the appropriate location for those two things would be exactly where Mr. Lujan is recommending the joint effort.

Mr. Chairman, so what we're talking about today is splitting the \$100,000 that it would cost to do the initial work to determine exactly how much it would cost to construct, which is estimated at \$8 to \$10 million at that location. It's an expensive endeavor, about \$10,000 per parking space. The other issue is you can't dig very deep because you hit the water table and it creates some serious problems. And then we're limited by height. So there are some limitations. But Mr. Chairman, to answer Commissioner Trujillo's question, it still is available at St. Vincent's but the probability it probably not good.

MR. LUJAN: Mr. Chairman, Commissioner Trujillo, I might add to the fact that the committee, when they looked at this, the location being right off the Paseo, lends itself to easy in, easy out with regard to how traffic would access the facility. So that was another consideration, but again, the feasibility will flesh out a lot of this.

COMMISSIONER TRUJILLO: Thank you.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Lujan, how many spaces do you anticipate creating?

MR. LUJAN: Mr. Chairman, Commissioner Campos, Wilbur Smith's study back in '95 recommended about 650 spaces there, and another 500 spaces elsewhere in the downtown area in order to meet the quantified demand. Part of the feasibility at this point will be to update those demand numbers within the general vicinity of the proposed location. What's changed in that period of time and how does it affect the impact of how big the facility needs to be. I can tell you that when the CIP Division was looking at this as a joint convention center/parking facility, they had thrown out a number of 800 parking spaces, but what I'd say is at this point, the feasibility study would be able to quantify that for us, Commissioner.

COMMISSIONER CAMPOS: Thank you, sir. Question for Mr. Montoya. Mr. Montoya, are you suggesting that we approve \$50,000 today to go forward with the project?

MR. MONTROYA: Mr. Chairman, the initial idea about bringing this whole concept to the Commission is first of all, to check with the Board to see if there is interest in a mutual development, because it does make some serious logical sense to do this.

1982074

SFC CLERK RECORDING 08/16/2004

There is a serious need for parking in the downtown generally, but more importantly around the government complexes that it would serve.

Secondly, Mr. Chairman, I think it would be money well spent. The third issue is that it is not a budgeted item, therefore we would have to work with the existing budget to find a funding source for it. But my initial intent today, Mr. Chairman, is to bring the partnership intent from the City before you and to ask you for guidance, Mr. Chairman. But I do believe, from my perspective that it is a worthy investment.

COMMISSIONER CAMPOS: Mr. Montoya, as far as the long-term financing for the project, have you studied that issue?

MR. MONTOYA: Mr. Chairman, we have studied the issue. We had looked at a parking structure earlier on, about a year ago. However, it might be easier to fund as a joint venture than it would be taking on the entire hit as a County or City entity.

COMMISSIONER CAMPOS: So it would be a bonding issue? We'd issue bonds?

MR. MONTOYA: Mr. Chairman, I believe that would be the appropriate mechanism.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One other question. I'm not sure whether it would be for Mr. Lujan or for Sam, but the City has a Parking Advisory Committee now and from your memorandum, I note that there's one person representing County government on that committee. I don't know this individual. Is it a staff member?

MR. LUJAN: Commissioner Sullivan, yes, I believe Ish Lovato is a staff member with Santa Fe County. Correct.

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, Mr. Lovato, Ish Lovato, is our maintenance supervisor for this facility.

COMMISSIONER SULLIVAN: Okay. I think if we want to participate in a contract, in a half of it that one issue that's certainly come up in the City's water contracts, although we've participated in those as well, or in parts of the data gathering for them, we want to be sure that we also have an equal participation in the decision making process that goes with that. And I don't know specifically how to structure that, but just to give you at least my feeling that I'm sure the County Commission would want to be more than just a financial contributor. They'd want to be an active participant.

MR. LUJAN: Commissioner Sullivan, I believe that was also the intent of the Parking Advisory Committee.

CHAIRMAN DURAN: I'm sure that as you move forward you'll take into consideration the needs of the County, the community, the City. Another issue that I'm sure you're already aware of and I'm sure Mr. Lovato has brought it to your attention is that we don't have any parking for our employees here and so it's not just the judicial complex but it's also our needs here at the administration building.

1982075

SFC CLERK RECORDING 08/16/2004

And just to kind of address one of your concerns, Commissioner Trujillo, about the old St. Vincent's site, I've kept a pulse on that for the last several months and I see the long run, if the private sector takes control of that property that there would have to be a parking structure built on that site to accommodate their parking needs and I would like for the City and the County to consider perhaps at some point, if we're asked by the private sector, to participate in that, in the development of a parking structure there, because I think that it would be a great opportunity for the community to enter into a partnership with the private sector and defray some of our expense and satisfy some of the parking needs that the community has in the downtown area.

So any other comments?

COMMISSIONER CAMPOS: Last question. What is your time line? If there is a decision to go forward, how many years down the road are we looking at?

MR. LUJAN: Commissioner Campos, the first step is to actually get the RFP out to actually do the feasibility. We'd like to coordinate that, obviously, with County staff. That process could take anywhere between three and nine months, depending on the public involvement process. One component obviously, is to involve the public throughout this process. Once that happens, we would be able to come back to the governing bodies, both County and City, with the facts with regard to exactly how it's going to look, how it would be funded, what it's going to cost, and hopefully, at that point, make a decision and go to construction design, which could take, again, I'm estimating, up to maybe six months and the process could take a little longer depending on the facility.

Once that were to happen, obviously then you'd go into the exploring and concurrently dealing with the financing part of it, the bonding issues and other areas. Development could take up to 18 months, depending again on what is eventually proposed for this site. But the feasibility is the big variable and again, the direction from the Council was involve the public in that process. That's more or less the time frame at this point, Commissioner.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions? Is this an action item, Sam? Do you need some direction?

MR. MONTOYA: Mr. Chairman, I would like to have some direction from the Commission. Then what we would intend to do is to structure exactly what Commissioner Sullivan alluded to earlier, is a document that would lay out the participation of the County, how our investment would pay off in the future. So those are some of the things that we'd work with Mr. Lujan on, and then most definitely come back to you and to the City Council to consummate that arrangement.

CHAIRMAN DURAN: Why don't you do that and then bring it back for us to make a decision.

COMMISSIONER CAMPOS: I think it's an interesting idea that we should look at very carefully.

1982076

MR. MONTOYA: Very good. Thank you, Mr. Chairman, members of the Board.

CHAIRMAN DURAN: Thank you, Mr. Lujan. We appreciate it.

MR. LUJAN: Thank you.

CHAIRMAN DURAN: Good luck. Let us know if we can help you.

VII. C. Status report by the Regional Development Corporation

HARRY MONTOYA: Hi, Mr. Chairman, members of the Commission. Good morning. My name is Harry Montoya and I serve as the representative for Santa Fe County on the Regional Development Corporation. We'd like to give you an update on the status of what the board of directors and the corporation itself has been doing over the last year or so. I've been on the board now, and thank you, Commissioners for appointing me, for two years. Although I do have to admit after the first meeting I had some pretty serious reservations as to whether I should continue or not, but I tell you, with a lot of hard work and perseverance on the board members' part and with the very competent and very able leadership that we have through our director, Lillian Montoya-Rael, the Regional Development Corporation has made leaps and bounds from where it was two years ago when I first began serving on the board.

Some of the key outcomes, we had a retreat in December 2000 and at that time, the board of directors determined that the organization itself did not want to fold into another organization or become part of another entity but rather to remain its own entity. We felt that was very critical in terms of the mission of the Regional Development Corporation.

The other resolution that we came up with is that we did not want the RDC to be just a funder. We wanted it to do more than just funding different entities the way we had been doing up to that point and become more of a player in the regional economic arena. So those were some of the key things and I'll just share with you what it was that we came up with in terms of the strategic direction for the organization and expanding the mission that I mentioned, beyond just a funding agency. The RDC board adopted a pro-active, three-tiered collaborative approach to diversifying the northern New Mexico economy. The first tier is to initiate and implement model projects that address specific community challenges. The second is to identify and facilitate regional initiatives that address the needs of the tri-county region, and the third, given the entrepreneurial activity and the number of small businesses in our region, take a state role in providing all New Mexico small businesses with the technical expertise to grow and to be competitive in the global economy.

So that's the three-tiered approach that the board has set and we've provided you with some information, a packet of information that lists the different projects that RDC is funding within Santa Fe County and it includes specifically the Santa Fe County Business Park and a number of different funding entities that have been funded through the RDC. I

1982077

SFC CLERK RECORDING 08/16/2004

would at this point like to offer the County Commissioners and the County staff that would be appropriate that we maybe sit down over breakfast or a luncheon type to discuss some of the needs within Santa Fe County as far as economic development goes. We definitely want to work closely with the Commission and the staff and keep you informed in terms of what it is that we're doing with the RDC.

And just a side note that's not in the funding agenda that you received, is an additional \$40,000 or so that will be going toward the business incubator that was just awarded now in July. And with it, I'd like to ask our executive director, Lillian Montoya-Rael, to address you as well.

CHAIRMAN DURAN: Excuse me, Harry, before you do that. When we sit down to discuss your long range plans and the needs of the community, I think that it's really important that we get the City involved in this, especially now with what's been reported. They're really working hard to put a water budget together and their main focus is going to be affordable housing and economic opportunities as the community needs. And without that resource we can't really fulfill our goals and the vision that we have. So I think someone from the City really needs to be involved in those discussions as we move forward.

MR. MONTOYA: And Mr. Chairman, members of the Commission, the way it works is that the City does have an appointee to the board as well, and that individual, as well as other City staff have been involved and should be involved and I'll take your suggestion also.

CHAIRMAN DURAN: I think when you meet with County staff that that representative or somebody from the City should be involved because as you develop a plan and some goals, I think it's important that they know where we're coming from so that we get some support for this effort through their water budget.

MR. MONTOYA: Sure. Okay. Thank you.

COMMISSIONER TRUJILLO: Harry, Mr. Chairman, what's the long term viability of the RDC? What's the support that we're getting from the congressional delegation? What does it look like that's going to happen in the next couple years, in the next five years?

MR. MONTOYA: Mr. Chairman, Commissioner Trujillo, if I may let Lillian address that question.

COMMISSIONER TRUJILLO: Thank you, Harry.

LILLIAN MONTOYA-RAEL: Mr. Chairman, Commissioner, I think I should begin by saying that over the course of the last nine months, since the December retreat of the board one of the other outcomes that wasn't mentioned here is the need for us to re-establish our credibility within the tri-county community as well as with the congressional delegation. To be honest with you, I would say back in January, the prospects were probably not very good. But given that we've undertaken a series of initiatives that I'll talk with you about briefly in a moment, the response from the delegation has been rather positive as of late.

1982078

SFC CLERK RECORDING 08/16/2004

For example, Senator Domenici was instrumental in getting an additional million dollars included within the Community Reuse funding within the energy authorization bill. That will go through conference committee now in September. We're very optimistic that if that doesn't go through, at least something will along those lines. Senator Domenici included \$5 million in the VA-HUD bill. That has yet to go to conference or discussion. It's specifically for RDC. I think those two examples illustrate best that the senators are supporting the work that the RDC has done as of late and is willing to see how well we do in the future and put some money on the table for that.

Secondly, one of the grants that we received, a rather substantial grant now in July was an \$800,000 grant from NASA to provide a statewide program of free technical assistance to businesses around the state and I think had we not worked so hard to re-establish our credibility within the community and with the delegation we would not have been successful in getting that grant.

COMMISSIONER TRUJILLO: Thank you.

MS. MONTOYA RAEL: Commissioners, Mr. Chairman, if you like, I could go ahead and proceed with the remainder of the report and then have additional questions. Over the course of the last nine months, as I mentioned, we have spent a great deal of time going back into the community and re-engaging, not just government but public and private individuals that had in some way or another been involved with RDC activity over the last five years. It's really been about rebuilding and strengthening those relationships, repairing bridges that we burned for example, but it's been a very good experience for us because it has allowed board and staff to refocus and re-envision where the RDC will be going.

Over the last nine months, as Harry mentioned, we have focused in three areas: model projects, regional initiatives, and statewide endeavors. In the area of tier one model projects there are two very specific initiatives that we've been very involved in. The first is a Connect Rio Arriba project. We have long had telecommunications within our mission and vision as something that is a great deal of infrastructure funding and needs in the tri-county region. We identified that particularly Rio Arriba County has faced a very challenging, has faced telecommunications challenges like none others. There was homes that didn't even have telephones, for example. So we've begun a series of meetings. We now are having our sixth one, I believe, tomorrow. There's about 15 core members within that community, including the telecommunications providers that are not just talking and having a meeting anymore, it's about developing an action plan and assigning responsibilities to team members to make things happen. And I think we're making some real progress there. If successful, we'd like to broaden that initiative.

This particular tier of projects is to focus on those true community needs. So the next project that you see there is Otra Vez. It's meant to be a one-stop shop of workforce training and refurbishment of excess equipment and furniture from the lab. The RDC as a community reuse organization has essentially first right of refusal of all excess at Los Alamos National Lab. With this particular initiative we're going to take that excess, hire a

1982079

workforce to refurbish it and resell it, essentially become a subsidiary initiative that can fund itself in the future. There are about 16 stakeholders involved in this, including some of the social service providers, and they're using some of their money as is Northern New Mexico Community College to create a one-stop shop that provides training for people in transition so they'll get learning skills, they'll get job skills and then they'll be able to make it into the community on their own once they complete the project.

The second tier are regional initiatives, the first of which is a clearing house of economic development projects. And this is really a first for the region. As you know, the major subcontractors to Los Alamos National Lab are required in their contracts to fulfill some economic development commitments that can be in the form of money, technical assistance or in-kind resources. And in the past, those have not been particularly managed or focused. The subcontractors would generally just go out, identify someone and say, Well, what is it that you need? I'll put that in my contract bid.

This whole process now says to the contractor, go to this clearing house on the web. The community has already identified which projects it needs assistance in, and find the one that best fits what you can provide that program. So we have been working with individuals within all three counties to get their economic development projects on the clearing house. It's a one-page form that they fill out on line and we incorporate into the clearing house, then the contractors can go to it, select their project and include it in their bid to LANL.

The other beauty about this process is that the lab is going to incorporate the project they select into the evaluation process. So if they say, for example, they're going to help the RDC on Otra Vez, the evaluation process will determine whether or not they truly did what they said they were going to do. So it's trying to marry those subcontractor resources with true community needs from the very beginning.

The second regional initiative has been our partnership with the northern area Workforce Development Board. Very early on, when Frank Carrasco, the executive director came to the Workforce Board, he and I got together and talked about the increasing need for us to work with each other in terms of workforce development, economic development. There obviously is a linkage there. They're receiving resources from the federal government as are we and it makes sense that we work together to identify where we can complement our work.

With the board there will be four townhalls in the 13-county workforce region. The next one will be September 20. It will be in Santa Fe. This will be an opportunity for the business community to come forward and talk about the skill sets that it's looking for in prospective hires, prospective employees. What will then happen at the end of these townhalls, and I expect to finish them at the end of September, the Workforce Board will incorporate those findings into their strategic plan, so that they can use their federal training dollars to meet those workforce needs. So it's a real partnership.

There's a third project that we're just now in discussions on in terms of regional initiatives and that's in the area of GIS, Geographic Information Systems. The RDC has

1982080

SFC CLERK RECORDING 08/16/2004

made investments in these kinds of endeavors in the tri-county area as has Los Alamos and the University of California. We have determined that given that we've all made investments of time and money that we need to sit down and bring in the County and City government staff to talk about where those projects are where do they want to go and third, how can we better link those initiatives so they truly are regional GIS in some way. Like I said, we're very much in the early stages of discussion.

In terms of the state role, I talked about briefly the NASA grant that we received. We're very excited. We're rolling that out. We have hired three staff. We have two individuals that will be starting this next week and one of them comes to us from Sandia National Lab after having done business, technical assistance from there and now will provide that same service for the RDC and for businesses statewide.

The second state role that you see on that list is our collaborative work with the Community Reuse Organizations. You may not know this but there are four in New Mexico. Eight Northern Indian Pueblos, RDC, Next Generation Economy in central New Mexico and Lea Eddy County down in Carlsbad. And what we're trying to do, the four us, because all four of us receive some level of Department of Energy support, is ensure where there are some similar issues, some shared issues that we're working together and maximizing those resources. So in the case of central New Mexico and Eight Northern and RDC there's a particular interest in cultivating an artisan guild and supporting the artisans in the northern part of the state and using our resources to do that. That's just but one example. There have been several where we've worked together on telecommunications and e-commerce.

And finally, the Business Informatics Conference. It's just one example of the kinds of initiatives and conferences that the RDC is choosing to be involved in because they advance other parts, they address other needs in our state. In the case of informatics, we have a growing informatics industry in New Mexico. This conference provides an opportunity for companies from around the state to come and see not just what's happening in New Mexico but the real potential for them to partner with businesses.

That concludes my portion of the report, and let me ask Harry if he has additional comments.

MR. MONTROYA: Mr. Chairman, members of the Commission, I hope that you see that I'm trying to represent the County and make sure again, that our needs are brought forth as far as Santa Fe County is concerned, and the region as a whole. That's really the focus that the board, the vision that the board has at this point is to continue to look at regional economic development opportunities. Some of you may or may not know but my profession in the substance abuse prevention field, the more and more I look at what the concerns are and the people that get into substance abuse, a lot of it has to do with economic development and economic development opportunities. So I see this, what the RDC is doing as a viable vehicle for providing people in this region, in our county the opportunity to take on some different business ventures and that's what we propose to do and continue doing with the RDC, now that we have more expanded mission

1982081

and vision of what we would really like to do. So we would stand for any questions at this point.

COMMISSIONER TRUJILLO: Harry, thank you for the good work, you and Lillian. Do we have any questions of either Harry or Lillian?

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: And likewise, I understand you've had some rough times recently and it's good to see that you're in the process of overcoming those, because there's certainly a need for that initiative and that focus sometimes which gets lost back in Washington. I wanted to suggest something that you might also put on your agenda as something to have some involvement in. Yesterday, Congressman Udall had hearings here in Santa Fe about—a lady's shaking her head. Did you go? Regarding small business opportunities or lack thereof from DOE.

My understanding from a lot of the testimony that was given there was that there's a great gap there, a great deal to be done and there's a great deal the DOE is not doing in terms of fostering direct small business opportunities in the region. I'm not just talking about Rio Arriba or Santa Fe but in our whole region. I think something, and I hope something positive is going to come out of that from the standpoint of congressional appropriations, hopefully perhaps even targeting monies for direct small business contracting, because DOE tends to contract things out in big chunks and so then you're at the mercy of these very large, multi-national contractors to work as a subcontractor, where you could avoid that overhead by contracting directly with a local furniture maker or a local engineer or architect or any kind of services that you needed.

So I think something may get stirred up as a result of those hearings. They've been going on across the country. So I just suggest that you might keep a watch on that and maybe add your input to the testimony if you didn't yesterday, because that's really a real opening economically. We can train people, we can provide these services which you're doing, as well as the infrastructure for the business parks and so forth. But if we don't have any work for these people to do, these entrepreneurs, who we hope will go out and hire people. I'm sure you've read in a declining economy which we're in now, it's the small businesses that are the mainstay of the economy. Those are the businesses that are providing the employment in our economy.

But if they don't have any contracts or any work, they obviously can't provide employment. So I just throw that out as an area I hope that you can be one of our representatives in that area to monitor that and to add your input into whatever kind of legislation may come out of that because that's such a big potential for work opportunities in DOE and in the lab, and I know you're more familiar with it probably than I am, but we'd like to see more of those contracts going directly to small businesses.

MR. MONTROYA: Sure. Mr. Chairman, Commissioner Sullivan, I'll make sure we take those forward.

COMMISSIONER SULLIVAN: Good. With your expertise and

1982082

background of your organization working on that, it could be an area—you talked about compliance and monitoring, where you could offer your services because some of the testimony that the committee received was that while contractor have requirements for small business participation, nobody monitors it. So you can have a requirement for ten percent small business participation and you could also have a requirement to go to the moon. It doesn't matter because nobody monitors it. So that certainly might be an area where the RDC, it might fall within your goals.

MS. MONTOYA-RAEL: Mr. Chairman, Commissioner, we wholeheartedly agree with that. One of the things that we've started talking about in the last month and a half, it's not just the issue of ensuring that small businesses have an opportunity to get a contract from the lab, but that they know how to do business with the lab. So we've been working with the small business office at Los Alamos to develop a training program, and I haven't yet talked to my board but I'm planning to, to see if the RDC can support the training process, one or two-day training for New Mexico's small businesses where they get a professional manual, talking to them about what their opportunities are as small businesses as well as what they have to do to increase their chances of being successful at getting a contract.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Thank you, Sam. Thank you very much.

BECKY BUSTAMANTE (County Clerk): Mr. Chairman, I would just like to say for the record that the resolutions were 121 to 129 in the Consent Calendar.

CHAIRMAN DURAN: Thank you, Becky. So we're all going to take lunch at 12:00 and I think that we'll probably stop right after committee appointments, library board, so if the Assessor—we'll hear you right after lunch if that's okay. Is that okay? To play it safe, let's say 1:15. Does that sound okay with everybody? Okay. Thank you.

VIII. ADMINISTRATIVE ITEMS

A. Committee expirations/resignations/vacancies

1. Lodgers' Tax Advisory Board

KATHERINE MILLER (Finance Director): Mr. Chairman, Commissioners, just wanted to notify you that we have a vacancy on the Lodgers' Tax Advisory Board. Robert O'Hearn from Bishops Lodge has been transferred and so he'll no longer be able to serve. We have typically had somebody from Bishops Lodge since they are one of the largest collectors of Lodgers' Tax. So I just wanted to notify you that we have a vacancy and we have requested from Bishops Lodge at least some information on Robert's replacement as to whether they're interested in serving on the board and what their qualifications would be. But we're also requesting any names from the Commission.

CHAIRMAN DURAN: Any questions of Katherine?

1982083

SFC CLERK RECORDING 08/16/2004

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Do you have a current list of that committee?

MS. MILLER: Yes, currently there's four members. Ben Serber, who has been on the board. He doesn't have a specific entity that he represents. There's also Florence Jaramillo who's with Rancho de Chimayo, Florence Ruth Brown, who's with Santa Fe Skies RV Park and Molly Agresto from Rancho Encantado.

CHAIRMAN DURAN: One moment please while we change your battery.

COMMISSIONER SULLIVAN: Mr. Chairman, Katherine, Lodgers Tax funds, this Lodgers' Tax Advisory Board is separate of course from the City's Lodgers' Tax Advisory Board. Is that correct?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, yes. We have a four percent Lodger's Tax on the facilities outside the incorporated area, and then the City collects on all the ones inside the incorporated area.

COMMISSIONER SULLIVAN: So for example, none of those funds would go to Edgewood.

MS. MILLER: I don't believe that we have any facilities in Edgewood that we collect Lodgers' Tax on. There might be a small bed and breakfast or something like that. But correct. Within the incorporated area, Edgewood, we would not spend any of those funds or those funds do not get collected by them. If they have any lodging facilities in Edgewood, they need to have their own Lodgers' Tax and collect it there.

COMMISSIONER SULLIVAN: Okay.

MS. MILLER: We collect about—between the two funds there's an advertising fund or promotion fund and a facility fund. We collect about \$400,000 a year. Most of that is used for advertising and promotion of events in the county.

COMMISSIONER SULLIVAN: And I guess the major thing this board does is monitor that advertising contract that we heard a presentation on last month.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, yes. Every month, except I think they usually take July or August off, the board meets on the third Thursday of the month at 10:00 here in an open meeting and there's always a report by the advertising agency as to what they're doing and what ads they'd like to place and the advisory board reviews what they're doing and makes recommendations. And then based upon the plan that's presented by the contractor, they also hear other groups that come forward requesting funds for promotion of activities like the County Fair, fiestas, things like that and there's a small portion of the budget to help promote those activities that help tourism in the county and across the city as well.

COMMISSIONER SULLIVAN: I understand Bishops Lodge is a big contributor to that. Has any contact been made, for example to Sunrise Springs?

MS. MILLER: It's always open, but we can make contact with them individually if you like. We haven't done anything. This is the first time we've had a

1982084

vacancy in a while. But we could certainly send out letters to all of the lodging facilities and request if they have someone they'd like to bring forward.

COMMISSIONER SULLIVAN: I'm thinking too, do any of the representatives, and I'm not sure how many exist out in the county, but do any of the representatives represent or own B & B's?

MS. MILLER: On the board itself, there's not anybody with the smaller B & B's but there are like Heart Seed off of 14. There's a couple of—anybody that has more than three rooms is subject to the Lodgers' Tax. We communicate with them through letters and things like that and through the advertising agency. They contact them to let them know what is going on, any brochures that they put together, they take them out to those facilities, the visitors guides, all of that. So a lot of the contact with the smaller lodging facilities is through the advertising agency. And they really work with them, they get input from them and reports from them as to the activity that's going on in the county.

COMMISSIONER SULLIVAN: It was just a thought, because in recalling that program that they presented to us, they were talking about the diverse scenic and recreational opportunities in Santa Fe County and so forth. And it seems like what we have to promote is not the city scene but is the county scene and the beauty and the opportunities that exist in the county as well as the diversity and so forth. Again, I don't know how many B & B's there are but it seems like it would be good to have a component or a representative on that Lodgers' Tax Advisory Board that represented the smaller facilities, rather than just all of the major lodging facilities. It's just a thought. I don't know if we could get anyone that would be willing to devote the time to it, but if we could I think it would be a nice addition to the committee.

MS. MILLER: Okay, Mr. Chairman, Commissioner Sullivan, what we'll do is go ahead and put a letter to them and request if they have anybody who's interested that would like to represent those entities I think that's a good idea and as I say, they do work with the advertising agency and I've received positive feedback that they like what they get from the advertising agency to put into their facilities for the tourists. So we have had good feedback in that respect.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN DURAN: Any other questions of Katherine? Actually, I talked with Commissioner Campos about this, about the possibility of maybe getting—in the four and a half years I've been here, I really have no clue what the Lodgers' Board does and I was wondering if we might be able to expand the membership to include a Commissioner for a period of time, either to take the place of the person that's resigned right now and then at a later date reappoint somebody, or just expand it to another member. I wouldn't mind being involved in that process for a while, just to see what it's all about. And then report to the Commission.

MS. MILLER: Okay. Mr. Chairman, I could pull that resolution. I don't know when the board was created, but I could find that and see what we need to do to amend that resolution or redo it and change the composition of the board. Or, I basically

1982085

serve, or Finance does as advisory capacity to the board.

