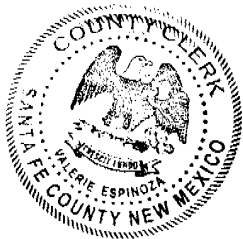


**SANTA FE**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**August 28, 2007**

Virginia Vigil, Chair  
Jack Sullivan, Vice Chair  
Paul Campos  
Michael Anaya  
Harry Montoya



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
I Hereby Certify That This Instrument Was Filed for  
Record On The 15TH Day Of October, A.D., 2007 at 09:50  
And Was Duly Recorded as Instrument # 1502887  
Of The Records Of Santa Fe County  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

BCC MINUTES  
PAGES: 143

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

**August 28, 2007**

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

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

**Members Present:**

Commissioner Virginia Vigil, Chair  
Commissioner Jack Sullivan, Vice Chairman  
Commissioner Paul Campos  
Commissioner Mike Anaya  
Commissioner Harry Montoya

**Members Absent:**

[None]

**V. INVOCATION**

An invocation was given by Adamina Pino.

**VI. APPROVAL OF THE AGENDA**

County Manager Abeyta mentioned the following changes: Under Matters from the Commission, item E: Memorial for Joe Joiner, Chairman of the Correctional Advisory Committee, and that that item be heard first, and item F. Update on Los Pinos Road.

Under XI. The resignation of Commissioner Vigil from the EZA and appointment of a new member to the EZA have been added. Under Matters from the County Manager, a discussion of the Utility's Water Plan has been added.

CHAIR VIGIL: Are there any changes from the Commissioners? Let's vote on the agenda first, and then what we will do is we'll go to Consent Calendar, we'll vote on items A and B, and then we'll go to Consent Calendar and do removals, then we'll take action on the full Consent Calendar and then go back to each item that's been removed. So I would entertain a motion if there are no more amendments or tabled or withdrawn items to approve the agenda as amended reflected by voting on item VI. A and B.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second.

**The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.**

**VI. C. Consent Calendar: Withdrawals**

CHAIR VIGIL: Are there any items that need to be removed?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: A couple of items for me. C. 3, which is the purchase of a loader Caterpillar, C. 10, which is a resolution re: alternative fuels.

CHAIR VIGIL: Any other items? Commissioner Sullivan.

COMMISSIONER SULLIVAN: C. 4, regarding the transportation, New Mexico DOT local roads fund program, and C. 13, regarding the auditor's report on DCSW.

CHAIR VIGIL: Any other items?

COMMISSIONER MONTOYA: Madam Chair, I had C. 2 and C. 5.

CHAIR VIGIL: Any others?

COMMISSIONER ANAYA: Madam Chair, C. 8.

CHAIR VIGIL: Any others? Seeing, hearing none, the chair will entertain a motion to approve the Consent Calendar less the items that have been removed.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER CAMPOS: Second.

**The motion to approve the Consent Calendar with the exception of the withdraw items passed by unanimous [5-0] voice vote.**

**VII. APPROVAL OF MINUTES: July 31, 2007**

CHAIR VIGIL: Are there any changes? Seeing, hearing none, what's the pleasure of the Commission?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTROYA: Second.

CHAIR VIGIL: We have a motion by Commissioner Anaya to approve and a second by Commissioner Montoya.

**The motion to approve the minutes as published passed by unanimous [5-0] voice vote.**

### **VIII. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS**

CHAIR VIGIL: With this, I will turn to the public and ask if there's anyone here to address the Commission on any item that is not listed on the agenda and I recognize that there's a huge constituency out there here on behalf of the honoring that we will have today for Mr. Joe Joiner and that will be the next item on the agenda. This is to the public on any item that is not on the agenda. This is your opportunity to address the Commission. Is there anyone out there?

### **IX. MATTERS FROM THE COMMISSION**

#### **E. Memorial for Joe Joiner Chairman of the Correctional Advisory Committee**

MR. ABEYTA: Thank you, Madam Chair. I would like at this time to introduce Annabelle Romero, the Corrections Department Director, and Steve Marvin, who is the former Corrections Advisory Committee Chairman to say a few words on Joe Joiner's behalf.

CHAIR VIGIL: Ms. Romero, thank you for being here.

ANNABELLE ROMERO (Corrections Director): Thank you, Chair Vigil and Commissioners, good morning. Steve Marvin, who is the former chairman of the Corrections Advisory Committee is here to read a memorial into the record, and we are all very grateful for the time that Joe Joiner was with us. I only got to know him for a year but he was a wonderful, honorable, and very inspirational person on the committee. Thank you.

CHAIR VIGIL: Thank you, Annabelle. Thank you, Steve.

STEVE MARVIN: Madam Chair, honorable Commissioners, County officials, and especially for me, all the people who are seated behind me and took time out of their day to honor Joe Joiner today. I thought for a nanosecond that I could wing this and then 64 years of experience told me that was wrong, so I'm going to read if you don't mind.

CHAIR VIGIL: Please do.

MR. MARVIN: The legendary British author and wit, Quentin Crisp, who



lived into his 90s used to say that he tried to live his life saying Yes to whatever was asked to him, from flying to America to do an unpaid appearance at a literary gathering, to posing nude for a life drawing class, from which his memoir, *The Naked Civil Servant* took shape. For those of us who knew Joe Joiner well, add to that attitude a healthy dose of Buddhist compassion and never-ending good humor, and you'll get a picture of who Joe was to his friends.

It always brought a smile to Joe's face when he heard himself described by me or others with the line, "A friend will help you move. A good friend will help you move a body." And Joe was a good friend. Joe knew every joke every told and could lighten up a tense meeting with a story that would make us see that we were all on the verge of taking ourselves too seriously. What a gift to us all he was and what a loss we feel at his passing. He found time always to step up to the plate and help out wherever he could. He loved the underdog. He served for a half dozen years as the pro bono general counsel for KSFR Santa Fe public radio and was instrumental in getting that fine station on the air.

Joe Joiner was a dedicated civil libertarian and supported the Constitution and the Bill of Rights. By serving on the board of directors at the local chapter of the ACLU of New Mexico, not to mention his fierce defense of those he saw as wronged who he took on as clients. He put his life on the line too. Joe was very proud of his service as an officer with the first Marines in Vietnam. His father was a Marine officer, as were his brother and sister-in-law. Joe was the very proudest of fathers and deeply loved his son Scott. He must have done a good job teaching Scott about honor and duty as Scott is presently an attorney serving with the Marines in Iraq.

Scott is in Santa Fe today but could not be with us as he is attending to his father's affairs, but he sends along his thanks to you all today. Joe saw over the years that the very best of people are sometimes dealt a lousy hand or got a raw deal, or simply made mistakes that cost them sometimes their limbs, their freedom and sometimes even their lives. He chaired for this Commission the Corrections Advisory Committee because he cared about the treatment of people incarcerated for their mistakes. The loss of their freedom was a high enough price to pay. To be further harassed or humiliated or denied proper care was too much for Joe to witness without standing up for them.

It may have been the only job that he felt he left unfinished. He loved Santa Fe County and the beautiful land, light, air and environment he felt privileged to enjoy here and we were lucky to have him amongst us. I'd like to thank everyone who attended today for paying his or her respects to a gentle, loving, smart and funny good friend and partner. Joe always found time for others and it's gratifying that you recognize that by finding time for him today. I thank you. Everyone who knew Joe was richer for having done so. He was well loved and he will be sorely missed. There is for me and many others I'm sure a hole in this world today. Thank you.

CHAIR VIGIL: Thank you, Steve. And there are members of Joe Joiner's friendship and perhaps we shall call extended family who are here. Would you all please stand. Thank you all. What a tribute and testament to the loss of Mr. Joiner. Mr. Jose

Villegas and we will stand with you. I believe he has a prayer of invocation on behalf of Mr. Joiner.

JOSE VILLEGAS: All powerful and ever-living God, when Abraham left his own land and departed from his own people he kept safe all through his journey. Protect us, who are also your servants. Walk by our side to help us. Be our compassion and strength on the road and our refuge in every adversity. Lead us O Lord that we will reach our destination in safety and happily return to our homes. Amen.

CHAIR VIGIL: Comments from the Commission? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, if there's anybody in the audience that wants to speak on behalf -

CHAIR VIGIL: There are quite a few people here. Is there anyone in the audience that would like to address the Commission on behalf of Mr. Joiner?

DIANE WOOD: I'm Diane Wood. Thank you very much for allowing us to speak today. Joe was very active in this community and will be greatly missed at the ACLU. He was a chapter officer and a bill reader during the session and gave us a hand any time we needed. He was a man of good cheer and a great sense of humor. He approached his volunteer activities as he did his professional duties, seeking fairness and justice based on the Constitution. He will be missed and fondly remembered. Thank you.

CHAIR VIGIL: Thank you. I'd also like to thank all of the staff from the Corrections Department for being here. We appreciate your being here.

PETER SIMONS: Good morning. My name is Peter Simons and I'm the executive director for the ACLU of New Mexico. I won't say much more than what Diane has said except to say that Joe was a committed civil libertarian. We certainly deeply appreciate all of his efforts on our behalf and his constant commitment to civil liberties. Thank you.

CHAIR VIGIL: Thank you.

TOM KNOBLAUCH: I'm Tom Knoblauch and I represent the board of directors of the Santa Fe Farmers Market and also have been asked to speak for the Santa Fe Farmers Market Institute. Joe wrote the bylaws and helped the Santa Fe Farmers Market Institute become a 501(c)(3), therefore ensuring that we have a food chain sustained in Santa Fe for 80 years at our new location. Whenever we had a question he was there with an answer. He was willing to work and help us at any time. A good friend.

CHAIR VIGIL: Thank you. Anyone else? Thank you all for being here. We appreciate your taking the time off your day to assist us in honoring such an honorable man and contributor to our community in such a versatile way. Appreciate your being here. I would ask Greg Parrish who is actually working with the Corrections Advisory Committee to meet with that advisory committee to identify a way that we can memorialize Mr. Joiner. And Roman, would you follow up with the Corrections Advisory and Greg Parrish and Annabelle to find out if there's a recommendation that we have.

MR. ABEYTA: Madam Chair, I will.

**IX. A. Resolution No. 2007-121. A Resolution in Support of the Water Allocation for Santa Fe Public Schools within the Community College District (Commissioner Montoya)**

CHAIR VIGIL: I'd like to recognize School Board member and president of the Board, and I hope I represent your position, unless you've got another position. Mr. Frank Montano, thank you for being here, and Bobby Gutierrez, and I believe you also have other staff here. They are here for the next item on the agenda. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Madam Chair. This was brought before us, or is being brought before us in order to allocate a water amount for the Santa Fe Public Schools in the Community College District. We're looking at allocating some water rights that are currently reserved for economic development by Santa Fe County to provide for the Santa Fe Public Schools to allow for expansion of any building that may occur there as a result of growing population in that part of the county. So this resolution, Madam Chair, would allocate again those water rights from our economic development water rights for the purpose of constructing public school facilities in the Community College District. And I would stand for questions, and I believe board president Montano or Ms. Gutierrez -

CHAIR VIGIL: Do you have a presentation, Ms. Gutierrez and President Montano.

BOBBIE GUTIERREZ: We just have a few words, Madam Chair, that we would like to say and our board did approve this resolution last week and we're happy to read that if you prefer and we have copies of that. We especially want to thank Commissioner Montoya for helping us with this, as well as County Manager Roman Abeyta. We're very excited about building this new school in the Community College District, within Rancho Viejo. It's a very exciting partnership for us and we appreciate your interest in helping us with our acre-feet of water.

As you know, our school district is moving in this direction and I believe this will be the first of possibly two or three more schools that we'll be bringing to you over the course of the next four or five years. This is a facility that I think we can all be proud of when it's completed and I think it will be one of our finest facilities within the Santa Fe Public Schools. We just appreciate your support so much. I have Mr. Eduardo Ramirez who has actually helped to maneuver this happening today and he's worked very closely with Dr. Wust and Jon Paul Romero and Roman Abeyta and so I just want to thank him. He's the program manager for the new school, so we have exciting things planned. And then of course our board president, Frank Montano was very pleased to see this resolution coming before the Board this past week.

Would you like for us to read that resolution, Madam Chair? We have copies for you.

CHAIR VIGIL: Ms. Gutierrez, does it reflect - is it the same resolution

that we actually have in our packet? And why don't you hand those out so it will be a part of the record.

MS. GUTIERREZ: Yes, it is. And the last page contains our signatures. But it is the same resolution that the board reviewed and past this last Tuesday, August 21<sup>st</sup>.

CHAIR VIGIL: Thank you, Ms. Gutierrez. President Montano, welcome.

FRANK MONTANO: Thank you, Commission Chairperson and members of the County Commission. I want to thank the staff as well for your assistance in getting this resolution passed, especially Commissioner Montoya. I just can't help but reminisce about the times that I spent in this room, five years as the chairman of the EZA. It's a beautiful building and I want to thank you for the hard work that you do for our community. I also want to bring to your attention that the southern part of our district is growing in leaps and bounds and this will certainly go a long way. This allocation of water will certainly go a long way in helping the kids of this community, because that's a cost that we won't have to bear.

As you know, it's really hard to come up with monies to do things. As our deputy superintendent mentioned, we're looking at building several schools probably within the next decade in the southern part of the city and in that area of the county, so this is greatly, greatly appreciated. Thank you so much for the allocation of water if you do pass this resolution. Thank you so much.

CHAIR VIGIL: Thank you, Mr. Montano for being, and welcome back to reminisce. Commissioner Campos.

COMMISSIONER CAMPOS: A couple of questions, just for clarification. The resolution does not state how many acre-feet we're talking about.

COMMISSIONER MONTOYA: Commissioner, we're talking about up to three acre-feet.

COMMISSIONER CAMPOS: And is this up to three acre-feet for the elementary only?

COMMISSIONER MONTOYA: Eduardo.

EDUARDO RAMIREZ: Madam Chair, Commissioner Campos, the three acre-feet would be allocated only for this particular site for this particular school.

COMMISSIONER CAMPOS: And have you done a water budget of any sort to really – three acre-feet is a lot of water. I'm just curious if you've done the analysis on it.

MR. RAMIREZ: Commissioner Campos, attached to your packet should be a letter from Drew Stafford, SJCF, our architect of record, who did perform with their engineering team an analysis of water use, water needs, based also on models that we have currently in place in the district, specifically Gonzales Elementary School and Ramirez Thomas Elementary School. So we actually used models that are currently in effect and used that to derive at the three acre-feet of water. That should be your second page of your packet.

COMMISSIONER CAMPOS: Okay. Mr. Abeyta, let's assume this school

comes and asks for an acre-foot of water. What will they have to pay the County for that one acre-foot of water?

MR. ABEYTA: Madam Chair, Commissioner Campos, I would ask that Doug Sayre address that. I'm not familiar with the rate fees but they would have to follow our current - which I believe is \$30,000 per acre-foot.

COMMISSIONER CAMPOS: So if they want an acre-foot they're going to pay \$30,000 for it.

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: The only requirement is that they don't have to go and buy it on the open market? Is that basically it?

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: Okay. Is that the answer?

DOUG SAYRE (Water/Wastewater Operations Division): Madam Chair, Commissioner Campos, that's correct. The amount is \$30,000 per acre-foot in lieu of actually acquiring it and transferring it to us, they could purchase an allocation from us for that amount. But that would come before you for that consideration on how that's handled, as far as I'm concerned.

COMMISSIONER CAMPOS: The other question I guess is for the folks at the school. I assume in the future you're going to budget for water, so you can go out and buy water, or is the plan to just keep coming back for this deal.

MR. RAMIREZ: I'm sorry, the question again?

COMMISSIONER CAMPOS: Are you going to be budgeting for water?

MR. RAMIREZ: Are we going to be budgeting the water?

COMMISSIONER CAMPOS: Are you going to be budgeting - putting something in your budget so you can go out and buy water or is the plan just to keep coming back to the County for water?

MR. RAMIREZ: I'm sorry. I don't understand your question. I'm not -

MR. MONTANO: I understand your question. Madam Chair and Commissioner Campos, we believe that this is an opportunity that we have to apply for these water rights and many others have that same opportunity, and if the opportunity presents itself, yes, we would come back and ask for additional water rights if necessary. But if we were not to receive the water rights, the acre-foot of water, of course we would budget for that water. But we would take advantage of all opportunities that we could to help the children of this community.

COMMISSIONER CAMPOS: We're all concerned about that but every institution has to budget. They have to take care of their own needs within their budget and your shifting a little bit of that over to the County budget and I'm willing to do it at least once because I think it's a very important thing but in the future I hope that you allocate money so that it goes to your budget.

MR. RAMIREZ: Madam Chair, Commissioner Campos, let me add then that yes, our budget did include - we do have contingency funds that do allow us to

purchase that water and in this instance we certainly could have purchased the water. But the opportunity came to us and so of course we decided to allow that to happen and see if that would take place and that's why we're here today. Let me add that this new school as well will be the district's first LEED certified school. So the district and the board has already directed us to move forward with a LEED silver as our goal, which is certainly a step up from the baseline of certified. So that would certainly need to be considered here as well.

COMMISSIONER CAMPOS: That's impressive.

MR. RAMIREZ: And of course Rancho Viejo also provides us treated effluent that they will also make available to the school to address our landscaping needs. So again, very important that we note that this school will be a LEED certified facility.

COMMISSIONER CAMPOS: Energy efficient and water efficient.

MR. RAMIREZ: Absolutely.

COMMISSIONER CAMPOS: That's important.

MR. RAMIREZ: Absolutely.

COMMISSIONER CAMPOS: Thank you very much.

CHAIR VIGIL: Further questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Did you have something, Doug?

MR. SAYRE: Madam Chair, Commissioners, I wanted to add one other aspect to this. My discussion with Rancho Viejo was that their wastewater reuse system would be available to the school for irrigation purposes so the allocation then is not necessary for – the potable water use plus irrigation. It would just be the potable water use for inside the school. Which basically lessens the total amount that they'd probably need to be allocated from us, and that's a good consideration.

CHAIR VIGIL: Thank you, Doug. Commissioner Sullivan.

COMMISSIONER SULLIVAN: In the architects – two questions to the school district, and one is in the architect's letter of June 14, 2007 he said that based on other uses this is an estimate and in the event the enrollment significantly changes the estimate of three acre-feet should be adjusted accordingly. Could you tell me how you intend to adjust that?

MR. RAMIREZ: I do read that here but let me add that is in the event that we exceed the 600 students. The initial plan is for this phase of work to accommodate the K-6 student population, about 450 to 500 students, actually, in the first phase. What they're acknowledging here is that we may need to in fact go back and analyze water needs once that first phase is in use for a number of years. The only other model that we have is the Santo Nino facility which is our neighbor just to the north. They have consistently kept theirs to about two acre-feet of water, at least in this first year of operation, that's what we're understanding from Santo Nino. So they're just acknowledging that in the event we exceed that or that we need to review that issue, we're basically saying we need to come back and look at it again.

COMMISSIONER SULLIVAN: My question was the letter says that if you

have significant changes in enrollment, which appears is happening in many of the Santa Fe Public School schools that the estimate of three acre-feet should be adjusted accordingly. My question was how do you plan to adjust that estimate?

MR. RAMIREZ: I understand what it's saying here. It's almost a hypothetical instance where if we exceed – how can I say this? It's the architect's attempt to state that we may have conditions that may require us to relook at the water needs once the facility is in use in that first phase. How do we make that adjustment? I can't tell you at this point.

COMMISSIONER SULLIVAN: Let me restate the question. What contingencies has the school district made in the event you exceed three acre-feet, if that's approved by the Commission today?

MR. RAMIREZ: Again, what we're seeing from the models, based on two schools that have been in operation for several years now, Ramirez Thomas and Gonzales, we don't see it exceeding the three acre-feet of water.

COMMISSIONER SULLIVAN: I understand that, and there were people that didn't see Santa Fe going over 20,000 people either and we now have 60,000.

MS. GUTIERREZ: Commissioner Sullivan, if I could answer that as well. I believe if we exceeded the three acre-feet we'd have budget; we would hold that in contingency and we would purchase the additional acre-feet of water.

COMMISSIONER SULLIVAN: Okay. Thank you. That answers question one. The second question, on our fiscal impact report it's indicated that the school district is not required to submit building plans to the Santa Fe County Land Use Department, and I think what we're looking at here of course is a partnering between the district and the County. We have a very carefully considered Community College District Plan, which has architectural guidelines. We have concerns in the Community College District, particular concerns on transportation, traffic issues, as well as water. We have concerns on height. We have concerns on Night Sky Ordinance issues. We have a number of concerns on landscaping. For example, the recent charter school that went in without coming to the County violated our landscaping ordinance by placing parking in the front of the building by the roadway, so we had to mediate that issue by putting additional landscaping to block the cars that shouldn't have been there in the first place, and that additional landscaping of course created more water use.

So the point that I'm getting to is that as a part of this partnering, if the Commission would like to participate in this, are you perfectly willing to have your design comply with Santa Fe Land Use Code?

MR. RAMIREZ: Madam Chair, Commissioner Sullivan, it's important to note that the district has always made attempts to be a good neighbor and Ramirez Thomas Elementary School was that exact exercise. I was involved with that job and I actually came in front of this board for that particular project. The Santa Fe Public School District is always interested in ensuring that we partner with the Santa Fe County Planning Department to ensure that we meet all the requirements as far as height goes, as far as

landscaping and night sky lighting, but further, our design team is also charged with ensuring that it does comply with the provisions of the Community College District Plan as well. The team's already charged with that. They have a copy of that ordinance, or not the ordinance but the requirements for that district, and then also of course keeping with the good neighbor policy that the district has always maintained with the County, we will be going to the Planning Department to review the project with them. And of course, as in the Ramirez Thomas was the exercise, we made those changes accordingly with Joe Catanach. He was our contact in that particular instance. Bobbie.

MS. GUTIERREZ: Yes, Madam Chair and Commissioner Sullivan, I just wanted to add too, one of the things that our board of education has done this past year is they've created a department for property assets management and one of the key functions of the property manager will be to meet regularly with the City and County representatives, because as Eduardo mentioned we do want to be good neighbors and good partners, understand the County's planning standards, the City's, if the school's being built within the City, as well as educate about the district's planning standards and some of our requirements in terms of new facilities. But absolutely, we would comply with your planning standards around these issues.

COMMISSIONER SULLIVAN: Okay. I'm glad to hear that because I think that's important. But I think an important part of that that I'm not hearing from Mr. Ramirez is the public component of it. I think what I would like to see is presentations and submittals the way we require normally in our land use planning process. In this case they would go to the Extraterritorial Zoning Commission. You're in the EZ here I believe, and then following up as well to the Extraterritorial Zoning Authority. That allows the public to come forward. I think it's useful to have the staff contacts, but very often we miss that communication opportunity and so that I think is an extremely important communication. Otherwise what happens is they call me and they want to know, what's the size of the school going to be and how's the traffic going to be handled and I don't know. So they should know and that helps facilitate that. So is the school district on board with that?