CHAIRMAN DURAN: It would be nice to have a vote in there, actually. And the reason I—we have this open space program that we are trying to put together and I think we should, that Lodgers' Tax should be promoting the use of this open space in their advertising campaign and I'd like to get involved in that. Or if any other Commissioner might want to.

MS. MILLER: As a side note to that as well, statutorily, part of the money that we collect, half of the first three percent of the four percent that's imposed, goes to a facility fund and can be used to build a visitors' center or something like that that might be really beneficial with some of the open space and it could be used in conjunction with the money that we've put for the maintenance of the open space and the creation of some of the facilities at the open space. So that's another possibility as well. And there's actually cash balance in there that we haven't made a determination as to what to do because the Lodgers' Tax Advisory Board focuses more on the actual advertising than on the facility fund.

CHAIRMAN DURAN: Since I have so much free time, I wouldn't be opposed to be, to ask the Commission to allow me to serve on that board in the near future to offer some input from the Commission's point of view and then report back to you at a later date. Or at each meeting I could report back to you with some ideas, thoughts and progress that the board is making in their effort to promote Santa Fe County and the community.

So would that be okay with all of you, if we try to amend the bylaws?

COMMISSIONER CAMPOS: Or maybe you could just start going to meetings and report to us in three months.

CHAIRMAN DURAN: Yes, but I'd like to have some input into it. So I'll start going, and then whenever we can come up with the right resolution or amendment to allow me to be a voting member. So could you get with me later and let me know when they meet?

MS. MILLER: Sure. I'll get the agendas to you and a schedule on that and also get started on changing the composition of the board with a resolution, to bring that forward too.

CHAIRMAN DURAN: And maybe I can get up to speed, meet with you or whoever I need to meet with. Maybe someone from the Lodgers' Board just to get up to speed on what they've been doing.

MS. MILLER: Okay. You're welcome to participate in the meetings. That will be great.

CHAIRMAN DURAN: Thank you.

1982086

VIII. B. Committee appointments
1. County Open Lands and Trails Planning and Advisory Committee (COLTPAC)

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, on February 8, 2000, the Board adopted Resolution No. 2000-14 establishing the Open Land and Trails Committee, better known as COLTPAC. According to Resolution No. 2000-14, to ensure regional representation, at least two members of the committee shall be from the area generally north or Township 18 North, including Pojoaque and Santa Cruz Valleys. At least two members shall be from the area of the county generally between Township 18 North and Township 13 North, including the City of Santa Fe and at least two members shall be from the area of the county generally south of Township 13 North, including the Estancia Basin.

A member from the southern part of the county resigned from COLTPAC because of time constraints, resulting in a vacancy on the committee. Staff has advertised through the newspaper and distribution lists that letters of interest were being accepted to serve on COLTPAC. Staff placed ads in the *East Mountain Telegraph* and the *Independent* and received one letter from an interested citizen. The vacancy was from the southern part of the county. Attached is the letter of interest and qualifications from Mr. John Michael Richardson. Appointment to the committee will be for two years.

Staff recommends that the Board appoint one committee member to fulfil the geographical representation requirement of COLTPAC Resolution No. 2000-14, requires that the replacement member be from the southern part of the county. Are there any questions?

CHAIRMAN DURAN: Any questions of Alina?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Who resigned, Alina?

MS. BOKDE: Mr. Chairman, Commissioner Sullivan, it was Mr. Dale Lewis who resigned. He was from the Stanley community.

COMMISSIONER SULLIVAN: And he was just recently appointed or he had been on for a while before?

MS. BOKDE: Mr. Chairman, Commissioner Sullivan, Mr. Dale Lewis had actually been originally appointed as part of the group of 30 that was appointed back in 1998 by resolution. And he served on the committee for over two years and at that point, because he took on a number of jobs, was unable to attend the meetings and decided to resign. But he was one of the original COLTPAC members.

COMMISSIONER SULLIVAN: Okay. I was concerned that it wasn't one of our two new members from the area. The other question I had was did you have any discussions with the Mayor of Edgewood to see if he had any recommendations also?

MS. BOKDE: Commissioner Sullivan, I did not contact the Mayor directly

1982087

SFC CLERK RECORDING 08/16/2004

to see if he had recommendations. I placed ads and did speak to a couple of members—I let the COLTPAC members know from the southern part of the county and they made some phone calls. I spoke to some members from San Pedro that I thought might be interested as well as I did speak to—I can't think of Wally's name right now, but the editor of the *Independent* to also let him know and forward on any names of folks that he might think would be good to serve on COLTPAC. Those primarily I reached, but I did not contact the Mayor.

COMMISSIONER SULLIVAN: Okay, and nothing came of that, just the one letter here.

MS. BOKDE: Mr. Chairman, Commissioner Sullivan, I did get a number of phone calls. A number of people were concerned about the time commitments for COLTPAC that requires especially during the review process.

COMMISSIONER SULLIVAN: And does COLTPAC have its meetings entirely here in the Santa Fe County Court House?

MS. BOKDE: Commissioner Sullivan, we they do. We do meet at the County Court House the first Thursdays of the month, and those are the regularly scheduled business meetings. They are advertised in the newspapers and they're open. But we do meet here at the County building. It's kind of a central point for all of the members.

COMMISSIONER SULLIVAN: Has there been any discussion of possibly, occasionally having those meetings elsewhere?

MS. BOKDE: Commissioner Sullivan, yes there has. There's been some initial discussion but what's always kind of resulted at the end is it's really difficult for the committee members from the north and south to try to accommodate any increased distance. So everybody seems to be okay with the idea of meeting here at the County Court House. I could bring it up again for discussion.

COMMISSIONER SULLIVAN: It's their call, obviously. I know it's a long drive. It's an hour and fifteen minutes from Edgewood and the meetings go into the evening and they're getting back pretty late. And the same, not quite as long but it's the same situation for people in the north so I just wondered occasionally if they considered switching it around. It is hard to get members for these committees but it's also important that they be active and be participating. Have you talked with Mr. Richardson?

MS. BOKDE: Commissioner Sullivan, yes I have. I have spoken to him. He's really excited about the possibility of serving on the committee and he has a pretty extensive real estate background, real estate negotiations background and in minerals and mining history and so I think he can maybe bring maybe a different perspective to the committee. He has definitely expressed a strong commitment in wanting to serve on the committee for two years and has stressed that he can commit the time.

COMMISSIONER SULLIVAN: Was he recommended by someone or did he just submit in response to your notice in the paper?

MS. BOKDE: Commissioner Sullivan, he did see the notice in the paper,

1982088

but he was also approached by Mr. Rick Dotson who is a current member of COLTPAC to submit a letter or interest.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Would you rather table this, since it's your district?

COMMISSIONER SULLIVAN: No, I was just trying to get a feel for how extensively she got around and if Alina, even though she may not have talked with the town of Edgewood, if she got the involvement of the COLTPAC members and the involvement of the newspapers down there and certainly Wally's got his finger on the pulse down there. No, I'm satisfied.

CHAIRMAN DURAN: Okay. Any other questions of Alina? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER CAMPOS: Second.

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

Thank you, Alina.

VIII. B. 2. Santa Fe County Road Advisory Committee

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioners, Mr. Andrew Swarthout has been the alternate committee member for Area Six for the last three years. This area encompasses the Seaton Village and Arroyo Hondo Subdivision. His term is due to expire now in September and he has volunteered to serve an additional term.

Also in Area Fifteen, this area has been vacant for the last two years and this area encompasses the Stanley, White Lakes and north of Clines Corners area. Michael Anaya, who resides in Stanley, has volunteered to serve on the Road Advisory Committee and represent this area. Public Works recommends the reappointment of Mr. Andrew Swarthout as the alternate member to Area Six and also the appointment of Michael Anaya as the committee member for Area Fifteen.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: For Area Six, I would like to nominate Andrew Swarthout. He's been on that committee for a long time and has been very committed to that and I think he should continue in that role.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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

What about Mr. Anaya?

1982089

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I appreciate Mr. Anaya's offer to serve. There's a letter in your packet here. It's the first time I've seen it, addressed to me, asking for consideration for appointment. I hadn't seen this letter before and it hasn't been in my mail box. My only concern is, I think we need some representation in Stanley, in the Stanley area, the White Lakes area. Mr. Anaya is on the CDRC and we also recently appointed him to the advisory board looking into the—let me think of the term—it's the use fees, is on the board for the developer impact fee board, just recently appointed to that as well.

And I know he's a business man, he's an electrical contractor, has a business and I know having a business what a time crunch the County business is. Have you talked to him, Robert? Does he feel comfortable with the time commitment that this represents?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, yes I have and he feels that he can serve on this committee and give the time that's needed. We do have other members, for example, like Eduardo Vigil, that sits on the COLTPAC and on the Road Advisory Committee also. So there are other situations similar to this.

COMMISSIONER SULLIVAN: This would be his third appointment, third County appointment and again, I'm just concerned that we have good attendance at your meetings.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, like I said earlier, this position has been vacant for the last two years and any representation would really benefit this area.

COMMISSIONER SULLIVAN: Will this district change? You're in the process of changing these districts around. You're going to come back to us with that change, right? Will there be changes in the Stanley area?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, there are some adjustments to the boundaries in this area but with the appointment, if the Board chooses to appoint Michael Anaya, he will still be in the area of representation after the boundary changes are made.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: So what's the pleasure of the Board on Mr. Anaya?

COMMISSIONER SULLIVAN: I think if he's willing to spend the time, Mr. Chairman, I'm certainly willing to have him give us his expertise. I'm just concerned because when we get the same person on so many committees that we stretch people a little too thinly.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: So that was a motion, right?

COMMISSIONER SULLIVAN: That was a motion, yes.

CHAIRMAN DURAN: A left-handed motion, a left-handed second. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner

Gonzales was not present for this action.]

MR. MARTINEZ: Thank you.

1982090

[Commissioner Gonzales arrives at this point.]

VIII. B. 3. Library Board

CHAIRMAN DURAN: The Board would like to recognize Commissioner Gonzales. How was Alaska?

COMMISSIONER GONZALES: Beautiful. Very nice.

COMMISSIONER TRUJILLO: A lot of oil?

COMMISSIONER GONZALES: Lot of oil.

CHAIRMAN DURAN: Well, you're just in time for lunch.

MR. MONTOYA: Mr. Chairman, members of the Board, the County has two positions on the Library Board, Mr. Chairman. The first position is held by Ms. Adelina Ochoa, who has a term through July of 2002. Second position is held by Helen McCarthy-Eubank and her term expires at the end of this month. Mr. Chairman, there's a recommendation to appoint Shelley S. Moore of 5 Baya Court, Santa Fe as the new member of the Library Board representing Santa Fe County. There is a letter from Ms. Shelley Moore in your packet and also a resume that tells you about what kind of experience Ms. Moore has. In a nutshell, Mr. Chairman, she has a successful career in educational publishing, both print and multi-media materials. I stand for any questions, Mr. Chairman.

COMMISSIONER TRUJILLO: Sam, is she replacing anybody?

MR. MONTOYA: Mr. Chairman, she would be replacing Helen McCarthy-Eubank whose term ends at the end of this month.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion to approve. Seconded by Commissioner Campos. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

[The Commission recessed from 11:55 to 1:30.]

IX. STAFF AND ELECTED OFFICIALS' ITEMS

A. Assessor's Office

1. Resolution No. 2001-130. A resolution supporting the Santa Fe County property valuation reappraisal program

BENITO MARTINEZ (County Assessor): Thank you, Mr. Chairman, members of the Commission. We were actually singing happy birthday to our County Attorney, Steve Kopelman, having taken ice cream back there. I didn't even get to finish

1982091

my piece.

Mr. Chairman, members of the Commission, what I'd like to do is, we have items IX and X on the agenda and I'd like to go ahead and with your permission combine those two because they do tie together and I will begin, of course, with a report by the County Assessor. I'd like to bring to your attention that recently, we had our appraisal staff attend their required International Association of Assessing Officers appraisal courses in Socorro, New Mexico. We have three new certified appraisers in Ralph Jaramillo, Ralph Vigil, and Daniel King, which brings our certified real estate appraisal staff to 50 percent.

So 50 percent of our appraisal staff are certified and I think that's a terrific number to have. I don't know what the state numbers are but we have some newly certified appraisers and Ralph, my deputy, has just become certified so we're very proud of that. Along with that we have our chief appraiser, Brian Baca here and Ralph, if you could go ahead and pass those. We have some information that's not in your packets that you can take home and review which includes the certification which I'm leading to.

In the last several months, this Commission approved the acquisition of orthophotography for the purpose primarily, in my office of generating net new valuation.

Along with that, we have some photos that are in production. I invite you to go visit Erle Wright and get a couple of images of some of the areas that we have, some photographs in production. We had a really innovative application called LIDAR in the orthophotography that generates analyses in terms of forested areas. So I invite you also to go visit with Erle and see some of this LIDAR.

In the past year we have visited many centers, the Senior Citizen Centers, the Veterans Commission regarding some new bills that passed the session, last session. House Bill 82, Commissioner Trujillo, I think you're very aware of the Senior Citizen Center there in El Rancho. We visited 18 different Senior Citizen Centers notifying the seniors of their benefits through House Bill 82, low to moderate income program, an abatement program, in order to freeze their valuation. What it does is essentially abated the valuation at what it was the year previous, so that the escalating tax would cease for those senior citizens, those qualifiers. Those senior citizens are \$18,000 income and less and then the valuation is frozen.

The Veterans Service Commission, we've done corresponding with the Director of Veterans Service Commission, in that there are constitutional amendments that are going to be on the next ballot, which will exempt 100 percent of the value of a property owned by a veteran that was disabled in a service-connected disability. We had a visit the other day of a veteran from up north, from the Pojoaque area. He was disabled in the armed services in the war, I forget, I think it's the Vietnam War. So his home, assuming this constitutional amendment passes will be totally exempt, 100 percent. Not a very large impact to our base, nothing that we need to be concerned about because there are very few that have come forward. We are extending ourselves out to notify those veterans that have been disabled in service-connected disabilities to this benefit.

Moving on, more recently, we've certified our valuation base to the Department of

1982092

Finance Administration and I'm happy to say that the appraisal staff over the last several years, directed by Brian Baca, back here, our chief appraiser, tops \$327 million in new appraisals. That is that our appraisal staff appraised over \$327 million in new value which is not subject to yield control, which means that you all Commissioners and policy setters are going to see a growth in actual tax dollars to the County. So \$327 million and that is the largest benchmark that we have ever seen in Santa Fe County, happens to be in the Santa Fe County Assessor countywide reappraisal plan. There are some graphs and figures in this plan that show those growth numbers in a graph. So I call your attention to them in the future here shortly.

CHAIRMAN DURAN: Benito, what does that mean in terms of added dollars to the general fund?

MR. MARTINEZ: \$327 million, Commissioner Duran is the market value. So our taxable value to that is \$109 million. I believe the budget was established for this coming cycle based on \$90 million and I think that represents, if you can help me Manager Montoya, what did we budget for new growth monies for this coming cycles? Was it \$300,000? For net new?

MR. MONTOKA: Mr. Chairman, I think it was \$275,000.

MR. MARTINEZ: \$275,000, I wanted to get that figure down correctly. That was what was budgeted. We're going to see a little bit more, because that \$275,000, new monies to the County is based on that \$90 million figure. We estimated it at \$90 million at budget time. Since then, we've generated an additional \$29 million. So we're going to be seeing a slight windfall of new revenues that are not subject to yield control. I can get that figure for you here shortly before I finish, if you wish.

CHAIRMAN DURAN: I'm just curious. I'm more than curious. It just helps us plan other expenditures—how we're going to plan for other expenditures that we're faced with.

MR. MARTINEZ: Correct. And attached with this, the front page being the employee qualifications, the appraisers, on the second page, or third page, excuse me, is a copy of the certification we just submitted at DFA. In that report, you're going to see net new valuation, okay? And it's going to be, I will direct your attention to the left-hand side on top of the page where it says PTD-03, that's the form you need to look at. And then look at the second column over to the right for net new valuation. That gives you the \$109 million. And I'll have that hard number in terms of how many tax dollars you're going to be seeing come to the County shortly. Ralph is calculating that right now.

CHAIRMAN DURAN: Thank you.

MR. MARTINEZ: Sure. Moving on. As president of the Assessors Association here in the state of New Mexico, we have established legislative priorities which affect our office directly, that is Santa Fe County. I have appointed a chair to the legislative committee in Leo Barrazas. He is a deputy assessor in Los Alamos County and former director of property tax division for the state of New Mexico. We're looking at many regulations that affect the taxpayers here countywide that have become obsolete.

1982093

SFC CLERK RECORDING 08/16/2004

There are many regulations that pertain to property tax that are obsolete so we've established a legislative committee and a subcommittee to study the regulations to see how we can carry that across to benefit the constituency ultimately.

We had a terrific production level through the summer intern employees, one of which was Mr. David Duran and another of which was Sarah Griego and Cherie Sanchez. We thank the Commission for providing the funding to get these people into our office. They really assisted us in some of our daily productions of return mail and so on, and they did a terrific job.

At this point, just finishing the protest period, we had 480 protests. That is 480 properties have come forward, owners that have disagreed with the valuation as set by the Assessor. And of those 480, approximately 40 percent, 37 percent of those have been handled without, or without minimal adjustment, leaving about 300 active, about 63 percent. In the past, we don't lose more than ten percent that has been protested. We feel solid with our valuations and our appraisal staff once again are doing a wonderful job.

So the hand-out that we just gave you is for take home. It includes a certification. It includes some employee qualification information and protests currently handled.

COMMISSIONER TRUJILLO: Benito, Mr. Chairman, what are the issues with the unresolved protests? What's happening there? Why are they unresolved or what are the major issues with the bulk of those protests?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, it's not that they're unresolved at this point for any particular reason but that the scheduling has not taken place. We mailed on June 1. We close the books for protest on July 1 and between July 1 and the present, we schedule meetings, informal hearings with property owners countywide. On that second page that I've given you, we have names of senior appraisers in Robert Duran, Ralph Vigil and so on. They are responsible for certain geographic areas in our county and scheduling of the 480 protests is what's happening right now. We simply have not met with over 300 of those property owners.

COMMISSIONER TRUJILLO: I would rephrase the question then. What are the issues that they're protesting? What sort of issues come forth when somebody protests their valuation?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, some of the issues that we see, I'm going to speak for the city out district, the mountain special review district, are some of the property rights issues. For example, an individual buys a lot for \$250,000 with a prime view of the city and then the limitations by government to property ownership, such as zoning, require that an owner now be submitted a grading, drainage ponding plan, 30 percent slope or 15 to 30 percent slope, requires a little bit more investment on behalf of the owner.

So a \$250,000 lot five years ago may be worth substantially less now because of the zoning. And we have found that to be the case for those lots that are on slopes. We've seen a few of those. It's not due directly, the protest numbers are not due directly to major increases as we've seen in the past because we are limited now due to House Bill 623,

1982094

that's Speaker Lujan's bill, which limits the amount of valuation increase from one year to the next to three percent. So we don't see those types of increases taking place anymore where you see spikes of 25, 50 even 100 percent.

So a majority of those protests are simply those individuals countywide. Now we have over 36,000 homes in the county, which includes the city, and 400 protests, 480, it's a very small percentage. So relatively speaking, it's a vast spectrum of why these individuals are protesting their values. But the city out district, which is the mountain special review, is one that comes to mind where zoning classification comes into question. And I have our chief appraiser here if he wants to say anything on behalf of that question.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Benito, let me just begin by thanking you for representing Santa Fe County on the Association of Counties Board. All reports from our executive leadership is that you started out to a good start. Thank you for that and also your leadership with the affiliates. Just a couple of questions concerning your report on the reappraisal schedule because the Commission has made this investment in orthophotography and it was a tool that you and your staff stated would be something that would be important for our community in terms of how you conducted your business and your operations and what we would be able to do in terms of identifying properties and making sure that they correspond correctly with our records and just the whole gamut.

Having the orthophotography project in place, will that change your schedule or did it reduce this schedule or will it minimize? Tell us now, looking at this schedule how that million dollars is going to help in this effort. Is it a million? Or a \$1.7 million?

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, it's a little over a million dollars. And once again, this orthophotography is a shared information data set that is going to assist in many areas, not just for the creation and generation of new revenues. For slope and for roads and such. So with respect to the product, and I've invited, Commissioner, you just walked in and we do have some photos, some product coming in and I advise you to please visit with Erle Wright and he will show you some of those particular areas or generate some copies for you to take home.

They are indicative right now of several homes just in the few photos that we've reviewed that are currently not on the tax roll. So they are going to fit into this plan glove on hand, because it will equip our appraisers to do preliminary survey analysis prior to going out in the field. I do want to warn you, however, that you will not see the ultimate revenue generation on the first year. The production of this product takes years. We can't get 2,000 square miles of photographs all done at once. And so we have targeted these areas, through the chief appraiser, through the senior appraiser, staff, corresponding with our GIS analyst and coordinator, Erle Wright, as to what areas we want to start with first.

COMMISSIONER GONZALES: So this will help in identifying homes that we otherwise wouldn't be able to identify through going out and actually doing a survey of areas within the county. Is that right?

1982095

SFC CLERK RECORDING 08/16/2004

MR. MARTINEZ: That is correct, Commissioner Gonzales, Mr. Chairman, members of the Board. Is that there are many, many estates out on these foothills that are locked gates. You can't get in. In fact, large parcels, you can't even see the home. This will give us an image from a scale that we can directly see these improvements.

COMMISSIONER GONZALES: My next question relates to a comment that you made on your previous discussion concerning protests and many of the protests are driven from people's belief in personal property rights and how our zoning impacts those personal property rights and I'm assuming their land values.

We are in the process of considering this new wildland fire ordinance that's coming forward. I'm not sure if you've had a chance to see that. The Commission will be seeing that in the next couple of months. And that ordinance for new subdivisions, not existing subdivisions, but for new subdivisions will require some type of vegetation management and in my mind, when you can imagine a new subdivision as you indicated possibly in the mountain special review district or in other areas that are heavy forested, do you put a value on the number of trees on a property and will it decrease that value if people are required to timber some of the trees, if you will, on their property, to create defensible spaces from fires? How will your appraisers treat this wildland fire ordinance in terms of how it affects property?

MR. MARTINEZ: Mr. Chairman, Commissioner Gonzales, members of the Board, I'd like to bring your attention first of all, the rights of a property owner. I'd like to think of the word SLUGER. The right to sell—an owner has a bundle of rights: sell, lease, use, give, escheat, or refuse. Those are the property rights, the bundle of rights. They are limited, however, to what I will refer to as PETE. I like to think of Peter Rose, because he's a slugger. PETE—the right to police, to escheat, to tax and for eminent domain. Those are the four rights of the government. In policing, the government has a right to zone.

COMMISSIONER GONZALES: Right. But my point is how will something like this affect—have you had a chance to review the ordinance to say if it would have a detrimental impact on property that you'll be appraising?

MR. MARTINEZ: Right. And forgive me, Commissioner Gonzales, I wanted to go in a roundabout way to let you know how that all ties in and how the County Commission, through their Land Use Department has the right to do that. Well, it's yet to be told if the requirement of removal, for example, of vegetation and coincidentally this LIDAR, through the orthophotography will let us know what the fuel loads are per cubic foot. So it's wonderful. You've got to see this. There's an image downstairs on the wall of GIS. I want you to go look at it. I can't say enough about it. I could spend an hour on it.

COMMISSIONER GONZALES: I've seen it. I know what you're talking about.

MR. MARTINEZ: You've seen it. And it will calculate fuel loads per

1982096

SFC CLERK RECORDING 08/16/2004

cubic foot at different elevations, from one to two feet, from two to seven feet, and such. Because we know the ladder fuels underneath the trees is what's dangerous. You've got oak growing under a pinon, growing under a juniper, under a pine. So the fuel loads are extreme. Now, what that does to market value of a property? It all depends. I can say this, it all depends on what the market commands. Supply and demand factors come in in which if a property owner requires, in his taste, a view of trees, then of course it may affect that property in terms of a reduction in value.

To the contrary, where you have wildland issues and fire, to the contrary, it may even increase the value, because those properties are less susceptible for wildland fires. I myself have cut a 50-foot perimeter around my home of the underbrush of the trees. I live out in the special mountain review district. And to me, I personally believe that that's going to enhance my value. But the market has yet to be told what potential buyers and sellers command in the marketplace relative to that question.

COMMISSIONER GONZALES: Just my last question relates to a letter that you sent out to property owners telling them that you're doing a market study of their properties and you're asking them to provide them with the sales price of their home or what they purchased their home for. Are they required to do that? If it's voluntary, do they really tell you what they paid, hoping that if they low-ball it, their tax might be a little less?

MR. MARTINEZ: Mr. Chairman, members of the Commission, Commissioner Gonzales, the problem with New Mexico is that it's a non-disclosure state and I'm speaking of ad valorem tax and administration. We are one of seven in the country that do not have disclosure in effect right now. One of those seven is Nevada. Nevada relies on the gaming, so that's one of six. We at the Assessors Association have made an effort to go and get disclosure as a law and it's been vetoed by the governor.

So this, relative to the property tax regs and laws that require that the County Assessors and the state value property based on market value. So essentially, what the laws say is go out and appraise properties based on market with no disclosure. So we obtain, we have seen 40 percent, 47, 50 percent of the sales that are out there. There's a lot of cash sales going on in which those types of sales, and I wish Commissioner Duran was here because he could relate to this, this is what we're left with is having to question individuals. We get the deed over in the County Clerk's Office. We notify our appraisal staff through those deeds that there's a transfer. Go and try to find the sale.

One of the methods is in which we interview the owners at their doorstep. It's confidential information. It is not required to be submitted to us.

COMMISSIONER GONZALES: Thank you.

MR. MARTINEZ: But what we do is we do try to establish, based on the sales we do have. It doesn't mean we don't know what it's worth, it's just helping us to get our sales in better order.

COMMISSIONER GONZALES: Thank you.

MR. MARTINEZ: Moving on, this is the first time that the Santa Fe

1982097

County Assessor has ever submitted a countywide reappraisal plan. And this plan was in your boxes as of about a week ago. They were all taken out of the boxes so I wanted to give you all a heads-up prior to you coming to this Commission meeting to sign off and approve a resolution which I am seeking unanimous consent about, is the valuation plan is detailed. It is concise. It is numbered by pages, I won't go through the entire program but we are very proud, we are extremely proud of this document.