MS. GUTIERREZ: Madam Chair, Commissioner Sullivan, absolutely. We will be happy to work with you on that and certainly I don't want you to get those phone calls. We'd be happy to provide that information.

COMMISSIONER SULLIVAN: I don't mind getting the phone calls if I have the answers but I don't have the answers because I'm not -

MS. GUTIERREZ: We will certainly work with the County staff regarding that and comply with your expectations.

COMMISSIONER SULLIVAN: Well, let me, Madam Chair, then just make clear that it appears that the school district is agreeable to complying with Santa Fe Land Use Code in the development of this school. Obviously, if there are any issues that arise from it you can do like any builder or developer does and you can come back to the County and say we have an issue and we want a variance or we want to make a modification and here's why, but we would like to be involved in that process. It is a



rapidly growing area as you well know, better than we, of course, and there's going to be other schools that we need to address – those in Eldorado and enlarged, other charter schools that are going to impact us as well. So we've got to think about what we're doing here in the context of other requests that we'll be getting, not only from your district but from charter schools as well. I think that's all the questions I had.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Quick question: Are you going to harvest water from the rooftop and collect it?

MR. RAMIREZ: Madam Chair, Commissioner Campos, yes, that will be part of our LEED program, on this LEED design. So that there will be efforts to harvest roof water.

COMMISSIONER CAMPOS: Because the County does require that. The Community College District requires rooftop collection. There are certain standards that are pretty well defined as to how much, how you do it and how much you need to collect, depending on the size of your building. So I would look at those. If you're going to be water efficient, you might as well harvest the water from your rooftop, collect it and use it. That's the only way we're going to survive in this environment if we use water as effectively and efficiently as possible.

MR. RAMIREZ: Absolutely, Commissioner Campos. We agree.

COMMISSIONER CAMPOS: And the school has to be the model. You stand out as the leader. You're doing the right thing. You're collecting the water; you're doing LEED. I think all public institutions have to be the model when it comes to energy and water usage. So I appreciate what you're doing. It's impressive.

MR. RAMIREZ: Thank you, Commissioner Campos.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Move for approval of an allocation from the economic development set-aside of County water rights in the amount of three acre-feet for the purpose of the construction of an elementary school in the Community College District, conditioned upon the development and the school being in compliance with the Santa Fe County Land Use Code.

CHAIR VIGIL: There's a motion. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second. Any further discussion? Seeing, hearing none, I just, before I call for the vote want to say thank you for addressing the critical issue we have in the southern part of our county with students and really going into the planning stages of a new school. I see this as the beginning of a long-standing relationship with our public schools because the growth issues will be in the county. And if there's anyway the County and the schools can work together to help our students beyond Land Use Code, beyond LEED certified, beyond anything that's on the books, I think I extend my partnership in working with our schools because our future is with our children.

**The motion to approve Resolution 2007-121 passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: Mr. Montano.

MR. MONTANO: I want to thank on behalf of the Santa Fe School Board of Education the passage of this resolution. We certainly want to cooperate with the County and we look forward to having a joint session with the County Commission and the school board in the near future to discuss land issues because land issues is something that is becoming important to the Santa Fe Public School District. So as the president I will be contacting you, Madam Chair, so we could set up in the very near future a meeting between the two government entities.

CHAIR VIGIL: I look forward to that, President Montano. Thank you very much and thank you for taking time in your day to be here.

COMMISSIONER MONTOYA: Thank you.

**IX. C. Discussion and Possible Approval to Enter into a Professional Service Agreement with IMPACT Personal Safety School Programs in the Amount of \$5,000 from District II Discretionary Funds (Commissioner Vigil)**

CHAIR VIGIL: Angie Estrada is here and Angie, would you mind just giving a really brief overview about this project?

ANGIE ESTRADA: Thank you, Madam Chair and other Commissioners. I just first want to thank you for your work for our county and for your dedication to the public service. For those of you who met with me to discuss IMPACT Personal Safety, and if we didn't meet, for those who were willing to review the CD about our program. So we're just grateful to even be considered. Thank you very much.

IMPACT Personal Safety, we created Project Prepare: Keeping our Children Safe as a response to requests from the schools and agencies to work with our children. So we are a non-profit that teaches personal self-defense by teaching how to set boundaries, how to communicate, how to deal creatively with bullying situations at the school and safely with those situations. How to ask for help if an adult in your life is doing something that's inappropriate, and then also teaching especially the teens how to protect yourself from situations that are harmful, like date rape and also how to protect yourself from sexual assault from a stranger.

We serve ages 6 to 18. We have served children in all of your districts in the last five years. We have served over 5500 children, women and men since 2001. Our program is research-based. It's over 35 years old and our qualitative and quantitative data shows an over 95 percent increase of confidence, an over 95 percent decrease of fear and an increase

in the practical skills that can stop an assault or stop unwanted attention.

That's the overview. Obviously, we're a non-profit. I think the last think I would like to say to help put in perspective why we are coming to the Commission this year is we have been funded by the Buckaroo Ball and we are a grantee of them, but it's every other year. And so this is a gap year and during a gap year we do look for funds to continue our programs. This year Project Prepare would like to work with 14 collaborators. We would like to serve 392 youths. We have raised funds already, so we have over \$15,000 from collaborative partners. Commissioner Vigil has put forward this resolution for \$5,000. We have \$10,000 pending in grant proposals. IMPACT Personal Safety is giving an in-kind donation of just over \$3,800. And we already have \$8,650 committed from private foundations.

So if you join us today it would be as a funder at the end of already having secured quite a bit of funds, and it would ensure that these programs would continue to serve our children here in Santa Fe County. Thank you.

CHAIR VIGIL: Thank you. Are there any questions?

COMMISSIONER MONTOYA: Move to approve.

COMMISSIONER ANAYA: Second.

**The motion to approve the discretionary funding passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: Good luck with your program and continue the good work.

MS. ESTRADA: Thank you very much. Very much appreciate it on behalf of the board and students.

**IX. D. Discussion and Possible Approval to Enter into a Professional Service Agreement with Santa Fe Performing Arts School & Co. in the Amount of \$5,000 from District II Discretionary Funds (Commissioner Vigil)**

CHAIR VIGIL: I do believe that John Rochester is here. He's the president of the board. Basically, there are two items on the agenda that I have allocated discretionary funds for that go specifically to performing arts. The reason is that there are many students out there at both Pandemonium Productions, which is item B and Santa Fe Performing Arts actually bring into their programs that cannot afford the wonderful services and opportunity for creativity that they have. So these dollars will hopefully help offset income families that are below 90 percent of income. Mr. Rochester, do you briefly want to address the Commission on this?

JOHN ROCHESTER: Thank you, Madam Chairperson and Commissioners. I appreciate you taking the time and having an interest in helping our community in such a fashion with the youth in our community. As you know, it's the most important part of our

community. It is important to note that Santa Fe Performing Arts has been in existence for 19 continuous years. We are the only professional theater arts organization in the city and county of Santa Fe specifically designed to provide for children that has been in existence for 19 continuous years and we're very, very proud of that fact.

The board has a very strict rule with our organization and that is no child is ever, ever, ever turned down from our program, regardless of need or ability to pay. As an example, during the last summer season we provided after-school and in-house sessions which were all-day sessions for the children in our community and Santa Fe County. Out of the children that were actually in our program, 76 percent were under scholarship, which meant that the majority of the children, obviously the vast majority of the children could not afford to participate in our program otherwise.

We do affect roughly 8,000 children in Santa Fe County on an annual basis through our theater arts education program, and that is the largest outreach of any children's organization in Santa Fe County. So again, thank you very much for anything and everything that you can do to help provide us these services within our community. We appreciate it.

CHAIR VIGIL: Thank you, Mr. Rochester. Any questions?

COMMISSIONER ANAYA: So moved.

CHAIR VIGIL: Motion.

COMMISSIONER MONTTOYA: Second.

**The motion to approve the discretionary funding passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: Thank you, Mr. Rochester, you please keep up the good work

**IX. B. Discussion and Possible Approval to enter into a Professional Service Agreement with Pandemonium Productions in the Amount of \$5,000 from District II Discretionary Funds (Commissioner Vigil)**

CHAIR VIGIL: And I do believe nobody is here on behalf of Pandemonium Productions. We do have some information in the packet. Pandemonium Productions is in the same category as Santa Fe Performing Arts in that they bring in students who are interested in the program and may not be able to afford it, so I've distributed scholarship money between them and Santa Fe Performing Arts for their commitment to assisting indigent families. With that, are there any questions? There is a flyer in front of you on Pandemonium Productions.

COMMISSIONER MONTTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and second.

**The motion to approve the discretionary funding passed by unanimous [5-0] voice vote.**

**IX. F. Update on Los Pinos Road (Commissioner Anaya)**

COMMISSIONER ANAYA: Madam Chair, I just wanted to get an update. I have been receiving some phone calls I know they installed some water lines. And I just hoped you would let me know what we're doing and what the schedule is.

JAMES LUJAN (Public Works Director): Madam Chair, Robert's passing out a schedule of events; I won't go through all of them About a year ago the community of La Cienega installed a water line, or it's been under construction with installation of a new water system. County Public Works, we allowed them not to replace the asphalt it was in such bad shape and we have a project ongoing. In fact it's in your packet to approval today, the funding.

So yes, Commissioner Anaya, you have received calls, but the project was not complete so we hadn't been able to go in there. But the plan is that on September 10<sup>th</sup> we'll be in there to mill the little bit of asphalt that is left and get that road in a decent shape and leave it probably over the winter. We understand that the gas company may be going back in there and installing a new gas line. So we don't want to get it paved and then - we're going to let all the utilities get out of there and redo it and we should have this project complete by late next spring. But we will keep maintain it the best we can. It will be dirt at the time.

COMMISSIONER ANAYA: James, how do we let the public know this? How do we let the people in La Cienega know what is happening because we're going to continue to get the calls and they're going to think that we're not doing anything.

MR. LUJAN: Well, what I did, I spoke to Reynaldo Romero who was the chair of that project and asked him if he could get the word out to some of the people. We'll also, if any calls come into our office - but it should be in a shape of blading so the calls should be minimal.

COMMISSIONER ANAYA: Okay.

MR. LUJAN: If we can't get to it by wintertime we would put some mag-chloride and keep the dust control down, because they are used to a paved road, but we told them that during the project it was going to be torn up and they were going to be on some rough surface for a while. But we will get it into shape that it will be passable for drainage and the like.

COMMISSIONER ANAYA: I wonder if we need to put anything in the paper.

MR. LUJAN: We could work on that.

COMMISSIONER ANAYA: Just to let the public know.

MR. LUJAN: Yes. We'll give them a schedule.

COMMISSIONER ANAYA: Thank you.

CHAIR VIGIL: Thank you, James. Thank you, Robert.

**IX. OTHER MATTERS FROM THE COMMISSION**

CHAIR VIGIL: Before we go into presentations, I do need to ask each one of the Commissioners if they have any particular matters. Commissioner Montoya.

COMMISSIONER MONTOYA: Yes, Madam Chair. I'd like to hear now a matter, XIII. B. 2.

**XIII. B. 2. Request Approval of Proposed Joint Powers Agreement Between the Board of County Commissioners of Santa Fe County, New Mexico and the Greater Chimayo Mutual domestic Water Consumers Association Concerning Joint Efforts to Construct and Replace a Portion of Its Water Delivery System Serving the Historic "Plaza del Cerro" and Adjacent Neighborhoods of the Greater Chimayo Mutual Domestic Water Consumers Association [Exhibit 1: JPA]**

CHAIR VIGIL: Please come forth and state your name for the record.

SIDNEY COOPER: I'm Sidney Cooper and I'm the secretary of the Greater Chimayo Domestic Water Association.

CHAIR VIGIL: Thank you for being here.

MS. COOPER: We don't have a presentation prepared but I'm here available to answer any questions and our lawyer, Ted Trujillo is here as well.

COMMISSIONER MONTOYA: Madam Chair, maybe I could ask Steve Ross to give an overview of this JPA. This is an allocation that had been approved previously by the BCC for the amount of \$500,000 for the purpose of constructing the water system in the Plaza del Cerro area of Chimayo in Santa Fe County as part of the greater mutual domestic's request. Steve has worked with Ted Trujillo in putting this together and we can maybe get an overview of where we're at right now.

CHAIR VIGIL: Thank you. Mr. Ross.

STEVE ROSS (County Attorney): Madam Chair, Commissioner Montoya, members of the Commission, if you recall, I think this agreement was before the Board in February or March earlier this year, and at that time the agreement - I believe it was for a joint project with the Greater Chimayo Mutual Domestic in the amount of \$1.4 million. As you recall from the discussion some six months ago there wasn't enough money in the County coffers to fully fund that project and the agreement was not approved at that point and we've been working with the association ever since to try and narrow the scope of the agreement so that the funds available that the County has, which is some \$500,000 can be put to productive

use.

So the agreement that's in front of you is the product of those efforts. You'll see that the agreement is interlineated with the changes from the last version. The primary changes are to drop the funding assistance from \$1.4 million to \$500,000 and to trim some of the joint projects that could be accomplished with the funds. I understand that since we had that discussion some six months ago that the association has cobbled together some additional funds. I believe that almost everything that was intended to be done, constructed as a result of the first agreement will be constructed once this agreement is entered into. I believe they've obtained some additional funds from the Water Trust Board and there may be some funds left over from the previous project with which to do almost everything that was originally contemplated except for the water tank.

So just really quickly going through the agreement, it focuses on the Plaza del Cerro, the Santa Fe side of the mutual domestic. It extends quite a way into Rio Arriba County also. What will happen will be that the continuing process of replacing water lines throughout the service area of the mutual domestic will continue so the water lines, wells, storage tanks, main and secondary supply lines, meters and fire protection will all be upgraded in connection with the project.

In addition, new lines will be installed in this area that we call the Plaza del Cerro, which is of course the neighborhood on the Santa Fe side that has no water service at this point. In conjunction with all that work fire hydrants will be installed and fire protection will be available in Chimayo I think for the first time.

As is typical with these types of agreements, all the improvements that the County assists in the funding of will be jointly owned by the association and the County in proportion to respective contributions to the system. So the County would own the improvements it helps fund, will be also responsible for, obviously, a capital repair of those assets, and will be responsible for proper disposition of those items pursuant to state law with the association.

Once again, if you look at page 5, you'll see that the amount of the funding has been reduced from \$1.4 million to \$500,000, but as I stated earlier, it is believed that this amount of funding will enable us to perform most of the improvements that were identified six months ago.

The agreement also provides that if additional funds become available, I suppose from whatever source, this agreement could be amended to provide for additional capital improvements. For example, the tank project that's not going to be able to be done could be funded later and it would require a simple amendment to this agreement. Again, as I think I described to you six months ago we'll have a technical committee that will be formed by this agreement, and the purpose of the technical committee is to keep the lines of communication open between County technical personnel and personnel of the mutual domestic to address technical issues, fire flows, things like that, and also to keep the administration of the County apprised of the needs of the technical and needs of the system.

Once again, the association is responsible – if you take a look at page 8 – for all the costs of the day to day operation of the system and the County is not obligated in any way to

contribute to those. But since we will own parts of the system we will of course be responsible for capital repair and replacement costs, with the association, for those needs.

There is one change that was recommended by the association since this went to press. If you'll take a look at the handout that you just received. There is a recommendation on the bottom of page 9 that would include an additional paragraph 13.4. That paragraph obligates the County to meet with Rio Arriba County from time to time to assure that land use policies of the two counties are compatible as it relates to the association service area. Mr. Trujillo is here. He made that suggestion and I think he can explain what he intends by that paragraph.

Other than that it's a pretty standard agreement. It's one you've seen many times before as we've been negotiating with various mutual domestic and other water systems to assist them with their needs.

COMMISSIONER CAMPOS: Madam Chair, I would like to understand paragraph 13.4 on page 9, if Mr. Trujillo would like to address that and explain what it means. Appreciate that.

TED TRUJILLO: Ted Trujillo, attorney for the Greater Chimayo MDWCA Madam Chairperson and Commissioner Campos, basically – most of the Commission here I think probably recalls that there is a public law, 108-354, which provides for regional work in transmission line that would go from the City of Española through Cuatro Villas, which is almost entirely in Santa Fe County and into Greater Chimayo. Part of this project, which is now ongoing, also includes a water system outside the City of Española called Agua Sana. Agua Sana is a potential provider of water for parts of the City of Española, which of course also is in Santa Fe County, and also potentially for Cuatro Villas.

We've had about three meetings in the last six months and one of the things that does come up is that when we're doing inter-county discussions that we have to be mindful that we have different Land Use Codes in both counties. So I think the concern we have is that we would be able to obtain the participation of the County of Santa Fe in the event that we end up getting into discussions about potential conflicts in land use coded between the County of Rio Arriba and the County of Santa Fe, when we are dealing with this regional discussion.

I can't tell you that there are any on the horizon that I'm aware of but I think the caution was that we should have some mechanism to provide for that possibility.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I really don't understand. It seems to be very general and it tries to assure that the two county land use policies will be compatible. I'm not sure you can do that. I need more specific examples to make it concrete in my head.

MR. TRUJILLO: Well, I could probably give you some specific examples, but I think one of the issues that we can look at is that if we don't address it in the JPA we could certainly address it in the context of the joint planning that's going on now under the public now 108-354 anyway. So there's more than one way to approach it. But the County is also looking – for example the County of Rio Arriba is looking at allowing greater density for development throughout the county where the landowner can show that he's using a stage 3 wastewater treatment facility. The purpose of that of course is to get a better development in



that respect so that we don't use more land than is necessary for housing, again when the homeowner is committed to going towards an advanced treatment system.

We're not sure – and in Chimayo of course, literally half of Chimayo being in Rio Arriba County and the other half in Santa Fe County, we're going to end up with situations where we may have to have discussions about whether or not that kind of advanced treatment system would be permissible under the Land Use Code of Santa Fe or not. And if it isn't, then we just have to deal with it at that point in time. That's one example that's potentially an issue.

COMMISSIONER CAMPOS: I understand. I think there's a potential – I think there's a need to have a discussion with Rio Arriba County, clearly, but I don't see how you can assure that the policies will be compatible as they relate to the service areas in both counties. I'm not sure what that means. I'm not sure you can do that by agreement. I'm not sure I would even want to do that, because it's going to require direct conversation with two counties to come up with some land use ideas that will work on the borderline there.

MR. TRUJILLO: I think that that's a fair observation. I think maybe if the Commission were more comfortable with maybe eliminating that language for the time being and allowing the public law 108-354, which the County of Santa Fe is already involved, to maybe be the form for testing those sorts of potential future issues. That might be a better choice. I don't think it's absolutely critical to the JPA in any way. We could also consider amending the language so that it doesn't require something that in fact is not really possible under the land use systems of the respective counties. But I would leave that policy choice for this Commission.

COMMISSIONER CAMPOS: Mr. Ross.

MR. ROSS: Madam Chair, Commissioner Campos, what I believe this means, I believe what's intended, is to ensure that should, as a result of all this technical work, increased densities be possible in the Chimayo area, that we consider, when we're making these important land use decisions, both us and Rio Arriba County, that we consider whether the system continues to have the capacity to serve the existing residents and new residents that might be considered by application of respective land use policies. So an example could be, if this system, because it supplies water to the Chimayo area more reliably than prior systems did, if that fact permits under our Code increased densities beyond which the system actually has the capability to serve, that could be a problem. So if we approve a major subdivision that hooks up to this particular water system and those additional thousand customers in fact imperil the ability of the water system to provide water in the first place that would be a problem. That's what I interpreted this paragraph initially to mean, that we need to be cognizant of that fact and maybe do some planning in the area, maybe even joint planning to take a look at that.

I understand – I just talked to Mr. Abeyta about it and I understand there hasn't been any planning in that area. We don't really know what the folks want and what the future plans might be for the area. But certainly if you bring water to an area you bring also the possibility of increased density with of course the possibility of increased traffic and all kind of other things that may be undesirable to the people there and further affect our ability to provide services in the area.

COMMISSIONER CAMPOS: It's an important question that's raised, like you say, any time you take more water or provide a water system, you're going to have people arguing that they have rights to greater density perhaps. I'm not sure how that works with community water systems, where they control their own water system and they control, I suppose, who taps into the water system. I'm not sure. It's a public entity so it has to be done equitably in some way. So if a major developer went in there and said I own 100 acres and I want access to your water system - these are major issues. I don't know if folks are prepared. Certainly I don't think we're prepared to deal with those issues right now. I don't feel comfortable with the language. I do think we have to have some joint planning, but as you noted, Mr. Ross, water isn't the only issue for density. Many other issues are related to that question as to when you have greater density or not. It certainly going to raise some big issues for demands on that water system by developers who buy in and want access to your system. That's a concern. I'm not sure that this language addresses it for me. If there's other language I'd consider it.

MR. ROSS: Madam Chair, Commissioner Campos, I just scribbled some other words on the paper. We could have it say that the County of Santa Fe will meet with the County of Rio Arriba from time to time to assure that the two county land use policies are compatible as they relate to the association's capacity to continue to serve existing customers, or something like that.

COMMISSIONER CAMPOS: I don't like the word "assure". I think that complicates it. I think we need to meet to discuss, but this doesn't have to be in this agreement, I don't believe.

MR. ROSS: Commissioner Campos, I don't know that it absolutely needs to be in the agreement either because I think we're going to do that whether it's in the agreement or not. I think there's an increasing amount of cooperation in the north about all these issues. So I don't think it's necessary to the agreement but the association wanted to address the issue somehow in the agreement so we could certainly change the word "assure" to "study".

MR. TRUJILLO: Commissioner Campos, I think that that's not a bad suggestion. Study or assess, without any commitment that the two counties actually have to come to an agreement. I think that's your concern there.

COMMISSIONER CAMPOS: You can't require the two counties to come to an agreement.

MR. TRUJILLO: That's correct.

COMMISSIONER CAMPOS: It's two legislative bodies ruling on an issue. You can't compel them to do that. You can ask that they cooperate or something rational.

MR. TRUJILLO: Right. So I think basically we could just eliminate that one word there and just make it an offer that these two bodies will meet on these issues.

COMMISSIONER CAMPOS: And we can't compel Rio Arriba because they're not here; they're not a party to this agreement. But I think that's something we need to do anyway as Santa Fe County.

CHAIR VIGIL: Anything further? Steve, are you working on some amended

language? In the meantime, while you are, to give you some time, I'll have Commissioner Sullivan ask a question.

COMMISSIONER SULLIVAN: My questions are going to go to him anyway so we better let him finish his language first. My questions, Madam Chair are on page 8, regarding paragraph 11, Operations and Maintenance of the System. It appears to me that the association will bear the cost of day to day operation of the system, including but not limited to electrical costs associated with the well owned by the association and its related infrastructure, pumping to fill the storage tanks, maintenance of water rights, new capital expenditures and permitting. It then goes on to say that the parties hereto will jointly bear the expense of routine maintenance of the improvements described herein and jointly bear the cost of capital expenditures related to the improvements described herein.

Now my problem is with the phrase "improvements described herein". If you go back to page 3, that's where the improvements are described as best I can tell, and a portion of page 4, and it's very general. It says we might build an eight-inch line or we might build a 12-inch line, and we might loop it if funds permit. We might build meters. It doesn't say how many fire hydrants and so forth and so on. It just says essentially we're going to build some portion of the water system. So what does the County then have the obligation to participate in the maintenance and capital expenditures of? The entire water system? Or just the improvements that Santa Fe County funds with \$500,000?

MR. ROSS: Madam Chair, Commissioner Sullivan, it would only be the items that are subject to joint ownership.

COMMISSIONER SULLIVAN: So at some point in time, because it's not specified in this JPA, we're going to agree that Santa Fe County is joint owner of ten fire hydrants and ten meters and 3,000 feet of water line? Is that the intent, that we're going to have an Appendix A here or something that's going to show what all these improvements are that we're joint owners of?

MR. ROSS: Madam Chair, Commissioner Sullivan, I believe that's one of the three appendices to the agreement, which unfortunately are not in here. But the engineering firm is going to have to tell us which items are subject to joint ownership. It would have to be an attachment to this agreement or there could be confusion in the future. You're right.

COMMISSIONER SULLIVAN: Okay, so once we've decided that here's \$500,000 worth of improvements that we're joint owners of, then what does "jointly" mean? Fifty-fifty?

MR. ROSS: Fifty-fifty.

COMMISSIONER SULLIVAN: Okay, so let's make it simple and say we own a mile of water line. The maintenance and capital costs related to that mile of water line as they arise, if there's a break or it needs some repairs or something, would be shared 50-50 between the Chimayo Mutual Domestic Water Consumers Association and Santa Fe County.

MR. ROSS: Right.

COMMISSIONER SULLIVAN: And this technical committee would make recommendations with regard to the maintenance and capital improvements needed. As I recall

that committee was two and two. Two from the association and two from the County. So they would have to be in agreement that these improvements were in fact needed. Is that right?

MR. ROSS: That's correct, yes.

COMMISSIONER SULLIVAN: Because you can always say, well, it would be nice to have some feature, and then the question is is that a necessary improvement or is it a nice-to-have improvement? And if that is approved by this technical committee, then the County is obligated to pay the 50 percent share. Is that correct?

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: So there's no appeal from either party, Chimayo or the County if this technical committee of four persons says we need to replace this part of Santa Fe County's infrastructure that comprised the \$500,000. It's done. Santa Fe County is obligated to do that.

MR. ROSS: So long as Santa Fe County budgets for the expenditure.

COMMISSIONER SULLIVAN: Where does it say that?

MR. ROSS: It's in the Bateman Act, state statute.

COMMISSIONER SULLIVAN: Oh. So we have to know - we obviously should know ahead of time so that the County Manager can put this in his budget to say, oh, remember that JPA we passed five years ago? Well, now we need to put a whole new water line in and that's going to cost a million dollars, and so we pay half and they pay half.

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: And we have to put it in our budget, and as long as the technical committee approved it, we're obligated to that.

MR. ROSS: Unless you for some reason refuse to fund that improvement. Then the Bateman Act would take precedence, would govern over anything that's in the agreement to the contrary.

COMMISSIONER SULLIVAN: So if the Commission felt there were compelling reasons, i.e., finances, that we couldn't fund that, it wouldn't violate or void the JPA.

MR. ROSS: No, it would not.

COMMISSIONER SULLIVAN: Okay. I'm just trying to see what the future Commission's options are in the event times get tight and we have to juggle a number of priorities.

MR. ROSS: That's right. It's the same as maintaining a road. If you decide not to repave a road even though it's really deteriorated, you're under no obligation to maintain your own property. It's a basic tenet of law in New Mexico. If there's not money available and you refuse to appropriate then whatever obligation there is is negated.

COMMISSIONER SULLIVAN: Okay. So my main question I think has been answered, Madam Chair, is that we're going to have a better description in the final agreement of what the improvements described herein consist of.

MR. ROSS: Madam Chair, Commissioner Sullivan, it will be in an attachment.

COMMISSIONER SULLIVAN: It will be in an attachment so we'll know

exactly whether that's our responsibility or not.

MR. ROSS: Exactly.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

COMMISSIONER MONTOYA: Madam Chair, just on that point. That was included in the packet that we initially had before we cut it back from \$1.4 million to \$500,000. If you want to put it back to \$1.4 million, that would be good.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: There are a lot of issues that concern me about the way this thing is drafted. I'm not sure. Last time we discussed this my idea was that mutual domestics were probably an outdated way of doing business because they've proven themselves to be fairly inefficient, and that we needed a regional way to deal with water service in rural areas that was more effective and involved the County. That issue hasn't been addressed at all. That big picture idea has not really been looked at.

And then the issues that Commissioner Sullivan raised are interesting too. Why should we be committed to maintaining and repairing lines when that is really – that should come out of the rate base. The customers should be paying in to maintain and repair their own system. And why should we commit ourselves to any improvements? We have no controlling interest in this? Why should we at this point commit ourselves to improvements to the system if the technical committee votes to do it, money comes out of our general fund. We have no control in this system. We haven't addressed the big picture question on how in the future we're going to deal with domestic water deliveries. I do believe that mutual domestics are outdated. They fragment. They fail, time and again. They need management somewhere and it's not a great vehicle. And we're investing in this vehicle. And I see we have a need to invest, but I think we have to look at it from a different perspective, from the perspective that the County has to play a role in delivery of water to rural areas and mutual domestics aren't the right vehicle.

We had this discussion – I think there was a lot of consensus at the time we had this discussion in the spring. It seems like we're ignoring that consensus or those ideas at this point. And really what we're trying to do, I think the bottom line is we're just trying to give \$500,000 and avoid the – what are we trying to avoid? We're just giving them \$500,000 to do x, y, and z. Why do we need all this complicated agreement if we have no control? If we're not looking at the big picture solutions to water delivery in rural areas. Why do we need all this? Just give it to them.

MR. ROSS: Madam Chair, Commissioner Campos, we don't have statutory authority to gift. In fact we don't have statutory authority to gift anything to a mutual domestic. In fact the statute is very clear that we do not have that.

COMMISSIONER CAMPOS: That's why we have that is agreement, right?

MR. ROSS: That's why we have such a complicated agreement. That's why we have an obligation to maintain what is our property to make it clear that this is not a gift; this is a joint venture.

COMMISSIONER CAMPOS: The maintenance issue, Mr. Ross, is really for the ratepayer. I hope they're going to charge rates so that they can pay for the repairs and the

maintenance of their system. They're the users and that's a mutual domestic and they have control. I just don't see – the second issue, we shouldn't be committing to improvements of general fund monies to a technical committee. It's not our system. We have no control. It raises more questions than it answers to me.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One way perhaps, Madam Chair and Commissioner Campos, that we could answer that is that we could select the components in the system that are regional components. And I'm thinking for example, let's say there's a 12-inch line that's mentioned generally in here. I don't know where it goes or where it comes from, but let's say that through our staff and the engineer for the district, we should identify that line as being a component of a future regional system, a pass-through line, a line that would serve more, more than just the Chimayo Mutual Domestic Water Consumers Association.

Now, what that means is maybe that 12-inch line might have to be 18 inches, because we're looking ahead to the future and we know we need to serve some other areas on the other end or something of that sort that would tie into the County system. But if we could identify the components of the project, which are truly regional components and assess the project regionally, not just is it big enough to serve Chimayo, but is it big enough to serve where we're going to go in that area in the future. Identify that line and say this line is ours, jointly. This is a regional line. And this makes good sense, because we want to get from A to B in the future and we're going to go through Chimayo to get there. And by the way, the line needs to be a little bit bigger than you've designed it because we're going to be pushing more water through it. This may deal with the Aamodt settlement; it may not. But I'm just thinking that we should address those problems that Commissioner Campos is raising by saying we're not investing in a mutual domestic, per se. We're investing in a water distribution system and a water storage system that is a part of our regional system, however the staff defines that.

There's lots of places where we can start piecing together components of this regional system. I think that would keep us clean. I think that would say we have a regional component here. This is the one we're partnering with Chimayo. I wouldn't see meters as being regional; those are local. But I would see main lines, main storage components as being regional components. And if we stuck to that I think we'd have a better justification for saying what we're doing here is investing in a regional system. Does that make more sense, Commissioner Campos?

COMMISSIONER CAMPOS: Makes sense to me.

CHAIR VIGIL: Mr. Ross, do we need to relook at this JPA to include some of the discussion that we've had, or can we include this discussion and take action on this JPA?

MR. ROSS: Madam Chair, members of the Commission, I suppose it's theoretically possible to do what Commissioner Sullivan suggests and use this form of agreement. I think what we'd have to do is identify those regional components more specifically through the engineering firm and include it in the attachments. Then you could continue to use the same form of agreement and therefore pass it today if you were so inclined. If we wanted to

incorporate those concepts in the text of the agreement it would need some amendment.

CHAIR VIGIL: Okay.

COMMISSIONER SULLIVAN: I think, Madam Chair, excuse me for butting in again so as not to lose my train of thought. I think maybe – I would like to see this move forward is where I am on it personally.

CHAIR VIGIL: Would you care to make a motion?

COMMISSIONER SULLIVAN: Well, before I get there I need some advice from staff. I think we need – where we talk about – we don't have any definitions in this JPA. And one thing that we need is maybe it's a definition of regional improvements and we could then say that the improvements funded herein shall constitute regional improvements, and then work that out. We don't have all those answers now. We've got to work that out with the engineer and I'm comfortable letting the staff and the engineer work that out. But I don't think it would include all of those things that we have in here such as meters and other components which are more localized components. If there's some way that we could simply come to an understanding of that without trying to wordsmith the agreement here I'm comfortable with moving it forward because I don't think we know what now or even next month, what those regional improvements would be unless you've got a handle on it.

MR. TRUJILLO: Commissioner Sullivan, I think you raise some very good possibilities for addressing this, but I don't think it can be addressed at this point in time for the simple reason that once the funding package is put together it will of course go out to bid. The bid packages will be reflecting those prior exhibits that we had pass by this Commission. Of course when we get our response to those bids it becomes [inaudible] You can picture it at that point in time. So I think what happens is we'll have to track it and then the technical committee I think would be in the position to be able to isolate a regional component that's actually going to be built and then by amendment to the JPA, I'll go ahead and include it in at that point in time with the concepts that Commissioner Sullivan and Commissioner Campos are talking about, just making sure that we isolate these things in the proper form. But I don't know that we can do it in advance of actually going out to bid.

COMMISSIONER SULLIVAN: Let me make a suggestion, Madam Chair, as much as I don't like to wordsmith, let me wordsmith. On page 3, 1.1, suppose we said the County and the Greater Chimayo Mutual Domestic Water Consumers Association agree to jointly improve and upgrade the regional components of the Association's system which may include wells, storage tanks, main and secondary supply lines, meters, fire protection system and other components of the Association's system. So I'm not taking anything out, I'm just saying that we're agreeing to improve and upgrade the regional components and that they may include all of those things. I'm not even deleting the meters. I'm just saying leave that in, because you also have master meters and things like that. There's other kinds of meters other than just house meters.

So, herein referred to as the system. Would that, Mr. Ross, give enough direction?

MR. ROSS: Madam Chair, Commissioner Sullivan, you might want to take a look at paragraph 1.2 as well. Would it make sense to make a similar change to 1.2 in that?

The water supply lines that I'm aware of, some of them are maybe distribution lines and some of them may be transmission lines. It's hard to tell. But I don't know that the distribution lines would necessarily be part of a regional system.

COMMISSIONER SULLIVAN: Does it talk about distribution lines at one point too?

MR. ROSS: No, but the water supply lines are, at least in the Plaza del Cerro area, larger distribution lines, local distribution lines within that neighborhood. That was the immediate need that kind of led to this agreement was addressing the needs of that neighborhood. It depends on how big you think. If you think that eventually this whole area is going to be served by one single regional entity, the distribution lines would be part of that picture.

COMMISSIONER SULLIVAN: It's a good plan. I'm just not familiar enough with the overall plans to know what that would include. When you're talking about 8 and 12-inch water lines, you're not talking about local distribution lines.

MR. ROSS: You wouldn't seem to be, would you?

COMMISSIONER SULLIVAN: You talking about pretty big hummers there. Those are pushing a lot of water. I think of a distribution line being a six-inch line, maybe an 8-inch line, but when you start looking at 12-inch lines you're serving more than a couple of people around Johnny's Grocery. We could add regional in there again, if you wanted.

MR. TRUJILLO: Commissioner Sullivan, I think if you did add regional again that would be appropriate but I did want to point out the 12-inch line was cited as part of the regional system under public law 108-354 that's supposed to tie into the City of Española and there are portions of that line in Santa Fe County that have yet to be built, in particular, along the Juan Medina Road, which is the County road that passes by the Santuario and then ends up tying into State Road 76.

COMMISSIONER SULLIVAN: That would be a part of the \$500,000 that the County's -

MR. TRUJILLO: Yes. That would be one of the parts of the project that we were talking about building in this next phase from the County's \$500,000 and additional monies that we have from the Water Trust Board.

COMMISSIONER SULLIVAN: So it sounds like we've got some regional components that will sort of tie into this system that will connect to Española and Agua Sana and Chimayo. That's what we're ultimately looking at is to get this all economically tied together so we can support each other in times of drought and encourage water conservation.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Trujillo, is the City of Española planning to use this 12-inch line? Is it going to run water through it?

MR. TRUJILLO: The City of Española is looking at possibly being a supplier of bulk water in a regional system, except they're at the present time rethinking their position on the filtration plant by the Rio Grande which was something they had been working on for six or seven years and now I'm not sure if they're actually going to go in that direction or not, but



there's commitment to being a partner in the regional system, still what it was before. It's still good. But there have been some changes and they're thinking as to how they're going to obtain the waters they need.

One of the possibilities that's also being looked at – it's a feasibility study at the current time is that it might be the basin below the Santa Cruz dam could be a better place for producing water on a regional scale than the Rio Grande itself. That's one of the questions we're going to be answering here in the next eight to twelve months. The water supply there is of a very high quality and there may be sufficient quantity to serve a regional system, right in Chimayo itself. And of course more water would be produced there than the community could handle. So the regional line is still and has been from the beginning and important part of this project.

COMMISSIONER CAMPOS: Just some comments. I don't think I have enough information as to what's going on in the area as far as the City of Española trying to bring water, take water, become a deliverer of water. I think we really do need a new agreement as opposed to just trying to change a few sentences in this agreement. And three, I'd like to have some input from staff on the big picture issues that I raised earlier about water delivery to rural areas. This agreement doesn't advance that cause of that discussion or that goal. It satisfies the needs of a mutual domestic system. I agree they need the money, but I think we need to do some thinking – water lines, main lines, regional lines. We don't know what they are. We don't know what the thinking is out there. We've never had a presentation. It just raises more questions I think than it answers for me.

CHAIR VIGIL: Anything further?

COMMISSIONER MONTOYA: Madam Chair, this agreement has been hammered out a few times already and I think the comments that have been previously brought up have been attempted to be incorporated here. The involvement piece of it. We're involved in it for the reason that has been brought up and that's that a lot of times mutual domestics do not have the capacity to be able to address a lot of these issues. That's the reason that we're going into this thing jointly and then we're participating in it and being a true partner in it. I think some of the discussion that's come out today has been contrary to what previous discussions have been in terms of what has been put before us to act on today. A lot of the information in terms of attachments, etc. have been given to us. Staff, where are we at?

I appreciate the critical thinking and everything that goes into this but I think there's also the critical aspect of getting people water to drink. The bottom line is people need water to drink.

MR. SAYRE: Madam Chair, Commissioners, I understand your points, looking at what the concerns are here. I think if this agreement can address being part of the regional system, I think that would be a good step forward. We had a meeting yesterday in Española, to meet with Española and to talk about how this all can be integrated into one system that basically goes up, connects in at 76 and I believe it's the County road that goes by from the Dreamcatchers down over there, and we would connect into the Española system there. It would go up 76. It would furnish water to all of the Cuatro Villas as well as going on up to

Chimayo, and we're looking at how we can integrate that with the various funding agencies and also the mutual domestics that we're involved in.

We're trying – we met with Española to try to say, okay, how do we need to address something. I think one of the things that we need to do is probably a JPA with Española to look at how we can do that. I think that's forthcoming in the discussions that we're having and I see that happening. So I think the regional plan is being developed so that we can do this. I do understand that there's a degree of let's get something going. Cuatro Villas wants to do that also. I think Chimayo wants to go and do that. Somebody needs to move and start spending the money because it's been sitting there and it hasn't been spent and this is especially the case with Cuatro Villas.

So I think maybe we can try to address that at the next meeting. We'll try to give you some regional plans of what's going on. But another partner in this could be Santa Clara. We were going to try to address Santa Clara providing some water, especially at Sombrillo. It could go towards Sombrillo and down towards Arroyo Seco. We see that as a part of the regional plan. So you're right that you probably don't have the full picture but I think you need to look at could this agreement be patterned such that we can look at at least addressing this initial situation because that money is being well spent to upgrade the system in the Chimayo area as I see it, Madam Chair. I hope that answers some of your questions.

CHAIR VIGIL: Anything further? Pleasure of the Commission?

COMMISSIONER MONTOYA: Madam Chair, I would move for approval of this joint powers agreement with the conditions that we do look at this as a regional system which as Doug has described we're working on and working toward right now. And I would also, not as part of the motion, but ask that we do get a presentation on what's been going on regionally here, because there's been a lot of work that's been going on and it probably would behoove this Commission to become apprised as to exactly what's happening and where we're at because this Commission and future Commissions will be involved with a regional water system at some point. So I move for approval with those provisions of regionalism.

CHAIR VIGIL: And there was some discussion with regard to item – the language on page 9. Does your motion include clarifying that, based on the discussions that we've had?

COMMISSIONER MONTOYA: I believe the issue was just to delete it, is that right?

MR. ROSS: Madam Chair and Commissioner Montoya, we could delete it or we could amend it. I've worked up some language that might serve, as well as a definition of regional components.

CHAIR VIGIL: What is the language?

MR. ROSS: The language for that additional paragraph we were talking about that I quickly whipped up would say The County agrees to continue to participate in the ongoing regional planning efforts with the City of Española, Rio Arriba County and others, and through these efforts continue to study the County's land use policies, the land use policies of adjoining counties, particularly as they relate to the associations capacity to serve existing

customers.

CHAIR VIGIL: Would your motion consider that?

COMMISSIONER MONTOYA: Yes.

CHAIR VIGIL: Okay. There is a motion. Is there a second?

COMMISSIONER SULLIVAN: Madam Chair, let me second for discussion.

CHAIR VIGIL: Second for discussion.

COMMISSIONER SULLIVAN: I'd like to understand where that part that Steve read – is that a modification to 13.1? Or is that a new 13.4?

MR. ROSS: Madam Chair, Commissioner Sullivan, that would be a new 13.4.

COMMISSIONER SULLIVAN: Okay. Because it sounded like 13.1.

MR. ROSS: Well, it does. Actually, that's correct. I'm not sure we need 13.4 after looking at 13.1. I haven't looked at that in a long time. That's very general and addresses just the very points that I just read.

COMMISSIONER SULLIVAN: What you just read was the first half of 13.1. I would wonder whether we needed that. And what definition did you come up with for regional?

MR. ROSS: Since we're using the words regional components I thought we could have a definition of that phrase that basically says that those items that are subject to joint ownership under the agreement and that are capable of providing water service on a regional basis.

COMMISSIONER SULLIVAN: And that would presume that we made the changes to paragraph 1.1?

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: Okay. Which I think so far is not in Commissioner Montoya's motion. I would still be supportive of that, even though 1.2 is a little bit confusing, with the intent being that when we define in the appendix what those improvements are that the staff is in agreement that those are regional improvements. And that definition would go where? Would that go prior to paragraph 1?

MR. ROSS: Madam Chair, Commissioner Sullivan, that would be the logical place for it, to be a new paragraph 1, but to reduce the confusion to the level possible, it may make sense to insert it at the end so the numbering isn't disturbed and make it a paragraph 30.

COMMISSIONER SULLIVAN: I would just suggest, Commissioner – I understand the intent of your condition. I think it would be better if both parties had something written in the agreement that had the word regional in the actual JPA that we could tie our wagon to. Do you have a problem with that amendment to 1.1 and the definition of regional?

CHAIR VIGIL: You're posing that question to the maker of the motion? Commissioner Montoya.

COMMISSIONER MONTOYA: As stated earlier?

COMMISSIONER SULLIVAN: Yes.

COMMISSIONER MONTOYA: The regional components of the association's wells, which may include –

COMMISSIONER SULLIVAN: Which may include, and then everything is the

same thereafter.

COMMISSIONER MONTOYA: I don't have a problem with that.

COMMISSIONER SULLIVAN: And then you'd be okay with the definition of regional?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER SULLIVAN: Okay. Well then my second is fine.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Question for Mr. Trujillo. As far as the \$500,000, how soon do you need it? If we didn't make a decision today but had to table it for the next meeting, would that work for you?

MR. TRUJILLO: It probably would work for us. We still have some work to do on the design, but of course we're trying to get out to bid here fairly soon. But I think we could certainly wait another 30 days.

COMMISSIONER CAMPOS: I would move to table so we could rewrite this agreement, consider some of the concepts that were discussed this meeting, both big picture and relative to maintenance of the system and who pays for that, and who pays for the improvements. I don't think the County should make a commitment to that at this point without further analysis. I think if we acted in 30 days it will be timely and we'll get this thing done in the right way, this contract. You can change a couple of things that if we start reading again in six months it may not make a lot of sense. It makes some sense today but in six months it may not. It may be just a very confusing document with things that really aren't or shouldn't be there.

CHAIR VIGIL: There's a motion to table. Is there a second? I will second it. I actually think this has been a challenge. Unfortunately, you all are sort of a test case with regard to allocating these monies, but I think we do have to have further clarity in terms of how these dollars are allocated, what responsibility the County has, where in fact a regional project will be applicable, and nail those down. We want to be able to help you out but we also want to make it really clear to future Commissions, both in Rio Arriba, Santa Fe, the City of Española, that this is what was intended with these dollars and this is where everybody's responsibility lays. So with that, I guess we'll vote on the motion to table.

**The motion to table passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: Hopefully we can get further clarification at our next meeting on that. Thank you, and thank you for your patience with us.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me just say I think we've come up with some ideas and some good language here. I think we're 95 percent of the way there. I support this project. I support what the Association is doing, taking the lead out here. I support what the

staff is doing in looking at how we tie these all together on the north side. This is all going in the right direction, so don't go home and say they turned us down again. The third time is the charm. Did you want to make a comment?

MS. COOPER: May I make a comment, Commissioner?

COMMISSIONER SULLIVAN: Sure.