It does require your approval through a resolution. I do want to call to your attention however, on page three, the standards and procedures. There are several elements in this program that I believe are extremely important and I want to bring to your attention. So on page three under public involvement and community relations. The success of this plan is dependent on the level of the understanding and communication between the Assessor, the appraisal staff and the public. For this reason, the Assessor will develop a complete, comprehensive and effective public relations program, which will include the following items and activities.

Information material will be prepared for use in conjunction with the public appearances and as hand-outs. And as I mentioned before, we've already hit the Senior Citizens Center, the Veterans Service, KSVE and other means. We're doing all we can to get those information materials prepared and brought out in public appearances.

Discussions are scheduled already with service clubs, civil organizations, neighborhood groups. We've gone to the City of Santa Fe and located all of the homeowners associations citywide in order to correspond with the presidents and/or their boards, weeks ahead of time before we do physical inspection in their particular neighborhoods. The news media will be kept informed as to the program objectives, progress and accomplishments. We want to get this program material put in the newspaper so that—and we are going to—so that any particular property owner if so desired to wish to have a copy of this, we'll mail it to them or have it available for them at the Assessor's Office.

COMMISSIONER TRUJILLO: Benito, how often is a reappraisal valuation conducted?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, members of the Board, that is dependent upon the cycle. The law now reads, due to House Bill 623, it can be one-year cycle or it can be a two-year cycle. So it kind of changed the way assessors conduct their business in the state. We have an option to do one-year cycles or two-year cycles. And we have opted to do the two-year cycle.

COMMISSIONER TRUJILLO: And that's conducive with the program that you've established, to work with the public, to communicate with the public and to essentially have a fluid and dynamic relationship with the public and with other entities.

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, and Commissioners, yes that's true. We believe that two years, in many cases, is not enough time to conduct a reappraisal countywide with the variabilities that we have here in our county with these monstrous homes being built and so on, so we've opted for the two-year

1982098

cycle.

And moving on, recognizing that a taxpayer contact represents a vital public relations opportunity, our employees are being trained to be completely familiar with this plan, to have complete etiquette and telephone and face-to-face communication and to alert neighborhoods, as I stated before, that we will be in their areas in the next several weeks.

I want to direct your attention in closing to, at the bottom of the page of the index, which is the first page into the program, the 2000 Assessors Evaluation. We have included an evaluation of the Santa Fe County Assessor and Assessor's Office from Property Tax Division of the Taxation and Revenue Department for last year, that is the 2000 tax year. We are in the top five counties in terms of score. We scored an 86 out of a potential 100 and I really would like to direct your attention to this. On your own time. I don't expect you to read it all right now, but it has an initiate, the assessors plan to comply with property tax code. It is important that we have these evaluations to make sure we're staying on the right track. Every county in the state is evaluated and we believe that we were successful in our evaluation by the Property Tax Division Director of Taxation and Revenue.

With that, if there's not anything else—

BRIAN BACA (Chief Appraiser): Mr. Chairman, members of the Board, I would like to say we are reviewing this evaluation because there are some inaccuracies in it and that's a review that [inaudible]

MR. MARTINEZ: And this is Brian Baca, our chief appraiser. We believe we should have scored an additional two to five points. So we're visiting with them right now. But with that, we are extremely proud once again of this valuation maintenance plan, the first ever, and we hereby seek your consent through approval of the resolution as set forth by the Assessor's Office.

COMMISSIONER TRUJILLO: Are there any questions of Benito, or further discussion with Benito from the Commission? If not then, what's the desire of the Commission? Commissioner Campos?

COMMISSIONER CAMPOS: Mr. Montoya, does staff have any comments on this resolution or proposal?

MR. MONTOYA: Mr. Chairman, Commissioner Campos, we do not have any specific comments on the reappraisal program other than we have been very supportive of the Assessor's Office moving up to the orthophotography project and we really believe that's going to bring us into this new century here with great information. And I agree that it will take a while to get on the ground but after a couple of years of photographs and maintenance and transition into how we can better utilize that information, this department will be state of the art in New Mexico, Mr. Chairman.

COMMISSIONER TRUJILLO: Thank you, Sam.

COMMISSIONER CAMPOS: What resolution number would this be?

130. Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Campos.

1982099

SFC CLERK RECORDING 08/16/2004

COMMISSIONER CAMPOS: I would move for the adoption of Resolution 2001-130, supporting the Santa Fe County property valuation reappraisal program presented by Mr. Martinez.

COMMISSIONER TRUJILLO: I'll second that. Any further discussion? All those in favor? [Unanimous] Opposed? The ayes have it. [Commissioner Gonzales and Chairman Duran were not present for this action.]

Thank you, Benito.

MR. MARTINEZ: Mr. Chairman, thank you.

X. B. Community Health & Economic Development Department

1. Resolution No. 2001-131. A resolution limiting the percentage of billed costs reimbursed to non-sole community provider hospitals from the Santa Fe County Indigent Fund

STEVE SHEPHERD (Indigent Fund Director): Mr. Chairman, Commissioners, the Santa Fe County Indigent Fund requests approval of a resolution limiting the percentage of billed costs reimbursed to non-sole community hospitals. These would be hospitals basically located in the City of Albuquerque. Billed charges would be paid at 50 percent instead of the previous percentages. I stand for any questions.

COMMISSIONER TRUJILLO: Any questions of Steve?

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Shepherd, have you gotten any feedback from the hospitals that could be affected by the reduction in reimbursement?

MR. SHEPHERD: Mr. Chairman, Commissioner Campos, no, we have not received any feedback. They are currently studying their contracts. I expect there will be some questions but at this point I don't think there's going to be too much, there's probably not going to be too much resistance to it.

COMMISSIONER CAMPOS: And as we discussed this morning, if the Indigent Board does reimburse an out of county provider, they will not be able to sue the patient for the balance. Is that correct?

MR. SHEPHERD: Mr. Chairman, Commissioner Campos, that's correct. It's written into each of the contracts that the hospitals accept the payment that we give them on assignment as that there will be no residual payment due.

COMMISSIONER CAMPOS: Thank you.

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

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Campos.

COMMISSIONER CAMPOS: I would move for the adoption of Resolution

1982100

No. 2001-131, limiting the percentage of billed costs reimbursed to non-sole community provider hospitals.

COMMISSIONER TRUJILLO: Is there a second?

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: Any further discussion? All those in favor? [Unanimous] Opposed? The ayes have it. [Commissioner Gonzales and Chairman Duran were not present for this action.]

Thank you, Steve.

X. B. Resolution No. 2001-132. A resolution approving the Santa Fe County Housing Services Division's public housing assessment system (PHAS) management operations certification

ROBERT ANAYA (CHEDD Director): Thank you, Mr. Chairman. Mr. Chairman and Commissioners, we do have one item that is being passed out. That particular item is an item that we've been working on as late as yesterday that is our annual assessment for the Housing Authority. The data enclosed within is not data that is subject to change. It's data that is extrapolated based on the annual performance of the Housing Authority. I do apologize for that not being completed. We did have some technical difficulties in entering the data in the system. It's a computerized Internet system in which we work hand in hand with the Department of Housing and Urban Development to work on that data entry.

This particular document submission date, it's already been submitted, but it must be ratified by this Commission. I'd like to briefly go over the document. The first page that you see before you is Subindicator One, which is vacant unit turnaround time. And I can tell you that this is the worst area that the Housing Authority has currently at this time.

But there's several reasons for that. If you look at that first page on the right-hand column, basically what happens in the Housing Authority is assessed based on the time it takes from somebody being evicted or who moves out or who skips out, that time is gauged as to how long does it take the Housing Authority to make that unit ready again and put it back in service.

If you'll look at the bottom of that, you'll see that that's a long time, 61.95 days. What happened over the course of the last couple of years with the Housing Authority, is we've been working on various different projects. The first thing that we've done is we've tightened up our requirements to live in public housing. What that does, it has an adverse impact on your units themselves. So what we did is we tightened up those policies and as a result of those tightened up policies to make sure that we had good tenants in our housing units, we had a large number of evictions throughout the course of the year. We had a large number of skip-outs through the course of the year, and as a result of those evictions and skip-outs and move-outs, there's usually a lot of damage to those units done. So it takes a lot longer to put back together a unit that's been severely damaged as you might

1982101

expect than it does to take one that someone had purchased a home, for example, and moved out of the public housing unit.

The other thing that's gone on at Santa Fe County public housing is that we've been in the process of rehabilitating houses. So instead of taking houses and putting them back on line as soon as possible and renting them again, this Commission made a conscious decision to go ahead and rehabilitate those homes and then sell them to eligible buyers. That also adversely affected the turnaround days, for good reason. So that particular page is the one low spot, if you will, of the entire certification, but the reality is, with the new programs that we're trying to get across and the home sales program, and the restrictions that we've placed on tenancy in public housing, we're getting a better class of tenant in the public housing units that hopefully isn't going to result in the destruction of the property as we've seen in the past.

So it's a balancing act that the Housing Authority is working on. We're also working on our screening process as well to incorporate requirements like working and making sure that kids that live in public housing are actually in school. So these are a couple of the innovative things that we're doing, but just a brief explanation on that first indicator.

Subindicator Two is the indicator that basically is a snapshot of what we're doing with our capital funds. And it's a good thing that you see zeroes in the right-hand column of Subindicator Two because those zeroes reflect that we don't have unexpended funds from previous years and reflects that we in fact have been getting our capital fund money for modernization to our public housing units and expending it in a timely manner. So in that particular indicator we're doing very well.

If you go to the next indicator, Subindicator Three, work orders, and you look in your right-hand column in the bottom, this is the time it takes. In Component One we're mandated to do all work orders that are emergency work orders within 24 hours. And we have hit that indicator and completed all those work orders in that time frame. Component Two, we did okay. We have room for improvement, but this is also an area that because we are focusing on home ownership and preparing those units for sale instead of being put up for rent, we did pull some of our maintenance staff to help us for example with asbestos abatement.

We're the only Housing Authority in the state that abates our own units for asbestos because it saves us a lot of money. So we pulled them away from some of their other responsibilities, work orders was one of them. We did okay in that area but that is definitely an area that we can improve on.

Subindicator Four, we're required to annually inspect every common area, building and housing unit. We've hit 100 percent of certification on that annually over the last three years.

Subindicator Number Five, Security. Since 1997 we've continually expanded our relationship not only with the State Police but specifically with the Sheriff's Department. They've worked closely with us on providing us crime data and also helped us in doing site

1982102

assessments at each of the three public housing authorities to make sure that we're doing everything that we can for the security of the tenants. Over the last couple months, the Sheriff's Department is doing bike patrols at the public housing units and we've exceeded our goals in the area of security. We still want to continue to work on that and continue to work even with the City Police Department.

Subindicator Number Six has probably been our most successful indicator for the Housing Authority because we've been able to promote an affordable housing home sales program, based on your direction. We currently have 12 units that have purchase agreements that have been signed that are in the process of qualifying for purchasing their homes. Some that are old units that were rehabbed at the Valle Vista site and five of them which are the new units that are being constructed off of Airport Road across the street from the Santa Fe Country Club.

With that, Mr. Chairman, Commissioners, I would stand for any specific questions and also request your approval of the resolution so that we could submit a final report.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Just again, to start off, to thank you and your staff for again, the work that you do out in this area. I've seen an enormous turnaround over the last six to seven years, not only from the attitude of people that are living in these communities but from the grounds themselves. So you should be commended for your personal commitment to that as well as all your staff.

But I wanted to ask you a question. We had talked in the past about the use of Section 8 money and the ability to use Section 8 money for home ownership opportunities. For members of the Commission or the public, Section 8 money, correct me if I'm wrong, Robert, is money that's given to assist low-income individuals to rent properties around the city. Is that right? There are parts of the country that have actually taken the Section 8 money and they've allowed individuals to use that Section 8 money for down payments and for payments to a mortgage company to basically acquire, to achieve home ownership.

And I'm wondering if you've had a chance to do an assessment of that here and if so, can we move forward? Can we try this out?

MR. ANAYA: Mr. Chairman, Commissioner Gonzales, at your direction, a couple months ago, we began as staff to research that particular item and in fact, Bernalillo County Housing Authority in Bernalillo does in fact have a Section 8 home ownership program, and we will be bringing a proposal to you over the next couple of months, hopefully by October. The problem that we have with Section 8 home ownership in Santa Fe that's a little bit different than Albuquerque and most other communities in the state is that our cost of housing is so high that there aren't houses, there aren't very many houses that will fit into the price range of most of our Section 8 tenants. In other words, an average voucher, for example, for a three-bedroom house is around \$800 per month. An \$800 a month payment for a home, there isn't many homes out there that you could purchase under even a 30-year agreement to purchase. There's not much buying power.

1982103

So what we're doing, based on your direction, is to try and leverage the Section 8 money with other monies that we've been successful in obtaining from places like the Mortgage Finance Authority. So we think it's definitely something that we could do. We're just going to have to find other subsidies that we could couple with it.

The other thing—

COMMISSIONER GONZALES: Let me just ask you something real quick, Robert. So is the issue down payment assistance or the actual monthly payment? Because \$800, what is that, Commissioner Duran, about \$110,000 house? \$115,000? For an \$800 payment?

CHAIRMAN DURAN: At the rates right now, that's probably about \$110,000, \$120,000.

COMMISSIONER GONZALES: \$110,000 to \$120,000. And there's not a lot of inventory available at that point, whether in Nava Adé or Rancho Viejo?

MR. ANAYA: Mr. Chairman, Commissioner Gonzales, most of them are above that range and at eight percent, over 30 years, the chairman's right. You're actually looking closer to \$110,000, \$108,000 as a mortgage. But one of the things that we've requested of HUD is that they give us an opinion to allow us to potentially use Section 8 vouchers to purchase our own public housing, which is something that hasn't been done but that they're looking at. And what we're saying is if you're allowing us to sell our own public housing units and we're right now marketing to the general public, what's happening is a lot of Section 8 families that could potentially be homebuyers aren't in a position to buy right now, whereas if they were allowed to use their Section 8 voucher, they may very well buy one of our public housing units. And that's definitely something that's not been done.

COMMISSIONER GONZALES: So the affordable housing ordinance that you worked on, is there an opportunity through that ordinance to be able to achieve those housing targets? Or does the housing ordinance achieve those targets of home sales?

MR. ANAYA: Mr. Chairman, Commissioner Gonzales, at the higher range, three and four bedrooms, if we would get a developer in that would attempt to use the ordinance then I think the answer to the question is yes. I think we could get close to those ranges. I think we would still need some other additional subsidy that we can in fact get. The other option that you have as the Commission is to potentially also help subsidize or create a secondary type loan to work with those programs, which is what you basically have in place now with our home ownership program. We have a third mortgage on those properties that the county is in fact subsidizing. But we will continue to work towards that and bring back a proposal in October if that's adequate.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Mr. Anaya. Concerning energy efficiency, we talked about that a little bit this morning, what are you

1982104

doing? I think it's very important because it does bring the bills down. It provides a better product for the purchaser. What can we do? And if there are monies available that would enhance our ability to deal with these issues.

MR. ANAYA: Mr. Chairman, Commissioner Campos, as part of our modernization funding that we receive on an annual basis to do improvements, one of the things that HUD stresses is that you utilize the model energy code and focus on those areas that can save you in the long run on your utility bills, particularly. So we have instituted policies that allow us to purchase or require us to purchase, I should say, energy efficient refrigerators, energy efficient stoves. Over the last couple years, we've gone in and replaced probably about a third of the windows in the older sites that we have to put in double-paned windows where there were single-paned windows.

In our work write-ups, we are always instituting policies to put a higher R-value in our roofs when we're reroofing to make sure that we also conserve energy. So we're required, and it's in our best interest over the long run to make those adjustments and as per your direction, we'll absolutely continue to look into other ways, solar design potentially, on any future developments that we want to bring forward or bring forward for your review and approval.

COMMISSIONER CAMPOS: Do you do energy audits on some of your projects?

MR. ANAYA: Mr. Chairman, Commissioner Campos, we're required to do utility allowance adjustments on a bi-annual basis. And based on those utility allowance adjustments, we're required to track the number of therms for our heating units that we've utilized by site or the wattage that we've generated by site. It's getting a little more cumbersome right now for the Housing Authority because this Commission three years ago gave us direction to move towards individual metered systems. When we had a master metered system it was much easier to extrapolate that data. Now we have an individual metered system. We individual metered the water, the gas and electric, so that we would be in a position to sell the units. We do do that and we will continue to. It's a little more difficult now because of home sales but we are we required to track that usage and make improvements and we'll continue to do so.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: Any other questions of Robert? If not, this is a resolution.

COMMISSIONER GONZALES: Move for approval as presented.

COMMISSIONER TRUJILLO: Got a motion to approve.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Second by Commissioner Campos. Any further discussion? All those in favor? [Unanimous] Opposed? [Chairman Duran was not present for this action.] The ayes have it.

MR. ANAYA: Thank you, Mr. Chairman, and thank you Commissioner Gonzales for the comments that staff has done an excellent job.

COMMISSIONER TRUJILLO: Thank you, Robert. 1982105

X. B. 3. Request approval of the grant application with the Traffic Safety Bureau for the Media Literacy Continuation grant program

DAVID SIMS (DWI Coordinator): Mr. Chairman, Commissioners, glad to be able to present this to you today. I'd like to take this opportunity first to introduce you to our prevention specialist. This is one of our efforts to prevent underage drinking. This is Mr. Frank Magourilios. He is our prevention specialist with the DWI program and he is really the hands-on person, nuts-and-bolts person working with this project.

As stated in the caption, this is a continuation of a project that we began last year in cooperation with the Traffic Safety Bureau, who is funding this project and they actually approached us and asked us to submit another application because they were pleased with what we began last year and wanted to continue that and expand it from middle school work, primarily, which we did last year, to include not only middle schools but also high school age young people in presenting this media literacy project. So if you have any specific questions we'd be happy to address those.

COMMISSIONER TRUJILLO: Any questions?

COMMISSIONER GONZALES: Glad you're doing it. It's great.

COMMISSIONER TRUJILLO: Is this like a performance based sort of training? Simulation?

MR. SIMS: Basically, what it is is to help young people to be able to evaluate TV commercials, for instance, when they see the TV commercials that portray the consumption of alcohol being something other than it really is. And especially in situations where media is fairly obviously targeting young people, even though the industry would never admit to that, even as the cigarette industry obviously has had to face up to that in recent years. But the alcohol industry would never admit that they're appealing to young people, for instance with the Budweiser frogs or some of the things that are very, pretty obvious that they're targeting younger audiences. And this is to help young people to be able to evaluate those messages that they hear in the media and to look for the truth that's behind there and to realize that they're trying to be marketed.

Also, one of the things that was done in the previous year's contract with Traffic Safety was that a curriculum was developed to be used in middle schools and high schools throughout the state. Ultimately, the goal that Traffic Safety has is for this to be a model that can be used throughout the entire state of New Mexico and perhaps even nationwide. So it included, the initial project last year included the development of a curriculum, the training and certification of teachers in middle schools to actually be able to implement it in the schools, so that it's not just one person that we contract that goes out and does it himself or herself, but that it be disseminated and multiplied to where it can be duplicated in multiple schools throughout the country.

1982106

SFC CLERK RECORDING 08/16/2004

COMMISSIONER TRUJILLO: Any other discussion? Any other questions? This is request for approval.

COMMISSIONER GONZALES: Move for approval of the request.

COMMISSIONER TRUJILLO: Got a motion to approve the request.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Seconded by Commissioner Campos. Any further discussion? All those in favor? [Unanimous] Opposed? [Chairman Duran was not present for this action.]

- X. B. 4. Request authorization to enter into a professional services agreement, #22-0039-CHEDD, with Concha Montaña to provide outcome and process evaluation for the Department of Health "Smart Moves" grant**

BETTY CARDENAS: Hi, I'm Betty Cardenas. I work with the Community Health and Economic Development Department, specifically with the Smart Moves grant. The Department of Health has provided us with money to continue the Smart Moves program with the condition that we have an external evaluator. We've selected Concha Montaña because of her extensive experience in evaluating a number of programs, but very specifically Smart Moves programs across the state and we request your approval to enter into that agreement with her to do so.

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Got a motion to approve.

COMMISSIONER TRUJILLO: Are there any questions or discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Betty, what was the selection process for recommending Ms. Montaña for this?

MS. CARDENAS: We worked with Ms. Montaña last year when we began this project and initially, I think, she had been recommended to us through people on the Santa Fe County Health Planning Commission who were familiar with her work.

COMMISSIONER SULLIVAN: Did you put out any requests for proposals?

MS. CARDENAS: No, sir, we did not. The amount of money that has been negotiated with her is less than the amount that would have required a request for proposal.

COMMISSIONER SULLIVAN: Did you contact any other potential individuals?

MS. CARDENAS: The only other person that I had talked with—there are five Smart Moves programs being evaluated in New Mexico right now. Four of those

1982107

Concha Montañó is evaluating and then the fifth one is in Farmington, and that evaluator is working on a contract with a coalition up there, evaluating a number of their programs and would not be willing to take on another program.

COMMISSIONER SULLIVAN: Let me ask Mr. Montoya, what's the maximum? Is it \$20,000 for professional services for proposals?

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, that's correct for architectural services and things of that nature. We usually ask for quotes after, I believe it's \$5,000.

COMMISSIONER SULLIVAN: It appears this contract is in excess of \$16,000. There's four equal installments of \$4,875.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, if I could address this. Prior to Betty coming on board, we had to draft this Smart Moves application to the Department of Health over a year ago. This is the second year of a two-year grant. The Smart Moves program number one, was written and is a Boys and Girls Club of America sanctioned program. In other words, you can't have a Smart Moves program unless you're working with the Boys and Girls Club. When we wrote the grant for the Smart Moves project, not only did we have to identify who the grantee that we were going to be working with was, and in this case it's the Santa Fe Boys and Girls Club, within the application to the Department of Health, we also had to specify who the evaluator was of the project.

So at that time, we had to specify two things. We had to specify the Boys and Girls Club through their Smart Moves initiative would be working with us, and also who the evaluator was at that time. So it's not as simple as it may appear. But in addition, for the Smart Moves program as Betty said, the other particular evaluators throughout the state, the only other one that would have potentially been available already had another contract.

So we were in a bit of a Catch-22 if you will but we did in fact follow the procedures as established within the application process to get the money in the first place. If that provides any clarification.

COMMISSIONER SULLIVAN: So when you identified this contractor last year, so it was a multiple year contract, was there a request for proposals put out at that time?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, there was no evaluators. We had to have an evaluator in the application. We did look for evaluators to put into the application. The only available evaluator for this type of project that we could find was Concha Montañó. If we would have been aware of any other potential evaluators, we definitely would have enclosed them within the application. This was the only individual available, keeping in mind that these discussions took place through the Department of Health, as well as our Health Planning Commission.

COMMISSIONER SULLIVAN: Well, the way you determine if anyone is available is you put out a request for qualifications or proposals and you get responses back and you determine if they're qualified. I think if the department feels that this is the only person in the state that's qualified, what you should be asking the Commission for is a sole

source designation and I don't see that here.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, I think I'll defer that last part to the legal, to our attorney on sole source, but I would say that most of the time when we get an application for the Department of Health, we don't have three or four or five months to prepare an application. Many times we get a grant application from a state or federal agency that's due in a two-week to three-week span of time, which isn't enough time for us to put out an RFP. But as far as the sole source issue I would have to defer that particular piece.

COMMISSIONER SULLIVAN: Mr. Kopelman, have you got a reading on this? It seems to me we have a multi-year contract exceeding \$30,000 and we've (a) not done an RFP, and (b) not even done three contacts with three potential suppliers or documented, and in lack there of (c) we don't have a sole source request. I'm not seeing this as being consistent with the procurement code.

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Sullivan, if this were a one-year contract, this wouldn't be a problem because it's under \$20,000. If it's more than a one-year contract, I agree with you then that you have an issue under the procurement code.

COMMISSIONER SULLIVAN: The County Manager has indicated that the County policies are \$5,000 for this type of procurement.

MR. KOPELMAN: No. Well, Mr. Chairman, under the procurement code, we would have to get the written quotes, but under the state law and under our policy, if they're professional services you don't technically have to go out to RFP.

COMMISSIONER SULLIVAN: But you do have to get other quotes.

MR. KOPELMAN: That's our normal custom and practice in how we deal with those situations. I believe that's true.

COMMISSIONER SULLIVAN: And apparently some attempt was made to get other quotes. Apparently this one in Farmington would not quote or why was that person not pursued any further?

MS. CARDENAS: He was simply not available.

COMMISSIONER SULLIVAN: He wasn't available. So I think this definitely requires a sole source designation.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, this is not a multi-year contract.

COMMISSIONER SULLIVAN: This is regardless of whether it's multi-year or not multi-year.

MR. ANAYA: I just wanted to clarify. You stated it was a multi-year. This is a single year.

COMMISSIONER SULLIVAN: Well, it was a multi-year in that you indicated that your reasoning for selecting this individual was that you put her in the application the first year so you were committed to use her again this year. Or did I misunderstand that?

1982108

SFC CLERK RECORDING 08/16/2004

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, this individual is the person who in fact did an excellent job last year—was the only person available—

COMMISSIONER SULLIVAN: I'm not—it's not the qualifications of the individual. The issue is if you're required to use the same person by virtue of your grant application—is that what you were saying?

MR. ANAYA: MR. CHAIRMAN, Commissioner Sullivan, when we got approved for the initial grant, we did have to list who we were going to work with as far as the evaluation. We did look though, however, to see if there were other people available even at that time. There was none available at that time. We utilized Ms. Montaña. We're requesting that again on the second year. It's not a multi-year contract because we didn't know we were going to get the award because the award was performance based, based on what we had done in the first year.

COMMISSIONER SULLIVAN: So there's not a requirement from the Health Department that you use the same evaluator in the second year?

COMMISSIONER TRUJILLO: Sam, you have something to share?

MR. MONTOYA: Mr. Chairman, I think it is important to note, going back to a question or a comment that was made about sole source. The department did submit a sole source request to the purchasing section and I believe the purchasing manager, Mr. Flores, did accept that sole source. So Mr. Chairman, I think that goes to an important note as a footnote to the fact that there are very few people that do this type of evaluation and I think that is why the department submitted a sole source and it was accepted by the procurement manager.

COMMISSIONER SULLIVAN: Do we have that documentation here?

MR. MONTOYA: I'm not sure if it's in your packet but we do have it in the procurement section and I'm sorry that that was not part of the file, but that is very important to this.

COMMISSIONER TRUJILLO: But it does shed a different light on this.

MR. MONTOYA: Correct, Mr. Chairman.

COMMISSIONER TRUJILLO: Any other questions? We've got a motion to approve by Commissioner Gonzales. I'll second the motion. All those in favor?