MS. COOPER: I've been on two water associations in Chimayo for 14 years just trying to serve our people and get them water and I can't agree with you more. The last thing I want to do is spend the rest of my life on our little water association. We're absolutely looking towards the future. We believe in regionalization. Right now, we're doing what's available to us. But I think absolutely it requires more study. I bet every single mutual domestic would be happy to send a representative to a conference or a study group on this issue.

What with bookkeeping and all different kinds of ideas but in the short term – as you might remember, we had all of those fires in Chimayo where houses burned to the ground. I think fire protection is absolutely a regional issue. We had trucks coming from Española, coming from Pojoaque with not enough water and not in enough time. So I think certainly in our engineering plans we do have massive transmission lines and really fantastic fire protection so I think we're not disappointed. This is really an important issue and we'll be ready when you are. So thank you very much for your consideration.

CHAIR VIGIL: Thank you. We will hopefully get that on the next agenda or the next available or possible agenda so we can move forward. Thank you, Commissioner Montoya, for taking care of this water association. I have to say this has been a learning curve and I have actually learned how I can assist my community in this. I want to know how many members of the Commission have items under Matters from the Commission. We are close to 12:00 and if we all have items – what I'd like to do, Commissioner Anaya, before we do that is we have staff here. It is now 12:00. Could we go into presentations of employee of the quarter, because we also have other County staff who want to participate in that, and then we can go into Matters from the Commission.

## **X. PRESENTATIONS**

### **A. Employee of the Quarter**

MR. ABEYTA: Thank you, Madam Chair. I'll let Paul Casaus with E-911 present the Employee of the Quarter Award.

PAUL CASAUS (E-911 Supervisor): Madam Chair, Commissioners, Mr. Abeyta and staff, my name is Paul Casaus and I'm with the E-911 addressing section, and I am here today to recognize and congratulate Socorro Ojeda for earning Employee of the Quarter. I have know Socorro for over 20 years. We were classmates; we are now co-workers and are long-time friends. Socorro has been working for Santa Fe County for 12 years and in those 12 years she has been dedicated to the same department. For the past three years she has efficiently been working for IT, GIS and 911, doing all the purchasing, travel, phone bills, ordering,

mapping and greeting. At work as well as out of work Socorro has a certain presence that can brighten your day, make you laugh, feel comfortable and be happy all at once.

I can mention several reasons as to why I feel Socorro earned Employee of the Quarter, but I think anyone that either knows her or meets her can see why she truly deserves this. I hope that all of her co-workers that do not know her get a chance to meet her or interact with her, because she truly is a wonderful person and the glue that holds our department together. So on behalf of E-911, GIS, IT, we want to thank Socorro for her dedication, hard work, and time.

CHAIR VIGIL: Thank you, Paul. And I do have a certificate that I would like to read for the record. This is the County of Santa Fe, in recognition of Socorro Ojeda for Employee of the Quarter, by the order of the Commission. We have a certificate that recognizes and is approved by the Board of County Commissioners to you. With that, I'd ask for the Commission to stand up and applaud Socorro on her recognition. Socorro, we're going to give you this and then we'll give you an opportunity to give your speech. There are Commissioners who want to address her and then she will respond. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to thank Socorro for all the hard work she'd done here at Santa Fe County. Every time she answers her phone she's very polite and welcoming to the people that are calling her. So thank you very much. She does live in the big town of Stanley, New Mexico. Congratulations, Socorro. You've done a fine job and keep it up.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd like to echo that and congratulate you, Socorro. Thanks for all you do for Santa Fe County and at least for the next 3 ½ years look forward to continue working with you.

COMMISSIONER CAMPOS: Good job, good work, recognized. It's important that we do that and it's important that you're here today. I thank you for everything.

COMMISSIONER SULLIVAN: Thank you too, and I think by accepting this award, you probably didn't read the back of the award. That was a commitment for five more years with Santa Fe County. We just wanted to point that out. Congratulations.

CHAIR VIGIL: And Socorro, I just want to say, coming to work at the County is – gosh, we spend most of our time at our jobs so in many ways we have an extended family setting here and actually, when I come to the County, not seeing you makes me feel like part of the family is missing. So I like the fact that you're highly visible and you play a really important role in the family of Santa Fe County. Congratulations. You deserve to be recognized.

COMMISSIONER ANAYA: Madam Chair, and I'd also like to recognize her husband, Nick Contreras in the back who works for the Housing Authority.

CHAIR VIGIL: Mr. Contreras. And I know there are other staff that are here in support of Socorro. Would you please stand, that work with her. Thank you all for being here and thank you for your patience. Socorro, would you like to address the

Commission?

SOCORRO OJEDA (E-911): I just want to say thank you. Without you guys I wouldn't be here, so thank you to everybody. Roman, thank you.

CHAIR VIGIL: Keep up the good work, Socorro. Thank you very much.

## IX. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. We did have an issue, Roman, with picking some people up at the senior center in Edgewood, and I just want to make sure that we resolve that.

And then, in regards to permits for three-sided barns or pole barns, I need to find out what is the current status on that and maybe we can have somebody here from Land Use. I know that there's people that have been told that they need to pull a permit, and then there's people that have been told that they don't need a permit. So I just want to see if we can get the records clear for not only the constituents out there but for me on what is the Code on permits for barns or accessory structures.

WAYNE DALTON (Permits and Enforcement Manager): Madam Chair, Commissioner Anaya, a permit needs to be pulled for any type of development within Santa Fe County, including pole barns or three-sided barns. So anyone that comes in for a permit for a barn or an accessory structure is what it's called, needs to pull a permit with Santa Fe County.

COMMISSIONER ANAYA: Is there a size, or just bottom line? If they want to put a doghouse they've got to come pull a permit? That's what I'm talking about. What we need to do is specify. You're telling me that a doghouse is an accessory structure and they need to pull a permit for it. Is that what I'm hearing?

MR. DALTON: Madam Chair, Commissioner Anaya, an accessory structure is defined in the ordinance as an accessory to a primary use on the property. So there has to be a residence on the property. That's the definition of an accessory structure. I believe something as little as a doghouse would not require a permit with Santa Fe County. An accessory structure can be approved administratively up to 2,000 square feet. Anything over that needs to get approval from the CDRC. So there is no limitation on the size of an accessory structure.

COMMISSIONER ANAYA: So every building out there needs a permit if it's an accessory structure.

MR. DALTON: That is correct.

COMMISSIONER ANAYA: Now, I've heard that because it's a pole barn or because it doesn't have lights or plumbing or a foundation that it doesn't. Where are we getting this information from? Are we getting crossed in our Land Use people?

MR. DALTON: Madam Chair, Commissioner Anaya, I'm not too sure.

When I have members of the public calling in to me asking if they need a permit for an accessory structure I always tell them, yes, you do need a permit. I do not know where they're getting mixed information, but any type of development you do need a permit from Santa Fe County.

COMMISSIONER ANAYA: Another thing I heard was the size, if it's less than 8 X 8 you don't need a permit, and these are the things that I'm getting out of your department. So we need to clarify it and maybe you need to have a meeting with your staff and tell them, look, this is what's going on. Because I'm telling you what I'm hearing.

MR. DALTON: Madam Chair, Commissioner Anaya, I will meet with my staff and clarify this issue.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIR VIGIL: Anything further, Commissioner Anaya?

COMMISSIONER ANAYA: That's all I have.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one item, Madam Chair. I wanted to report to the Commission that there was a public hearing last week on the Railrunner, or that portion of the Railrunner that goes in the median of I-25, because that's federally owned property. There was an environmental statement and an attempt or an opportunity for the public to comment on the environmental statement which is available on the website, the Railrunner website. I attended the meeting and a number of individuals had concerns. I had concerns with the incompleteness of the environmental statement because it didn't address the potential rail stations that were addressed in the Mid-region Council of Governments report. It just said we'll look at those later, and I think those are a critical component of what the impact will be of the Railrunner. The stations are the major generator of impacts from traffic and lighting and crime issues and other things that may arise as a result of having a rail station.

I felt, and made my comments known in writing to the group that I felt personally that the rail stations needed to be integrated into the environmental assessment reports because they were a major assessment feature. So that's moving forward and as far as I know, the record is still open for individuals who would like to make comments about that assessment, and if they go to the website for the Railrunner they'll find the instructions as to how to do that. Thank you.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: One issue I'd like to talk about. It's a big picture issue; it's about the well systems, the County well systems. Where are we at right now as far as development of a County well system?

MR. ABEYTA: Madam Chair, Commissioner Campos, it's my understanding that we have submitted information to the State Engineer's Office that includes both existing potential wells that we could take over and sites for proposed wells, and we're waiting to hear back from them before we go off and start picking a well location. We would like to be able to come back to the Commission and say, Here's what



the State Engineer's input was on these locations and based on that we recommend location A, B, and C for wells. So that's where we're at. The hydrologist, I would like to allow her an opportunity to add to those comments, because that's my general understanding.

CHAIR VIGIL: We have an item on the agenda under Matters from the County Manager which says Discussion and direction regarding Santa Fe County Utilities Water Plan. I actually read that as it was e-mailed. Is this going to be part of that discussion?

MR. ABEYTA: Yes. We have a slide where we'll discuss that.

CHAIR VIGIL: Okay. Did you want to respond in any way?

MS. TORRES: Madam Chair, I apologize. I was out in the hallway when the question was asked, discussing regional water issues in the greater Chimayo area. I believe the question was a status on the groundwater transfers for our wells. All of our groundwater transfers were protested by over 200 people within the basin. We have not even heard from the administrative litigation unit within the Office of the State Engineer as to even a notice of protest, because I believe they're having to go through all these 200 things and it's quite a paperwork nightmare.

Right now, we're waiting to receive our notice of protest and then what will happen is they will have a pre-hearing scheduling conference to identify the issues associated with this. But it's going to, I believe take a couple more months. I was hoping we would at least have our pre-hearing scheduling by August and I haven't even heard anything from them. So they're still kind of tied up in a paperwork nightmare.

CHAIR VIGIL: Okay. Thank you.

COMMISSIONER CAMPOS: And a question for Mr. Abeyta. Are we still considering the Rancho Viejo well? Is that still on the table as far as Rancho Viejo is concerned?

MR. ABEYTA: I believe it is.

MS. TORRES: Madam Chair, Commissioner Campos, the Rancho Viejo well was listed as a potential well site on our groundwater transfers. We pretty much listed every possible well site we could possibly think of for Santa Fe County, with the purpose of having flexibility, because you can easily remove wells from our list, from our applications, but to add it thereafter would require a separate legal notice to add a well. So, yes, that is on there.

COMMISSIONER CAMPOS: I'm just interested in that well because it's in the Community College District. It seems to be a good well and I'm certainly not objecting to it but I'm just interested to see if we could start moving on some of these wells that would serve the Community College or growth areas and I think we need to move sooner than later on this. We'll discuss it later this afternoon.

CHAIR VIGIL: On that matter, Karen, it really wasn't listing of all wells that you could think of. Weren't those wells really identified through our hydrological study? Or areas at least.

MS. TORRES: It wasn't solely based on that. It was based upon existing

infrastructure. That was the first, for this first round of transfers, we wanted to look at wells that were actually existing that we could pull water from. The only proposed well site that was listed in that list of wells is from the Public Safety Complex and I believe that came at the request of the Commission, that we propose a well in that area. But it was all – for this first round, all existing infrastructure. Now when we have subsequent transfers and we’re looking at potential well sites, that’s when we’ll be relying heavily on that model, but we’ll have to of course acquire land, get easements, all of those things.

CHAIR VIGIL: Thank you.

COMMISSIONER CAMPOS: Ms. Torres.

CHAIR VIGIL: Go ahead, Commissioner Campos.

COMMISSIONER CAMPOS: Any idea about when the State Engineer will resolve the protests? Is it going to be this year? Next year?

MS. TORRES: It’s further behind schedule than I had hoped. My strategy is going to be with the pre-hearing scheduling conference is to get it scheduled as quickly as possible to keep on task with our schedule for the hearing so we can get their opinion on that. Once we get our pre-hearing scheduling conference, they generally schedule the hearing within a year from that. I tried to be very diligent as far as keeping on that schedule so hopefully it will be a year after that. So I would probably say a year and a half from this point.

COMMISSIONER CAMPOS: It’s a long way off.

MS. TORRES: It is a very long and arduous process, which I think is why the County wanted to hire me to help guide through this process. And one of the tools that we’re utilizing will be our groundwater model, not necessarily as a well optimization location tool, but as a groundwater hydrologic model to look at impacts on La Cienega springs, San Marcos springs, Pojoaque, and all those areas. So it will be very interesting what happens from this hearing.

COMMISSIONER CAMPOS: Very interesting. Thank you.

CHAIR VIGIL: Thank you, Ms. Torres. Anything further, Commissioner Campos?

COMMISSIONER CAMPOS: No.

CHAIR VIGIL: Matters from the Commission, Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Madam Chair. Just an update to advise people. Tomorrow we’re having an open house or kind of a grand opening at the El Rancho Community Center of a new room that we’ve added on to. That will be from 11 to 1 tomorrow. Tomorrow evening, I’d also like to invite you to the Sombrillo wastewater meeting that we’re having. That will be, I believe, at 6 o’clock. We’ll be starting at 6:00, going until about 7:00, 7:30, and that’s to discuss the wastewater project in the Sombrillo area. I also would like to remind people that the Epanola Basin Regional Planning Issues Forum is the forum where a lot of the regional issues are discussed that include City of Santa Fe, County of Santa Fe, City of Española, Rio Arriba County, Los Alamos County, and those are ongoing discussions. We typically meet the third Wednesday of every month.

We'll also be having a press conference tomorrow afternoon to discuss the whole issue of the medical marijuana initiative here in New Mexico, which I have spoken out in opposition to and will do so tomorrow to discuss that a little further. And just for people that may be watching, I graduated from Pojoaque High School thirty years ago. I'm on the planning committee. They've asked me to be a consultant to the 30-year reunion so I'm doing that as a courtesy. We're having a reunion November 2<sup>nd</sup> and 3<sup>rd</sup> for anyone who may have graduated from Pojoaque in 1977. That's all I have, Madam Chair.

CHAIR VIGIL: And you're how old?

COMMISSIONER MONTOYA: I'm a consultant. I'm on the '87 class reunion committee. I forgot to mention, on September 11<sup>th</sup>, I may not be here for that meeting, our land use meeting.

CHAIR VIGIL: And Commissioner Montoya, are you making that statement so that we can request maybe to consider another optional date for a meeting?

COMMISSIONER MONTOYA: Just to inform the Commission.

CHAIR VIGIL: To inform us. Okay.

COMMISSIONER MONTOYA: Yes. Not to necessarily have to reschedule because of my absence. But if you want to reschedule, that's fine.

CHAIR VIGIL: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I want the record to show that I disagree with Commissioner Campos on the Rancho Viejo well. I realize there's frustration sometimes in moving forward with the well program but not only are the wells dropping in the area surrounding the Rancho Viejo well, in the Route 14 area and in the Community College District itself, the existing subdivisions, but the Rancho Viejo well has not yet overcome its problem with having levels of arsenic which exceed the federal standards. That's been an issue all along and there's never been any discussion or resolution of that other than to say, well, if we put it into the Santa Fe County system it will dilute it below the standards. Well, I don't think dilution is the solution. I think you either treat it or you don't and treating is very expensive. So I don't believe in downgrading existing county water to pull in water that has any contaminants above federal levels as a long-term policy, a good long-term policy for dealing with water quality. You either treat it and make the water better. You don't pass around the contaminants to the rest of the County water system. So I would just want to be sure that my silence on – that there was no silence on Commissioner Campos' recommendation for that well. I haven't seen any good reasons for incorporating that well into the County system to date. Thank you.

CHAIR VIGIL: Just a sign of the times and the discussions to come. The only matter under Matters from the Commission that I have is I really would like to thank Santa Fe County staff for the fine job that they did in the grand opening ceremonies for the Senator Nancy Rodriguez Community Center. That was a very exciting opportunity to see local government at work, by looking at and being a part of a tangible result. Senator Rodriguez was there. I'd certainly like to thank her for all that she's done to make this

happen, and Representative Jim Trujillo was there. Both of them connected very well with the community, wondered where all the other Commissioners were. They thanked Commissioner Sullivan for being there and representing the Commission in many ways on all the work we've been doing there.

I need to thank Rita Maes. I need to thank Ron Sandoval, Joseph Gutierrez and his entire department and especially I want to thank the Agua Fria board of trustees for the work they've been doing in preparing how to use this community center and will continue to do volunteer work with that. To all staff who was there, I also want to thank them, and Roman, thank you for being there and being a part of that process. Lee Romero, who was a strong contributor to making that a success. The community felt very much like they were at home. Some of the guitar strummers were there and started playing and there was excellent food. I considered it a highly successful event. Thank you, Roman.

I have no other matters. What I'd like to do though, since we're almost at 12:30 is go through Appointments and Reappointments and all the way through at least looking at a motion for the Consent Calendar then we can come back after lunch and start discussing those items that have been removed. Does anyone object to moving forward that way? Let's do that then.

**XI. Appointments/Reappointments/Resignations**

**A. Reappointment of Jennifer Jaramillo and Christy Montoya As Santa Fe County Representatives to the City Library Board**

COMMISSIONER ANAYA: So moved.  
COMMISSIONER MONTOYA: Second.

**The motion to reappoint Jennifer Jaramillo to the Library Board passed by unanimous [5-0] voice vote.**

**XI. B. Resignation of Commissioner Vigil from the Extraterritorial Zoning Authority**

**C. Appointment to the Extraterritorial Zoning Authority**

CHAIR VIGIL: This is a voluntary request on my part and I think it's really basically my commitment to this Commission when we initially made the EZA assignments. I believe all of us wanted to be a part of that, and knowing that, and knowing that the actual slated votes came forth with three Commissioners, I had spoken to other Commissioners saying that after six months I would resign. Well, it's been seven months but I think the EZA has only met about five times within that amount of time. With that, I'd like to ask the Board of County Commissioners if they would accept my resignation.

COMMISSIONER ANAYA: Madam Chair, I think you're doing a good job. Keep it up. Stay on there.

COMMISSIONER MONTOYA: Move to not accept the resignation.

COMMISSIONER ANAYA: Second.

**The motion passed by 4-1 voice vote with Commissioner Vigil voting against.**

CHAIR VIGIL: I am actually happy to continue serving. I just want to make sure I lived up to my word to alternate this position. And I appreciate my fellow Commissioners support of me continuing to serve in this capacity. It will be through December. So we don't need to make an appointment to the Extraterritorial Zoning Authority.

## **XII. CONSENT CALENDAR**

### **A. Budget Adjustments**

- 1. Resolution No. 2007-122. A Resolution Requesting an Increase to the General Fund (101)/ Public Works Solid Waste Program to Budget A Grant Awarded Through the New Mexico Department of Tourism for the Litter Control & Beautification Program for Expenditure in Fiscal Year 2008/ \$8,200 (Growth Management Department)**
- 2. Resolution 2007-123. A Resolution Requesting an Increase to the General Fund (101) Public Works Solid Waste Program to Budget a Recycling Grant Awarded Through the New Mexico Environmental Department for Expenditure in Fiscal year 2008 / \$17,548 (Growth Management Department)**
- 3. Resolution No. 2007-124. A Resolution Requesting an Increase to the State Special Appropriations' Fund (318) to Budget State Grants Awarded Through the New Mexico Aging & Long Term Services Department for the 2007 New Mexico State Legislative Funds for Projects in Santa Fe County for Expenditure in Fiscal Year 2008 / \$996,099 (Community Services Department)**
- 4. Resolution No. 2007-125. A Resolution Requesting an Increase to the State Special Appropriations' Fund (318) to Budget State Grants Awarded Through the New Mexico Department of Finance and Administration for the 2007 New Mexico State Legislative Funds for Projects in Santa Fe County for Expenditure in Fiscal Year 2008 / \$5,154,541 (Community Services Department)**
- 5. Resolution No. 2007-126. A Resolution Requesting an**

- Operating Transfer From the EMS-Healthcare Fund (232) to the General Fund (101) for Senior Services at the El Dorado and Edgewood Senior Centers for Fiscal Year 2008/ \$11,000 (Community Services Department)
6. Resolution No. 2007-127. A Resolution Requesting an Increase to the General Fund (101) to Budget Revenue Received for the County's Costs to Provide Outside Legal Counsel Advice for the Turquoise Trail Public Improvement District / \$7,500 (Legal Department)
  7. Resolution No. 2007-128. A Resolution Requesting an Increase to the State Special Appropriations' Fund (318) / Various County Projects to Budget Prior Fiscal Year 2007 Grant Balances for Expenditure in Fiscal Year 2008/ \$9,883,235 (Community Services Department)
  8. Resolution No. 2007-129. A Resolution Requesting an Increase to the Jail Operations Fund (518) / Day Reporting Program to Budget Prior Fiscal Year 2007 Grant Balance for Expenditure in Fiscal Year 2008 / \$47,803.05 (Corrections Department)
  9. Resolution No. 2007-130. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Eldorado and Galisteo Fire Districts to Budget Forest Fire Reimbursement Revenue for Expenditure in Fiscal Year 2008 / \$3,183 (Community Services Department)
  10. Resolution No. 2007-131. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Turquoise Trail Fire District to Budget Movie Lot Fire Protection Revenue Received for Expenditure in fiscal Year 2008 / \$870 (Community Services Department / Fire)
  11. Resolution No. 2007-132. A Resolution Requesting an Increase to the Fire Impact Fees Fund (216)/ Various Fire Districts to Budget prior Fiscal Year 2007 Cash Balance for Expenditure in Fiscal year 2008 / \$2,663,709 (Community Services Department) / Fire)
  12. Resolution No. 2007-133. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget Grants Awarded Through the NM Association of Counties and the NM Energy Minerals and Natural Resources Department for the Community Wildfire Protection Plan for Expenditure in Fiscal Year 2008 / \$80,000 (Community Services Department)
  13. Resolution No. 2007-134. A Resolution Requesting an Increase to the EMS-Healthcare Fund (232) / RECC to Budget Prior

**Fiscal Year 2007 Cash Balance for Capital Equipment Expenditures in Fiscal Year 2008 / \$12,700 (Community Services Department)**

- 14. Resolution No. 2007-135. A Resolution Requesting an Increase to the Road Projects Fund (311) / Various Road Projects to Budget Prior Fiscal Year 2007 Grant Balances for Expenditure in Fiscal Year 2008/ \$420,829 (Growth Management Department)**
- 15. Resolution No. 2007-136. A Resolution Requesting an Increase to the Road Projects Fund (311) / Various Roads to Budget Cooperative Grant Agreements Awarded Through the New Mexico Department of Transportation and an Operating Transfer From the General Fund (101) for the County Match for Expenditure in Fiscal Year 2008/ \$857,002.16 (Growth Management Department)**
- 16. Resolution No. 2007-137. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2007 – Home for Good Grant Indirect Cost Balances for Expenditure in Fiscal year 2008 / \$44,754 (Community Services Department)**

**B. Professional Service Agreements**

- 1. Request Authorization to Enter Amendment No. 3 for Agreement No. 26-1822-CORR/MS with Summit Food Services for the Adult Detention Facility and Youth Development Program \$960,000 (Corrections Department)**
- 2. Request Authorization to Enter Amendment No. 1 for Agreement No. 25-0064-PFMD with NCA Architects for Architectural/Engineering Design Services of the Vista Grande Senior Center in the Amount of \$16,000 (Community Services Department)**
- 3. Request for Approval of Amendment No. 5 to PSA #26-1814-AFD/RH to Increase Compensation for Additional Nursing Services \$134,600 (Corrections Department)**
- 4. Request Authorization to Enter into an Agreement with State of New Mexico Children Youth and Families Department to Provide Secure Housing for Male Juveniles at the Santa Fe County Youth Development Program (Corrections Department)**

**C. Miscellaneous**

- 1. Request Approval of a Utility Right of Way Easement Between Santa Fe County and the Public Service Company of New Mexico (PNM) on the County's La Cieneguilla Open Space Property Near La Cieneguilla, in Santa Fe County, New**

- Mexico (Community Services Department)
2. Request Approval for a New Secretary II PTE for Teen Court of Santa Fe County (Teen Court) ISOLATED FOR DISCUSSION
  3. Request Authorization to Enter into a Governmental Lease Purchase Agreement with Wagner Equipment Company for a Cat -420E Backhoe Loader With a 60 Month Term \$101,514.52 (Growth Management Department) ISOLATED FOR DISCUSSION
  4. Resolution No. 2007-\_\_ . A Resolution Requesting Funding Through the 2007 / 2008 New Mexico Department of Transportation Local Government Road Fund Program (Growth Management Department) ISOLATED FOR DISCUSSION
  5. Request Approval of 1 FTE Term (Accountant II) Position for Affordable Housing (Growth Management Department) ISOLATED FOR DISCUSSION
  6. Resolution No. 2007-138. A Resolution Requesting an Increase to the Developer Fees Fund (231) / Affordable Housing to Budget Prior Fiscal Year 2007 Cash Balance to Fund the New Accountant II FTE/ \$53,918 (Growth Management Department)
  7. Request Approval to Authorize the County Manager to Sign Program Application Coversheets for the Edward Byrne Memorial Justice Assistance Grant Program Through the New Mexico Department of Public Safety (County Sheriff's Department)
  8. Resolution No. 2007-\_\_ . A Resolution Authorizing the Donation of Obsolete Fixed Assets in Accordance with State Statutes (Utilities/ Finance) ISOLATED FOR DISCUSSION
  9. Resolution No. 2007-139. A Resolution Authorizing the Disposal of Personal Property in Accordance with State Statutes (Administrative Services Department)
  10. Resolution No. 2007-\_\_ . A Resolution Requesting BCC Approval of the "Transportation Fuel Reduction and Alternative Fuel Vehicle Acquisition and Use Policy" to be Adopted as a County-Wide Policy for Vehicle Procurement, Conventional Fuel Use, and Alternative Fuel Use to Reduce the County's Consumption of Transportation Fuel and to Meet the Guidelines Established by the State of New Mexico Alternative Fuel Acquisition Act and Executive Order 2005 -049



**(Administrative Services Department) ISOLATED FOR DISCUSSION**

- 11. Resolution No. 2007-140. A Resolution Designating the County Manager or His Designee as the County's Authorized Representative/Office for the Purposes of HIDTA Grant Award No. I7PSNP573Z/ Region III Drug Task Force (County Sheriff's Office)**
- 12. Requesting Signature Approval of State Appropriations Awarded Through the New Mexico Aging & Long Term Services Department for the 2007 New Mexico State Legislative Funds for the El Dorado Senior Center (\$297,000) and the Pojoaque Valley Senior/Community Center (\$306,999) in Santa Fe County (Community Services Department)**
- 13. Request Acknowledgement and Acceptance of the Independent Auditors Report on DCSW (Administrative Services Department) ISOLATED FOR DISCUSSION**

CHAIR VIGIL: Is there a motion on that?

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER CAMPOS: Second.

**The motion to approve the Consent Calendar, with the exception of items C. 2, 3, 4, 5, 8, 10 and 13 passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: It is now 12:30. If we came back at 2:00, would that be sufficient? Two o'clock then, we will reconvene and we will start with the Consent Calendar item C. 2.

[The Commission recessed from 12:30 to 2:12.]

CHAIR VIGIL: I will call this meeting and continue. Commissioner Montoya is in a meeting and I expect Commissioner Sullivan is on his way. Since item C. 2 was Commissioner Montoya's request we'll move to item C. 3

- XII. C. 3. Request Authorization to Enter into a Governmental Lease Purchase Agreement with Wagner Equipment Company for a Cat -420E Backhoe Loader With a 60 Month Term \$101,514.52 (Growth Management Department)**

COMMISSIONER CAMPOS: Thank you, Madam Chair. The only question I have is whether this machine uses bio-diesel. We've had a discussion with Public Works about transitioning from regular diesel to bio-diesel, and an issue that always comes up is that vendors either don't warrant something or there's always an issue I think when you lease. Not when you buy, but when you lease, as far as them telling you what fuel you can use. So that's the only question I had. Mr. Martinez, are you here to address that?

ROBERT MARTINEZ (Public Works): Madam Chair, Commissioner Campos, regardless whether you purchase or you buy the piece of equipment, the warranty is honored by the manufacturer, not by the leasing company, and basically, Wagner Equipment is a dealership and the lease is through Wagner. So we cannot bind Wagner to allow us to use bio-diesel in this equipment because they are not the ones that honor the warranty. I have had some conversations with Wagner and with Caterpillar and they are possibly rethinking their position on bio-diesel. They're supposed to be sending us a letter with their current position on this.

COMMISSIONER CAMPOS: I talked to Justin Stockdale at the Solid Waste Management Authority and he told me that there's been litigation on this issue where federal courts have said that the manufacturers cannot tell you what fuel. They can specify what type of fuel but they cannot say you cannot use bio-diesel. So I'm relying on what he said but there is litigation, decisions have come down and they've ruled against the manufacturers as I understand it. So I'm just concerned that these companies are taking that position as far as bio-diesel is concerned.

MR. MARTINEZ: Madam Chair, Commissioner Campos, I understand your position on this and we will do whatever we can to get authorization from the manufacturer to use bio-diesel.

COMMISSIONER CAMPOS: There's already federal decisions so you might want to talk to Justin Stockdale to see, maybe have Legal look at it, your attorney. They've already pretty much prohibited companies from saying you can't use bio-diesel.

MR. MARTINEZ: Madam Chair, Commissioner Campos, I will definitely talk to Justin.

COMMISSIONER CAMPOS: Okay. Thanks.

CHAIR VIGIL: Any further questions? What's the pleasure of the Commission?

COMMISSIONER ANAYA: Move for approval.

CHAIR VIGIL: Motion. Is there a second? I will second it. It sounds to me that the motion does not mandate but asks that consideration be given to bio-diesel and I totally agree with that. If manufacturers are trying to cut corners or whatever by not impacting the environment I think the best way to do that is to start contracting with specific intent, so I agree with Commissioner Campos.

**The motion passed by unanimous [3-0] voice vote. [Commissioners Montoya and Sullivan were not present for this action.]**

**XII. C. 8. Resolution No. 2007-141. A Resolution Authorizing the Donation of Obsolete Fixed Assets in Accordance with State Statutes (Utilities/ Finance)**

COMMISSIONER ANAYA: Yes, my question was, what are we doing with all this? Where are they going? We have tables, chairs – what is this one?

MR. SAYRE: Madam Chair, Commissioner Anaya, what's going on here is that when we replaced our residential water meters that had only been in service for about a year or two and we wanted to provide them to different communities. That's what that item's about.

COMMISSIONER ANAYA: Hold on. I understand. That's not the one – I agree with you. That's not the one I wanted to pull off.

CHAIR VIGIL: Do you have a question on any others?

COMMISSIONER ANAYA: The one with the desks and tables and cars – what one was that?

CHAIR VIGIL: Was it item 9, personal property? Do you want to address that?

TERESA MARTINEZ (Finance Director): On this particular issue, this is scooping up the tail end of what was not in line and ready to go when we did the July surplus auction at the Department of Public Safety, so we're taking it to a Department of Transportation auction now in September. It's obsolete items that we've shown to the departments and there's no additional transfers. They're obsolete, too costly to repair and we're taking it to auction to sell.

COMMISSIONER ANAYA: Now, how can we – I brought this up at the Association of Counties meeting. There's people in our neighboring counties that would possibly need some of this stuff. Do you put it on a website so they can see it? If they need it then we could donate it to them instead of having it go to auction?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, we can do that. We'll put it out on the website and then we'll maybe try to coordinate with the Association of Counties so we can send out a global e-mail and let other counties have access to it.

COMMISSIONER ANAYA: Yes, maybe, because I know the Association wants to work on that. So if you could get with the Association and put it on there then other counties might need some of the stuff. So with that – thank you – with that I'll make a motion to approve the one I pulled off, and that was item 8.

CHAIR VIGIL: Okay, is there a second?

COMMISSIONER CAMPOS: Second.

**The motion to approve passed by unanimous [3-0] voice vote. [Commissioners Montoya and Sullivan were not present for this action.]**

**XII. C. 10. Resolution No. 2007-142. A Resolution Requesting BCC Approval of the "Transportation Fuel Reduction and Alternative Fuel Vehicle Acquisition and Use Policy" to be Adopted as a County-Wide Policy for Vehicle Procurement, Conventional Fuel Use, and Alternative Fuel Use to Reduce the County's Consumption of Transportation Fuel and to Meet the Guidelines Established by the State of New Mexico Alternative Fuel Acquisition Act and Executive Order 2005 -049 (Administrative Services Department)**

COMMISSIONER CAMPOS: The reason I asked that this be taken off Consent and for discussion is because it involves an important public policy that is being kind of just put into the Consent without having any real public discussion or input from the Commission. I think it's important, but the question is, does it go far enough? These are standards that are being laid out by the governor. I think they're requesting that 15 percent of the fuels that we use be alternative fuels. This is a commitment to do so. We had other discussions with a group within the County where we discussed how we purchase autos and what we should do. This is all part of that discussion.

That's why I raised it. I was wanting there to be more public input. I don't think it should be just hidden away on the Consent when it involves important public issues. I think the Commissioners need to address and look at and determine whether that's enough or whether you want to be more aggressive.

MS. MARTINEZ: I'm fine with that, Madam Chair.

CHAIR VIGIL: Teresa, is there a timeline on this?

MS. MARTINEZ: No. Actually it's very driven by your interest, Commissioner Campos, and I actually got a call from Lisa Roybal asking what is the status of the policy, which I'll be quite honest, I wasn't working on a policy at the time. I think there was a change of forces and that fell through the cracks. We did our best. We had this on the last agenda in July and we thought we had set ourselves up to tell you the goal were going to be difficult to meet and just judging what the state has been able to meet and not meet based on their plan, we accommodated some of our percentages and some of our goals and made it a two-year pilot program so that we could evaluate it and see what additional fine-tuning would have to happen to this policy. But I'm more than opening to removing it from Consent and doing the public notice if you'd like.

COMMISSIONER CAMPOS: I don't mind passing it but I'd like to reconsider it soon and maybe tell us why you thought that the state goals were too ambitious, because I don't think they're ambitious enough as they're stated here.

MS. MARTINEZ: Okay. I can tell you the limitations they ran into. Access to fuel was one of the limitations.

COMMISSIONER CAMPOS: We've got the Baca fuel station and that's it.

MS. MARTINEZ: Right. And then working with the statewide price

agreements. One of the comments that we made was to see what the state had in place in terms of the statewide price agreement, or work with our own purchasing staff to maybe develop a County price agreement and see what could afford us more opportunity.

COMMISSIONER CAMPOS: The policy as far as car purchases and car replacements – has that been adopted, accepted by the County in any formal way? Do you use it to evaluate when somebody asks for a purchase of a new car?

MS. MARTINEZ: I don't believe so. I'd have to follow up on that.

COMMISSIONER CAMPOS: Yes, that's another issue that you could bring up with this one because that was an important Commission initiative over a year and a half ago, and I think it was lost somewhere. I don't want to lose that one.

MS. MARTINEZ: Okay. We can resurrect that.

COMMISSIONER CAMPOS: We shouldn't buy cars that are inefficient in their use of fuel or buy huge engines unless we really need them for some reason.

MS. MARTINEZ: Okay. I can understand that. And our proposal included certain criteria that purchasing should review upon receiving requisitions, and SUVs, V-6s, that type of stuff was in for consideration. And we've further mandated restrictions with those types of purchases with regard to motor pool, and granted there would be exceptions that would have to be approved by the County Manager if it was off-road use or different circumstances, but we can move in the direction of a purchasing of vehicles, acquiring vehicles policy if you'd like that could further substantiate this.

COMMISSIONER CAMPOS: I'd like to have that discussion, see what you're doing, what the standards are.

MS. MARTINEZ: Okay.

COMMISSIONER CAMPOS: And maybe we can do it before the end of the year.

MS. MARTINEZ: Okay. Calendar year?

COMMISSIONER CAMPOS: Probably discussion and presentation or something.

MS. MARTINEZ: Okay.

COMMISSIONER CAMPOS: I move to adopt Resolution 2007-142.

CHAIR VIGIL: Is there a second? I'll second it.

**The motion to approve passed by unanimous [3-0] voice vote. [Commissioners Montoya and Sullivan were not present for this action.]**

CHAIR VIGIL: The other items on the Consent Calendar are from Commissioner Sullivan and Montoya so I'm going to proceed on with the agenda.

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

**A. Community Services Department**

**1. Review and Adopt Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2009-2013 (Second Public Hearing)**

CHAIR VIGIL: This is the second public hearing and I do believe we need to adopt it at this point in time to meet a deadline. Is that correct, Mr. Olafson?

PAUL OLAFSON (Community Services Department): Madam Chair, Commissioners, yes. What we're asking for on this item is adopting the ICIP plan as well as ranging top five, and then the following item will be a resolution acknowledging that you adopted the plan and those are both requirements for DFA to submit the plan. The plan is due on August 31<sup>st</sup>, Friday.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: This is a really important discussion and we're missing two Commissioners and our County Manager. I think he's attending to Senator Bingaman. He may be in the building.

CHAIR VIGIL: Would you like to hold off on the discussion?

COMMISSIONER CAMPOS: I would. I don't think we should have it without everybody present.'

CHAIR VIGIL: Okay. Mr. Olafson, would you mind holding on until we have a full Commission?

MR. OLAFSON: Most certainly.

[Continued on page 56.]

**XIII. A. 3. Notice of Public Hearing of the Status of CDBG/Grant #04-C-RS-1-I-G-71 in the Amount of \$300,000 for the Construction of the Agua Fria Community Center in Accordance with U.S. Department of Housing and Urban Development/HUD Regulations**

MR. OLAFSON: Madam Chair, Commissioners, this is simply we need the Board to make an acknowledgement that the project is closed. The grand opening of course was last week and we have submitted all the paperwork to DFA for closing it, and conducted an audit. We anticipate no problems. We simply need this procedural adoption of closure of the project. I stand for any questions.

CHAIR VIGIL: Questions?

COMMISSIONER ANAYA: So moved.

CHAIR VIGIL: There's a motion. Is there a second? I'll second for discussion.

COMMISSIONER CAMPOS: My question, the notice of public hearing of status of CDBG. I didn't understand the notice.

MR. OLAFSON: Madam Chair, Commissioner Campos, I apologize. We put this in rather quickly because we realized – we didn't realize we needed to have it and we then put it together quickly. It simply that there has to be an open hearing to acknowledge that the project is closed and the presentation I believe by myself saying the project is closed is the action required.

COMMISSIONER CAMPOS: That's it? No report as to what happened?

MR. OLAFSON: The project is complete. The building is open. Everything is functioning. All paperwork has been turned into DFA who reviews it for the CDBG funds. An audit has been conducted and approved, so we're just good to go. We just need to say in a public hearing or public forum the project is complete. And that's according to DFA. That's how they instructed us to do this final step.

COMMISSIONER CAMPOS: So we have to make a motion to accept closure status of CDBG grant 104-whatever. That's what you have to do?

MR. OLAFSON: Correct.

COMMISSIONER CAMPOS: Okay.

CHAIR VIGIL: We do have a motion and I'll take action on it. Paul, do we have lined up projects that we will be considering for CDBG and can we apply for it for 2007? Or will we be looking at 2008 or is it a fiscal year application?

MR. OLAFSON: Madam Chair, following DFA finally checking off all the boxes, which we anticipate will be in about two weeks to a month, then they have informed us we would be eligible to reapply. Currently in Community Services we do not have any projects lined up for another application but there's potential. I believe those applications are due in January.

CHAIR VIGIL: Okay. Anything further?

**The motion to approve passed by unanimous [3-0] voice vote. [Commissioners Montoya and Sullivan were not present for this action.]**

CHAIR VIGIL: I think I'm going to skip B. 1, or do the members think that's something we can take action on. It's the request for the San Marcos Zoning District. It's just title and general summary.

COMMISSIONER ANAYA: That's fine. Let's hear it.

**XIII. B. Growth Management**

- 1. Request Authorization to Publish Title And General Summary of an Ordinance Amending the Santa Fe County Land Development Code (Ordinance 1996-10, as Amended), to Add a New Section 11, San Marcos Zoning District (SMD) to Article XIV, Traditional and Contemporary Community Zoning Districts**

CHAIR VIGIL: Is anybody here from Land Use? Karen, will you be addressing this?

KAREN TORRES: Madam Chair, the staff member was just in here and he stepped out Paul Olafson ran to grab him.

ARNOLD VALDEZ (Planner): Good afternoon.

CHAIR VIGIL: Thank you for being here. We are on the San Marcos Zoning District. Would you like to proceed with a presentation on that?

MR. VALDEZ: Yes. Thank you, Madam Chair, Commission members. I have a request for authorization to publish title and general summary of an ordinance amending the Santa Fe County Land Development Code, Ordinance 1996-10 as amended, adding a Section 11, San Marcos Zoning District, to Article XIV, Traditional and Contemporary Community Zoning Districts.

Background: On September 14, 2006, the Board adopted the San Marcos District Community Plan, Resolution 2006-148. Since then staff has been working on a first draft of an ordinance to implement the recommendations for zoning and development standards in the plan. Staff is requesting authorization to publish title and general summary for the proposed ordinance, which includes a new Article XIV, Section 11 for the San Marcos District.

A community meeting is planned in September 2007 so it is anticipated that the ordinance may incorporate further changes before it is scheduled for public hearing.

Action requested: Request authorization to publish and title and general summary of an ordinance amending the Santa Fe County Land Development Code, Ordinance 1996-10 as amended, to add a new Section 11, San Marcos District to Article XIV, Traditional and Contemporary Community Zoning Districts.

Recommendation: Staff recommends the Board authorize publication of title and general summary of an ordinance incorporating the zoning and development standards of the San Marcos Community Plan as approved. This ordinance will be reviewed in a community meeting and will be forwarded for public hearing before the County Development Review Committee and the Board of County Commissioners.

COMMISSIONER ANAYA: So moved.

CHAIR VIGIL: Motion to publish title and general summary. Is there a second? I will second. Any questions? I just want to clarify for the record, the actual memorandum identifies the community meeting in June, but you've said it will be in September.



MR. VALDEZ: Yes, that's an error. It will be September 12<sup>th</sup>.  
CHAIR VIGIL: Okay. Very good. No further questions?

**The motion passed by unanimous [3-0] voice vote.** [Commissioners Montoya and Sullivan were not present for this action.]

[Commissioners Montoya and Sullivan rejoined the meeting.]

CHAIR VIGIL: We're going to go back to the Consent Calendar and we'll go to the Consent items, Commissioner Montoya, that you had questions on. The first one was C. 2

**XII. C. 2. Request Approval for a New Secretary II PTE for Teen Court of Santa Fe County (Teen Court)**

COMMISSIONER MONTOYA: Madam Chair, on that first one, on the new secretary, is that a new secretary position that we had previously discussed as part of the building blocks?

MS. MARTINEZ: No, Commissioner Montoya. I think your questions are probably relative to the two new FTEs. They were not part of the budget presentation; they were not part of the rolling list. These are positions that are funded from other funding sources, so they were brought to you outside of that package. So this is a new position. It will be a part-time employee and it would be funded from teen court fees as well as an MOU with the City of Santa Fe.

COMMISSIONER MONTOYA: Oh, okay. Move for approval.

COMMISSIONER ANAYA: Second.

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

**XII. C. 4. Resolution No. 2007-143. A Resolution Requesting Funding Through the 2007 / 2008 New Mexico Department of Transportation Local Government Road Fund Program (Growth Management Department)**

COMMISSIONER SULLIVAN: Madam Chair and Robert, my question on this one was that I didn't see what roads were included. I just saw a total and a state and County share. Is there a summary of the roads that this covers?

ROBERT MARTINEZ (Public Works): Yes, Madam Chair, Commissioner Sullivan. If you look on the fourth page of your packet there's a memorandum that states

that it's for County Road 54 and a portion of County Road 50-F. Now, there are three agreements that total this project, so you'll see three different memos in here, three different agreements, but they're all for County Road 54, Los Pinos Road.

COMMISSIONER SULLIVAN: And where is County Road 54?

MR. MARTINEZ: County Road 54 is the road that starts at the frontage road, goes behind the racetrack and then goes all the way into La Cienega.

COMMISSIONER SULLIVAN: Oh, okay. And 50-F is where?

MR. MARTINEZ: 50-F is the entrance from the interstate. You get off on the off-ramp to La Cienega and this road ties in with 54.

COMMISSIONER SULLIVAN: Okay. Is that the only two co-op projects we have this year?

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: What happened to the one out in Madrid where we had a little snow and there was a little section of .2 mile or so that we were going to do?

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, these are not the severance tax agreements that you're thinking of. These are cooperative agreements, CAP and co-op funding that the Commission adopted and approved. What we did is several years ago we came to the Commission and set up some priorities and we've been working off that list over the last few years. So these are projects that are decided upon by the Commission and we've just been going down that list. But these are not the legislative appropriations that you're thinking of.

COMMISSIONER SULLIVAN: Okay. Maybe it would help me when you have a chance to get a copy of that list and perhaps a little map as to where those projects are. Because I'm not remembering - I'm sure we did it - but I'm not remembering what we did in the co-op priorities. It seems like it's been a while.

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, we can do that.

COMMISSIONER SULLIVAN: Since these are all in Commissioner Anaya's district we obviously need to revise this priority list immediately.

COMMISSIONER ANAYA: This is the first one.

COMMISSIONER SULLIVAN: Is this the first one?

COMMISSIONER ANAYA: In six years.

COMMISSIONER SULLIVAN: Okay. Maybe we don't have to revise it, but it would be useful to revisit that list.