The motion passed by majority [3-1] vote: Commissioners Gonzales, Trujillo and Campos voted with the motion and Commissioner Sullivan voted against. [Chairman Duran was not present for this action.]

MR. ANAYA: Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: Now I've been told that we need to go into executive session because there's an issue that we need to address before 4:00.

1982109

X. J. MATTERS FROM THE COUNTY ATTORNEY

3. Executive session

- a. Discussion of pending or threatened litigation**
- b. Discussion of possible purchase, acquisition or disposal of real property or water rights**

Commissioner Gonzales moved to go into executive session pursuant to NMSA Section 10-15-1 (1) to discuss the matters delineated above. Commissioner Campos seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Trujillo, Gonzales and Sullivan all voting in the affirmative. [Chairman Duran was not present for this action.]

[The Commission met in executive session from 2:35 to 2:55.]

Commissioner Trujillo stated the Commission was coming out of executive session having discussed only the El Zorro Trust evaluation protest, which the Commission decided to settle on, and pending or threatened litigation.

Commissioner Campos moved to come out of executive session and Commissioner Sullivan seconded. The motion passed by unanimous voice vote. [Chairman Duran was not present for this action.]

X. B. 5. Request Authorization to Enter into the Following Professional Service Agreements:

- a. Heart Hospital of New Mexico for Hospital Care to Indigent Santa Fe County Residents**
- b. Presbyterian Hospital for Hospital Care to Indigent Santa Fe County Residents**
- c. St. Joseph's Medical Center for Hospital Care to Indigent Santa Fe County Residents**
- d. University of New Mexico Health Sciences Center for Hospital Care to Indigent Santa Fe County Residents**
- e. Ayudantes Incorporated for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents**
- f. HOY Recovery Program Incorporated for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents**
- g. Millennium Treatment Services Incorporated for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents**

1982110

- h. Recovery of Alcoholics Program Incorporated for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents**
- i. Rio Grande Alcoholism Program Incorporated for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents**
- j. Un Ala Clinic for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents**
- k. Santa Fe Family Center Incorporated for Mental Health Treatment Services to Indigent Santa Fe County Residents**
- l. Health Centers of Northern New Mexico for Primary Medical Care Services to Indigent Santa Fe County Residents**
- m. La Familia Medical Center for Primary Medical Care Services to Indigent Santa Fe County Residents**
- n. Presbyterian Medical Services/Hope Medical Center for Primary Medical Care Services to Indigent Santa Fe County Residents**
- o. Presbyterian Medical Services/Ortiz Mountain Clinic for Primary Medical Care Services to Indigent Santa Fe County Residents**
- p. Pecos Valley Medical Center Incorporated for Primary Medical Care and Ambulance Services to Indigent Santa Fe County Residents**
- q. Women's Health Services for Primary Medical Care and Ambulance Services to Indigent Santa Fe County Residents**
- r. City of Santa Fe for Emergency Medical and Ambulance Services to Indigent Santa Fe County Residents**

COMMISSIONER TRUJILLO: Request authorization to enter into the following professional services agreements, a through r. Steve, do you want to go over these?

MR. SHEPHERD: Yes, I'd be happy to.

COMMISSIONER GONZALES: Are you going to go over them individually? Can't you just give a summary?

MR. SHEPHERD: Commissioner Gonzales, I'd been asked to do that earlier but I'm willing to do whatever you would like.

COMMISSIONER GONZALES: Are they all similar?

MR. SHEPHERD: Mr. Chairman, Commissioner Gonzales they are all similar.

1982111

COMMISSIONER GONZALES: And this is to provide indigent care?

MR. SHEPHERD: That's correct.

COMMISSIONER TRUJILLO: I think if they're all the same you can just give us a synopsis or include all of them together.

MR. SHEPHERD: I'd be happy to. They break down—these are Indigent Fund contracts for fiscal year 2002. They fall in five basic categories: Out-of-county hospital payments, alcohol and drug rehabilitation and treatment, out-patient mental health treatment, primary care and ambulance services. The totals of these contracts are \$1,094,500. I'd stand for questions at that point.

COMMISSIONER TRUJILLO: Are there any questions of Steve?

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think it would be useful and we discussed it this morning at the Indigent Fund meeting. This is the first time we start at the beginning of the year to get all of these providers into written agreements, which are similar, but we did feel it would be a good idea to at least name out the 18 providers and just give a one-line definition of what they do, in the event that there is anyone in the audience or there is anyone watching the Commission meeting on television that would like to know about these programs or what they do. And I think it's quite revealing just to see the depth and breadth that we have of services that we provide to the community.

I don't think that would take too long, but it's up to you, Mr. Chairman.

COMMISSIONER TRUJILLO: That's fine. That's fine.

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, I'll start with 5.a. Heart Hospital of New Mexico provides basically heart surgery for Santa Fe County residents. We're proposing a \$200,000 contract with them. Presbyterian Hospital in Albuquerque provides hospital care for Santa Fe County residents when they can't get in at St. Vincents or we do have East Mountain residents that do prefer to go to Albuquerque. We're proposing a \$54,500 contract with them.

St. Joseph's Medical Center in Albuquerque, that basically falls under the same definition as Presbyterian. It's for unavailable care for East Mountain residents that wish to go to Albuquerque. We're proposing a \$22,500 contract. UNM Health Science Center, that is also for residents that can't get care here or East Mountain residents that choose to go to Albuquerque. We're proposing a \$102,500 contract.

Item e. Ayudantes, Incorporated, operates out of Santa Fe, Española, and Las Vegas, New Mexico. They do drug and alcohol treatment. They work with both our central Santa Fe County residents and northern county residents. We're proposing a \$36,463 contract. F, HOY recovery program, they're based in Española and work primarily with our northern county residents. They also do alcohol and drug rehabilitation and treatment. We're proposing a \$36,463 contract.

Item g. Millennium Treatment Services is located in Santa Fe. They do drug and alcohol treatment, work with the courts a lot, especially the municipal court. We're

1982112

proposing a \$278,347 contract. h. Recovery of Alcoholics program. They're located on Airport Road in Santa Fe. They work with drug and alcohol rehabilitation, especially with alcohol. They're a very large provider. We're proposing a \$127,618 contract.

Rio Grande Alcoholism Treatment program is located in Embudo. It does in-patient alcohol treatment, which is a hard thing to find. We do have Santa Fe County residents that go up there. We're proposing a \$27,347 contract.

Un Ala Clinic. They work primarily with drug treatment and do methadone treatment with drug addicts located in Santa Fe. We're proposing a \$12,762 contract.

We move on to out-patient mental health. k. Santa Fe Family Center. They're located on Rodeo Road. They do counseling, work with victims of abuse, do some drug and alcohol counseling as well. We're proposing a \$20,000 contract with them.

We move on to primary care. l. Health Centers of Northern New Mexico, they primarily serve Santa Fe County residents out of their Española and Peñasco clinics, Peñasco being a dental clinic. They work with our northern county residents. We're proposing a \$20,366 contract. m. La Familia Medical Center, they have two large clinics in town. They're by far our biggest non-hospital provider. We're proposing a contract for \$254,576. n. Presbyterian Medical Services/Hope Medical Center. It's located in Estancia. It serves our south county residents. They're a small clinic but they do both medical and dental. We're proposing a \$6,480 contract. o. Presbyterian Medical Services/Ortiz Mountain Clinic located in Cerrillos. They serve the central mountain area. We're proposing a \$13,886 contract. p. Pecos Medical Center, located in Pecos. They serve the Santa Fe County residents in the Pecos area. We're proposing a \$2,777 contract. q. Women's Health Services, located in Santa Fe on Alameda. Primarily focused on medical care and counseling for women. We're proposing a \$46,286 contract. r. City of Santa Fe EMS and ambulance service. They provide ambulance service within the City of Santa Fe and I believe they have an agreement with the County as well. Those are our contracts that we're proposing for approval.

COMMISSIONER TRUJILLO: Thank you. Any other questions? Further discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just wanted to add to Steve's presentation that this totals to \$1,094,500 in proposed provider services. In addition to these that he just elaborated on, we of course have an agreement with St. Vincent Hospital which we call our MOA and that amount is about \$3.5 million. So by far, the majority of the funds go of course to the sole provider that we have here in Santa Fe in St. Vincent's but these other 18 provide a valuable service and I would also want to mention that we now have on board our outside representative who attended the meeting today of the Indigent Fund Board and she said that three years ago when the League of Women Voters did a study of the Indigent Fund they were quite distressed at what they found in terms of accountability and the direction but at this point in time, was quite complimentary of the efforts of Steve and his staff in putting this together and tracking all of these contracts. So I certainly want to give credit where credit is due and in this short period of time we—we, being Steve and his staff—and working with Robert Anaya of course in that department have really turned this thing around and I want to make a special

point to bring that out to the community.

1982113

MR. SHEPHERD: Thank you, Commissioner.

COMMISSIONER TRUJILLO: Thank you, Commissioner Sullivan. Any other questions, discussion? This is a request for authorization to enter into the following professional services agreements. Is there a motion?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER TRUJILLO: Got a motion by Commissioner Sullivan.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Second by Commissioner Campos. Any other discussion? All those in favor? [Unanimous.]

The ayes have it. [Chairman Duran and Commissioner Gonzales were not present for this action.]

MR. SHEPHERD: Mr. Chairman, I was asked to bring up one item in conjunction with these contracts, asking for direction as to whether the Commission would like us to study the feasibility of having the Indigent Fund Board meeting become part of the regular BCC meeting, especially possibly the front of the meeting. And I'm just looking for direction whether I should work with the County Attorney on that.

COMMISSIONER TRUJILLO: Was that discussed this morning at the meeting?

MR. SHEPHERD: Yes, Mr. Chairman.

COMMISSIONER TRUJILLO: And what was the recommendation?

MR. SHEPHERD: I think the consensus was to go ahead and look at the feasibility of doing that and possibly bring a proposal.

COMMISSIONER TRUJILLO: Do we want to do that at the next meeting?

COMMISSIONER SULLIVAN: Mr. Chairman, they just threw that out as a concept, if we started the meeting at 9:00 instead of having a separate Indigent Board meeting, and the first hour of the meeting were dedicated to Indigent Board items.

COMMISSIONER TRUJILLO: And make the Indigent meeting a public meeting?

COMMISSIONER SULLIVAN: That's correct. It's a public meeting now but it's not televised and it's not in the Commission Chambers and so we're kind of duplicating efforts when we have the meeting there and then we bring the issues here and Robert's suggestion was that we at least consider just making it a part of the meeting. I'm certainly fine—it's an hour whether you do it here or whether you do it at another meeting.

COMMISSIONER TRUJILLO: I don't have any problem with that either. Commissioner Campos?

COMMISSIONER CAMPOS: I'm comfortable with the present format of having the two meetings but I would rely on staff's recommendation to—

COMMISSIONER SULLIVAN: Couldn't we just explore it and bring us back a recommendation.

COMMISSIONER TRUJILLO: Why don't we explore it and bring back a

1982114

recommendation.

COMMISSIONER SULLIVAN: See what's best for staff.

MR. ANAYA: Mr. Chairman, Commissioners, I would just also add as part of our recommendation, we will have to have the Housing Board in that mix as well. So it would be the Housing Board, the Indigent Fund and the regular BCC and we'll come back with a specific recommendation next meeting.

COMMISSIONER TRUJILLO: Thank you, Robert. Thank you, Steve.

X. C. Finance Department

1. Request Ratification of the State of New Mexico Department of Tourism Grant Providing Funding for the Promotion and Advertising of Santa Fe County for Fiscal Year 2002

MS. MILLER: Mr. Chairman, Commissioners, the Department of Tourism has funding available for matching grant funds for promoting and advertising, electronic media, printing and distribution of promotional brochures. Every year, in conjunction with our contractor, Rick Johnson, we put in an application to access some of those funds.

At the time that the application was due, we didn't have a Commission meeting where I could bring the grant forward so I asked Sam to at least sign on behalf of the County so we could submit the application, or the contract, I should say. It is into the Department of Tourism and I'm bringing this item forward to the Board for a ratification of that contract signature by Sam, by the chairman, so that we can formalize the contract with the Department of Tourism.

COMMISSIONER TRUJILLO: Thank you, Katherine. Any questions of Katherine?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER TRUJILLO: We've got a motion to approve.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Second. All those in favor? [Unanimous] Opposed? The ayes have it. [Chairman Duran and Commissioner Gonzales were not present for this action.]

X. C. 2. Request authorization of assets for surplus

MS. MILLER: Mr. Chairman, Commissioners, this is just a list of vehicles, mostly from Public Works and Sheriff's Office that we no longer need and would like to surplus. One of the requirements of the State Auditor is that we actually surplus it through the Commission and then notify the State Auditor that we're doing so. And we'd like to surplus these items to put them in an auction that the State Highway is having in

1982115

September.

COMMISSIONER TRUJILLO: Any questions of Katherine? If not, what is the desire of the Commission? I'd move for approval.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: We have a motion to approve, seconded. Any further discussion? All those in favor? [Unanimous] The ayes have it. [Chairman Duran and Commissioner Gonzales were not present for this action.]

X. D. Fire Department

1. Request approval of Regional Communications Center (RECC) joint powers agreement with the City of Santa Fe

STAN HOLDEN (Fire Chief): Thank you, Mr. Chairman. As the Commission knows, secondary to previous briefings, the Santa Fe County Fire Department as well as the Santa Fe Sheriff's Department, the City of Santa Fe Police Department and Fire Department were instructed by joint resolution of both the City Council and the County Commission to investigate and conduct a study secondary to the communication problems that existed, that were highlighted as a result of the bus accident that occurred on March 2, 1999.

Over the last two years a number of meetings have been held between both City and County staff, primarily the County Sheriff, the City Police Chief, the City Fire Chief, myself and the City and County legal departments as well as our Finance Department personnel. As a result, Mr. Chairman, we are ready to propose to the Commission today the thirteenth draft of the joint powers agreement which has been worked and reworked by both bodies and we are requesting that the Santa Fe County Commission approve this joint powers agreement and forward it on to the City of Santa Fe Council for their action. I stand for questions, Mr. Chairman.

COMMISSIONER TRUJILLO: Thank you, Stan. Any questions of Stan? If not, what's the desire of the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I did just want to add so the people know that we had a Public Works session on the details of this joint powers agreement and it was quite informative and it went for I think an hour and a half or so. Basically, my understanding of the benefits of this are that we're going to split the costs of the equipment with the City, the operations and maintenance is going to be also split, I think initially 69 percent the City, the balance the County. I think it also puts us in a position to receive more funds for a regional facility that we get operating separately.

There were probably some other benefits too that you've enumerated, Stan, but did I cover some of the significant ones?

1982116

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, those are the major areas. Inclusive also are the benefits that we think we will have in staffing over the long period. We believe the consolidation will improve our efficiency of operation and will not require an increase in staff for a period of time.

COMMISSIONER SULLIVAN: An I would assume a uniformity in training as well so that we have people who are equally trained responding similarly to these incidents.

CHIEF HOLDEN: Mr. Chairman, Commissioner Sullivan, that is also correct. We're currently working on, from that standpoint today. We try to do as much joint training as we can, but the fact of the matter is we currently have a Sheriff dispatch center that their procedures are somewhat different than the City Police procedures. And by incorporating the two operations into the same operation, we believe we'll gain some efficiency there as well.

COMMISSIONER SULLIVAN: And I did want to point out, as we know that this will be, this is a joint powers agreement with the City and I think as Stan has indicated in his memorandum has gone through some 12 drafts with the City legal department. But it also sets up a separate board. In other words, this entity becomes a separate entity. It is funded by the City and the County but hires its own personnel and establishes its own procedures. So I think we have another example here of moving in a regional way, which I hope—put a plug in here for the water system that way. But we've done it in the past in waste management at the landfill. We're doing it here. I think it makes sense.

So if there aren't any other comments, Mr. Chairman, I would move for approval.

COMMISSIONER TRUJILLO: Thank you, Commissioner Sullivan, for making every effort to keep the community informed and for bringing those issues up. Got a motion to approve.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Seconded by Commissioner Campos. Any further discussion? All those in favor? [Unanimous] Opposed? [Chairman Duran and Commissioner Gonzales were not present for this action.]

Thank you, Stan, Jeff.

CHIEF HOLDEN: Thank you, Mr. Chairman, Commissioners.

X. E. Land Use Department

1. Presentation and discussion of proposed County Water Utility 40-year water plan

ESTEVAN LOPEZ (Land Use Administrator): Good afternoon, Mr. Chairman, Commissioners. Today we're ready to present you with a draft of the Santa Fe County Water Utility 40-year water plan. At this point we're not asking for any action on this

1982117

plan. We present you with our initial draft and hope that you may have some input that we may incorporate into this before we bring it forward for adoption.

I would start off by saying that the intent of this 40-year water plan is to meet the statutory requirements that would allow the County and its utility to protect its water rights from forfeiture by lack of use. In other words, state statute allows that if we can demonstrate a demand over a 40-year time frame where we're going to need our water rights, even if they're not fully needed today, those water rights will not be subject to forfeiture.

Secondly, our 40-year water plan will become a key piece of evidence in any State Engineer proceeding to transfer water rights, and that is the secondary purpose of it, and thirdly, one of the water rights options that we will proceed to try and develop and fully utilize is a long-term lease of the state pen water rights and such a lease is contingent on us developing this plan as well.

So I'll briefly describe what we've put together in this water plan and hopefully you've had an opportunity to review it a little bit and then we'll ask for input on it. By the way, we do have copies available for the public. They can either get them from us today or if anyone that might be watching on TV wants to get a copy of this for review and comment, we can certainly make it available.

We start the water plan with an executive summary that simply is a summary of everything else that comes behind it. We've created a mission statement for our water utility and basically, in a nutshell it is that the water utility is to deliver safe, dependable water supply to existing demands and to allow orderly development in the County consistent with the Santa Fe County Growth Management Plan and that the water will be delivered at a fair and reasonable price in a manner that makes efficient, responsible use of the water's resources while preserving traditional uses of water in the community.

We then go into a water planning philosophy, which basically says we have to make the best use of the water possible and in order for this plan to really mean anything, I think it's imperative that we revisit it regularly. And we've suggested in this that that be done at least every five years. We then have a relatively detailed history of the County utility, the water utility and the wastewater utility and a description of our infrastructure. The map that's right below the screen down here shows our service areas as they exist today. Our main service area on the south portion of the map is what we refer to as the south sector. That serves the Community College District all the way down to La Cienega. Katherine is going to point that out.

Then we have the west sector, north of there, that's the darker blue. We serve a few subdivisions just south of Las Campanas. And finally, recently we added the Airport Development District as part of our service area as well. So we provide a description of the infrastructure that we have as it exists today.

Then we've gone into a summary of all of the water rights, including a discussion of the difficulties that each of those presents to us in terms of making it available to the utility and in some instances, the likelihood of success and so forth. We outline our conservation measures as they exist today and what we intend to do in the future, and then we get into trying to project

1982118

demand for each of the areas that we intend to serve. And we take a slightly different tack for each of those areas. First of all, in the Community College District, we do have some demographic projections for that district. That's also where we have most of our current commitments made of the 500 acre-feet that we have available under the wheeling agreement with the City. Those are fully committed and the slide that Katherine has up here shows pretty much how that demand has grown since 1998 from something under 100 acre-feet to today, about 150 acre-feet we think for this year. Actually probably closer to 180 acre-feet, and how we expect it to grow through the remaining term of the wheeling agreement to close to 500 acre-feet actual demand.

This picture shows the demand actually being something greater than 500 acre-feet, and that reflects the fact that as of yesterday we closed on the purchase of the Valle Vista water system and that brings with it an additional 78 acre-feet, approximately, and pretty much the same demand as well.

For existing commitments, this is how we expect them to grow through the remaining term of the wheeling agreement so that 2004 we expect to have a total demand of about 525 acre-feet. So potentially we could get 500 acre-feet through the wheeling agreement and the remainder would come from the wells that we just purchased from Valle Vista.

Beyond 2004, then this graph shows what we expect the demand to be over the remaining 40 years. The two bottom colored bands show first how we expect demand in the Community College District and the west sector, that is where we're already providing service, to grow and the red band shows an ongoing demand that will have to serve for the Valle Vista system. So as you can see, those two combined on 2004 start out at about 525. On top of that, we've identified a number of other, what we might term existing demands that today we've not taken on the responsibility of serving but it's certainly plausible that we will take on those demands.

One of those is the state pen, if and when we get the lease agreement, to take on their water system and the water rights that are associated with it. Along with the assets that we would be taking on the operation of, we would be taking on the responsibility for continued service to the state pen. Based on our discussions to date, we expect that demand to be about 230 acre-feet.

The next one is demand in La Cienega. Over the last six years or so, developments in La Cienega have often been approved with what's come to be known as the La Cienega conditions. Those conditions require that if and when our water system comes within 200 feet of a property, the owners would agree to hook on to that water system. We went back and reviewed how many such subdivisions and approvals are out there right now, and it's on the order of 1800 lots have that condition applied to them. About 1000 of them currently have homes on them. So for the purposes of trying to figure out what the La Cienega demand is, we started out assuming that we will, by 2004, be serving the folks along Paseo C de Baca, who have already requested service from us. We believe that there's about 60 individuals that want service immediately, as soon as we can extend a water line out there.

Beyond that, we would first take on any lots or any residences that have the La Cienega

1982119

conditions applied to them, and that number grows over time. We went beyond the current number of approvals to project, given current zoning, how many additional lots could be created and possibly become part of our demand over time as well, over the 40-year time frame.

The next one is Eldorado. Based on the study commissioned by the Eldorado Water and Sanitation District by Dr. Shomaker, we've concluded that the Eldorado Utility has need for imported water into that system. Ultimately, something in excess of 300 acre-feet, but if we can deliver 300 acre-feet immediately, one, it protects them from possible crisis if we have a drought, but two, if they establish some conjunctive use strategies, that 300 acre-feet may be sufficient to supply their needs over the 40-year time frame. But the sooner they can get it the better.

COMMISSIONER TRUJILLO: Estevan, 300 acre-feet of wet water?

MR. LOPEZ: Wet water delivered into their system. And I guess I would point out with respect to that particular piece of our analysis is we recognize that the primary responsibility for providing that service lies in our opinion with Eldorado Utilities, Inc. However, given that we are in the process of trying to develop a diversion at the Rio Grande and that our system now extends to within three miles of the Eldorado system, we're uniquely situated to potentially be able to help deal with Eldorado's long-term water needs. So for our planning purposes, we're planning for 300 acre-feet, and then it would be up to Eldorado Utilities to actually request that and probably pay for our delivery of it. But yes, 300 acre-feet of wet water into that system is what we're trying for.

COMMISSIONER TRUJILLO: Delivered from somewhere else to the Eldorado area.

MR. LOPEZ: Probably, ultimately from the Rio Grande through our system and our system, where we have our 1.5 million gallon tank is about three miles from their system. So we would have to construct about three miles of pipeline.

And the final piece of what we've added in there is the Airport Development District. And this is really a guess on our part, because the planning process is only now getting underway and we really don't know exactly what's going to be needed by any stretch, but there is going to be a demand out there as it begins to develop and the County has designated that as part of our water and sewer service area. So what we've done is just assume that in 2010 there will be some minor demand, 100 acre-feet, and that over the course of the 40-year planning horizon, that demand in the Airport Development District will be 500 acre-feet over that time frame.

This is really something of a place-holder, something that as we further refine the land use plans for that planning district, we will also refine our estimates of water demands that will be needed for that.

So in a nutshell, we expect that if by 2004 we are capable of delivering it, we could potentially have a demand close to 1200 acre-feet, essentially immediately, and that, our current projections say that that would grow up to close to 3600 acre-feet over the course of the next 40 years. Well, 35 years after 2004. The water rights that we have today are—before I get into

1982120

that, I'll talk a little bit about some of the conservation aspects of our plan and this is a key feature of our plan from the State Engineer's perspective. Any time we go forward with a transfer application, the State Engineer is going to want to assure that our planning takes into account adequate conservation measures.

Currently, users on our system average about .2 acre-foot per household. That's a pretty low water use, and we've got a few water conservation initiatives that are in effect today. Last year passed the voluntary water conservation plan that's applicable countywide but it's voluntary. It simply lays out some suggestions as to how people can—some of the things that people can do to conserve water. Last year also during the City of Santa Fe's water crisis, we enacted emergency Ordinance 2000-9, Water Restrictions on the County Water System. This mirrors restrictions that the City places on its customers during the drought emergency.

Our Community College District has some conservation features in it in terms of landscape limitations and so forth and the emphasis on native and drought resistant species for landscaping. Our billing structure is an increasing block rate, that is, as someone uses more water, their rates go up and we also tack onto that a summer surcharge, so that billing or rate structure is also expected to encourage conservation. We expect that we're going to do more in terms of conservation measures. We have a grant from the Bureau of Reclamation for developing a water management and conservation program. We expect to put out an RFP to explore some of these options. Incentives and disincentives, such as free low-flow fixtures and re-evaluating our rate structure to see if we can make it more conducive to conservation, establishing additional regulations on outdoor water use and landscaping restrictions throughout our service territory, and an obvious component of any conservation plan would have to be education and awareness, including programs and brochures for the schools and something that could be given out with building permits and so forth.

This table summarizes water rights that we might have available to us. This is on page 9, or it's reconfigured in this table, but basically it shows what we own or have usable today. That's 77.5 acre-feet from Valle Vista and our San Juan Chama water rights. For the purposes of this table, I've taken a conservative approach and only shown what is undisputed as to our San Juan Chama allocation. We may have a right to some additional amount in this but I thought it was prudent to only show the undisputed amount for that purpose.

In addition, we now own additional water rights. We own 21 acre-feet of consumptive rights in La Cienega. Now that we've purchased the Valle Vista system, we can make a transfer application to move those rights that are associated with Valle Vista. We've now purchased 128 acre-feet of consumptive rights from the Top of the World farm and we have 71 acre-feet of middle Rio Grande rights that are currently being used on a farm in Socorro. We also own the farm.

Other things that we're working on, we're working on a long-term lease of the state pen water facilities and the water rights. There's 387 acre-feet. Late last year or early this year you approved the purchase of the Hagerman well. That, if we get all of the water rights that we anticipate, we might get 116.5 acre-feet consumptive rights. Top of the World, there's an additional 480 acre-feet.

1982121

COMMISSIONER TRUJILLO: Estevan, for the benefit of the public, it seems that the utility company has a monopoly on water rights. Do we have a 40-year plan outside of the utility company?

MR. LOPEZ: For the county as a whole?