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, actually, when we brought forth the resolution that enabled us to proceed and get this far we did provide a map. This was several months ago. So this is just the second phase of acquiring this funding. This is actually executing the agreement. But when we did come forward to the Commission several months ago with the resolution that starts this project we did provide a map.

COMMISSIONER SULLIVAN: And did that show which ones the

priorities were and which ones had been done and which ones were still left?

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, no. That just showed County Road 54.

COMMISSIONER SULLIVAN: Okay. What I was looking for was what we had set up as a priority, as what we'd accomplished and what we had left to do, so I can see what impacts there are in District 5.

MR. MARTINEZ: We can do that.

COMMISSIONER SULLIVAN: Okay. That would be helpful. Thank you, Madam Chair.

CHAIR VIGIL: This could be a good time – Robert, is it time for us to revisit that priority list in a public hearing or a study session?

MR. MARTINEZ: Madam Chair, what we did several years ago is we brought forward, I believe it was about three projects in each Commission district, and we've been working off of that list. The Commission at that time adopted that priority list and we've been working off that list. I believe we're getting to the tail end of that list so definitely we can come forward to the Commission again prior to executing any CAP, co-op and school bus projects.

CHAIR VIGIL: So it sounds like you were wanting to get through that list before we even looked at other options.

MR. MARTINEZ: Madam Chair, that is correct.

CHAIR VIGIL: Okay. Thank you. What's the pleasure of the Commission?

COMMISSIONER SULLIVAN: Move for approval.

CHAIR VIGIL: Is there a second?

COMMISSIONER ANAYA: Second.

**The motion to approve passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]**

**XII. C. 13. Request Acknowledgement and Acceptance of the Independent Auditors Report on DCSW (Administrative Services Department)**

COMMISSIONER SULLIVAN: Thank you, Madam Chair. I had marked item 10 also. I'm sorry I wasn't here to hear it. The only issue I had for staff's information on item 10 was that I just felt that we should start the program a little earlier. I don't know if that discussion came up, Roman, but I think it had been indicated that we were going to start in January of 2008. I thought it was a good program but my suggestion was if there was any possibility of starting it earlier and then having a 12-month interim report, because when I looked at the way it was structured as a two-year pilot program both Commissioner Campos and I would be out of office before we'd hear the first report back on how that program did. So I was more than a little curious to see what our progress was. Is there

something magic about the January of 2008? We can't start purchasing these cars before then?

MR. ABEYTA: No, there isn't. We can start that.

COMMISSIONER SULLIVAN: That was my only comment. Then on 13, Madam Chair, the audit of DCSW was done, I believe, to be sure there weren't any issues that had cropped up in other architectural consultant contracts, particularly in Bernalillo County that caused some concern. I saw on this one several different items of overpayments. It didn't seem to me like they were a great deal, but they weren't quantified in the audit report, at least in our copy. So my question was how much are we dealing with here, and then secondly, are we going to get that money back?

MS. MARTINEZ: Madam Chair, Commissioner Sullivan, I'm trying to look at the details. I see one overpayment for \$223, and another one for \$20, and then there were a couple of reimbursables in the neighborhood of \$30 that should not have been paid, and one for \$9.80. There doesn't seem to be anything greater than \$500. I don't have a final total but I can check that and we will definitely work with the vendors to see if we can pursue either a refund check or a credit if there's still existing work.

COMMISSIONER SULLIVAN: There was no indication that we would be getting a credit or a refund, which we're entitled to. And then aside from these overpayments of less than \$500, my understanding is the auditor did not come up with anything of the magnitude that was found in Bernalillo County.

MS. MARTINEZ: That is exactly correct.

COMMISSIONER SULLIVAN: Okay. So that gives us a better comfort level there. But there will be some action to get that money reimbursed to the County.

MS. MARTINEZ: Yes. Madam Chair and Commissioner Sullivan, we will pursue the refunds, and then we've tried to tighten up our auditing process to catch these types of errors. We're coordinating a little bit better with purchasing on the initial setup and we've done some additional trainings. Some of the findings that were within this report were also within our annual financial audit. So we've done three or five - I can't recall exactly how many - accounts payable training sessions where we worked together with purchasing and we gave very detail-oriented, what to do when you're setting up a requisition, what to look for, you as a department, when you're paying a bill, what is your responsibility in certifying that invoice and then in addition, what is Finance's responsibility when paying that invoice and the additional audit process that occurred there.

So hopefully we'll see these come to a minimum in the next audit.

COMMISSIONER SULLIVAN: Yes. And is there an online kind of a tracking system that when a bill comes in it's tracked against the maximum that's set aside for that account?

MS. MARTINEZ: That is currently being done by the department and we're researching how we could also assist doing that in Finance.

COMMISSIONER SULLIVAN: So we don't cut checks for more than the P.O. is set out for.

MS. MARTINEZ: Right. And the GRT issues, and the reimbursable expenses have been issues for us that we've had to deal with. So Finance is actually looking at working with legally and they scan the contracts so we're going to have access to that database and we're actually looking at – I don't know if we can do a 100 percent check, but we're trying to figure out a way how we can accommodate review of the contract to avoid payment of reimbursables that are not allowed or overpayment on invoices. So it's a work in progress.

COMMISSIONER SULLIVAN: Thank you, Madam Chair.

CHAIR VIGIL: Any other questions? What's the pleasure of the Commission?

COMMISSIONER SULLIVAN: Move for approval.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER ANAYA: Second.

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

**XII. C. 4. Request Approval of One FTE Term (Accountant II) Position for Affordable Housing (Growth Management Department)**

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

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

CHAIR VIGIL: I do believe that gets us through the Consent Calendar.

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

**A. Community Services Department**

**1. Review and Adopt Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2009-2013 (Second Public Hearing)**

MR. OLAFSON: Madam Chair, Commissioners, again, we have this year's ICIP plan. It goes from fiscal year 2009 to 2013. It is due to DFA by Friday of this week. We're requesting that the Commission adopt the list of projects that were included in your packet binders, and also we present a ranging of five top priorities, there are five top projects and the ranging also has to include the first priority, second, third, fourth, fifth.

COMMISSIONER SULLIVAN: Paul, is there a list somewhere?

MR. OLAFSON: It should be in maybe the front cover of your packets, and

it's the second page under the memo head. It has yellow on the top. It says top five. So again, what we've done is we've gone into community meetings, collected input. We've also met with staff and gotten input from the various departments within the County. Also met with the County Manager to help create this list. This year we've really looked at trying to pare the list down. It's now totaling about 330, 323. Last year it was about 480, so we have cut out projects that were old or didn't have any relevance anymore. It's still quite a large list and a large request. The total for all the projects, this year's potential request is on the magnitude I believe of \$57,916,000, and we've also updated some of the numbers to make them more reflective of current markets and project values.

So the action we're requesting is number one, adopting the plan, the list of projects that we will then put into the DFA website database to create the plan, and then secondly, the top five ranking. And on that sheet with the yellow across the top, the top five rank, we've suggested five projects for consideration by the Board for fiscal year 09, top five ranking. Those projects are Santa Fe County Fairgrounds, \$500,000 to complete the first phase of that renovation expansion; County Road 42, \$3 million; Pojoaque Valley regional water/wastewater system, \$1.5 million; Santa Fe corrections facility improvements, \$2,535,000; and the Cañoncito/Eldorado water project, \$2,060,000.

And if you look at the list above, some of those projects were also on the list above and we're asking for additional balances to round out the project costs. And I stand for any questions.

CHAIR VIGIL: Questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Paul, your last sentence, what did you mean by that?

MR. OLAFSON: I'm sorry, Commissioner. I don't recall what it was about.

COMMISSIONER ANAYA: The top – you're recommending these five to us, to act on?

MR. OLAFSON: Correct. Well, I'm proposing that after reviewing the list and the top five last year as well as the list this year that those five projects that I listed off could be potentially be considered by the Board as the top five projects for this year. However, the Board can insert another project and delete a project or all of the projects are off and five new ones. But that's what, working with staff, we came up with as a recommendation for five potential projects to be the top five ranked. Because ICIP, you hand in the whole list of projects and they're all eligible for funding but the ICIP also requires you to have five projects listed as your top priorities for that year.

And one of the main reasons we have these five projects on there is they may have received some partial funding last year from the legislature and we are asking for additional funds to round out the project to fully fund it. If that makes sense.

COMMISSIONER ANAYA: Okay. I don't have a problem with it. Thanks.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Olafson, our top five last year seemed to be pretty much the same. As far as what our needs are today, is there anything that's been satisfied in our five needs from last time? The judicial complex didn't get any money or very little. The well program got very little. Cañoncito got very little. Pojoaque Valley wastewater was the only one that got something, didn't it?

MR. OLAFSON: Madam Chair, Commissioner Campos, you're absolutely correct. You can read the numbers. What we requested and what we received were not that strong. The fairgrounds and the Pojoaque Valley wastewater had the best results.

COMMISSIONER CAMPOS: We got \$500,000 for the first judicial district complex?

MR. OLAFSON: Correct.

COMMISSIONER CAMPOS: Where did it come from? I haven't seen that number before.

MR. OLAFSON: It was reauthorized, wasn't it, from last year?

MR. OLAFSON: I don't think it was a reauthorization. I think it was new money from – I just am spacing on who supported it.

CHAIR VIGIL: Actually, it wasn't reauthorized. It actually came from a bill – wasn't it last year's capital outlay bill.

MR. OLAFSON: Okay, yes.

COMMISSIONER CAMPOS: The only project I see from the second group, from the new potential new projects is the corrections facility improvements. I'd like to hear more information about that. There's a number of things you're proposing but I think I need a more complete presentation.

MR. OLAFSON: Commissioner Campos, just to point out, County Road 42 is also new, and then the corrections. The corrections facility – we received a request from the Corrections Department and if you look at the first page of the whole list, about a third of the way down, it starts with County Adult Detention. And we got this list of various projects: employee training, heat sensing camera, improvements, new electronic monitoring facility, outer yard, remodel entrance, security cameras, roof repairs, sidewalk repair, and then if page down a little bit more you go to the youth detention facility: H-rack replacement, motion sensing cameras and boiler replacement – replace boilers. I combined all of those to create that \$2.5 million for corrections facility. And the rationale for including that on the top five was that it is a County facility. It is in need of repair and they are obvious countywide capital needs.

COMMISSIONER CAMPOS: Which is County Road 42?

MR. OLAFSON: County Road 42 is the road between Galisteo and Cerrillos. And it's partially paved, partially unpaved. And I believe the total project there is about \$4 million. We have about \$1 million already reserved for the project so the balance would be \$3 million and that's reflective of that request.

COMMISSIONER CAMPOS: Was that matter before the County

Commission in the last couple of months, where there were a lot of folks that were upset about how the County was planning or bidding or the standards being used and they thought there were a lot of drainage issues and erosion issues? Is that the County Road 42 project?

MR. OLAFSON: Madam Chair, Commissioner, that is correct.

COMMISSIONER CAMPOS: Those issues have been worked out, have they?

CHAIR VIGIL: Does this funding include additional funds to address the community's request?

MR. ABEYTA: Madam Chair, Commissioners, yes. I believe that's why we need more money to do what the community has requested that we do. Because when we took into consideration the meeting we had with them, it added to the overall price of that project, which we didn't budget for. So that's why we thought we would make this one of our priorities. And depending on the level of funding that we received, that would dictate the number of improvements that we ultimately make.

CHAIR VIGIL: Thank you.

COMMISSIONER SULLIVAN: I thought it was supposed to save us. Madam Chair, the testimony was that the improvements that they were recommending were going to save us money because they were lowering the profile. They were saying don't make it so high, make it more like a roller-coaster. It seems like that would be less cut and fill. How did we end up needing more money?

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, what the community was requesting is trying to replace some culverted crossings with low-water crossings. So we've designated four arroyo crossings within that stretch of roadway that we could redesign to accommodate the request for low-water crossings. But it wasn't all about cut and fill, it was leaving the profile of the road as much as what it is now, as opposed to flattening it out completely. They were concerned about the increase of speed, and drainage issues and pavement width. So we've had numerous discussions with them. We are currently getting a proposal from our engineering firm for the redesign of the things that we can accommodate them with and then we'll be coming back to the Commission with that amendment to Miller's contract.

COMMISSIONER SULLIVAN: And when the silt builds up on the lower crossings, what do we do?

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, we get a blade out there and we clear it out.

COMMISSIONER SULLIVAN: Right away?

MR. MARTINEZ: Right away.

COMMISSIONER SULLIVAN: Here come the phone calls. That's the boundary between Commissioner Anaya's district and my district, so I don't know if the people north of 42 are more for that or south of 42. I think the City of Santa Fe, if you recall, on Yucca Street, put in some years ago an extensive low-water crossing and had so



many problems with it – skidding of cars in the rain and so forth. They grooved it and everything. They finally built over the top of it and put culverts over the top of it and built the road up over. If you dig down on that crossing on Yucca of the arroyo you'll find a concrete low-water crossing that cost I think more than \$100,000. So you have to have some very good erosion, sediment control way up the watershed, which is way beyond Santa Fe County's responsibility. So I would hope we would take a very close look at that and be sure that we're not accepting a maintenance headache there.

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, that was one of our concerns when the residence came in to show their opposition on the culverted structures as opposed to low-water crossings. I believe, like you said, we've come to where we can redesign four crossings to accommodate their request and also minimize our maintenance.

COMMISSIONER SULLIVAN: Well, that would be good. Thank you, Madam Chair.

CHAIR VIGIL: Any further questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, regarding the – under new community centers, there's Arroyo Seco Community Center, and the La Puebla Community Center. Are those the same or different?

MR. OLAFSON: Madam Chair, Commissioner, they are different. In the request for Arroyo Seco I inadvertently left off a box. It was new this year, from one of the community meetings. It should have a pink box next to it to reflect that. And the La Puebla Community Center is an existing project. We have received some appropriation for it. We're looking for more to finish it off.

COMMISSIONER MONTOYA: Okay. Where's the Arroyo Seco Community Center being proposed to be located?

MR. OLAFSON: Madam Chair, Commissioner Montoya, there is no location right now.

COMMISSIONER MONTOYA: Oh, there isn't. Just a request.

MR. OLAFSON: Yes.

COMMISSIONER MONTOYA: Okay. So if it doesn't have a red box it's not a priority?

MR. OLAFSON: The red boxes reflect a new request this year or a repeated request. So the red box doesn't really reflect priority. It just reflects it was asked for specifically this year.

COMMISSIONER MONTOYA: Oh, okay.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Olafson and Mr. Abeyta, are you suggesting that we take the first judicial complex and the well program off the top priorities? Is that what the suggestion is? I'm not getting a strong signal from staff.

MR. ABEYTA: Madam Chair, Commissioner Campos, I'll let staff address

the first judicial complex, but as far as water projects, and we'll get into this later on this afternoon. The message has been sent loud and clear to us from several meetings that I've had with not only our delegation but also with DFA that they want us to fund as much of our own water programs as we can now with our money. They know we have GRT, we have bonding.

What they did say though is that if we bring to them partnerships with community water systems or Pueblos or regional type projects where there's a partnership and we put in some of our money, the entity puts in some money, they're more likely to fund those than the County well program and the Buckman Direct Diversion. They made it clear. They're not going to support funding requests for those projects because they feel that we have adequate money for now to fund them ourselves. And then if we run short because costs go up for like Buckman Direct Diversion then they'll get involved and give us money for something like that, or the County well program.

But they are convinced that we've got money for our well program and our Buckman Direct Diversion. In fact, like I said, later this afternoon we're going to talk about that and then after our meeting I plan on meeting again with the state and saying, okay, here is our funding plan. You're right. We do have money, if the costs stay here, but if they don't, then we're going to need to stay. And we don't have enough money to work with these communities if you want us to focus all our efforts towards Buckman and the County well program. So I instructed staff, based on my discussions I've had with the state, we won't make BDD or the County well program a priority but we will submit requests for like a water line to Eldorado and Cañoncito because that meets the criteria they're telling me. We put in some money; Eldorado and Cañoncito put in some money and then the state puts in money. So that's why I left that in there.

Also the Pojoaque regional wastewater because that also meets their criteria where it's not just us but it's us, Pojoaque and then the state will put in money. They seem to be more inclined to fund those types of projects every year rather than the large Buckman Direct Diversion or County well program.

COMMISSIONER CAMPOS: The Buckman Direct Diversion is a partnership and it is a huge regional component of the water system. It seems to meet the criteria. And the well program is also a regional program. It affects all parts of the county; it's regional in that sense. It's not just for a small part of the county. It affects almost everybody in the metro area where most of the people live.

MR. ABEYTA: I agree but the resistance I'm running into is you have the potential for \$127 million. Spend that before you come and ask us. And those are the big ticket items. We can say, well, we're going to fund these other ones then ourselves. The Cañoncito line, the Pojoaque wastewater, in which case we'll only have \$60 or \$70 million for Buckman. So then we will need \$10 or \$20 million. We can present the plan like that to them. But until Buckman starts moving and money starts getting spent they're not going to give us enough legislation.

So my thinking was, well, let's go after these smaller projects and get their help on

those, because they're more immediate. As far as the judicial complex, I would let Joseph explain why that was removed.

JOSEPH GUTIERREZ (Community Services Director): Madam Chair, Commissioner Campos, the judicial complex, we don't have a request this year to the legislature in terms of - it doesn't mean we don't potentially have a request but we don't have it in the top five. We have not had much success in securing the funds for the courthouse. And again the project ledger is \$55 million. We have identified the sources to bring the funding up to \$55 million at this point and it's fairly public. So in terms of bringing additional dollars to the table it's pretty much the same justification that the County Manager used. If DFA sees that we have the ability to fund that \$55 million, the likelihood is that we wouldn't receive money, and we haven't had. I think our request has been about \$3.5 million the last two years, and I know we've gone three years. I'm still not sure about the half a million dollars this year because there was some money moved around.

We have not officially gotten word that we received this half a million dollars yet. So to date, over three years, we've received half a million. If this other half a million dollars come in then we will have a million dollars over three years. But again, it's a \$55 million project budget and we've identified the sources, how the County can fund this project at this point.

COMMISSIONER CAMPOS: The other issue, Mr. Gutierrez, is that we talked about the other the other day was the alternative energy systems to use the courthouse. You have indicated that that would cost a lot more money. So it seems to me that you're talking something beyond your \$55 million budget.

MR. GUTIERREZ: Madam Chair, Commissioner Campos, I've talked to our architectural team and our project team about your concerns and the County Manager has approached me. We will have a special meeting at some point with you, probably within the next 30 days, to identify potential systems that we can be using at this point. Again, it will be an energy efficient building as they are designing it now. In terms of bringing any additional systems, we'll look at that and we'll discuss that too before we identify costs. But again, we're still trying to maintain that \$55 million. I know the judges have approached you in terms of bringing more dollars to the table also.

COMMISSIONER CAMPOS: Right. I guess the \$55 million doesn't include the second phase, right? Of the construction?

MR. GUTIERREZ: Madam Chair, Commissioner Campos, no. But the architectural plans will show the potential for a second phase which will be four courtrooms, hearing rooms and judges offices and some administrative space. So we will have a master plan for the courthouse at that point. When we'll do that it's difficult to assess.

COMMISSIONER CAMPOS: But constructing it all at one time is much more cost-effective than doing it in two phases.

MR. GUTIERREZ: Madam Chair, Commissioner Campos, yes, it would

be, but it would be quite a bit more expensive.

COMMISSIONER CAMPOS: And if we could get money from the legislature to do phase 2 and also the energy efficient – the alternative energy systems, that we should consider I think.

MR. GUTIERREZ: Madam Chair, Commissioner Campos, definitely. And you're all aware of the process in terms of the legislature. Just because the Commission identifies it as a top five priority doesn't mean that it has a higher success of being funded. In fact, quite the contrary. We receive more funding for our non-top five priorities. So there's still the potential this session to ask for dollars, either by the Commission, special interest groups, the courts. There's a lot of opportunity still. It's just we're not identifying them as a top five at this point.

COMMISSIONER CAMPOS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Okay. Further questions?

COMMISSIONER MONTOYA: Move for approval.

CHAIR VIGIL: Is there a second?

COMMISSIONER CAMPOS: Clarification. You're talking about the recommended five being the projects below?

COMMISSIONER CAMPOS: Correct.

MR. OLAFSON: Madam Chair, if I may. We also need to rank those, one, two, three, four and five.

COMMISSIONER CAMPOS: What are your recommendations?

COMMISSIONER MONTOYA: Pojoaque, one.

MR. OLAFSON: Madam Chair, Commissioner –

COMMISSIONER CAMPOS: They'll get the money anyway. [inaudible]

COMMISSIONER MONTOYA: Okay, how about fourth?

COMMISSIONER CAMPOS: How about fifth?

COMMISSIONER MONTOYA: Fourth.

CHAIR VIGIL: It seems to me that the only countywide project in these five, and I'm a little reticent to remove the judicial complex from the top five priorities. Does it have to be five? Can we include six? Because I actually think that it is going to depend our pitch to the legislature and despite the fact that we've gone there for three years, if we go to the legislature and say we do have \$55 million, but that's our cap. However, we would like to be more energy efficient. The courts are also wanting phase 2 as part of this and that would save us costs in the long run. I think we might be able to get our legislative support on this and it really is a matter of educating them, in terms of what our needs are and what our priorities are. And I think the judicial complex is definitely something that there has been support for. Can we include six projects?

MR. OLAFSON: Madam Chair, yes, we can include six. DFA requires a top five ranking. We could rank all of the project throughout the list in ordinal fashion, but you could add a sixth. DFA is going to push forward the one through five, but the sixth can be on there. And just to further emphasize that, every project that's on the list that's

adopted is eligible for funding. So the courthouse is on here and so is Buckman, so they will still be considered.

MR. ABEYTA: Madam Chair, after this we are going to meet with the delegation over the next few weeks and months and we'll be back in front of you one more time before we actually submit our top five. But this gives us an idea of what your priorities are and then we can talk to them about things like the courthouse and stuff like that, and show them, like I said, our water funding plan and why we need some of this other funding.

MR. OLAFSON: And just to reiterate then that if it's on the list it can still be considered for funding. The driver on this right now is the August 31<sup>st</sup> deadline to turn this in to DFA.

CHAIR VIGIL: Okay.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to make suggestions for the top five, if that's okay. I would say one for the corrections, two for Cañoncito water projects, three for County Road 42, four for Pojoaque and five for the fairgrounds.

CHAIR VIGIL: Okay.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Did you want that in the form of a motion, Commissioner Campos?

COMMISSIONER CAMPOS: I like it.

CHAIR VIGIL: Do you want to make a motion?

COMMISSIONER MONTOYA: I'll move that we adopt Commissioner Campos' priorities as stated.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second. Any further discussion?

**The motion passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: I'm glad to know we're concentrating our efforts on our Corrections Department. I think we have a lot of sympathy and understanding and support from the legislature in assisting us with that. Commissioner Anaya.

COMMISSIONER ANAYA: Could you repeat those again?

CHAIR VIGIL: It is Santa Fe County Corrections facilities, first priority. Cañoncito/Eldorado is the second. County Road 42 is the third. Fourth is Pojoaque Valley regional water/wastewater system and fifth is Santa Fe County fairgrounds.

COMMISSIONER SULLIVAN: And Madam Chair, I think it's a good strategy for the County to adopt a cap or a budget and stick with it. I think we're always going to get additional requests for more courthouses, more water tanks, more water lines, more roads, and for any identified project that we have, what that does is it gets that

constituent group going to the legislature and saying we need more money for these other things and what's missing a lot of times here is that the legislators don't see a constituent group. They see a courthouse but there's not thousands of constituents going to the roundhouse saying, yeah, yeah. Let's have a really nice courthouse and make it large enough for future needs and have the right amount of parking.

And it's almost the same way on Buckman. It's not a reality for them until it gets underway. You don't have a lot of constituents going out there and saying let's get \$60 million for Buckman. Whereas you do have a lot saying pave my road, or build a water tank for a particular mutual domestic. So it's hard to personalize some of these larger regional improvements. So I think a good strategy is what we're doing here is to set what we feel is a reasonable budget cap, make the consultants work to that cap, and if the entity that we're doing this for, be it roads or judicial complexes or Pojoaque wastewater, Pojoaque Pueblo wants something else, let them lobby for it. Let them go to the legislature and twist some arms, more than just us. So I think it's a do-able list.

CHAIR VIGIL: Thank you.

**XII. A. 2. Resolution No. 2007-144. A Resolution Adopting Santa Fe County's Infrastructure and Capital Improvement Plans (ICIP) for Fiscal Years 2009 – 2013**

MR. OLAFSON: Madam Chair, this is just the formal resolution acknowledging the action on adopting the plan.

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: There's a motion and a second. I have a question. Why is it 2009 through 2031, not 2008? Because these are the items that were going to the legislature? Does this actually end a cycle? Is this a new five-year plan that starts in 2009 and it doesn't affect whether or not we go to the legislature in 2008?

MR. OLAFSON: Madam Chair, FY09 begins in July, so you go to the 08 legislature to ask for the money that will start in July 08. So it's the fiscal year. And it is a five-year plan so every year you update that and move it one year out so it's five years rolling.

CHAIR VIGIL: Okay.

**The motion to approve Resolution 2007-144 passed by unanimous [5-0] voice vote.**

CHAIR VIGIL: Roman, what are we doing about a lobbyist on behalf of Santa Fe County?

MR. ABEYTA: Madam Chair, Commissioners, I was planning on speaking

with you guys about what my plans were, but because it's personnel related, I would talk to you individually. But I am working on getting a lobbyist that will be a staff position and not contract. And I've already notified both our contract lobbyists that we will be discontinuing that this year.

COMMISSIONER SULLIVAN: Did you already do A.3?

CHAIR VIGIL: Yes.

COMMISSIONER MONTOYA: Oh, you did?

CHAIR VIGIL: Yes. And all that was, just to update you on that was this was a formal requirement from DFA to close that project and sign off on it. A public hearing is required and we took action and the vote was 3-0.

COMMISSIONER MONTOYA: The only update that I wanted on that particular one was are we eligible now to apply?

CHAIR VIGIL: And I actually asked that question. Paul, would you want to respond to Commissioner Montoya about that? My understanding is we will be once the books are closed and I just don't know what the timeline was.

MR. OLAFSON: Madam Chair, Commissioner Montoya, yes, we will be eligible to apply for another project. Currently at Community Services we don't have a project lined up. We've talked about would it be appropriate for maybe a water project or other project. We don't know. We don't have anything lined up. But in about two weeks to a month DFA anticipates everything will be closed, all audits are done, everything's clean. So it's just the paperwork getting processed. As soon as that time hits we will then be eligible to apply for another construction project.

COMMISSIONER MONTOYA: So what's the time frame on that? Does it start about this time they're due?

MR. OLAFSON: I believe they're due in January and it's quite an intensive process. You have to do surveys and it's not a small task. But we would kind of finish this one before we got to the next one.

CHAIR VIGIL: I would advise – I think these are really helpful projects and they've certainly helped communities that Project and Facilities communicates and perhaps does a presentation to the Commission to identify the criteria that is necessary to apply for these grants, because there has to be a low-income community and there's real specific criteria. So perhaps once we close this project we can get an update in terms of what that criteria is so we can identify a process for identifying a project.

MR. OLAFSON: Madam Chair, we can put that together. Yes.

CHAIR VIGIL: Thanks, Mr. Olafson.

**XIII. C. Matters from the County Manager**  
**1. Update on Various Issues**

MR. ABEYTA: Madam Chair, the only thing I have as far as an update is

that on September 5<sup>th</sup> from 3:00 to 8:00 pm here in the chambers we're going to have a display of potential courthouse design concepts. That will be open the public also.

CHAIR VIGIL: Will we be advertising that?

MR. ABEYTA: Yes. We'll make sure we get the word out. And then as far as the agenda, I don't know if you want to go to D. 1, the Healthcare Gross Receipts Tax before we discuss the water plan, because the water plan we could always continue if we run out of time.

CHAIR VIGIL: What is the pleasure of the Commission? Would you like to go to item D.1 before we go into executive? I hear a yes. I don't hear anything opposed to that.

### **XIII. D. Matters from the County Attorney**

#### **1. Consideration and Possible Approval of Ordinance No. 2007-9. A Proposed Ordinance Adopting the County Health Care Gross Receipts Tax**

MR. ROSS: Madam Chair, this matter has been before you before for authorization to publish title and general summary. The ordinance has been published actually twice. It was published for the last meeting as well. It was tabled at the last administrative meeting and it has now been published again, so it's ready for your consideration should you want to adopt it.

What this ordinance is is the last increment of the gross receipts tax that the County can impose. It's called the County Healthcare Gross Receipts Tax and by law proceeds from that 1/16 GRT are to be applied towards the County's obligations for the County-supported Medicaid fund. As you recall, the third eighth of the County's gross receipts tax, half of that must be sent every year, collected and sent every year to the state to fund the County-supported Medicaid fund. That fund is used to support the statewide Medicaid plan. This tax was created, oh, about ten years ago to substitute for that methodology so that the counties could then utilize revenues from the first third increments of gross receipts tax for other purposes.

Only a handful of counties have enacted the tax but I know you have shown an interest in enacting it because of the problems funding the sole community provider hospital and the need for additional revenues there and the need to show the state that there is indeed a serious financial issue with respect to that program in our County. So this is it. When we enact this gross receipts tax, that's it. No more increments, at least available at this point. It's a very simple tax. If you pass it now the collections will begin in January and we'll start to see revenue from it around March.

CHAIR VIGIL: How much revenue will it generate?

MR. ROSS: It's about \$2.5 million, something like that, \$2.4 million annually.



CHAIR VIGIL: Questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, is this the money that helps out with St. Vincent's?

MR. ROSS: Madam Chair, Commissioner Anaya, sort of indirectly it would help. It would free up additional monies that could be applied to St. Vincent's for other purposes.

COMMISSIONER ANAYA: Thank you.

CHAIR VIGIL: Further questions, comments? What's the pleasure of the Commission?

COMMISSIONER MONTOYA: Madam Chair, move for approval.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second. Any further discussion?

**The motion to approve passed by unanimous [5-0] roll call vote with Commissioners Anaya, Campos, Montoya, Sullivan and Vigil all voting in the affirmative.**

CHAIR VIGIL: I just want to comment I think it's essential and I think probably the way we can get the message to the community that this won't adversely impact gross receipts is we are soon going to be sunsetting a GRT, or at least considering the sunsetting of a GRT for EMS, in which case the additional increment would make no difference in purchasing. Is that correct, Teresa?

MS. MARTINEZ: Madam Chair, that is correct. The sunset factor has been considered.

CHAIR VIGIL: Okay.

**XIII. C. 2. Discussion and Direction Regarding Santa Fe County's Utilities Water Plan [Exhibit 2: Presentation]**

MR. ABEYTA: Thank you, Madam Chair. I've asked Doug Sayre and Karen Torres and Teresa, we're all going to pitch in with the discussion. We also have a map that is a work in progress that is attached to the very last page of the handout, but a blowup of the map is right here in front of you. We talked at the last meeting about the County's plans when it comes to our water utility. The presentation included the mission statement, the priorities of the water utility, both in the near term, mid term and long term. We talked about the 40-year water plan and the need to update that plan now in 2007. We talked about water supply and the need to secure a reliable source, again, near to mid term, mid to long term. The water rights, the surface water rights we're going to need to obtain, groundwater rights, infrastructure – the fact that we're going to need to develop an infrastructure plan. We had a list of community water systems, criteria for assisting

community water systems, and which community water systems we felt met the criteria for assistance. Those included Cañoncito, Chimayo, Cuatro Villas, Sombrillo, Agua Fria and Eldorado.

We talked about our relationship to other systems, and then funding and the different sources for funding: general obligation bonds, revenue bonds, gross receipts taxes, cash reserves, developer contributions, state funding, federal funding and the Aamodt settlement. Then we passed out an infrastructure funding plan which we've made minor adjustments to since we passed that out. Our current infrastructure again is \$8.2 million in infrastructure, almost \$200,000 in fleet for water. For wastewater we're looking at about \$305,000.

We have to secure water rights for the Buckman. So far we have submitted 784.41 acre-feet of San Juan/Chama, which includes 375 of San Juan/Chama water. We have 678 acre-feet that are pending approval. For wells, we're going to need 288 acre-feet of water for our well program that we talked about earlier. For Aamodt, we're going to need 1700 acre-feet of water. So far on water rights we've expended \$7.4 million to date.

The capacity at the Buckman Direct Diversion is 1700 acre-feet. We have 1,462.64 acre-feet, either approved or pending approval, which leaves a shortfall of 237.36 acre-feet. This would assume that all pending applications are approved for transfer by the State Engineer.

As far as our wells for the County well program, we came up with different scenarios. For one, there's a minimal shortfall, meaning no acre-feet. The State Engineer approves a rolling average for water rights or 500 acre-feet wholesale from the City set-aside as drought reserve. There's another scenario that includes 11.32 acre-feet, or the State Engineer's Office will require standard yearly water rights, all wholesale. The City has committed to new backup of 75 percent of Buckman Direct Diversion, 25 percent would be supplied by County wells, 50 percent supplied by the City per our agreement.

And then there's a maximum scenario of us needing 561.32 acre-feet. As a middle scenario, the backup would be 100 percent of the Buckman Direct Diversion capacity, 50 percent would be by County wells and 50 percent supplied by the City as per our agreement. This assumes all pending applications are approved for transfer.

The County needs to develop an asset management plan which will consist of a plan for maintaining the assets, a schedule for capital reinvestment needs and infrastructure, and a funding plan for sharing the sustainable management of these assets.

We have some general policy statements that we've provided regarding a maintenance plan and the schedule of capital reinvestment needs, and then slide 19 we have the funding plan, which is the County's intent to finance asset reinvestment needs, both internally and with other available funding sources. We therefore establish and maintain the reserve fund for this purpose and will annually appropriate to this fund such amounts as are required to sustain it, considering current fund balances, future contributions and future reinvestment needs.

The appropriation amounts will be revised as necessary every five years based on

expected reinvestment needs over the subsequent 30 years.

Slide 20 again is another summary of the different available funding sources. They include bonds, gross receipts taxes, state funding sources, federal funding sources, which would include the Aamodt settlement and other potential settlements in the future, which we're not projecting any at this time.

Other funding sources include partnerships with federal and/or state, including Indian Pueblos, developer contributions, partnership with private firms. The challenges that we're going to have in developing an infrastructure funding and financing plan is we will need to identify the system. In other words, what are our goals? Then we have to adopt a long-term capital improvement plan, establish written financial policies, examine current rates, develop a transition plan, consider customer impacts and affordability. We'll need positive voter referendums to continue to issue general obligation bonds. Our current funding sources – we have a 1997 general obligation bond for \$1 million, a Series 2005 generates \$3 million, a Series 2006 generates \$5 million, and a potential for \$41 million in future sales.

Available capital outlay gross receipts tax as of June 30 is \$24.71 million, \$12.1 million comes from the County portion and \$12.5 comes from the regional portion. We also have cash reserves of \$2.9 million but these are specifically established for repairs to the current infrastructure.

If you look at our current funding plan, in gross receipts tax we have \$31.5 million. If you take the general obligation bonds that I just went over, which equals \$50 million, plus grant funding of \$2.5 million we've received, we're looking at \$84 million for water projects.

The uses, however, include Buckman Direct Diversion, which at this time we're projecting to take up \$80 million. Then we have projects, such as Valle Vista well, Valle Vista wastewater Valle Vista sewer lines, Valle Vista water, Agua Fria, Edgewood, Chimayo, Cañoncito, Pojoaque wastewater, the County well program and our shortfall for water rights, plus the Public Works well. We're looking at a total cost of \$23.6 million. So with the \$80 million from Buckman, \$23 more million for these prioritized projects, we're looking at a shortfall of almost \$20 million.

We came up with a couple different potential funding plans to address the shortfall or get us close to addressing the shortfall. The first would be, in addition to the general obligation bonds that generate \$50 million in 2009, issue another series which would generate \$15 million, and in 2011 another \$15 million. So that would bring up the total funding available for water projects to \$114 million. The uses again, we'd take away the \$80 million for Buckman Direct Diversion, leaving \$34 million, then we'd take the prioritized projects, which will take \$24 million, and we'll see that we have \$9.4 million that would be available for projects.

Now we have a second scenario for funding which would leave us with even more money for future projects. Again, taking the 2009 GOB Series and the 2011, which generates \$30 million, plus the \$31 million of gross receipts tax and the grant funding, we

have \$82.5 million, but we have a potential to generate \$13.6 more million through future revenue bonds sales, bringing the grand total for funding available, the potential funding available for water projects to \$127.7 million.

And again, taking our uses – Buckman, the prioritized projects, we're looking at \$24.1 million available for projects.

Key considerations: Voter authorization from the 2004 bond election expires November 2008. If the bonds are not sold prior to November 2008 the bonds must be reauthorized. And the 2004 Series of bonds are sold funds from the sales must be expended within a three-year period to avoid IRS penalties. If the Buckman Direct Diversion expenditures do not materialize by December 2009 and if a significant amount of the available general obligation funding is not used by late 2011 we need to determine what other projects could be funded by bond dollars.

Again, potential future bond sales for other water projects include \$15 million in 2009, \$15 million in 2011, another \$23 million in 2013 and \$22 million in 2015.

Slide 33 is a final funding summary that summarizes our projects, starting with Buckman Direct Diversion, the projects funded by the BCC to date, the BDD shortfall for water rights. Again, we're talking about 237 acre-feet. If we just take our standard \$30,000 per acre-foot that we're charging now, we're looking at \$7.1 million to purchase those water rights that we need. And then taking the well shortfall, the water rights that we'll need for our well program and taking the middle scenario that we talked about where we would need 111 acre-feet, that comes out to \$3.3 million, for a total of \$126 million in water projects, water rights.

So again, the current County utility project participation just to date is \$126.6 million. Funds that have been allocated is \$90.3 million so we have a total need of \$36.3 million. The highest proposed funding plan option 2 will generate \$127.7 million. And so with that, that will only leave \$1.1 million available for additional projects. Again, the assumption made here is that the proposed general obligation bond series that we talked about, those would require voter approval so we would need voter approval of that. The County's obligation for the Buckman Direct Diversion would have to remain at \$80 million and these costs are not inclusive of OM&R. OM&R costs are currently being researched for these projects.

So we have a funding summary conclusion: Potential shortfall if additional projects are included. Again, taking the highest funding plan, option 2, which generates \$127 million, the uses we've listed is Buckman Direct Diversion at \$80 million, the shortfall in water rights that we would need, \$10.4 million, the County programs just to date, the Valle Vista water system wells, wastewater treatment plant, sewer lines, the County well program, \$18.9 million. The commitments we've made or are making to community systems such as Agua Fria, Edgewood, Chimayo, Cañoncito, is \$2.5 million, and so far we've allocated \$1 million towards the Pojoaque wastewater, for total uses of \$14.9 million in available sources. When you look at the different requests that we've had and the different projects we've listed, we're looking at a need of \$16 million which would leave us even under

the best scenario a shortfall of one million.

So based on that, our legislative funding strategy moving forward is going to be with the state. We want to pursue funding for regional projects in conjunction with tribal governments and mutual domestic well associations. For example, the Pojoaque wastewater system, northern Santa Fe County wastewater system and a northern Santa Fe County water system, plus I want to add Cañoncito and Eldorado water line to this list.

For federal, we would pursue funding for the Buckman Direct Diversion, Aamodt, and wastewater projects. Current Utility Department activities include a water or sewer service that we provide for customers, the hydrologic model we're working on, water rights – we continue to purchase and transfer water rights for both the Buckman Direct Diversion and well locations. We're taking a look at the Valle Vista wastewater upgrades, the Valle Vista sewer line replacements, Valle Vista water system upgrades, Public Works well. We just finished the Nancy Rodriguez Community Center water hookup. We're conducting a rate study. We're doing technical reviews for Land Use and the Utility Department, water utility and wastewater utility plans, automated delivery units for water trucks.

As far as large projects that we're participating in, the Buckman Direct Diversion project, the County Growth Management Plan, the Pojoaque Valley wastewater treatment plant, the Santa Fe Opera wastewater treatment plant, Edgewood wastewater treatment plant. Sombrillo wastewater system. We're having discussions with different mutual domestic water users associations, and the water and sanitation district in Eldorado. We have several sewer line projects in Agua Fria that are currently underway and we're also working with projects on the Stanley Fire Station.

As far as the staff's priority projects for water, they're the Buckman Direct Diversion project which includes the water rights acquisitions we need to make, the County well program and the water rights acquisitions, the Aamodt settlement and also we're starting to talk about a regional water system and wastewater system in northern Santa Fe County, and a water line to Eldorado that will serve two purposes – Eldorado and Cañoncito.

Taking a look again at funding option number two, which would generate \$127 million again, take away the \$80 million for Buckman, \$10.4 million for the water rights we need to acquire, the County programs, again Valle Vista, that list, that totals \$18.9 million. The County well program is going to take \$3 million, we're projecting, the Aamodt settlement, we're projecting \$15 million, but a lot of that is going to be covered with the water rights we already purchased. We're projecting at this time \$2.6 million, more or less for a northern Santa Fe County regional water system. We're projecting \$4.3 million for a water line to Eldorado and Cañoncito. That gives us a total of project costs of \$134.2 million, plus there's Pojoaque wastewater that wasn't included on this list, which we're projecting. Our contribution could be as much as two, three million dollars when it's all said and done.

Even with \$127 million there is still going to be a shortfall for water projects. The purpose of our discussions is to talk about how we're going to prioritize our projects. I stated it a little bit during the ICIP discussion we just had. The state has made it clear that they want us to fund Buckman as much as we can on our own. The County well program, the water rights

that we need for those, do as much of Aamodt as we can, and then they will assist us with a northern regional water system, because there's going to be a lot of communities involved in that, a water line to Eldorado and Cañoncito, Pojoaque wastewater plant.

So my strategy going forward this year, I'm going to – my next step is I'm going to present what I presented to you to DFA. I'm going to show them that, okay, you're correct. We do have money for these projects but we don't have enough money for everything that we're working on. So we need your assistance. They can expect requests from us along with other entities for assistance. Eldorado is a good example. We're going to go together hopefully with the Eldorado Water and Sanitation District and Cañoncito and the three of us make a request for funding of that water line, plus we're going to contribute our own dollars towards that.

So those are our priorities as far as water projects. That's a preliminary funding plan that have and what we've developed or are starting to develop is a map where you can see, and so we can see ourselves where we're headed as far as water goes and we'll follow up with wastewater. Starting in northern Santa Fe County, we have what we're calling the Cuatro Villas area, which includes Sombrillo, La Puebla, Santa Cruz, Chimayo. Our plan and what we're going to propose and what we're going to start working on is one regional system in this area and that's going to include Rio Arriba County and Española. I've already started discussions with the state, with DFA, and they prefer that themselves.

They have made it clear – DFA anyways, they're going to try to stop allocating money to these individual community water systems, especially in this area of the county, because to them, it's not making sense either that we give a little bit to this mutual domestic, then a little bit to that one. They are going to push this next year for a regional system, which we will be a part of or maybe even run ourselves in this northern Santa Fe County area. And I think we could expect the same push, and we're already having discussions regarding wastewater in this area.

Then we have the Aamodt settlement area which runs from north of the city limits up to the Pojoaque area. So we're going to start planning for water lines and our utility to be run out of and to serve this general area of the county. Then we have the Santa Fe Community College District. We have Eldorado, that's right next to it. We think it makes sense to run a line from our water system in the Community College District to Eldorado and out to Cañoncito. At first it may only serve as backup for those two, but if you look at our long-range plans for our utility, we may see a regional system in this area, that we are the primary operators of. If not, it's a good idea anyways to provide one another backup, whether we're backing up Eldorado or Eldorado's backing us up.

Plus, by putting the line there we could address Cañoncito's water needs that they have. So again, this is just the beginning of kind of the future water service areas that we envision and those are the big projects that we're going to start working on and we've started working on in northern Santa Fe County. We have the Aamodt settlement and again, we want to see a line go from our utility out to Cañoncito to provide those needs.

And finally, the Estancia Basin, we had a presentation from them. We are going to

continue to contribute towards that effort, which is I believe \$19,000 a year. We're going to continue to contribute to that. We're going to continue to work with the Town of Edgewood as they shore up their plans for annexation, and then I would assume that we would then, our role would be defined as far as the Estancia Basin. I don't know how active of a role we'll have in the future, but for sure, these are our priority areas in the next four to five years and then, depending on what studies take place and what the studies recommend in the Estancia Basin, we could have a role as far down south as Edgewood also. At this time, Madam Chair, I would just open it up to questions for myself and staff regarding where we're headed in water.

CHAIR VIGIL: Thank you, Roman. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, as far as the Chimayo discussion that we had this morning, how does that work into your big picture plan?

MR. ABEYTA: In our plans we had already taken into account the \$500,000 for Chimayo because the discussion we had this spring, the Commission decided that we're going to take this \$2.5 million that's available and divide it five ways. So we have already taken that into account, plus I think the discussion was really good, Commissioner Sullivan's suggestions for putting our share towards a regional line fits in exactly with our plans. And the fact that they're willing to accept that we would either one day have ownership or become part of a regional system. We think from our perspective it fits in with what we're planning in that area.

COMMISSIONER CAMPOS: But how do we structure the agreement we talked about this morning, to accomplish that more effectively. I think that's something we need to discuss in the next month before it comes back up for action.

MR. ABEYTA: We will be discussing that and I think, as I said, we're headed in the right direction with Commissioner Sullivan's amendments as far as putting in major lines in certain locations and those would be the lines that we would participate in future maintenance of, and continue to discuss with that the fact that our interest is in the regional system here and that's why we're helping you because we want to see a regional system. And if they're open to that, which they are -

COMMISSIONER CAMPOS: Well, the Cañoncito - we have a Cañoncito model also. We've had some discussion with them and they're certainly ready for the County to take over that system. I was hoping maybe we could take the same approach with Chimayo. I don't know if we're ready to do that. How do you see that?