COMMISSIONER TRUJILLO: For the county as a whole, the southern part of the county, the northern part of the county. Because they're experiencing some dire, both quantity and quality water issues. What do we have long term to address those areas?

MR. LOPEZ: We do not have a 40-year water plan per se. We do have a couple of long-term and regional water planning efforts that we've participated in in the northern part of the county but actually extending well beyond the county boundaries. The Jemez y Sangre Regional Water Planning Council has been evaluating the availability of water regionally to an area that extends from the Galisteo Basin all the way north to about Velarde. That planning study has looked at all of the water that's available. How much water are we getting from rainfall? How much do we expect is recharging the aquifer? How much flows by on streams? And it's broken down the entire region into ten subregions and each of those subregions, for each of those subregions there's a water supply analysis, and also a 60-year population projection and a projection as to whether they will be able to meet their supply needs or not.

In the southern part of the county, the Estancia Basin Water Planning Council has also developed a regional water plan. That's for the Estancia Basin in southern Santa Fe County and Tarrant County and some of Bernalillo County I believe. But a 40-year water plan per se, I don't believe that they have exactly that. We have plans pretty much countywide though. I'm not sure if that answers your question completely or not.

COMMISSIONER TRUJILLO: What I was looking at is to have some sort of document that represents what is being done as far as water is concerned long term countrywide, including the northern part of the county and the southern part of the county. Even if it's just citing the studies that are taking place so that we have a countywide perspective of water availability or whatever for long term, for the next 40 years. Because this document is limited to the utility area.

MR. LOPEZ: That's correct.

COMMISSIONER TRUJILLO: And there's a lot more need and a lot of issues across the board countywide.

MR. LOPEZ: Mr. Chairman, point well taken. It's a huge issue countywide. We had to try and get our hands around a piece of it that's somewhat manageable and we tried to define that as our currently defined service areas, and I think clearly, as we go forward, we have to continue to expand our horizons and our analyses to include all of those areas that you just mentioned. Today, in terms of what we can incorporate into this plan, it's probably some sort of reference to the two planning documents that I've just mentioned earlier, at this point.

I don't know that we could in any short time frame create anything that's much more detailed than that at this point.

COMMISSIONER TRUJILLO: Okay. Thank you.

1982122

COMMISSIONER GONZALES: Mr. Chairman, Estevan, where are we in terms of the state pen wells? It's something that we continuously talk about and we've received legislative permission to lease it. Where do we stand with that?

MR. LOPEZ: The state pen well lease is contingent, the legislation that authorized such a lease, is contingent upon us preparing perhaps this plan. Once you've adopted it, then we can actually move forward. We've, in essence negotiated the lease already.

COMMISSIONER GONZALES: So the hold-up has been the 40-year water plan?

MR. LOPEZ: Yes.

COMMISSIONER GONZALES: Okay. And I was watching your summary from the side, but is there going to be a point during this planning process where we're going to have some public hearings and then we'll be able to identify, the Commission will be able to make statements on the priorities of whatever water we're able to obtain, whether through San Juan Chama or other uses, so that the community will know in the 40-year plan what's going to be at the top of the list, basically, in terms of reaping the benefits of water?

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, yes. We've taken a stab at establishing a method of prioritization and we'll show you that in just a few minutes.

COMMISSIONER GONZALES: So what do we do in terms of gathering public input outside of the normal hearings we have here?

MR. LOPEZ: We haven't really done any sort of public outreach on these particular issues other than what we've gotten over the course of the last three years in attending community meetings on these issues. As you've heard me talk, I'm sure that all of these things, all of the things that I'm presenting to you are pretty familiar to us. All of these are things that we've been working on openly, publicly, and we've now just kind of synthesized all of the stuff that we've been doing and put it into a single document. That's one of the things that I hope to get direction from this Board on today as to what process you want us to follow in terms of getting this thing adopted and making sure that it does have adequate public input.

COMMISSIONER GONZALES: So are we looking at that right now? Or do you have more?

MR. LOPEZ: If you would like, I can continue with this and then I'll follow up with that. So, in a nutshell, if everything that we've got that we've got in the mill pans out, and we're able to transfer it to points of diversion that we can use, right now we might get 1650 acre-feet, more or less. That doesn't take into account any potential for the return flow credits or any sort of recharge credits, if we're able to recharge the aquifer, or anything of that nature. But that pretty much tells you what our situation, that is the County Water Utility's situation is, relative to water rights today. And we expect that over 40 years we're going to need something like 3600 acre-feet. So clearly there's a deficit.

Getting to your question, Commissioner Gonzales, of water utility supply priorities. We've taken a shot at it, but certainly we're looking for input from this Commission. What we identified as our first priority is basically meeting our current contractual obligations and allocations that have been made so far. We've allocated 500 acre-feet that are available under

1982123

the wheeling agreement, and now we've taken on the responsibility for providing for Valle Vista's. So our current commitments overall are 578 acre-feet, pretty much. That's today.

Second, what we've identified as a recommended second priority would be demand that already exists but which isn't yet our responsibility. And this is covered by things like the state pen, once we take that system on, La Cienega, to the extent that we've placed certain conditions that created the demand as our lines extend into that area. We expect that we'll have to take on that responsibility, and certainly there's a demand in Eldorado that exists today and it's going to be ongoing. So we propose that as a second priority.

Third is continued development within our currently defined service areas. That's growth that's just going to happen naturally and within those areas we ought to probably be planning to serve through our utility so that it can be orderly growth and now sprawling.

And finally, Commissioner Trujillo, I know that this doesn't quite get at the issue that you were bringing up but I think that our fourth priority relative to the County Water Utility, and I say it's fourth priority but not because it's any less, because the need is any less than we have locally, but rather in terms of our resources that we have in place today and so forth, we certainly want to be able to reach out to some of the communities that are away from the metro area and so forth, but today, given the resources that we have, probably that sort of commitment would be in terms of technical, financial and organizational assistance that we might be able to provide, and over a longer term, perhaps we can start looking at how the County might play a more direct role, but again, I want to emphasize, I don't think the need is any less real and in many cases it may be more, a greater need in terms of some of the contamination issues that people are facing, existing demands that aren't being met and so forth. But our organization is relatively new and we have to expand it as our capabilities grown.

Those are pretty much our slides, that with the written text that we've provided for you. I'd ask for your input now or at any time between now and when it's adopted and we'll make our best efforts to incorporate that input into it. I've inquired as to what sort of public process the State Engineer might require for approval of a 40-year water plan. I've been told by John Utton, our water attorney that the State Engineer doesn't require any public process, we simply submit this plan to them. So if there's to be a public process before the adoption, it probably should happen here. And I've suggested in our memo that we attached to this thing that at a minimum, we have one public hearing, but certainly we're willing to do whatever it is that this Board would like us to do relative to getting public input and making sure that whatever you ultimately adopt reflects that public input and your desires.

COMMISSIONER TRUJILLO: Thank you, Estevan. Any questions?

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Gonzales, then Commissioner Sullivan.

COMMISSIONER GONZALES: I would say, Estevan, that I think at a minimum we probably need about four public hearings and my feeling would be that the staff, and this is separate from the Commission actually, considering the water plan, would actually go out into some of the communities where the service area is going to be, where the water

1982124

service area currently exists and where we believe it to possibly grow and in my mind I'm thinking Eldorado, the Community College District, La Cienega area, possibly the west side and then coming around up to Tesuque.

Having meetings in these communities so that mostly, I would say to gather information, to gather some input from community members to help us get a real understanding as to what the community would like to see in terms of priority use for some of this water that we're hoping to obtain. I think that's what's really important that we still have a long ways to go to get the water that we're going to need to do all the things that we want to do through our planning process. And I think that that needs to stay at the top of the list. There's a point for us planning these areas. There's a point for planning the Community College District, for going through and planning the Airport Development District, all are going to rely on imported water and we need to make sure we stay committed to that process.

However, I think that the public needs to reaffirm that through some of the public hearings that I would like to see us set up and then I would hope that for something as bit as this 40-year water plan that the Commission, hopefully, would consider hearing at least two public hearings to allow members of the public to come before the Board and offer input and advice as to how this water plan can benefit the community. But I really, really believe that for us to go forward, to have a credible plan in the community's mind that there needs to be priorities that aren't so broad it's hard to understand where the County wants to go over the next 40 years.

I think that your priority number three, to support development inside the utility district, that's a very broad brush. What kind of development? It could be literally any kind of development. And we need to go out and see affordable housing as a priority for people in our community. Is economic development a priority for people in our community? Educational institutions. Where do we, when we finally obtain this water resource, where do we allocate it so it's meaningful, not only today but 40 years from now. And I'd like to see us go through an extensive public hearing process to find that out.

I have some ideas but I'd rather wait to listen to the community first and then begin that type of dialogue with the Commissioners.

COMMISSIONER TRUJILLO: Good point, Commissioner Gonzales.
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, the thing that I'd like to see discussed a little more in the proposal or in the plan is the impact and our position with regard to a regional water system. I think that we've of course included that in our resolution in terms of dealing with the City and with Las Campanas, as a regional focus and I think we need to really take a hard look at it here and say, are we going to continue to operate for 40 years as a Santa Fe County Water Company, obtaining water from wherever we can get it, or are we going to place our priorities and focus towards a regional water system which hopefully would be more efficient for everyone, for all the users, bearing in mind that the people who live in the City of Santa Fe are Santa Fe County residents and we have an obligation to look after them as well.

1982125

SFC CLERK RECORDING 08/16/2004

The board that you first presented, which I think is the same one that you have here, is it not, on this map?

MR. LOPEZ: That's correct.

COMMISSIONER SULLIVAN: When you look at the pink area, which is the city, and you look at the blue area, which is the Santa Fe County water system, you begin to realize that they're about the same area and it kind of doesn't make much sense for them to be separate entities. Now, this isn't going to happen overnight, but this is not an overnight water plan either. This is a 40-year water plan. So I would like to see that discussed and brought forward as a policy for discussion amongst the public and the Board.

The other more minor comment that I had, and I don't want to go through it page by page, but I was interested to see your comments on page 12 on system losses. The water that the Santa Fe County Water Company gets from the City of course is master metered through, I believe, three meters and you indicate in here that the City master meters have only functioned sporadically and never for a long time, to get reliable loss data. So I don't know what to say about that but I hope that the City can at least get three meters working so that we can have better data on which to base these loss calculations.

Has there been notification to the City about this or are they aware of it?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, just yesterday, this was one of the issues that I brought up with the City's new water director, the fact that these master transfer meters have only worked sporadically and in fact our payments to the City are based on our summation of our sales, and that's the basis on which we're paying. And we've made this known to the various water directors over the course of the last couple of years and to date, I don't believe they're working today.

COMMISSIONER SULLIVAN: So we're not getting a special deal by having malfunctioning master water meters because we're basing the usage on individual metered connections is what you're saying.

MR. LOPEZ: That's right.

COMMISSIONER SULLIVAN: But with master water meters operating, then we can compare that flow number with the individual meter flow numbers and we can determine system losses, which is something that's important. So I would hope that we could encourage the City to repair their water meters so we can get some better data on system losses. That's all I had.

COMMISSIONER TRUJILLO: Thank you. To the point of Commissioner Sullivan's regional water planning initiative, to include it in the document, I just read in the paper this morning about the City's efforts to do water budgeting. What impact will that have on any possibility of regional partnership or cooperation? It's a two-way street and the cooperation should come from both sides.

MR. LOPEZ: Mr. Chairman, I believe that my understanding of the City's water budgeting proposal is incomplete at best, I would say. But it doesn't seem to address directly the City's relationship with the County utility, particularly given the fact that there is a contractual relationship between the two entities right now in the form of the wheeling

1982126

agreement. I don't know that that's fully thought out yet. My reading of their proposal is I'm unable to see really how that fits, but I think you're right, Commissioner. In order for any budgeting mechanism to really make sense, I think it needs to be viewed in terms of all of the players who are relying on that same bucket of water, if you will.

To date, I don't think that that's going on. More, building off of Commissioner Sullivan's earlier thing, I think he's correct. We need to structure this to really leave ourselves the opportunity to create a regional water system. But perhaps in the more immediate time frame, I think that there's going to continue to be calls for regional water planning particularly amongst the various entities that are relying on the same bucket of water. That is the City, the County and Las Campanas.

The first steps are taking place, potentially, right now as we work toward developing a diversion system. But your point is well taken.

COMMISSIONER TRUJILLO: Thank you. Any other discussion?

MR. LOPEZ: If I may, Commissioner—

COMMISSIONER SULLIVAN: What did we decide on the hearings? Did we have some direction for staff on that?

COMMISSIONER TRUJILLO: We decided we would hold four community hearings—

COMMISSIONER SULLIVAN: That was Commissioner Gonzales' suggestion. I don't know if that—did we have some staff input on that suggestion?

MR. LOPEZ: That's certainly something that we can try and do. I think that we could, even some of the communities that he mentioned I think kind of make sense. Something in the Community College District, La Cienega, Eldorado, the west side. All of those are areas that we've said we are going to be serving to some degree, so I think that it would make sense to try and get community meetings to discuss this at those communities, and certainly any additional ones that you'd like us to take it to.

COMMISSIONER TRUJILLO: And then four community meetings and two public hearings?

MR. LOPEZ: Here before the Commission?

COMMISSIONER TRUJILLO: Here before the Commission.

MR. LOPEZ: That would certainly be acceptable to us.

COMMISSIONER SULLIVAN: Estevan, one last question. How does this plan mesh with the City's plan? The City just recently completed a plan and I'm just wondering what data they used, what per capita usage, what type of assumptions they used in their plan and are we compatible in that regard?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I don't think that I could give you a good answer to that today. I'd have to really study their planning documents and evaluate in those terms.

COMMISSIONER SULLIVAN: I think particularly when we take a regional approach, we want to look at what the City has outlined in its plan and if their plan is to annex lots of land and become the regional water system for Santa Fe County, then we need to

1982127

comment on that. We need to determine if we agree with that and if that's our priority to allow that to happen. So I think we need to be sure, unlike when we did general plans and we did them in separate rooms and separate venues, that we are sure that our plan addresses any complementary or conflicting provisions in the City's plan. And then brings them to our attention and to the public's attention. So we can, as Commissioner Gonzales says, have those issues brought forward to the public and hear what the public thinks about that. Would they be satisfied with the City of Santa Fe being the regional water authority? Is that the direction we should pursue or is there some other mechanism that would be more economical? So if you could work that into the document I think that would be useful, perhaps a separate section pointing out the conflicts or the assumptions of the City plan versus the County plan. Maybe they're both perfectly compatible. I'm not sure.

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I certainly would have to flesh out that quite a bit more before I'd presume to answer your question fully, but I do want to mention that our plan does at least mesh, at least from a conceptual vantage point, in terms of wanting to do conjunctive management of resources to preserve groundwater for times of drought and clearly, the fact that we're working together on a diversion system, we're going to have to mesh those aspects of it. I think you bring up some good points about service areas and so forth. All of those things we'll try and address.

COMMISSIONER SULLIVAN: And perhaps you could even do it by a matrix, listing key points of the City's plan and complementary key points of the County plan and where we differ if any because there's a lot of perception, for example, that the City is conserving water and the County is wasting water and as you indicate in the plan here, we do have a conservation ordinance in effect and it would be good to have a juxtaposition of those issues, perhaps under the regional section of the plan. That's all I have, Mr. Chairman.

COMMISSIONER TRUJILLO: Thank you, Commissioner. Anybody else? Commissioner Campos?

COMMISSIONER CAMPOS: Mr. Chairman, Mr. Lopez, what time constraints are you working under at this point as far as getting this report done? How soon would you like to get it done?

MR. LOPEZ: Mr. Chairman, Commissioner Campos, the time constraints that we've been operating under are largely self-imposed but as Commissioner Sullivan pointed out a few weeks ago, we've been saying we're going to bring forward a 40-year water plan for quite some time now and I joked the other day that we're only into the third year of our 40 years so we still have plenty of time, but I really do think that we have to define where we as a County utility are going and this should be a document that will help us do that.

We really pushed to try and get a draft before you today. We realize that it's incomplete, but we have to start somewhere. The input that you've given us today has been excellent and I think the direction relative to meeting with some of the communities to discuss our planning objectives and so forth also should help us do that. But I certainly would like to get a plan adopted as soon as possible, definitely by the end of the year. I think if we can proceed on the basis of the direction given, I don't think that's an unrealistic time frame. I do

1982128

SFC CLERK RECORDING 08/16/2004

think, there's two things, really, that could play into more realistic deadlines. One is we want to get the state pen lease finalized and that's dependent on this plan. And two is we've got at least one transfer application before the State Engineer and we will have others soon. We want to have a document that we can submit with those transfer applications that will hold up to scrutiny.

COMMISSIONER CAMPOS: Once you file your 40-year plan with the State Engineer, they review it and tell you whether it's adequate or deficient?

MR. LOPEZ: My understanding is they do not. They simply accept it. But then it does become a piece of evidence that will be considered as you go through your transfer proceeding.

COMMISSIONER CAMPOS: Mr. Chairman, my take on the situation, my suggestion would be that we do a 40-year plan as soon as possible, then we can simply amend it and supplement it as time goes by. This 40-year plan isn't designed simply to give us the ability to go out and buy water rights and hold them for 40 years without necessarily putting them to beneficial use. I think that's the principle purpose. And then we can refine it if indeed there's a need for that refinement. I'm not sure. What do you think, Mr. Lopez?

MR. LOPEZ: Mr. Chairman, Commissioner Campos, I am interested in trying to get a plan adopted quickly. I was just asked a few minutes ago as to whether our ongoing discussions with the City is what's driving this; it's not. But certainly whatever we lay out here that's a statement of the Commission's position on these issues, may help to resolve some of our ongoing issues with the City. I don't know. So I think there's a lot of value in getting something adopted but I think that in essence, the work plan that you've laid out for us is not unrealistic and I think that might give us the sort of input that would help us get a plan that's more than just adequate but actually a good tool for us.

MR. MONTOYA: Mr. Chairman.

COMMISSIONER TRUJILLO: Sam.

MR. MONTOYA: Mr. Chairman, as a closing comment to this first discussion, one of the things that I think is ultimately important that we bring before you again and attempt to refresh the direction is that now that we have a 40-year water plan draft, I think that it is imperative that we seek the guidance of the Commission to allow us to proceed to reopen our communication/negotiation with the state of New Mexico for the penitentiary water rights.

The request we had from the General Services Department was that we needed to have a 40-year water plan, a draft that we could take to them. Mr. Chairman, we have that now and I understand that we still have to go through the hearing process and amend it and augment it as we go, but my question to the Board is if you would redirect the staff to resubmit those requests, that communication and that as soon as the document is finalized that we would provide them with the final version, but most certainly I think we've met their threshold to bring them a plan, and that allows us to get closer to the issue, because it will take quality time to get those water rights negotiated as well.

So what I'm asking, Mr. Chairman, is for the Board to allow us to reinvigorate that

1982129

initiative and get that going and hopefully, by the time we end up with a final water plan, we might also have a document with the state relative to those water rights.

COMMISSIONER TRUJILLO: That's okay, if that's okay with the rest of the Commissioners.

COMMISSIONER CAMPOS: It's okay with me.

COMMISSIONER TRUJILLO: That we resurrect that effort. Thank you, Estevan. I think you got your direction.

MR. LOPEZ: I do. If I may, I would just ask for one thing. Would it be all right if we bring our first public hearing before the Board, say in the September meeting and then in the meantime we will be scheduling community meetings and so forth, and then bring our, probably make the last public hearing before the Board at the time when we bring it forward for adoption, once we've completed all the community meetings.

COMMISSIONER TRUJILLO: Do you think you can schedule four meetings before the middle of September?

MR. LOPEZ: Probably not, but I think that perhaps over the course of September we can get those and certainly get the input before we bring it for the second hearing here.

COMMISSIONER TRUJILLO: I would like to have the community meetings conducted before—

MR. LOPEZ: Before the first meeting?

COMMISSIONER TRUJILLO: Before the first meeting of the Commission. I don't know what the rest of the Commissioners would like to see.

COMMISSIONER SULLIVAN: Mr. Chairman, I think that would make sense. I'd like to hear at the first hearing what kind of reaction you got so we didn't have to make any major changes at the very last hearing, so perhaps the October meeting for the first public hearing and then November for the second one. But in the interim you could get your meetings in, four or five or three or how many ever covers the area adequately. Does that seem to work with your schedule?

MR. LOPEZ: Mr. Chairman, Commissioners, I think that direction is pretty clear and I think we can proceed on that basis.

COMMISSIONER TRUJILLO: Thank you, Estevan.

MR. LOPEZ: Thank you.

COMMISSIONER TRUJILLO: Thank you, Katherine.

MR. LOPEZ: Thank you for your patience.

COMMISSIONER TRUJILLO: Good job.

1982130

SFC CLERK RECORDING 08/16/2004

- X. E. 2. Request authorization to enter into agreement number three to the restated joint powers agreement creating the Regional Planning Authority (RPA) to state the responsibilities of the RPA to serve as the Transportation Policy Board and to clarify the completion date for the RPA land use plan**

STEVE BURSTEIN (RPA Director): Thank you, Mr. Chairman, members of the Board. This is the third amended version of the joint powers agreement that establishes the Regional Planning Authority and what it accomplishes really are two aspects. It addresses two aspects of the joint powers agreement. One is to consolidate the responsibility of the RPA to serve as the Metropolitan Planning Organization Policy Board. There already is a resolution that was adopted by both the City and the County that made this change back in January and since then, various business items have gone before the Regional Planning Authority that this places in one place, puts in one place that understanding and establishes through the changes that are in italics just what the policy making and staffing provisions are.

The second provision is just to clarify the date by which the RPA intends to finish its RPA land use plan. The current language states two years and it doesn't say from when. Here we say that it shall be conducted and completed by no later than December 31, 2002, which is basically a two-year window beginning in January of this year.

COMMISSIONER TRUJILLO: Okay, thank you. That was pretty clear, Steve. What's the desire of the Commission, if there aren't any questions or discussion? I move for approval of the request.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: We've got a motion, seconded. Any further discussion? All those in favor? [Unanimous] Opposed? The ayes have it. [Chairman Duran and Commissioner Gonzales were not present for this action.]

Thank you, Steve.

- X. E. 3. Request authorization to acquire the following real property for the Wildlife, Mountains, Trails, and Historic Places program:**
- a. Chimayo Los Potrereros property – 17-acre tract located in the traditional community of Chimayo, Township 20 North, Range 9 East, Section 1, and Township 20 North, Range 10 East, Section 6**

MS. BOKDE: Mr. Chairman, Commissioners, on May 22, 2000, the Board of County Commissioners authorized staff to proceed with negotiations for the purchase of a 17-acre tract located in the traditional community of Chimayo. This property is north of the Santuario de Chimayo and will be one of the first tracts purchased for open space to protect the

1982131

pasture land behind the church. Esperanza Vigil owns this property.

The fair market value, established as of June 13, 2000, is \$385,000. Staff has completed the negotiations and is requesting authorization to purchase Esperanza Vigil's property for \$385,000 with funds from the general obligation bonds that established the County Wildlife, Mountains, Trails and Historic Places program. This amount includes the five percent operation and maintenance fund contribution from the landowner.

COMMISSIONER TRUJILLO: Thank you, Alina. Any questions of Alina? If not, what is the desire of the Commission?

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER TRUJILLO: Got a motion to approve.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: Seconded by Commissioner Sullivan. Any further discussion? All those in favor? [Unanimous] Opposed? The ayes have it. [Chairman Duran and Commissioner Gonzales were not present for this action.]

Thank you very much, Alina.

[The Commission recessed from 4:10 to 4:15.]

X. E. 4. Discussion and clarification of the decision to approve CDRC Case #Z 01-5130, the Village at Eldorado

FRANK WHITE (Review Specialist): Thank you, Mr. Chairman, Commissioners. The issues to be considered include whether staff conditions apply, the number of seats, square feet of the three theaters, whether the preliminary and final development plan application should be brought back before the BCC.

Based on July 10, 2001 BCC minutes of the motion, this is Exhibit A of your packets, a motion was made by Chairman Duran, this is page 1, to approve the case with condition that the theater be limited to three, and that one of the theaters is available to the community on a scheduled basis for the use by the community. Chairman Duran within the motion included that the pub was to close at ten p.m. Commissioner Trujillo seconded the motion. This is page 2.

Commissioner Gonzales requested that the friendly amendment be included to require an independent market study to come in during preliminary and final development plan. Chairman Duran denied the amendment.

COMMISSIONER GONZALES: Could you just go to what we need to work on or consider. I think we've talked a lot about this.

MR. WHITE: Required action: The BCC shall make any clarifications based on discussions within the attached minutes. Also, staff recommends that the BCC approve clarifications of whether the case was granted approval based on staff's conditions, including the amendments made by the Board. The list of staff's recommended conditions and the Board's amendments are as follows and if you like, Mr. Chairman, I can enter them into the

1982132

record.

COMMISSIONER GONZALES: That would be appropriate.

[The conditions are as follows:]

1. All redline comments will be addressed, original redlines will be returned.
2. The applicant shall submit a drainage and grading plan with storm water calculations. Retention ponds shall be sized and located by a Professional Engineer at preliminary development plan stage.
3. The applicant shall submit a more detailed water budget, updated water quality information and proof of long-term water availability for full build out of the project with the preliminary development plan. The applicant shall identify the limits of the 100-year floodplain.
4. The applicant shall meter well and submit meter readings to the County Hydrologist by May 31st of each year.
5. The applicant shall register the water system as a public water system. A permit is required from the Environment Department.
6. The well shall be permitted with the State Engineer's Office.
7. The applicant shall install two additional hydrants as per Fire Marshal requirements. All hydrants shall flow at 1000 gallons per minute with a 20-psi residual pressure.
8. The applicant shall submit plans for the wastewater treatment facility with the preliminary development plan. If flows exceed 2000 gpd a discharge permit is required from the Environment Department.
9. An automatic fire protection sprinkler system will be required in all buildings, designs for this to be approved by the Fire Marshal prior to permit issuance.
10. All proposed lighting shall be shielded. The applicant shall provide cut sheets and a lighting analysis with preliminary development plan.
11. No structure is to exceed 24' in height. The applicant shall provide elevations/sections of all structures with preliminary development plan.
12. A Fire Department Access Plan shall be submitted to the County Fire Marshal for approval. A Knox rapid entry system shall be installed wherever practical as approved by the Fire Marshal.
13. All utilities shall be placed underground.
14. The applicant shall submit an NPDES permit as required by the Environment Department.
15. The applicant shall submit signage and landscaping details with the preliminary development plan. Treated effluent shall be used for landscaping whenever practical; design proposal for this shall be approved by the Environment Department and submitted with preliminary development plan. A 50' landscape buffer along US/285. 10' landscaping buffers are required between the development and residential properties. All landscaping shall be in accordance with Article III, Section 4.4.4f of the Code at development plan stage.
16. The master plan shall be recorded with the County Clerks Office. A revised

1982133

- disclosure statement and covenants for this tract shall be recorded with the master plan.
17. The existing and proposed driveway shall meet local road standards. The applicant shall be required to provide plan and profiles and cross-sections for the driveway/roadways.
 18. Food service establishments must obtain permits to operate from the Environment Department to be submitted with preliminary development plan.
 19. Compliance with the applicable review comments from the following:
 - a. State Engineer's Office
 - b. State Environment Department
 - c. State Highway Department
 - d. County Development Review Division Director
 - e. County Fire Marshal
 - f. County Public Works
 20. The applicant shall pave Caliente Road from Avenida Vista Grande to Avenida Eldorado and shall participate in any improvements required of the surrounding road network or intersections.
 21. The following must be added to the master plan: "Approval of this Master Plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. A preliminary development plan or plat must be submitted for each phase of the master plan and each development plan or plat must be considered on its own merits."
 22. The theater is limited to three screens. One of the screening rooms shall be available to the community on a scheduled basis. [Added by BCC.]
 23. The pub shall close at 10:00 p.m. [Added by BCC.]
 24. The applicant shall comply with the US/285 Highway Corridor Plan/architectural standards at preliminary and final development plan stage. [Added by BCC.]

COMMISSIONER GONZALES: Any questions of the staff? I think the Commission understands why we're here, what reason we're here for and that it to clarify the motion that was made. I think the staff has laid out the three issues that we need to consider: Whether the staff conditions apply, the number of seats or the square feet of the three theaters, what they are, and whether the preliminary and final development plan should be brought back before the BCC.

Would the BCC like to discuss item number one first and we'll just kind of take it that way or how would you like to approach this?

COMMISSIONER SULLIVAN: However you want to bring it back.

COMMISSIONER GONZALES: I think what we'd like to do, actually, we'll go the way the staff has laid the questions before us. And as to item number one, whether the

staff conditions apply, I think it was part of our motion that staff conditions would apply. Do we have to take a vote on each of these?

MR. KOPELMAN: Mr. Chairman, you can vote on them individually or you can vote on them together. Whatever your preference is.

COMMISSIONER GONZALES: We can vote on them individually. Mr. Chairman, I'd like to put in a motion that the staff conditions, as stated in the report that has been provided do apply.

COMMISSIONER CAMPOS: I'd second the motion. Question for clarification, Mr. Chairman.

COMMISSIONER TRUJILLO: Yes, Commissioner Campos. Go ahead.

COMMISSIONER CAMPOS: Mr. White, item 20 on the conditions, page 3, it says, second sentence, "shall participate..." What does "shall participate..." mean, in any improvements?

MR. WHITE: Mr. Chairman, Commissioner Campos, give me a second so I can read that. That's item 20 you mentioned?

COMMISSIONER CAMPOS: Yes sir.

MR. WHITE: Mr. Chairman, Commissioner Campos, in case that there needs to be improvements located at the intersection, if a traffic analysis or impact statement is of course reviewed by the Public Works Department and there are improvements that need to be dealt with at the intersection, that the applicant must participate in those improvements.

COMMISSIONER CAMPOS: What does that mean, participate? Pay 100 percent? Pay a lesser percent?

MR. WHITE: I believe there's not a percentage on that right now, Commissioner Campos. Maybe at the time, if any improvements are to be done, at that time then we'll have to determine at what percentage that will be.

COMMISSIONER CAMPOS: Now, paragraph 21 basically—I guess the issue as far as access, the clarification I think we had last time at the last meeting was that access could still be an issue at the preliminary and if access was not adequate, then the plan at that point could be voted down.

MR. WHITE: Mr. Chairman, Commissioner Campos, that could be an issue and the applicant of course, at preliminary and final development plan stage is required to address access with a traffic impact analysis that will be reviewed by Public Works as well as the state and upon that we can base a decision.

COMMISSIONER CAMPOS: So paragraph 21 addresses that issue?

MR. WHITE: Mr. Chairman, that's correct.

COMMISSIONER CAMPOS: Okay. Have you talked to the applicant about this and do they understand this?

MR. WHITE: Mr. Chairman, Commissioner Campos, the applicant is aware that access is a problem and they are fully aware of the conditions, and if they would like to address—

COMMISSIONER CAMPOS: Okay.

1982135

MR. WHITE: Right. And if I may add, Mr. Chairman, Commissioner Campos, condition 21 comes directly from the Code.

COMMISSIONER CAMPOS: Thank you, sir.

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Kopelman, I just want to get a clarification here. For those of us on the Board who voted against this proposal, voting today in favor of the clarifications to the Board motion does not change our vote on the proposal itself, does it?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, your vote for the record was in opposition to this. You have a choice today, basically, knowing, and again, this matter will actually come back one more time I'm afraid to say. After the clarification today, at the next meeting we'll bring back a written decision. We didn't do that yet because we needed the clarification. But your vote on the record is against the project. Today, if you vote in favor of any of these points, it doesn't change your vote in opposition, you're just voting on clarification in light of the fact that it was approved and that's already been done and that's final.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER GONZALES: Right. Any other discussions concerning the motion to accept staff conditions as presented? Hearing none, all in favor, signify by saying "aye." [Unanimous] Those opposed? [Chairman Duran and Commissioner Trujillo were not present for this action.]

Item number two, the number of seats and square feet of the three theaters. Discussion. I think there was an issue that originally the applicant had proposed six theaters. The Commission cut that in half to three and there was some further clarification that was needed from the community in terms of the size of the theaters and how large they would be.

COMMISSIONER CAMPOS: Number of seats.

COMMISSIONER GONZALES: Number of seats. My initial feeling in bringing this back and wanting to consider it as well was centered around the issue of a market study and feeling that a market study would be appropriate in determining the number of seats that could be supported by the community. My feeling is that if the market study is provided at the preliminary time of this application that supported whether it was 300 seats, 400 seats or seven or eight hundred seats, that that market study could be either accepted or denied and at that point the Commission could determine the size of the seats as we thought were in the best interests of the community.

How do the Commissioners feel about going towards a market study and determining the number of seats that the community can support? Possibly, I'm not sure if you guys would agree to this but to me I think there maybe should be a base of seats that would be allowed, whether it's 350 or 400 that we would say are allowed without a market study. If they wanted to go above that, then they would have to provide a market study. If you want a market study in general then I'm okay with that as well. That would support the number of seats that the

1982136

SFC CLERK RECORDING 08/16/2004

applicant would be requesting.

COMMISSIONER CAMPOS: Mr. Chairman, just a point of clarification.

COMMISSIONER GONZALES: Sure.

COMMISSIONER CAMPOS: Mr. White, how many seats were proposed initially?

MR. WHITE: Mr. Chairman, Commissioner Campos, it was 800 seats.

COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman, I think that as I recall the discussion, the concern with the number of seats in the theater was essentially the traffic that they would generate.

COMMISSIONER GONZALES: Right.

COMMISSIONER SULLIVAN: So I don't think it would be wise to provide—I think the intent of the motion from Commissioner Duran was to cut it in half, to cut everything in half. So I don't think it would be wise to provide a mechanism whereby they could go above that. So I think a market study, particularly as controversial as the theaters are, would be a good requirement. But I don't think it should be a requirement that would go beyond the 400 seats.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, as we know at the preliminary stage of this application, there's going to be a requirement to support some kind of traffic study. If the traffic study that is supplied only supports a 300-seat theater and the market study comes back at 800, clearly it's going to be within our purview to only allow for the number of seats that the traffic will support. If, through whatever work that the applicant does to provide for enough of a traffic environment to support the number of seats that they're asking for, then at that time I would ask that the Commission consider whether they want to accept the number of seats that the market study states is needed or not.

I feel that there is a check and balance in this in that you can't have one without the other. Unless you have a good traffic plan to support the number of seats that the market study says would be needed, then I don't think any of us would be supporting what they were requesting. And I think that we would, and we could state that in our motion that whatever market study would come forward, there would have to be a comparable traffic plan that supported it, and minus that, it couldn't come forward.

In addition to water and all the other issues that are out there that were brought up in terms of the size of the theater. I think that's where I was coming from.

COMMISSIONER SULLIVAN: Mr. Chairman, just in response to that, the problem I have with that is that the traffic study, or any traffic study only evaluates the ability of the road system to handle the traffic. And if it's inadequate then they have to do improvements. They have to widen the road, they have to increase the radiuses, they have to add extra entrances and so forth. It doesn't evaluate in any way, shape or form, the negative impact on the residents who are in the area right next to it in terms of the noise, the dust, the pollution and the inconvenience of the theaters emptying out at 10:00 at night and people trying to sleep at that time.

1982137

So I think we need a traffic study but I don't think we can use the traffic study as the baseline for determining if there should be 400 or 600 or 800 seats in the theater, because you're not going to get that from a traffic study. All you're going to get is are the roads adequate and if not, how do we make them adequate to handle the traffic. But the concern that people have is beyond that. It's the inconvenience and the nuisance factor that the traffic study won't address. So I think that ends up squarely on our backs to make a judgement as best we can on how to address this.

COMMISSIONER TRUJILLO: I think part of the motion was the seating capacity of the theater would be from 500 seats, if I remember correctly, or 800 to 500. Was there a number that was tossed around at that time? Because we can't, at this point, make any changes if there was a number assigned at that time. We can't change that number because that was part of the motion at that time.

MR. WHITE: Mr. Chairman, Commissioner Trujillo, there was not a number that was stated at that time. The only number was the 800 at that time.

COMMISSIONER TRUJILLO: And that would be—

MR. WHITE: But that was for a total of six screens. So what Commissioner Sullivan was stating is they were approved for screens, so it would be half of that which would be 400 seats. That's basically what he was stating.

COMMISSIONER GONZALES: My argument, Mr. Chairman was that I had asked and requested earlier that there would be a market study supplied and the Commission basically felt at that point that there wouldn't be. Now that we're reconsidering this, that my feeling would be that we would ask for a market study and that the market study would determine the number of seats that would support the Eldorado community, and based on that, traffic patterns and water use and all the other issues that need to be required would support whatever amount of seats that the market study was calling for.

Maybe if the market study comes back and says they can only use 200 seats there or 300. I don't know what it will be. But I feel that we've zoned the area for theater use. That theater use should be in place to support the Eldorado community and a market study should be used to present, at the preliminary level of this project, to support the number of seats and with that, traffic studies, water studies and environmental studies would be accompanying that to support that entire issue.

If the Commission determines at the preliminary level, even after we consider all this, and for whatever reason we feel the traffic impact is going to have a negative impact on that community for the number of seats that are proposed, or that the water use is too great a use for what's being proposed, then as we have been counseled by our attorneys that at that point we could deny the use of the actual theater at that point. Is that right, Steve?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, at the time they come in with preliminary, you evaluate everything and if, as you indicated, if the studies are inadequate for whatever reason. A water study, traffic, etc., either the project would have to be scaled back or it could be rejected. That's correct.

COMMISSIONER TRUJILLO: So it is the responsibility of the applicant to

1982138

correlate the seating with the available three theaters commensurate with appropriate traffic studies and that sort of thing. And at that time, the Board will make a determination based on disparate impact to community, impact on water, and everything else. But it has to be conducive to the appropriate quality of life for the surrounding area. The approval was for three theaters. The applicant will then come forth and say, well three theaters can accommodate 250 seats and these are the traffic studies that we've done and whatever.

MR. WHITE: Mr. Chairman, this is under the assumption that number three passes because if number three, under the issue does not pass and does not return before the BCC this will not be seen by the BCC.

COMMISSIONER TRUJILLO: That's right.

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think another issue too, although I think a market study is a good idea with a cap on the seats, because I think that tells us a lot about whether that's even a viable alternative for area. I think, as I read the memo from the staff, they seem to be saying, and Steve can correct me if I'm wrong, that for items that were brought up and discussed and rejected by the motion maker, we're not going to reconsider those for clarification. For example, in the memo, it says Commissioner Gonzales requested a friendly amendment be included to require an independent market study to come in during the preliminary and final development plan. Chairman Duran denied the amendment.

The same situation occurred in my amendment request that the well not be a residential well, that it be a commercial well with water rights. And that's not among our three items to consider here. So correct me if I'm wrong on this line of thinking, Steve, but I'm really thinking, as much as I'd like to see a market study, since that was already discussed, we may not have the option to pass on that now as a clarification.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, a couple of points. One is, I'm not even sure it's essential that the Commission designate the number of seats now. I think that can be something that can be deferred. They can come in with their plan. They can show 800. They can show 600. And at that time, when you have all the data, you can then make a determination. I'm saying that's an option that the Commission has.

As far as the market study, it's a close call because I agree, the market study issue was rejected by the Commission. Commissioner Gonzales is now bringing it up in the context of this particular issue. I think it's a close call. I think it's being used specifically in terms of the number of seats, but again, I think you have an option of really not dealing directly with this issue now. Possibly you don't have enough information, and waiting for preliminary when they come in with a lot more meat on the bones and then you can take a look at it. You'll have the water studies. You'll have the traffic report.

Again, as far as the market study, I think it's a close call because Commissioner Gonzales is bringing it in solely with respect to the number of seats. So I think you can go either way with that as to whether—I think it still is getting at the number of seats but I understand your position on that. The Commission said no market study would be required.

1982139

COMMISSIONER SULLIVAN: I'm just getting some guidelines, because if so, I would like to bring the well issue as a function of the number of seats. Because in that discussion at the hearing, we went through a preliminary water use and we found out that just with the theaters alone we exceeded the three acre-feet. So the water well was certainly an integral part of the number of seats. That's going to be a defining factor in the number of seats there. So I'd like to bring that back for discussion as well.

I think although it technically may be able to be brought back as an open item, I can assure you that the people who live nearby see it as a very important item and would like the Commission to clarify that now if they can.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, I understand the point of the issue of the water, but I would—it seems to me the issue of water is going to be addressed minus the policy issue of whether it should be commercial or domestic will be addressed at the preliminary level again. That there would be a water budget that would have to be verified by our hydrologist as to whether it could support the use that they were bringing forward.

If the assumptions are correct, then this might be a moot discussion because I don't see how they would be able to bring forward a theater if they're going to exceed the three acre-feet. For me, I heard enough from the community out there after the vote that there was a concern as to what does three theaters mean. Can it be large? Can it be small? It's hard for me to make a decision as to the number of seats without knowing some type of factual data as to what that community would be willing to support or what it could support. And that goes again to my point of asking for a market study to be conducted prior to any number of seats being presented before the Commission.

I think that the Commission still has in its purview, if I understand Steve correctly, that can make quality of life decisions in terms of traffic, water, nuisance issues and all those things we feel may have a detrimental impact to the community around there at the preliminary level.

So my feeling is that a market study may come in at 600 or 800 and it may be that the studies that are done for infrastructure require it to be much less than that, or that we may find that even if it is supported that the way things are being presented that it may not be in the best interest to have such a large theater complex in place.

But I think right now, I'm concerned about being very arbitrary in how we're going to select the number to have out there, what they would be confined to.

COMMISSIONER SULLIVAN: Mr. Chairman, let me just ask one other question of Commissioner Gonzales then. Well, what did you feel then was the intent of the Board in reducing the theaters from six to three if we don't make any requirements on the seats? What does having physically three theaters do to you versus physically having six if they still had 800 seats?

COMMISSIONER GONZALES: Well, in my mind, I know that one of those needs to be designated for the community, and that would really leave only two that would be available to be used for the most part for continuous commercial use. Six theaters, I think gave off the impression and could in fact have been something that would have been some kind of

1982140

SFC CLERK RECORDING 08/16/2004

mega-plex cinema theater which I don't think was the intent of the applicant when they came forward. I felt that by reducing it that you wouldn't have that type of atmosphere and that it would be something that was more conducive to the community environment, as opposed to having some type of big city six-screen theater that's in their backyard.

So I'm trying to find a fair way to find or to establish what that should be. That's what I'm trying to reach towards.

COMMISSIONER TRUJILLO: And I think that this discussion is a little premature. I think when the applicant comes forth with three theaters and represents the seating capacity of the theaters, at that time is when we can make a determination on what the impact to the community is. They're limited to three theaters, whether the market shows that they can accommodate 1200 or 1500 or 100 or 300, they're limited to three theaters. And that's a decision that we will have to make when the preliminary plat comes forth. I think the discussion now is a little premature.

COMMISSIONER GONZALES: Again, Mr. Chairman, it just goes to the point of what the community can accept out there or what they can not so much accept but have some type of anticipation of what would be coming forward.

COMMISSIONER TRUJILLO: And they'll have the opportunity, Commissioner Gonzales, to represent and articulate their position during the public process at preliminary or during the whole exercise. So they'll get that opportunity and they'll know what the scope of the project is. It won't be done in a clandestine or surreptitious way.

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Mr. Kopelman. At the hearing, Mr. Kopelman, we were advised by staff that theater use was not permitted in this particular commercial district area or node. Is that correct, Mr. White?

MR. WHITE: Mr. Chairman, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: Now, the Commission approved it anyway. Under those circumstances, does the Commission have authority to just ignore the ordinance requirement, or do they have to consider it a variance?

MR. KOPELMAN: Mr. Chairman, I think Mr. White misspoke. I don't think this is prohibited in the area. There was a set of guidelines. Theaters weren't included in the guidelines, but theaters are not prohibited. That's my understanding.

COMMISSIONER GONZALES: It was an amendment to the master plan that added theaters.

MR. KOPELMAN: The ordinance does not prohibit theaters.

MR. WHITE: Suggested guidelines, Commissioner.

COMMISSIONER CAMPOS: Suggested guidelines?

MR. WHITE: That's correct.

COMMISSIONER CAMPOS: Where do they come from? The guidelines.

MR. KOPELMAN: The suggested guidelines, I believe are in the ordinance. But again, they're suggested guidelines and that's how Land Use and Legal have treated them.

1982141

So that exceptions can be made as long as it's not a prohibited use.

COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER TRUJILLO: So we've got three issues to consider here.

Whether staff conditions apply and I think that they should apply.

COMMISSIONER GONZALES: We voted on that.

COMMISSIONER SULLIVAN: Mr. Chairman, I would move that we resolve issue number two by designating the number of seats to be a maximum of 400.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: We've got a motion, we're in the middle of a motion, to designate the maximum seating capacity of the theaters at 400 and we've got a second. Any further discussion? All those in favor? [Commissioners Sullivan and Campos voted with the motion.] All those opposed? [Commissioners Trujillo and Gonzales voted against.] So we're tied.

MR. KOPELMAN: Mr. Chairman, unfortunately, the way our rules read is this now comes back at the next meeting on this particular issue when there's a full Commission and it would be voted on again. Just on that particular issue, that's correct.

COMMISSIONER TRUJILLO: Now item number three, whether the preliminary and final development plan applications should be brought back before the BCC.

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: We have a motion to approve, seconded. Any further discussion? All those in favor? [Unanimous] Opposed? The ayes have it.

So items one and three have been approved. Item two will come back at the next regularly scheduled meeting for consideration by the whole Commission.

MR. KOPELMAN: Mr. Chairman, if I might. What staff would propose to do is bring the written opinion. This issue will come up first, will be decided. Then the written opinion could come later, the written decision, and it just would fill in the blank, basically. Because we already have an appeal on this. We need to have our record complete. So we'll have two separate matters that will come up at the next meeting. One will be clarification on the number of seats. Two will be the actual written order or decision of the Commission. Okay? And then that will be changed, filled in, depending what the earlier vote is on the number of seats.

COMMISSIONER TRUJILLO: Okay. Thank you, Steve.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Gonzales.

COMMISSIONER GONZALES: Are we moving on at this point? I was going to ask the Commission for some consideration on an item.

COMMISSIONER CAMPOS: Mr. Chairman, would it be appropriate to listen to the applicant, the Crossinghams, at this point? Do they want to speak, address the Commission?

COMMISSIONER TRUJILLO: Is that okay?

1982142

COMMISSIONER CAMPOS: Is that something we want to do right now?

COMMISSIONER TRUJILLO: Is there anything that the applicant would want to say?

MS. BUSTAMANTE: Mr. Chairman, I need a clarification from Legal. Do we swear them in again or what exactly do we do?

MR. KOPELMAN: Mr. Chairman, it probably is prudent to swear them in again since this is an adjudicatory matter. So I think that's appropriate.

[Duly sworn, Stacy Crossingham testified as follows:]

STACY CROSSINGHAM : Stacy Crossingham, 8 Isidro Road. Thank you. I'm just going to kind of read this letter that I wrote to you guys that I didn't sent because I was going to be up here. Dear Chairman, Commissioners, as a resident and businessperson and now developer in the Eldorado community area, concerns of traffic and water on the top of our list of priorities to deal with in regards to the Village at Eldorado development. Through the preliminary and final development review process we will have needed to address these concerns with a traffic impact study and detailed water budget, along with our extensive hydrology report that was recently completed.

Should these issues of traffic and water not be supported through these studies, we would be forced to cut back on the size of the project accordingly. This is the point when a developer should be restricted, no sooner. Through our research, we need one of our theaters to house 300 seats. And I've mentioned this many times before, if you go to a theater and see what 300 seats is, you'll realize that that's pretty small. We would like to have at least 650 seats total from the original 800 seats requested to house the three cinemas. This would allow us to continue to provide a quality development.

We agreed to cut back to three screens but cutting the seating in half would not only jeopardize the profitability of the theater, but may put the project in jeopardy of its entirety of being built all together because of the high cost factor to build a theater with stadium style seating, etc. We will be servicing a population from not only the 285 corridor area, the Eldorado area, but people from as far as Stanley, Pecos, Gloria, Galisteo, Lamy, etc., all who currently use Eldorado as their shopping area. Keep in mind that should the traffic study and detailed water budget not pass the preliminary and final review process, we will automatically be forced to cut back.

We feel that at this current stage of the planning process, it is definitely too premature to decide what the project can or cannot support. We need to make these decisions after we determine the results of the detailed water budget and traffic impact study. We would appreciate your consideration to allow us to be bound by the already established rules and regulations of the County of Santa Fe and not strangle the development of the project with further restrictions. Allow the rules and regulations already on the books to work.

The theater development proposed for the Village at Eldorado has caused a great amount of excitement within the community. On a daily basis, my husband Alan and I have people coming up to us congratulating us on the decision of the County and asking when is it going to be built. The pub is equally welcomed with great enthusiasm. There hasn't been a day

1982143

gone by since the July 10th hearing that someone hasn't asked about it and mentioned that it couldn't wait for it to be built. Sure, there will always be those that are opposed but there's opposition in every situation. We urge you to allow the process to continue in the manner that it's been written and let the studies show what the project can support. I appreciate your time. Thanks.

COMMISSIONER TRUJILLO: Thank you. I think that's it for the discussion and we'll go forth and we'll look at item two at the next meeting. Thank you.

COMMISSIONER GONZALES: Mr. Chairman, I would just ask for consideration by the Commission. There have been some individuals waiting to address us under Matters from the County Manager from the United Way and I was wondering if the Commission would just allow us briefly to consider the professional services agreement that the staff would like to bring forward so that they could go on to, back to their family lives and I understand, their classroom. Would that be appropriate? I'm sure it won't take very long.

COMMISSIONER TRUJILLO: No problem with me. Commissioner Campos?

COMMISSIONER CAMPOS: I have no problem.

COMMISSIONER TRUJILLO: Commissioner Sullivan? No problem?

COMMISSIONER GONZALES: Mr. Chairman, it's under item G. 2 and I'll defer to Virginia.

X. G. Matters from the County Manager

2. Request authorization to enter into a professional services agreement with the United Way of Santa Fe County for the Community Schools program

MR. MONTROYA: Mr. Chairman, I can begin the discussion as we await Virginia's participation. Mr. Chairman, before you is an agreement that would allow the County to participate with the Executive Leadership Council. It's a continuation now of the third year of participation and trying to develop a network and a communication system with the public schools and the United Way here in Santa Fe County. Mr. Chairman, the contribution would equate to about \$18,200 as we would contribute towards the staffing of this initiative and looking for some innovative programs that are after school programs that would assist our student body in waiting for their folks to come home after a long work day.

We would have some exciting programs for the children to stimulate their thought process and hopefully keep them out of any kind of trouble. Mr. Chairman, I want to point out that the council has been a very important initiative to the community. I think it's brought a lot of good thinking processes towards how we can best work with our youth in the community. Also putting to work the various capabilities that the United Way brings to this community and the importance of having strong communication, clear

1982144

SFC CLERK RECORDING 08/16/2004

communication, concise communication with the public schools. With that, Mr. Chairman, I'd defer to Ms. Vigil.

VIRGINIA VIGIL (Policy Analyst): Mr. Chairman, members of the Commission, I don't think I could have said it any better than our County Manager. Here today, to give you just a brief sort of synopsis and presentation is the executive director of the United Way, Ron Stevens. Carol Brito is the executive director of the Executive Leadership Council, and Cindy Stetson, who is the United Way specialist on evaluations and outcomes measurements and has put together a wonderful evaluation and outcome measurement criteria.

I just want to say that as community liaison to the Executive Leadership Council it has been a pleasure serving with the professionals in this organization. I've sort of abbreviated who the other representatives are in my memo, so I don't want to repeat it but the collaboration is very unique in this town. One of our community schools, Ortiz Elementary, is actually being identified as a model and will be a presenter in several conferences in different states to actually highlight their own model.

But with that, we will be willing to answer any questions and I'm going to turn it over right now to Ron Stevens.

RON STEVENS: Mr. Chairman, Commissioners, the Executive Leadership Council for community schools has been in existence for a number of years now and the County was one of the founding members of the ELC as we call it, which started out with four partners, the City, the County, the public schools and United Way and has now expanded to include St. Vincent Hospital, Presbyterian Medical Services, Santa Fe Community College, College of Santa Fe, IBM and PNM as well.

There's been especially substantial progress in about the last year and a half, and that was jump started by the fact that we were able to obtain \$1.5 million in funding for a three-year period for community schools from the federal government through the 21st Century grant. This grant enabled us to focus on four demonstration sites at four elementary schools which are César Chavez, Alvord, Nava, and Salazar. Although the work of community schools really cuts across all of the schools, there is a focus on those four.

I think one of the most important things to understand about this partnership is how unique it is, not just in this community, but around the country. That is having that collection of major institutions all involved in a common effort and dedicating executive level time of their leaders to the planning process for community schools. That was a key element in obtaining the \$1.5 million grant from the federal government. This was a grant process where public schools have tried unsuccessfully the prior two years to access those funds. What made the difference was when this proposal was submitted, it was based on the community schools concept and around the Executive Leadership Council. That proposal was ranked the number one proposal in the country, apparently because of the nature of this partnership.

Similarly, the Council for Community Education in Flint, Michigan has visited

Santa Fe a couple of times to learn about our process and sees us as a model for developing community schools in other places around the country as well. The Annenberg Institute contacted me recently because they're in the process of developing best practices for youth programs and may want to include our community schools effort in that package of best practices. And there have been other examples of that as well.

But all of this is possible because of the commitment, the financial commitment as well as the commitment of the time of staff from the County and the other institutions, because the \$18,000 that the County has committed has been multiplied many, many times over by the resources that have been obtained. Essentially, that \$18,200 leveraged an additional \$70,000 in funds from other ELC partners as well as \$518,000 of outside money that would not have come into this community but for the existence of the ELC.

Essentially, for every dollar that Santa Fe County has invested in this program, it's been matched by \$3.80 of other money. I don't that there are very many other investments that the County has made that have had that kind of financial impact. More important, however, than the financial impact is, I believe, going to be the long-term impact on our children and our community. The nature of community schools, the idea of community schools, is really two-fold. One is to use the school facilities as a delivery platform for the strategic provision of services to a population in a confined geographical area. That is to say instead of having fragmented services, people can go to one place and obtain comprehensive services for what their needs are.

But beyond that, one of the most important aspects of community schools is the reality that kids need two things to learn. They need good classroom education, but they also need to be able to come to the classroom prepared to learn. And one of the key emphases of community schools is on helping children to become more prepared to learn outside of the classroom. That it to say that many children, whether for health reasons, for family problems occurring in their family, nutritional issues or whatever, many children, when they arrive to the classroom, really are not prepared to learn, or because they are unable to speak English.

At César Chavez, part of the community schools program is helping the families to learn English as a second language as well as teaching in both English and Spanish in that school where so many of the kids do speak either only Spanish or Spanish as a first language. Each of the community schools develops priorities that are around the needs of the population this is served by that community school.

I think that it's the most exciting new approach to both providing services and providing a foundation for learning for the kids of this community that I've ever seen. United Way believes enough in this program that not only have we committee \$20,000 a year and a substantial amount of my time and of Cindy Stetson's time to this program, but when we had a—we just issued \$100,000 in new grants, what we call program grants, a few months ago, and about 40 percent of those grants went to programs that are involved in the community schools, and that was a specific consideration in terms of making the grants to those.

1982146

SFC CLERK RECORDING 08/16/2004

We're encouraging other funders to redirect funds so that they can be more strategically applied through the community schools framework as well. Sorry to take so much time. I want to also just defer any questions as well as discussions regarding specific programs and activities at the four demonstration sites to Carol Brito, who's the executive director of the Executive Leadership Council and any questions that there might be about the evaluation process and outcome measurement to Cindy Stetson who's the director of community impact for the United Way.

COMMISSIONER TRUJILLO: Thank you, Ron. How far does the program extend? Is it countywide or within the city?

MR. STEVENS: It's within the Santa Fe Public Schools right now and with a focus, as I say, on those four schools. There have been considerable discussions about some aspects of it, however, being extended into Pojoaque Public Schools, perhaps. One of the key aspects involves Presbyterian Medical Services and the Healthy Tomorrows van. There are specific discussions about the possibility of getting a second van that might serve a broader area. So we're looking at ways of trying to expand it outside of the Santa Fe Public School System without diluting ourselves too much.

From the very beginning when we became involved and when the County became involved, when David Brown was the County Commissioner, I know that the County had a specific interest in terms of seeing the applicability of this, how it might apply outside of the Santa Fe Public Schools, at least once we had enough of a track record that we could learn from it and then expand it into other areas.

COMMISSIONER TRUJILLO: What other entities are involved in the program, besides Santa Fe County? Do you have a list of those in the packet?

CAROL BRITO: Mr. Chairman, Commissioners, the entities that are involved in the Executive Leadership Council—is your question meaning—oh, activities.

COMMISSIONER TRUJILLO: Activities, yes.

MS. BRITO: We are providing in the packet of information that you have, I have programs at a glance, that is tab D. This does not do what we are offering justice, but at least it gives you a really good idea of what the four different demonstration sites are providing for their respective neighborhoods and certainly for their school populations. And as you can see, we provide before school programs, which means breakfast and means also an opportunity to spend quality time with their instructor. We have after school programs that offer not only academic support, but also recreational support, nutritional support. It's an extremely critical time, opportunity for referral service, which addresses many times students that are in need of counseling and other kinds of ancillary services. So it gives the service provider an opportunity to work with those children with lower numbers, because our student-teacher ratio for our after school programs are very low. So they have a chance to really spot certain problems that might be happening with a child, and then can make a further referral to the counselor or the nurse or someone else that is important to helping that child.

We also have evening programs. And our evening programs are very exciting

1982147

SFC CLERK RECORDING 08/16/2004

because they not only offer support for our children, but we look at a whole family support process where we provide ESL classes for families. We offer technology classes for families, counseling for families and all of these are full right now and we are opening up other classes. And that speaks to the popularity and the effectiveness of those programs.

In addition, we also offer break programs which means then when families have had a tremendous struggle in providing childcare because the school breaks when most of our businesses do not, they can have their children go to the school and have excellent childcare along with all the extended programs and learning opportunities that are part of that break program. And then we also offer summer school.

Nationally, this has been recognized as probably the strongest program ever that schools and other providers are offering to support families, so kids don't become latch-key and don't become statistics that are very negative. We're very excited about the accomplishments that we have been able to make after just one year of implementation. And most of that information, hopefully, you'll find in the packet that has been given to you.

MR. STEVENS: One additional comment, you may recall that a little over a year ago, César Chavez Elementary School was identified by the State Department of Education as what they euphemistically refer to as a school in need of improvement. And what that really meant was that if they didn't substantially improve their test scores, they were going to be taken over by the State Department of Education. One year later, their Terra Nova test scores improved by 18 points, from 26 to 44. Still got a ways to go in terms of getting where they need to be, but that is an incredibly dramatic improvement and the principal at César Chavez attributed that increase to the community school programs that were put into place there.

Very exciting programs that when we heard about them gave me goosebumps. They have a reading program that involves families in reading and where the families actually were assigned x-amount of hours of reading with their kids each week that they embraced enthusiastically because of the way that it was done. It wasn't imposed. They brought them into the school through social activities and meals and cultural activities that were appropriate to those families and engaged them in school activities in a way that just normally doesn't happen in schools like César Chavez, normally.

One of the key factors for success in school is parental involvement. Community schools I think have probably more potential for improving parental involvement and education in children than any other strategy we know of.

COMMISSIONER TRUJILLO: We need these programs countywide.

MR. STEVENS: Mr. Chairman, we agree.

COMMISSIONER TRUJILLO: Any other discussion? Any other questions?

COMMISSIONER GONZALES: Mr. Chairman, I would move for approval to grant the authorization to enter into the professional services agreement with United Way.

1982148

COMMISSIONER TRUJILLO: We've got a motion.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: Seconded by Commissioner Sullivan. Any further discussion? All those in favor signify by saying "aye." [Unanimous] All those opposed? The ayes have it. [Chairman Duran was not present for this action.]

Thank you for your presentation.

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Could we look at F. 2. I'm concerned—we have a number of things here and we have a 6:00 deadline. I don't know what your priorities are. I'd kind of like to get some—I don't think it will be too long, but I'd kind of like to get some direction to the staff on where to move on this road strategy. I know there are some other things that maybe wouldn't take too long either.

COMMISSIONER TRUJILLO: That's fine. Commissioner Campos? Do have any problem with going to F.2?

COMMISSIONER CAMPOS: It seems to me if we go to F.2, there's going to be a lot of discussion and we're not going to be able to finish most of the items on the agenda.

MR. MONTOYA: Mr. Chairman.

COMMISSIONER TRUJILLO: Sam.

MR. MONTOYA: Mr. Chairman, if I could suggest, I believe item E. 6 is ultimately important, Mr. Chairman, to the construction of that facility. If by chance we run out of time and don't consider this water line construction, we alluded to it earlier this morning, we're going to be in a tough situation if we have to wait another two weeks on this particular one, Mr. Chairman. So I would hope that we would be able to get to that before we adjourn today. I just simply wanted to alert you to that one, and also we've got some voting machine acquisitions that is important too. But we'll take your direction on wherever you want to go, Mr. Chairman.

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Campos.

COMMISSIONER CAMPOS: Are those the two items, Mr. Montoya, that you'd like to hear for sure today?

MR. MONTOYA: Mr. Chairman, if we needed to take action on anything, it would be E.6 and G. 3 and 4.

COMMISSIONER CAMPOS: What about executive session?

MR. MONTOYA: And Mr. Chairman, I also want to point out that Mr. Thornburg is here.

COMMISSIONER CAMPOS: Mr. Thornburg is here.

COMMISSIONER TRUJILLO: And I see some members from the public out there that have been sitting out there for a long time so we might want to get Matters from the Public taken care of too.

1982149

X. E. 6. Consideration of water extension agreement with Eldorado Utilities to construct water line and related facilities to serve the Eldorado fire station and solid waste transfer station with fire protection and domestic use facilities

DOUG SAYRES (Water Utility Director): Thank you, Mr. Chairman, Commission. To give you some background on this item, we've been considering how to serve the fire station and the solid waste transfer station with adequate fire protection and water use facilities for the last two months, and we were trying to work out various options to serve that facility. The background on this is the Public Works Department, the Fire Department and the Utilities Division have considered alternate means of providing this service to these two facilities so that we have adequate fire protection and sanitary use facilities.

Alternatives that we're considered were the onsite facilities using hauled-in water, onsite facilities using a well and storage tank and pumping system, and extending the Eldorado Utilities water lines to serve both the fire station and the transfer site. Based on adequacy reliability and operation and maintenance requirements, the extension of water lines utilizing Eldorado Utilities is the most feasible, economical, and efficient way to serve this, and it's a guaranteed source to cover what we need to do.

Without alluding therefore anymore, I just want to look at the cost that we projected on this is \$90,800. That covers the construction, the engineering, the surveying, also the connection service fees and also a contingency to cover anything we may have to do on this agreement about some problems of how we have to put the money up to work with this agreement. But that agreement certainly is a draft agreement and I think I'll allude to letting Steve cover what this agreement and the problems are with it presently and why we want you to consider it at the present time.

COMMISSIONER TRUJILLO: Steve.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I'll be brief. There's a real critical time issue involved in this. We apologize for bringing you a draft agreement. We only got a draft from EDU on Friday and I've had numerous conversations with their attorney, Matt Spangler, but the problem is that we're trying to get this synchronized and moved quickly so that the timing is such that we can get the Eldorado transfer station open by the end of October.

One of the conditions is that the fire protection be in place. What we would ask the Commission on this is if you can grant staff, grant the County Manager and the County Attorney, the authority to finalize negotiations. As Doug indicated, the price is pretty much set at \$90,000. There was a problem because Eldorado Utilities generally requires payment up front. We're not able to do that. We can't pay until we have services provided. We're dealing with the attorney on that. We'll have contractual language that protects us in that regard and that's in accordance with state law.

1982150

In addition, they've indicated that they will work within our time frame so we're hoping, if we can get the Commission to authorize execution of the agreement and grant staff authority to finalize, that we can actually have construction begin by September 15. That's the day we're shooting for. So again, I apologize for the—I know that it's a little unfair to bring you a draft agreement like this but again, I think there are extenuating circumstances.

COMMISSIONER TRUJILLO: When will we see the final draft? Will we see it before construction starts?

MR. KOPELMAN: Absolutely. And Mr. Chairman, what we would do is if the Commission authorizes us to finalize it, we'll have it finalized some time this week, and what we can do is bring the contract back at the next session, just for ratification, but again, in order to make the time frames, we would need to get approval at this meeting. And again, what we're asking for is an authorization of now more than up to \$90,000 to put this line in. \$91,000, I'm sorry.

COMMISSIONER TRUJILLO: Thank you, Steve. Any questions of staff? Do we have any questions of staff? Commissioner Sullivan?

COMMISSIONER SULLIVAN: Mr. Chairman, this, Doug, the \$91,000 is for Eldorado Utilities to construct the line extensions. Is that correct? And the valves and the appurtenances according to your map or your little plan?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, yes it is. But as you notice, we have to come all the way from Old Ranch Road, which is 1500 feet from the entrance of the fire station, and then we have to go by the fire station and up into the transfer site, which is approximately another 1300 feet of water line. That's why it's getting rather expensive but it also meets both of our entities' requirements as far as fire protection as well as the service use facilities there so that they have the bathroom facilities and can use some water for general operations.

COMMISSIONER SULLIVAN: So as Mr. Kopelman mentioned, they have a requirement in here for a deposit. That's going to be taken out.

MR. SAYRE: I think we're trying to work out that agreement. I defer to Steve on this. I think we're trying to work out how we address the County requirements as well as the Eldorado Utilities requirements in this agreement.

COMMISSIONER SULLIVAN: Is that right, Mr. Kopelman? Any up front costs, they have a ten percent deposit in here. That won't be a part of the agreement?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, we indicated to them that we're not able to do that under procurement law, and they said they would work with us and that's why I'm requesting a little discretion to allow us to come up with final language on those issues. But that would be our goal and that's really what would be required in order to make this work.

COMMISSIONER SULLIVAN: And if we go in excess of .25 acre-feet per year, the Eldorado Utilities will have the right to charge us within the property additional system service fees and that it will deposit the system service fees in a special

1982151

SFC CLERK RECORDING 08/16/2004

account for the future purchase of water rights and the construction of core facilities. Does Eldorado Utilities have such an account now?

MR. SAYRE: Mr. Chairman and Commissioner Sullivan, I do not know that they have such an account right now. The other item is I think we looked at the water budget, we don't anticipate that either facility will use over .25 acre-feet annually.

COMMISSIONER SULLIVAN: I just wondered if this was a standard provision. Because I know that they just recently went to the Public Regulation Commission and got some changes.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, it's my understanding now that this is a standard clause that was approved by the PRC. That's my understanding.

COMMISSIONER SULLIVAN: Because I was going to ask, if they have such an account, why aren't they going out and purchasing water rights and constructing facilities, which is the problem that we've been dealing with out there for 5 1/2 years.

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, it's my understanding they just got these regulations as of August 15 and that's why I think they may have not carried through on setting up some of the requirements regarding the PRC.

COMMISSIONER SULLIVAN: So they're treating us like a residential customer, in essence, with the .25 acre-feet maximum.

MR. SAYRE: Yes sir, they are.

COMMISSIONER TRUJILLO: This facility has been operating without any water for a long time. Why is it so imperative that they have water now?

MR. KOPELMAN: Mr. Chairman, if I could answer that. What we're doing now is we're upgrading the transfer station, and it's an opportunity now and our fire department feels it's important to have improved fire protection. So that really is what they're requesting and I think under the circumstances everybody agrees that makes sense and that we should do that.

COMMISSIONER TRUJILLO: There's no doubt that we need to get water there, but not at this very second. The water will get there. But once we finalize the agreement—I don't understand what the hurry is.

MR. MONTOYA: Mr. Chairman, one other augmentation to the system is that we're going to put in some additional hydrants for a substation, a fire substation that is in the same vicinity. So we are making some additional improvements as we move.

MR. SAYRE: One other item, Mr. Chairman, Commissioner Trujillo, is that this building cannot be occupied or we cannot start up the facility until we get a Certificate of Occupancy, until we have the water protection facilities in place and operable. And that's one of the main reasons that we're pushing to get this done.

COMMISSIONER TRUJILLO: Okay. Thank you. Any other questions? If not, what's the desire of the Commission? I move for approval of item E. 6, for the water extension agreement with the Eldorado Utilities to construct water line and related facilities to serve the Eldorado fire station and the solid waste transfer station with fire protection and

1982152

domestic use facilities. I move for approval of that.

COMMISSIONER CAMPOS: Second. To authorize the County Manager and County Attorney to finalize this draft.

COMMISSIONER TRUJILLO: Yes, to authorize staff to finalize this agreement and bring it back to the Commission for final approval.

MR. KOPELMAN: Excuse me, Mr. Chairman, if I can get a clarification. The problem is if we have to wait to the next meeting for final approval, we're going to miss the window and we're going to end up probably going beyond the end of October. So what I would request is that you allow us to negotiate a final contract. Again, we can bring it back for ratification, but that we can proceed then and get the signature of the chairman. And again, the caveat would be that it would not exceed \$91,000. Again, Mr. Chairman, we normally wouldn't ask for something like this but this is somewhat extenuating in order to get the Certificate of Occupancy to be able to begin and use that facility by the end of October.

COMMISSIONER TRUJILLO: That's okay in my motion. The second agrees? The second agrees. So any further discussion? All those in favor? [Unanimous] All those opposed? [Chairman Duran and Commissioner Gonzales were not present for this action.]

Thank you, Doug.

MR. SAYRE: Mr. Chairman, I wondered if we could have some consideration on the previous item. There is a rather urgency with one of the landowners. He needs to get a commitment or he's got to go a different route.

COMMISSIONER TRUJILLO: What item is that?

MR. SAYRE: The previous item. I believe it was E. 5.

COMMISSIONER TRUJILLO: So we haven't even talked about that, no?

MR. SAYRE: No, we bypassed it to do this one. And I just wondered if we could go back and I'll try to be very brief about it. I think this is a fairly straightforward agreement. If it's possible.

COMMISSIONER TRUJILLO: That's fine.

X. E. 5. Consideration of agreement with Thornburg Enterprises to construct sewer system project along State Road 14 from PNM Service Center interceptor sewer line and to dedicate the completed facilities to Santa Fe County

MR. SAYRE: The subject in the agreement with Thornburg Enterprises to construct a sewer line project along State Road 14. The issue here is that Thornburg Enterprises, along with several landowners, would like to construct sewer lines along with a lift station and force main to collect wastewater in the Arroyo Hondo drainage east of I-25 and pump the collected wastewater to discharge the County wastewater system for eventual treatment at the County wastewater facility at the state pen.

1982153

We, basically, State Road 14 is experiencing a lot of growth, planned growth as well as business and residential development in this area. And I can describe the area, but I think it's fairly well straightforward that it goes from south of I-25 all the way to Allsup, and from I-25 east probably up to Rancho Viejo Boulevard. There was a feasibility study done in 1999 that considered the five options that I discussed in the memo here. One was to look at treating the wastewater at the County facilities. Two was to develop a central wastewater treatment facility. Three was looking at individual onsite treatment systems. Four was to connect to the Valle Vista wastewater treatment plant, and five, connect to the City of Santa Fe system.

It was determined in that feasibility study that this was certainly the most economical way to go as far as handling wastewater in that particular area. Thornburg and the four participating landowners, those landowners are Mesa Steel, of course Thornburg, Mesa Steel, Byrne Nelson, PNM Service Center, and I think I'm leaving out one. Sonny Otero at the same general area. So those are the five general participating landowners. They want to construct this sewage system, which would be gravity feed to a lift station right be Arroyo Hondo, and then it would all be collected at that point and then pumped down to the County wastewater facility, which is about, I think almost a mile and three-quarters from this facility.

It would be designed to handle the 150,000 gallons per day flow. We have the capacity of our treatment system, since we're presently treating only about 140,000 gallons. The system we have could handle probably 375,000 gallons a day, so it would not push up to capacity in any sense. The agreement addresses that, if they want to consider pushing the capacity then they would have to help us expand that plan.

Certainly the proposed system would be constructed in accordance with County standards and it is to be approved by the Utilities Division prior to construction. Upon completion of the sewer line and associated facilities and after inspection and acceptance by the County, the complete system will be dedicated to the County at no cost. The Utilities Division will then begin operation and maintenance of the system. All dischargers would then be subject to the sewer user charge system of the County, and respective rates for sewage treatment and disposal in accordance with our ordinance.

The sewer use and user charge system would be in place. We think this is a good overall agreement with the County. We get facilities here that will be constructed. The facilities are going to cost approximately \$450,000 and then they would be turned over to the County for operation and maintenance. There is probably adequate to cover what's going to be developed there in the next ten years. Maybe I could answer questions on this.

COMMISSIONER TRUJILLO: Are there any questions of Doug?

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: What I don't see in this agreement, Doug, is any payment for the capacity in the plant. 150,000 gallons is a substantial amount of sewage treatment. I'll just put it in context if you're familiar with the community of

1982154

Cochiti Lake, it's four times the size of that. So that's a lot of houses and it's not just commercial along 14. Obviously this is proposed for residential development along 14. If we're using up 150,000 gallons of the 375,000 gallon capacity of the plant, we need to put some money aside for expansion of that plant as we move forward. So I think there needs to be an expansion fee in here that provides for that, other than just collecting money from the users, because that's going to trickle in so slowly as the developments come on line that we're not going to have the seed money to improve that plant.

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, I think we looked at—we have the reserve capacity that we have leased this facility basically at no cost. We have this facility available to us so I think we're looking at if he starts to go over this amount of 150,000, then they would have to participate in expansion. Because we don't see that it's going to be necessary to put the money in there at the present time, based on what our capacity is.

COMMISSIONER SULLIVAN: I understand that the current proposal would be within the capacity of the plant, but I think we have to look ahead as to other proposers that are going to want to use that plant as well, at which time we'll have to expand it. So then we will come back to them and we will say you need to put in so much money for the plant expansion fund, because you're requiring expansion. Whereas the prior developer didn't have to contribute to that. It's like a sinking fund to allow for that ultimate expansion.

MR. SAYRE: I somewhat agree, but I also agree that he's putting up all the facilities, that this system is designed for a number of people to come in on, so he's putting in all this money up front as far as those facilities. That seems to me somewhat of a cost that we're not participating in, but he's putting the money in up front to do that.

COMMISSIONER SULLIVAN: How long does our lease go with the plant?

MR. SAYRE: It started out in '98. It goes for five years and then it has five-year extensions.

COMMISSIONER SULLIVAN: So we can only commit to providing sewage treatment for ten years.

MR. SAYRE: I think that basically is correct but we're in the process of extending that agreement.

COMMISSIONER SULLIVAN: But if it's not extended and we build or he builds a \$450,000 sewer line, what's going to happen?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, if I may. The term of the current lease is what Mr. Sayre just mentioned. However, after we entered the initial lease we got the legislative authorization to enter into a long-term lease similar to what we got for the water system as well. So we have to follow through on it, but we do have at least the authorization in place so that we can go through and do that.

COMMISSIONER SULLIVAN: We haven't done that yet?

MR. LOPEZ: We haven't done that yet.

1982155

COMMISSIONER SULLIVAN: This seems like we've got the cart before the horse here. This seems like we ought to have a long-term sewage treatment plant in place before we make an obligation for a half-million dollar investment. I know we're not making the obligation. I understand the developer is paying it. We're collecting the money for it on behalf of the developer and are we constructing it or is he constructing it?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, he's constructing it.

COMMISSIONER SULLIVAN: Okay, and we're collecting the money from the participants?

MR. SAYRE: After it's constructed and accepted by the County, then we will collect user charge fees from all the participants.

COMMISSIONER SULLIVAN: I thought I read in here that—it says the County agrees to collect from subsequent parties connecting to the sewer line that is constructed as part of the sewer project and to disburse to Thornburg and the landowners a pro rata reimbursement. So we're going to pay them back the cost of this line as other people hook on. So we don't get that money.

MR. SAYRE: I agree we don't. If other people come in and want to connect on it, then yes, they would be rebated back on a percentage basis of what capacity that they would take into this.

COMMISSIONER SULLIVAN: What's our process to go and get approval on this legislative authorization for a long-term use?

MR. MONTOYA: Mr. Chairman, I can answer that. It requires action from both houses of the legislature and it does not require a signature by the Governor but it does allow the process to begin or to extend out to 99 years based on the memorial that is passed by both houses, a majority of the members sitting in both houses.

COMMISSIONER SULLIVAN: I think if we're going to approve this agreement, Mr. Chairman, that there needs to be a caveat in here that we can't guarantee sewage treatment beyond the current terms of the lease.

MR. MONTOYA: Mr. Chairman, and I also wanted to point out to Commissioner Sullivan that as I stated to the Commission earlier when we were going to pursue the water rights at the state penitentiary that in tandem with that pursuit, we will also move to extend the wastewater contract that Mr. Lopez alluded to that we have ten additional years on. So we're going to do them both in tandem, Mr. Chairman.

COMMISSIONER SULLIVAN: I understand, but I don't want them to come back and claim that we've breached the contract or we haven't performed because we're unable, for whatever political reason the state legislature may wind up with, and in fact there was comments from one legislature about our use of the state pen water, saying that it was only for the purpose of developers and not for the community as a whole. I don't particularly agree with that but I'm just saying that there's always potential pitfalls when you go to the legislature.

MR. MONTOYA: Mr. Chairman, and I would also agree with Commissioner Sullivan that if our current potential is only for ten additional years that that

1982156

SFC CLERK RECORDING 08/16/2004

should be stated and be very clear and I think Mr. Thornburg and the other people that are involved need to understand that, and they also need to understand that we're going to try to extend that for long term, but as the Commissioner states, there's no guarantees.

COMMISSIONER TRUJILLO: I think there's no problem in including that language in the agreement.

MR. LOPEZ: Mr. Chairman, Commissioner, only one point of clarification. The legislative action has already been taken authorizing a long-term lease for the sewer system, just like it's been taken for the water system. So at this point, the effort would have to be entering into an agreement with GSD to actually get the long-term in place but the authorization already exists. So now it's a matter of working with GSD and the terms under which the legislature specifies. It's narrower than on the water system. Basically it says that we can use the entire system as long as we provide the service needed by the pen.

COMMISSIONER SULLIVAN: But there could be some language that whatever the status of the agreement is it's in there as a caveat that the Thornburgs know that. The other point that I would make is that on this rebate of hook-up fees that I think that whenever you add 150,000 gallons to a 375,000 gallon capacity plant that hasn't been operating at that capacity, you're going to incur costs. You're going to find pumps that suddenly give out and you're going to find that you're suddenly operating the plant—not suddenly, but over a short period of time, you're operating the plant at a cost in repairs that you hadn't previously anticipated.

So my suggestion would be to take the rebate that is requested here as it's incurred through the owners, put that in the fund for the plant improvements, because that's what we've got to be sure that we have sufficient funds to operate and expand that plant. I think the developer is putting up \$450,000. They have that up front cost. They see that cost. That's an investment in hundreds of units, obviously here. And I don't see why the County should be rebating them pro rata costs and doing that accounting function over years and years. I think that money should go right into a plant fund so that we can make sure that plant is upgraded to meet the loads.

MR. SAYRE: Do you want to consider an amendment to this then?

COMMISSIONER SULLIVAN: That would be a suggestion. I'd like to get your thoughts on that.

MR. SAYRE: I guess, Mr. Chairman, Commissioner Sullivan, previously we had looked at this like a water line and normally, when somebody puts in an extension like this or facilities, and then somebody connects on to it, it's been standard practice that you look at rebating part of the costs that they invested in back to those people that made the original investment. I guess that's why we looked at it like this. Our ordinance looks at it similar to this and that's why we structured this to meet the ordinance that we drafted two years ago.

COMMISSIONER SULLIVAN: I understand that and we have that same provision in the Eldorado line extension that we just passed. That provision is in there that

1982157

if anyone else connects one, which I don't think they are because we're just going along the highway. But if they were, Eldorado Utilities would rebate some percentage back to us. But I think it's different with a water system. With a water system you don't have a treatment component at the end of the line that you have to constantly maintain and pay electricity and operate and upgrade as EPA comes out with new standards.

So I sense that here we have some cash that's available for us to do that and keep the water and sewer system on a self-sustaining basis.

COMMISSIONER TRUJILLO: It looks like we're not going to be able to rectify the idiosyncrasies of the agreement. I think we're going to have to go back to talk to Thornburg and see if he's willing to contribute the money to an expansion fund, because I think that's the line of questioning that Commissioner Sullivan is taking. So can we talk about this agreement at a later meeting? I don't think we'll be able to rectify. Or can we do it now? Mr. Thornburg is here.

MR. LOPEZ: Mr. Chairman, if I may, I'd just like to point one thing out relative to this whole thing. At present, our lease agreement for this facility, these facilities, basically doesn't require us to pay any lease payment to the state. Rather, what it does is we provide free service to the state pen up to a certain set amount. So any new customers that we hook up to this in essence, the revenues that they generate—I think Commissioner Sullivan has a point. We're going to have some marginal increase in the cost of operating this facility, but all of the revenues that we're going to generate are designed, one, to cover the costs, but two, they'll also help us offset the costs that we're currently bearing in treating the state pen's sewage. So overall, it's a net gain to us from a revenue perspective.

COMMISSIONER SULLIVAN: I'd like to see that somehow in numbers, if we're giving—not giving but rebating to the developer the connection fees, essentially is what we're doing is we're rebating the connection fees to the developer, so all we have left to maintain this wastewater treatment plant is the monthly usage fees from the residences. That's all we have left.

MR. LOPEZ: Right. The revenues, the actual service rates, the revenues that those generate have been designed—we actually did a rate design that would cover the costs of the operation and help offset the cost of our providing service to the pen.

MR. SAYRE: Mr. Chairman, Commissioners, in discussion with Mr. Thornburg, he's willing that if that needs to be done, he's willing that that amendment be applied to this so that that rebate money, instead of being rebated back to him, goes into a fund. And if that's the condition, he says he's willing to live with that.

COMMISSIONER SULLIVAN: Let's do it.

MR. SAYRE: He says it's going to break his heart but it's not going to break the deal.

COMMISSIONER SULLIVAN: It breaks my heart too but I think we're going to be in worse shape and I don't want us to have an enterprise fund that doesn't sustain itself.

1982158

MR. SAYRE: Point well taken, Commissioner.

MR. MONTOYA: Mr. Chairman, could we ask for Commissioner Sullivan to be on our union negotiating team?

COMMISSIONER SULLIVAN: To speed things up, Mr. Chairman, I would move for approval of the concept of this agreement for modification by Mr. Kopelman and staff with the additions that language is included to clarify the County's current lease position pertaining to the wastewater treatment facility, and two, that the subsequent connection fees outlined in paragraph 7 be collected by the County for use as it sees fit.

COMMISSIONER TRUJILLO: Got a motion. I'll second that motion.

Discussion.

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner.

COMMISSIONER CAMPOS: Do we need to add the language, the caveat about the ten-year period and the possibility of it not going beyond ten if we don't get the extension, which is likely that we will, but shouldn't we protect ourselves?

COMMISSIONER SULLIVAN: That was the first part. Maybe I didn't make myself clear but that was the first part, that that caveat is that we can't commit to more than we currently have a lease to commit to.

COMMISSIONER TRUJILLO: Okay, so we've got a motion and a second. Any further discussion? All those in favor? [Unanimous.] Opposed. [Chairman Duran and Commissioner Gonzales were not present for this action.] So we got it.

MR. SAYRE: Thank you very much. I appreciate your consideration.

COMMISSIONER TRUJILLO: Can we discuss one item real fast. I don't think this is going to take very long. This is Matters from the County Attorney? There's a request here to approve of a quitclaim deed to transfer .215 acres that is no longer used for the Pojoaque Valley volunteer fire department to Teresa S. Valdez. I see Roman Valdez out there and he's been sitting out there for a couple of hours. It's pretty routine, right? It's just a matter of giving the land back. Steve?

X. J. Matters from the County Attorney

- 1. Request approval of a quitclaim deed to transfer .215 acres that is no longer used for the Pojoaque Valley fire department to Teresa S. Valdez**

MR. KOPELMAN: Mr. Chairman, members of the Commission, this is J. 1. and this is a very simple matter as Commissioner Trujillo indicated. There was a warranty deed provided, and this goes back to 1959 when Candido Valdez and Teresa Valdez transferred property in Pojoaque to the Pojoaque Valley volunteer fire department association. There is a right of reverter in this deed. It says that it can be used for only that purpose, that is for fire

1982159

department related purposes. And then the grantors have an option to be exercised within two years of cessation of such use to regain full title possession upon payment of \$300 to the Pojoaque Valley volunteer fire department association.

The Pojoaque Valley volunteer fire association did quitclaim their interest over to the County. The County used this property for the Pojoaque Valley fire department for many years. The County now has a new fire station so this property is no longer used for fire purposes and under the terms of the deed, we have no recourse other than to turn the property over. The Valdezes have requested it and there is the reverter clause. So this is more a formality really to let the Commission know this is occurring. We would ask for your formal approval so that this can be taken care of.

COMMISSIONER TRUJILLO: Move for approval, unless there's further discussion.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Motion and seconded. All those in favor?

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Valdez, thank you for the use of your property for 40 years.

COMMISSIONER TRUJILLO: Thank you, Roman. Okay, all those in favor? [Unanimous.] Opposed? [Chairman Duran and Commissioner Gonzales were not present for this action.] So it's a done deal.

X. J. 2. Request approval of a quitclaim deed to transfer .75 acres that was donated for the Edgewood Library to the donator, the Alta Mae Jensen revocable trust

MR. KOPELMAN: This was a quitclaim deed--actually this was a warranty deed from the Edgewood community library to Santa Fe County and this was also on condition that this land in Edgewood be used for library purposes, and it also provided that this land could be turned over to the village of Edgewood if the town of Edgewood decided to use it for a library. Edgewood has decided not to. Similarly, this was the heirs. The Alta Mae Jensen revocable trust. There's a reverter clause and they've requested that the property be returned to the trust. So again, this is a formality. I would ask the Commission--

COMMISSIONER TRUJILLO: Move for approval.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER TRUJILLO: All those in favor? [Unanimous.] Opposed? [Chairman Duran and Commissioner Gonzales were not present for this action.] So the ayes have it.

1982160

X. G. Matters from the County Manager

- 3. Resolution No. 2001-133. A resolution providing for the lease purchase of additional voting machines**
- 4. Resolution No. 2001-134. A resolution providing for the purchase of additional voting machines**

MR. MONTOYA: A very simple request, that being that the Board of County Commissioners authorize resolutions that would allow for leasing and purchasing of voting machines, Mr. Chairman. We have two separate requests. The first is for acquisition of seven voting machines totally \$40,950 at \$5,850 each. The second request, Mr. Chairman, is to lease-purchase a total of 16 voting machines over an eight-year period at \$11,700 per year over eight years, at no interest.

COMMISSIONER TRUJILLO: Any questions of Sam or Becky?

COMMISSIONER SULLIVAN: Mr. Chairman.

COMMISSIONER TRUJILLO: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Becky, is there a reason to lease them as opposed to purchasing them?

MS. BUSTAMANTE: Mr. Chairman, Commissioner Sullivan, yes. That is the request of the County Manager and the Finance Department. We did have some money to go ahead and purchase them outright. That's why we're doing the seven. And the others because it is at no interest, the County feels it's better that if we do them over a period of time.

We are right now leasing some of them. We still owe, I think about another ten years on the last purchase.

COMMISSIONER SULLIVAN: And we're still obligated to, of course, maintain them. Is that not correct?

MS. BUSTAMANTE: Mr. Chairman, Commissioner Sullivan, yes we maintain them and we take care of them and we do everything as far as maintenance and stuff. They belong to us, it's just a matter of the State Board of Financing allowing this money, free interest to purchase machines.

COMMISSIONER SULLIVAN: And can we lease non-real property for that long a period? Eight years?

MS. BUSTAMANTE: We can go up to 15 years.

COMMISSIONER SULLIVAN: Fifteen years for vehicles and things like that? Backhoes?

MS. BUSTAMANTE: This is a special fund through the legislature for voting machines.

COMMISSIONER SULLIVAN: So you can lease voting machines for up to 15 years? Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: What's the desire of the Commission?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER TRUJILLO: Got a motion to approve.

1982161

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Second by Commissioner Campos. Any further discussion? All those in favor signify by saying "aye." [Unanimous] Opposed? The ayes have it. [Commissioner Gonzales and Chairman Duran were not present for this action.]

X. G. 1. Resolution No. 2001-135. A resolution authorizing the County Manager to approve grant applications on behalf of the Board of County Commissioners

MR. MONTOYA: Mr. Chairman, under the last item under the County Manager's is a resolution requesting authority of the County Board of Commissioners to allow the County Manger to sign on behalf of the County when we apply for grants to different entities, be that federal entities, state entities, private foundations. Mr. Chairman, at the current time, we're required to come before the Board to get your approval to go to apply for any type of philanthropic money that's available and for any grant money that's available.

Mr. Chairman, this resolution would simply allow the Manager to sign on your behalf. Once they are executed and we are granted the funds we'd bring them to you to add to our budgetary column in the appropriate department, Mr. Chairman. I stand for any questions.

COMMISSIONER TRUJILLO: Any questions? If not, do we have a motion to approve or not?

COMMISSIONER SULLIVAN: Mr. Chairman, is there some limit on this approval for grant authority?

MR. MONTOYA: We have not indicated a limit on the resolution, Mr. Chairman.

COMMISSIONER SULLIVAN: I'm just thinking if we put in a grant application for a \$500,000 something, we would be incurring obviously some staff and administrative requirements that we had to fulfil to—

MR. MONTOYA: Possibly matching money, Mr. Chairman.

COMMISSIONER SULLIVAN: Or staff matching or in-kind or whatever and it hasn't been a problem yet obviously, but I'm just wondering if you feel comfortable if there should be some—

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, I'm not opposed to the Commission imposing a limit, a money limit. I think that's appropriate, Mr. Chairman.

COMMISSIONER SULLIVAN: Do you have a recommendation as to what that might be?

MR. KOPELMAN: Mr. Chairman, just one point of clarification. All this does is allows the County Manager to make an application. Any time, that contract then or that agreement would have to come back to the Commission. So basically, it's really an administrative function more than a policy function. The policy part comes in the second half when, if we get the grant, we bring it forward and at that point the Commission has the right to

1982162

SFC CLERK RECORDING 08/16/2004

say yes or no. So this is really administrative, just to apply and seek out grant money.

COMMISSIONER SULLIVAN: But of course if it comes to that point and then the grant's turned down, we are in a bit of a sticky situation with whoever's been granting us the money and they may not do it again. So if it's a substantial project, I think we'd want input on it early on, and I don't know what substantial is. I'd have to defer to your judgement on that, Sam.

MR. MONTOYA: Mr. Chairman, I would say that one of the largest grants that we apply for is the Community Development Block Grant and that grant itself, the limit I believe is \$400,000. So Mr. Chairman, that's what I would recommend to the Board that you allow us that limit.

COMMISSIONER SULLIVAN: That sounds fine.

COMMISSIONER TRUJILLO: Okay. Is that in the form of a motion?

COMMISSIONER SULLIVAN: I would move for approval of the resolution with the addition of a limit of \$400,000.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Got a motion seconded by Commissioner Campos. Any further discussion? All those in favor signify by saying "aye." [Unanimous] Opposed? The ayes have it. [Chairman Duran and Commissioner Gonzales were not present for this action.]

MR. MONTOYA: Mr. Chairman, I just simply want to point out that staff has asked me to indicate to the Board that item XI. B. is time sensitive as well but just like everything else.

COMMISSIONER TRUJILLO: So do we want to go into that? I don't think there's anybody here that—

MR. MONTOYA: Mr. Chairman, I would defer to Mr. Mier on that issue.

MS. BUSTAMANTE: Mr. Chairman, just for the record, that was Resolution 135, the last one you approved, and the voting machine was 133 and 134.

COMMISSIONER TRUJILLO: Thank you, Becky.

X. PUBLIC HEARINGS

B. Seeking community input for proposed projects for the fiscal year 2002 Community Development Block Grant (CDBG) and the Infrastructure Capital Improvement Plan (ICIP)

RAY MIER: Mr. Chairman, Commissioners, I'll make this as brief as possible. We are obligated and required for the Department of Finance Administration, Local Government Division that we have two public hearings requesting for ICIP and CDBG projects from the public and this is our first of two. So I'm open for any questions.

COMMISSIONER TRUJILLO: So are you going to present some projects, or do we open it up to the public to come forth and express interest in the CDBG monies

1982163

and the other is the ICIP monies? How do we do that?

MR. MIER: Mr. Chairman, this is like I mentioned before. This is our first public hearing of two requesting for input from the public for projects that may, could come forward.

COMMISSIONER TRUJILLO: Do we have any public interest for the aforementioned funds for projects? I guess there's not, so we'll have another public hearing soliciting interest in these funds.

MR. MIER: That's correct, Mr. Chairman. It will be in September.

COMMISSIONER TRUJILLO: In September. Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman, was there anyone in the audience that wanted to speak to the Commission?

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

COMMISSIONER TRUJILLO: Do we have anybody in the audience that wants to come forth and speak to the Commission? I guess not.

MR. KOPELMAN: One matter, on XI. A., I would ask that the Commission formally table that until the September 11, meeting. This is a proposed ordinance so I think we need to have a formal tabling. This has been tabled I believe three times already. This will be the fourth. But I want to make sure that we don't have to go back and start all over with authorization to publish title and general summary.

COMMISSIONER SULLIVAN: Move to table item XI. A.

COMMISSIONER TRUJILLO: Got a motion to table.

COMMISSIONER CAMPOS: Second.

COMMISSIONER TRUJILLO: Seconded by Commissioner Campos. All those in favor signify by saying "aye." [Unanimous] Opposed? [Commissioner Gonzales and Chairman Duran were not present for this action.]

MR. KOPELMAN: Thank you, Mr. Chairman. And members of the Commission, that will be for the September 11th meeting.

MR. MONTOYA: Mr. Chairman, that puts us back to item F. 1.

COMMISSIONER CAMPOS: We have an EZA meeting tonight, don't we?

COMMISSIONER TRUJILLO: Yes, it starts at 6:00.

COMMISSIONER CAMPOS: Do you want to continue, Mr. Montoya.

MR. MONTOYA: Mr. Chairman, if we need to adjourn, then the appropriate thing would be to table items F. 1 and 2 and that would carry them over to our next meeting, on the 11th.

COMMISSIONER SULLIVAN: Move to table items F. 1 and F.2.

COMMISSIONER TRUJILLO: That's the Public Works Department.

COMMISSIONER SULLIVAN: And to put them up front on the agenda.

Sorry James. Did I get a second?

1982164

SFC CLERK RECORDING 08/16/2004

COMMISSIONER CAMPOS: Second.
COMMISSIONER TRUJILLO: All those in favor? [Unanimous]
Opposed? [Chairman Duran and Commissioner Gonzales were not present for this action.]

ADJOURNMENT

Vice Chairman Trujillo declared this meeting adjourned at approximately 6:05 p.m.

Approved by:

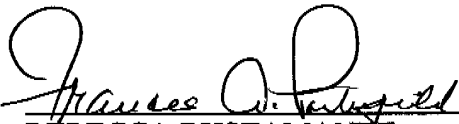


Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Administrative Items)
August 28, 2001 - 10:00 a.m.

Agenda

1982165

- ~~I.~~ Call to Order
- ~~II.~~ Roll Call
- ~~III.~~ Pledge of Allegiance
- IV. Approval of Agenda - *approved*
 - A. Amendments *None*
 - B. Tabled or Withdrawn Items - *None*
- V. Approval of Minutes - *approved - July 31, 2001*
- VI. Consent Calendar:
 - A. Resolution No. 2001 - ¹²¹A Resolution Requesting a Budget Increase to the General Fund (101)/County Sheriff Overtime Budget from Traffic Safety Grants Awarded through the NM State Highway and Transportation Department for Expenditure in Fiscal Year 2002 (County Sheriff's Office)
 - B. Resolution No. 2001 - ¹²²A Resolution Requesting an Increase to the General Fund (101)/Fire Administration to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)
 - C. Resolution No. 2001 - ¹²³A Resolution Requesting an Increase to the Fire Protection Fund (209) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)
 - D. Resolution No. 2001 - ¹²⁴A Resolution Requesting an Increase to the Fire Tax Fund (222) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)
 - E. Resolution No. 2001 - ¹²⁵A Resolution Requesting an Increase to the Fire Tax Revenue Bond Fund (380) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Fire Department)
 - F. Resolution No. 2001 - ¹²⁶A Resolution Requesting an Increase to the General Fund (101)/County Clerk Bureau of Elections to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (County Clerk's Office)
 - G. Resolution No. 2001 - ¹²⁷A Resolution Requesting an Increase to the Clerk's Fees Fund (218) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (County Clerk's Office)
 - H. Resolution No. 2001 - ¹²⁸A Resolution Requesting an Increase to the General Fund (101)/DWI Program to Budget Revenue Received from a Grant Awarded through the NM State Highway and Transportation Department for Expenditure in Fiscal Year 2002 (Community, Health & Economic Development Department)

All approved under one motion - except J. I approved as isolated item

- I. Resolution No. 2001 ¹²⁹ A Resolution Requesting an Increase to the General Fund (101)/DWI Program to Budget Revenue Received from a Grant Awarded through the NM Children, Youth & Families Department for Expenditure in Fiscal Year 2002 (Community, Health & Economic Development Department)
- J. Request Approval to Enter into Change Order Number Two with Big Sky Builders for Eldorado/La Cienega Transfer Stations (Public Works Department) - *all in order*
- K. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #21-60 RB1, for the Exterior Improvements to the Galisteo Fire Station (Fire Department)
- L. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #21-64 RB1, for Microfilming Services (County Clerk's Office)
- M. Request Authorization to Accept and Award a Construction Agreement to the Lowest Responsive Bidder, IFB #21-68, for Roofing Replacements at the Santa Cruz, Valle Vista and Camino De Jacobo Housing Sites (Community, Health & Economic Development Department)

*Approved
Isolated*

VII. Presentations and Awards:

- ~~A.~~ Presentation of Award to Becky Montoya for the Employee of the Quarter
- ~~B.~~ Presentation by the Parking Advisory Board Regarding a Parking Structure at Sweeney Center - *Heard & approved in busy partners w/ city*
- ~~C.~~ Status Report by the Regional Development Corporation - *Heard & approved*

VIII. Administrative Items:

A. Committee Expirations/Resignations/Vacancies:

- ~~1.~~ Lodgers' Tax Advisory Board

B. Committee Appointments: *John Michael Richardson - approved*

- ~~1.~~ County Open Lands and Trails Planning and Advisory Committee (COLTPAC) [^]
- ~~2.~~ Santa Fe County Road Advisory Committee - *Andrew M. Swarthout - approved
Michael Araya -*
- ~~3.~~ Library Board - *Shelley S. Moore - approved*

IX. Staff Report

A. Report by the Assessor's Office

X. Staff and Elected Officials' Items:

all approved
A. Assessor's Office

- ~~1.~~ Resolution No. 2001 ¹³⁰ A Resolution Supporting the Santa Fe County Property Valuation Reappraisal Program

B. Community, Health and Economic Development Department

- Approved* - ~~1.~~ Resolution No. 2001 ¹³¹ A Resolution Limiting the Percentage of Billed Costs Reimbursed to Non-Sole Community Provider Hospitals from the Santa Fe County Indigent Fund
- Approved* - ~~2.~~ Resolution No. 2001 ¹³² A Resolution Approving the Santa Fe County Housing Services Division's Public Housing Assessment System (PHAS) Management Operations Certification
- Approved* - ~~3.~~ Request Approval of the Grant Application with the Traffic Safety Bureau for the Media Literacy Continuation Grant Program

*Approved
1 No - Guzman*

4. Request Authorization to Enter into a Professional Services Agreement, #22-0039-CHEDD, with Concha Montano to Provide Outcome and Process Evaluation for the Department of Health "SMART Moves" Grant

5. Request Authorization to Enter into the Following Professional Service Agreements:

- a. Heart Hospital of New Mexico for Hospital Care to Indigent Santa Fe County Residents
- b. Presbyterian Hospital for Hospital Care to Indigent Santa Fe County Residents
- c. St. Joseph's Medical Center for Hospital Care to Indigent Santa Fe County Residents
- d. University of New Mexico Health Sciences Center for Hospital Care to Indigent Santa Fe County Residents
- e. Ayudantes Incorporated for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents
- f. HOY Recovery Program Incorporated for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents
- g. Millennium Treatment Services Incorporated for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents
- h. Recovery of Alcoholics Program Incorporated for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents
- i. Rio Grande Alcoholism Program Incorporated for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents
- j. Una Ala Clinic for Alcohol and/or Substance Abuse Treatment to Indigent Santa Fe County Residents
- k. Santa Fe Family Center Incorporated for Mental Health Treatment Services to Indigent Santa Fe County Residents
- l. Health Centers of Northern New Mexico for Primary Medical Care Services to Indigent Santa Fe County Residents
- m. La Familia Medical Center for Primary Medical Care Services to Indigent Santa Fe County Residents
- n. Presbyterian Medical Services/Hope Medical Center for Primary Medical Care Services to Indigent Santa Fe County Residents
- o. Presbyterian Medical Services/Ortiz Mountain Clinic for Primary Medical Care Services to Indigent Santa Fe County Residents
- p. Pecos Valley Medical Center Incorporated for Primary Medical Care and Ambulance Services to Indigent Santa Fe County Residents
- q. Women's Health Services for Primary Medical Care and Ambulance Services to Indigent Santa Fe County Residents
- r. City of Santa Fe for Emergency Medical and Ambulance Services to Indigent Santa Fe County Residents

Appendix

C. Finance Department

- approved* - 1. Request Ratification of the State of New Mexico Department of Tourism Grant Providing Funding for the Promotion and Advertising of Santa Fe County for Fiscal Year 2002
- Approved* - 2. Request Approval of Assets for Surplus

D. Fire Department

- Approved* - 1. Request Approval of Regional Communications Center (RECC) Joint Powers Agreement with the City of Santa Fe

E. Land Use Department

- Approved* - 1. Presentation and Discussion of Proposed County Water Utility 40-Year Water Plan - *2 more public hearings - Oct - Nov.*
- approved* - 2. Request Authorization to Enter into Amendment Number Three to the Restated Joint Powers Agreement Creating the Regional Planning Authority (RPA) to State the Responsibilities of the RPA to Serve as the Transportation Policy Board and to Clarify the Completion Date for the RPA Land Use Plan
- Approved* - 3. Request Authorization to Acquire the Following Real Property for the Wildlife, Mountains, Trails and Historic Places Program:
 - a.* Chimayo Los Portreros Property - 17 Acre Tract Located in the Traditional Community of Chimayo, Township 20 North, Range 9 East, Section 1 and Township 20 North, Range 10 East, Section 6 - \$985,000 - *includes operation over cost.*
- Will be heard Next Meeting w/ mtg analysis* - 4. Discussion and Clarification of the Decision to Approve CDRC Case #Z 01-5130, The Village at Eldorado
- Approved w/ amendments* - 5. Consideration of Agreement with Thornburg Enterprises to Construct Sewer System Project Along State Road 14 from PNM Service Center South to Santa Fe County Detention Center Interceptor Sewer Line and to Dedicate the Completed Facilities to Santa Fe County-
- Approved* - 6. Consideration of Water Extension Agreement with Eldorado Utilities to Construct Water Line and Related Facilities to Serve the Eldorado Fire Station and Solid Waste Transfer Station with Fire Protection and Domestic Use Facilities - *Staff to finalize for finalization*

F. Public Works Department

- Tabend til 9/11/01 meeting* - 1. Request Authorization to Publish the 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"
- 2. Update of County Road Improvements Strategic and Operating Plan for Existing and Proposed County Roads

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

- Approved* - 1. Resolution No. 2001-135A Resolution Authorizing the County Manager to Approve Grant Applications on Behalf of the Board of County Commissioners - *limit \$1,000,000*
- Approved* - 2. Request Authorization to Enter into a Professional Services Agreement with United Way of Santa Fe County for the Community Schools Program

Approved

- 3. Resolution No. 2001¹³³ - A Resolution Providing for the Lease Purchase of Additional Voting Machines
- 4. Resolution No. 2001¹²⁴ - A Resolution Providing for the Purchase of Additional Voting Machines

H. Matters of Public Concern - NON-ACTION ITEMS

I. Matters from the Commission

J. Matters from the County Attorney, Steven Kopelman

- Approved* - 1. Request Approval of a Quitclaim Deed to Transfer .215 Acres that is No Longer Used for the Pojoaque Valley Volunteer Fire Department to Teresa S. Valdez
- Approved* - 2. Request Approval of a Quitclaim Deed to Transfer .75 Acres that was Donated for the Edgewood Library to the Donator, the Alta Mae Jensen Revocable Trust
- 3. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

XI. Public Hearings

To be held at 7/11 meeting

- A. Ordinance No. 2001 - An Ordinance Amending the Santa Fe County Land Development Code, Ordinance 1996-10, to Add Section 13 to Article I Entitled "Procedures for Ordinance Amendments" (Second Public Hearing)
- B. Seeking Community Input for Proposed Projects for the Fiscal Year 2002 Community Development Block Grant (CDBG) and the Infrastructure Capital Improvements Plan (ICIP) *1st hearing*

XII. ADJOURNMENT

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