MR. ABEYTA: I don't know if we're ready to do that with Chimayo or not. I would actually prefer that we take this phase-in approach where we kind of get our foot in the door by having a JPA or an MOU that says we have ownership and that we can come in and take it over. But for us to just come in and take it over now, I don't think we have the resources to do that.

COMMISSIONER CAMPOS: We have that agreement with Cañoncito or the proposed agreement with Cañoncito but we don't have the same type of agreement with Chimayo. I didn't see that in the draft that was presented this morning.

MR. ABEYTA: No, we don't, and we still need to continue to talk to

Cañoncito because I'm not convinced that they are ready or they are all onboard with us taking it over.

COMMISSIONER CAMPOS: Oh, really?

MR. ABEYTA: Right. And that's why right now what we'd like to see is a line there so that if they want to continue to operate their system we'll provide backup water for them in the meantime, but to have the similar type of language in their agreement that says we will take over and they will be okay with that at some point in the future.

COMMISSIONER CAMPOS: I think we have to deal with all mutual domestics in the same way. We have to have an approach. I thought Cañoncito was onboard but maybe I'm wrong.

MR. ABEYTA: We're trying to coordinate meetings to see that we are. But we think the discussion this morning was healthy and was good and could set the parameter for the rest of the mutual domestics that want funding from us. It's not necessarily about getting a system with funding because it gets our foot in the door so that we can accomplish these regional systems that we want.

COMMISSIONER CAMPOS: That's what I'm hoping to be able to accomplish. The regional goals – I just want to make sure that everything we do pushed us and them in that direction. Not in 20 or 30 years but in five or ten or fifteen years.

MR. ABEYTA: I think we're headed there. The state is going to actually going to try to coordinate a meeting with Chimayo and everybody in that area because they're going to help us push that initiative and Chimayo, hopefully by the time we have this meeting, we'll have a good agreement with them that we can use as the model and say, okay, here we think we've set up a good model with Chimayo that the rest of the communities can follow, if we're not ready to fund an entire regional system at this time.

COMMISSIONER CAMPOS: The other issue came up in my mind this morning was the Community College District and the Rancho Viejo well. It's been offered to us. It's a production well. It seems like it has a lot of water available to it. Is there anyway we could move forward on that sooner than later?

MR. ABEYTA: We would have to – I don't know if there is a way or not. I don't know how big of an investment we want to make in a well if we don't know what the State Engineer's opinion is going to be on that well. I think we could feel pretty confident that we would be fine with the transfers but I think we're being conservative and cautious in that we want the State Engineer to act on this first. If the Commission wanted us to move forward with acquisition of wells we'll have to bring forward the list to the Commission, and we can do that. But like I said, the chance we're taking is if there's protests or there's problems that we can't overcome we could land up having spent money on a well that doesn't provide us with the water that we need in the future.

COMMISSIONER CAMPOS: The other strategy that we chose was to look at multiple sites.

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: And we brought everybody out of the woodwork



in protest, instead of going to one and getting that one, the next one. By doing them all together we brought everybody, every potential opponent out. That may, as we were told this morning by Ms. Torres, it may take a year and a half to clear that up.

MR. ABEYTA: Madam Chair, Commissioner Campos, are you suggesting as an option or alternative to narrow down the potential well locations and wells and just pursue that?

COMMISSIONER CAMPOS: Because we're encouraging almost every opponent, potential opponent, to come out with this huge plan. I think we should - it's ideal to go with a master plan from a logical point of view, but then when you do that you're going to attract every potential opponent that you have and if you have 200 protesters you've got to go to 200 protest hearings. Just a thought.

MR. ABEYTA: It's something that we could continue to discuss with the Commission but because it is such a sensitive issue I would want an action item that the Commission gives clear direction on and possibly votes on, if we're going to do it.

COMMISSIONER CAMPOS: I'd like to have staff's thoughts on that.

MR. ABEYTA: Sure. We can look at the pros and cons of both approaches and have that discussion.

COMMISSIONER CAMPOS: And maybe we'll be ready to have a discussion on that. Thank you Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Madam Chair. I am thinking along the lines or have been thinking along those lines as Commissioner Campos expressed for quite some time in terms of needing to come up with some sort of plan that we're going to implement. It's good to plan to plan, but then it's time to plan to implement and we, to me, should be already in that phase and we haven't gotten there in the last three and a half years. I'd like to see us take some sort of a plan that's going to implement the Rancho Viejo well and some of the other wells that have been designated or at least identified as being good locations for an overall well system throughout the county.

I think until we get to that point and move forward on something then we're just going to continue to have potential sites, potential protest, or not potential but probably protests, and we'll just be spinning our wheels forever, trying to develop our own County water system. We've been doing not a whole lot for two and a half, three years. So I'd like to see us move forward and come up with something so that we can react to something and move forward with some sort of comprehensive plan for our wells and water system.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I think I discussed a little earlier the water quality problems with the Rancho Viejo well. The other problem with the Rancho Viejo well is that it is not a production well; it is an exploratory well. So regardless of whether we, as we have, make application to transfer water rights to it, if we say forget all that, we're just going to accept their well, water rights still have to be transferred to it; it's not a production well. They're not entitled to produce one drop of

water from that well for human consumption. That's an exploratory well. You can go to the State Engineer and get an exploratory well permit without water rights.

So regardless of where we are and we're further along now that the staff has put those applications, admittedly a scattershot approach but nonetheless they've been put in. If we just said, well, we're going to make Rancho Viejo well our priority, someone - us, Rancho Viejo, somebody - would have to transfer water rights to the well. And there would be protests from the Route 14 area, and there would have to be hearings. And there would have to be a determination, just like they're doing now. So I don't think we save any time, even if the Commission felt that was a good idea, by saying, okay, let's focus on the Rancho Viejo well. It's got no water. It's just a hole in the ground that was allowed by the State Engineer to pump in order to determine its capacity.

That same capacity could be achieved in other wells with perhaps less impairment. That's what we're trying to find out. So that's one point. I think it sounds great now let's go charge forward and get the Rancho Viejo but we'll only get as far as the OSE's front door and we're going to have to wait in line just like everybody else.

The other question I had, Roman, on page 31, on plan 2, your maximum potential funding plan, if we go with two more general obligation bond series, which you show in yellow there, and then you also say let's throw in a \$13 million revenue bond series to pump it up even more to \$127 million, number one, does that max us out on GO bonds?

MR. ABEYTA: I'll have Teresa answer that.

MS. MARTINEZ: Madam Chair, Commissioner Sullivan, no it doesn't. This is already part of a plan that we've been working on with both the bond counsel and the financial advisor. So these are already part of our financial plan. Also part of the total consideration for BDD.

COMMISSIONER SULLIVAN: Okay. So the one problem that we do have by relying too much on these GO bond is arbitrage. We can't spend the money.

MS. MARTINEZ: That is a huge problem that we're watching. And then I want to qualify on the revenue bond sale, that was made with some general estimations and that would also be about at least two to three years out.

COMMISSIONER SULLIVAN: Which one?

MS. MARTINEZ: The future revenue bond sale, the use of that capital outlay GRT.

COMMISSIONER SULLIVAN: And that's what revenues? Water revenues?

MS. MARTINEZ: That would be pledged from - I think there's one million dollars available still on that capital outlay GRT that is available for pledging. And it would be I think the total capital outlay GRT. I could qualify that with our financial advisor.

COMMISSIONER SULLIVAN: Oh, so it's not a revenue from water. It's a revenue from the GRT.

MS. MARTINEZ: From the GRT, yes.

COMMISSIONER SULLIVAN: Okay. Because we could also do revenue bonds from the water system, right?

MS. MARTINEZ: Right.

COMMISSIONER SULLIVAN: We don't have a very big water system but when you're looking five years ahead I think we will.

MS. MARTINEZ: There's potential.

COMMISSIONER SULLIVAN: You can certainly get revenue bonds based on that. The problem I see with relying so much on these GO bonds is first of all, the one with all experience and that is we're building up a big "surplus" as the legislature sees it - good planning as we see it, because we know we're going to get a big hit from Buckman and we're having to save up in our piggybank for it. And then that runs us into the problems of we haven't expended the money. So that's IRS problems, and it's also problems in getting the legislature to favorably consider our funding needs.

So we're kind of going out and borrowing money against future things that the money keeps piling up and that causes us more problems. I think we're going to have to begin to think seriously, going back to page 25, you mention in passing developer contributions may include impact fees. We're just about the only large county that doesn't have impact fees. I don't know of any others - Bernalillo, Doña Ana. And before my time the Commission passed impact fees for fire and EMT. And so that's more than seven years ago. And that's created a good, stable platform for planning for our fire and EMT group. For personnel, for capital improvements. We've gotten new equipment. We've got new uniform. We got new training. We got new people and our last bond election, notwithstanding the negative lobbying from the City firefighters, we passed a bond issue handily.

So that tells me that those impact fees that we're collecting, which are rather modest - on the order of \$1,000, \$1,500 a unit I think, average unit, for fire - have been a good investment for us. And I think now the first problem if you talk to any developer, they say, what's the biggest problem in Santa Fe County? It's that five-letter word that begins with W, water. We want you to give us the water, provide us the water, drill wells, do whatever you need to do, just give us the water. They'll do anything if we just give them the water. And they don't have to go get it themselves or plan for it or think about it. Of course that's not going to happen.

But, what we have the ability, as I've said before, to fund large amounts of money up front and to recoup those monies in the back end. Number one, through system revenues, which means rates. You can only get so much water out of that stone because everybody's got to pay the same rate. The other is impact fees. So when we start issuing GO bonds and revenue bonds, we start assessing everyone in the county for an impact in a certain area, and those big impacts are in the northern part of the county and in the Community College District area. Those are the ones who are reaping the benefits from all these bond issues. Edgewood is not getting any benefits from it. Stanley is not any benefits from it. So I think the time is probably here when we need to create a sustainable stream

for water. Impact fees for water that grow with this regional plan, that say, here's what we're using the money for. We're going to do a regional system in the Cuatro Villas area. We've already been discussing for five years a regional system in Aamodt and that's looking like it will come to pass fairly soon.

A regional system unfortunately in the Community College District has been lacking. It's essentially been whatever Rancho Viejo decides to do and so we're kind of the tail wagging the dog there. We need to jump ahead of that and say, okay, here's where water is going and here's what we're going to charge for it and the way we're going to pay for that is through impact fees primarily.

So my suggestion is that we look at that area. I think that until we do that we're not going to really have a sustainable income stream from which to plan these improvements, to fund the big dollar, up front improvements that we need, whether it's wastewater plants, whether it's water pump stations, whether it's water lines, and we've got to take the lead on that. There's no developer big enough in the county or interested enough to plan any one of these whole areas. Even as big as Rancho Viejo is, they're not interested in planning the whole south Route 14 area.

So I would encourage us - I think we've shied away from it. The City has fairly substantial impact fees already, and they have fairly substantial hookup fees, \$10,000, quite substantial. \$5,000 to \$10,000 depending on the hookup and the location and size of the meter. So I think we're not all anywhere near out of line in saying it's time for those entities that are benefiting from these water improvements to participate in them. It's not going to fund it all. Let's say we had a \$3500 impact fee. I just throw that number out. It's not a particular number that I'm advocating for. That's not going to fund it all by any means. But it's certainly something people can understand. It's something they can put their eyes on and focus on and say, yes, that's true. We've got to have water. That's our number one problem area.

And of course number two is roads. We're not talking about roads today, but impact fees for roads - we're woefully behind on roads. So I would encourage, as we've discussed this, that we would begin to think, yes, this is a good plan. In either one of the scenarios we are short funds. This doesn't take into consideration inflation and so we're going to need to come in the backdoor with funding that we can pretty much count on each year. If we're getting - I think the last number I heard was like 50 to 75 water hookups a year. So that's 50 to 75 residences on the County water system. That's not in the county, it's on the County water system, coming on line each year, on the County water system. If we made that more available by getting more transmission lines out, it wouldn't be unreasonable to think we could double that. So let's say 150 of the units that are coming on line each year could be on County water instead of 50 to 75 and we could assess impact fees for those units.

So I think that's an area that we haven't explored yet. We've gross receipts taxed ourselves out. We've arbitrated out on GO bonds, or we will pretty quick here, and I think what I'm hearing from the Commission is we've planned ourselves out. We need to start

acting and producing as opposed to planning and I would support that certainly. Thank you.

CHAIR VIGIL: Thank you, Commissioner Sullivan. Other Commissioners' comments? Commissioner Campos.

COMMISSIONER CAMPOS: I think Commissioner Sullivan's discussion about sources is an important one. I think, Roman, you and I have talked about how difficult it is to get a reliable response as far as providing us with resources to do projects that we think are important. It seems like it's not very reliable and it's really frustrating to wait year after year for the legislature to provide us funding. It seems if they provide us any funding it's just pieces of funding. So I'm thinking if we're talking about resources I think we should consider property tax, countywide increase so that we are funded so that we can create the infrastructure that we do need, especially for the new growth areas. We're going to have to have a lot of dollars so that we're not reacting to the developers so that the County is really taking the lead and once you have the resources, the County is making all the decisions about growth areas and the growth areas will be sustained, if we do have the resources to actually put the infrastructure into those growth areas.

So I think that's something that needs to be discussed I'm not enamored by developer fees, impact fees. I think we've got to go a different route.

CHAIR VIGIL: Can I just ask our attorney a question on that? Do we as a Board have the authority to do that? Don't we need to have legislative authority to enact property tax increases?

MR. ROSS: Madam Chair, you have statutory authority to enact property tax increases. It's just your ability to do that is limited by a complicated formula called yield control. It ensures that property taxes don't go up at any particular rate, but I understand our effective rate is in the 4.5 mill area and you can go up to - I think it's 11.75.

CHAIR VIGIL: Thank you. Further comments, questions? Is this in regard to this item? Please come forth.

VICTOR MONTOYA (County Treasurer): I guess, Madam Chair, Commissioners, in hearing this I do kind of agree with Commissioner Sullivan that the people that are actually benefiting from this thing should be the people that should be paying the additional tax to fund these improvements. Otherwise, the people down in Estancia are not benefiting from it, it seems kind of like an unfair tax when you have to apply it to everybody in the county. And impact fees to me, they're kind of like a one-time fee. Once you pay it, that's pretty much it, other than the regular utility fee that you pay at the end of each month.

I guess the fairness of the taxation is what I look at and I just wonder if maybe it should be handled more like a PID or a SID for the particular area, if it's Rancho Viejo or the Community College District. Maybe they should be paying for these additional revenues that are required to put in the system. That's all I had to say. Thank you.

CHAIR VIGIL: Thank you, Victor. Appreciate your input. Without placing

too much emphasis on how we're going to fund things, I would just like to make a comment that we not lose sight – we are so caught up in wanting to get water, water rights, moving forward on water, the Buckman Direct Diversion, our projects are so huge and sometimes so overwhelming. We have sort of I think trailed along with wastewater systems, the Pojoaque wastewater. And I know that we've got potential wastewater systems. But it seems to me that we should not lose sight and create sort of a dyadic priority, a dual priority, both for water and wastewater because without one you can't have the other.

We can put all our energies in getting water sources, enacting impact fees, PIDs, property tax, whatever. That discussion is one whole meeting in and of itself, I think. But with that, if we do not in Santa Fe County take care of the septic tank problems that we have we are going to be caught up in a difficult, difficult problem, no matter how much water we bring in. So I would just, as I look at this presentation, I see that there's a strong emphasis on water delivery systems and costs and that and we do have wastewater. I just want to make sure, and I think, Roman, that this water utility plan is schematic. That from this we'll probably get a comprehensive narrative of a water utility plan and this would not only satisfy our 40-year requirement but it also would be far more comprehensive than that, as I'm viewing it. Is that what the intent was, staff-wise?

MR. ABEYTA: That is, and we'll continue to refine this and work it and continue to have discussions with the Board, just for example, the well location. We'll continue to discuss the pros and cons of both approaches we talked about today. We will research impact fees versus property tax increases. We'll bring the pros and cons to that. So really what you're seeing is the beginnings of a comprehensive water plan. We're starting to pull all the pieces together. Steve Wust, by the way, is working on a wastewater plan the same way. So by far we're not done yet. There still is a lot of work to do and different scenarios that we need to investigate. So this was just a beginning to start the dialogue and we'll be back, either monthly or every other month with refinements, till we reach the point where we're ready to actually take on an impact fee ordinance or do a property tax increase. Things like that. For both water and wastewater.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I think we have to keep in mind that all this talk has to dovetail with land use regulations and zoning and planning, and that's what we're doing. If they don't dovetail, we're just going to create a very sprawled out community and we're going to use our money in a very ineffective way. So we have to keep the pressure on to get a land use code done as soon as possible. Get the growth areas done as soon as possible and make commitments to infrastructure within those growth areas.

CHAIR VIGIL: Any further comments?

- XIII. D. Matters from the County Attorney**  
**2. Executive session**
- a. Limited personnel issues
  - b. Discussion of possible purchase, acquisition or disposal of real property or water rights
  - c. Discussion of bargaining strategy preliminary to collective bargaining negotiations


Commissioner Anaya moved to go into executive session pursuant to NMSA Section 10-15-1-H (2, 8 and 5) to discuss the matters delineated above. Commissioner Montoya seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, Vigil and Anaya all voting in the affirmative.

[The Commission met in executive session from 4:20 to 5:25.]

Commissioner Anaya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Sullivan seconded. The motion passed by unanimous 4-0 voice vote. [Commissioner Montoya was not present for this action.]

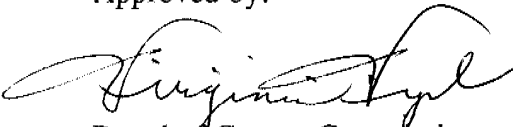
**XIV. ADJOURNMENT**

Chair Vigil declared this meeting adjourned at 5:25.



*Valerie Espinoza*  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

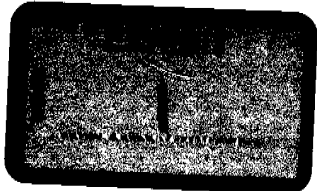
Approved by:



Board of County Commissioners  
Virginia Vigil, Chair

Respectfully submitted:

*Karen Farrell*  
Karen Farrell, Wordswork  
227 E. Palace Avenue  
Santa Fe, NM 87501



SFC CLERK RECORDED 10/15/2007

**JOINT POWERS AGREEMENT**

**BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY,  
NEW MEXICO  
AND THE GREATER CHIMAYO MUTUAL DOMESTIC WATER CONSUMERS  
ASSOCIATION CONCERNING JOINT EFFORTS TO CONSTRUCT AND REPLACE  
A PORTION OF ITS WATER DELIVERY SYSTEM SERVING THE HISTORIC  
"PLAZA DEL CERRO" AND ADJACENT NEIGHBORHOODS OF THE GREATER  
CHIMAYO MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION**

This Joint Powers Agreement is made this \_\_\_\_ day of AugustFebruary, 2007 pursuant to the New Mexico Joint Powers Agreement Act, NMSA 1978, Sections 11-1-1 et seq. (as amended), by and between the Board of County Commissioners of Santa Fe County, New Mexico (hereinafter referred to as "the County"), a political subdivision of the State of New Mexico, and the Greater Chimayo Mutual Domestic Water Association (hereinafter referred to as "the Association"), a Mutual Domestic Water Consumers Association, organized under the Sanitary Projects Act, §§ 3-29-1 through 3-29-20, NMSA 1978,

**RECITALS:**

**WHEREAS**, the Association was organized to respond to the emergency needs of the community for a safe and reliable domestic water supply, which need has been recognized in the declarations of emergency by the Governor of New Mexico, the New Mexico Department of Environment, the New Mexico Department of Health, the County of Santa Fe and the County of Rio Arriba;

**WHEREAS**, the Greater Chimayo MDWCA has now merged with the older existing Chimayo MDWCA serving the historic Plaza del Cerro and adjacent neighborhoods, into a single "Association";

**WHEREAS**, the older existing portion of the system serving the historic Plaza del Cerro and adjacent neighborhoods is now facing an emergency situation due to contamination hazards



from rapidly deteriorating water lines, and which has for many years experienced operational issues related to insufficient line capacity, insufficient redundancy in the system, insufficient fire protection, reliance on a single insufficient well for water supply, and a lack of water meters for its residences;

**WHEREAS**, the Association has been partially funded for the construction of Phase I which addresses portions of the emergency area declared in Santa Fe County, has acquired property and water rights, drilled and developed three municipal wells below the Santa Cruz Dam of sufficient quantity and quality to meet and supply all of its present and near future needs, constructed a water storage tank at the Santa Fe County Fire Station near the Santuario, completed a water fill station at the Benny Chavez Community Center, and has constructed the main 12" supply line from the wells and water storage tank across State Road 76 into Rio Arriba County;

**WHEREAS**, the total funding from State and Federal appropriations expended thus far in that portion of the ongoing Phase I construction of new water system infrastructure which lies in Santa Fe County is \$ 2,072,390.31;

**WHEREAS**, the Association has no additional funding from which to immediately address the emergency area of the existing system serving the Plaza del Cerro and adjacent neighborhoods, consisting of approximately 50 households, and an additional 50 households that could be served by the replacement and extension of the existing system;

**WHEREAS**, the County is willing to assist the Association and the Association desires to receive such assistance from the County, in order to complete that portion of the Phase I construction, (Phase I-C), which would replace and extend the existing system serving the Plaza del Cerro and adjacent neighborhoods, to include the improvement the redundancy of the new

and existing systems and to ensure that customers of the new and existing systems receive cost-efficient and reliable water service;

**WHEREAS**, pursuant to the New Mexico Joint Powers Agreements Act, the parties hereto are authorized to enter into agreements for the purpose of jointly exercising any power common to the parties;

**WHEREAS**, both the Association and the County have statutory authority to own, operate and maintain public water utility systems; and

**WHEREAS**, it is in the interest of the public health, safety and welfare for the parties to cooperate in making the proposed improvements to the system as set forth herein.

**NOW THEREFORE**, the parties mutually agree as follows:

**1. IMPROVEMENTS TO THE GREATER CHIMAYO MDWCA SYSTEM**

1.1 The County and the GCMDWA agree to jointly improve and upgrade the Association's wells, storage tanks, main and secondary supply lines, meters, fire protection system, and other components of the Association's system (hereinafter referred to as "the System") as set forth herein.

1.2 Water supply lines will be replaced throughout the System, to the extent funds are available. The existing water supply lines will be replaced with either eight inch or twelve inch lines as set forth in the engineering report of Molzen Corbin & Associates, attached hereto as Exhibits A, B and C. The lines shall be of sufficient size to permit the Association to provide redundancy to its water system ("looping") as set forth herein, and to permit the Association to transport water to support fire prevention throughout the Phase I construction in Santa Fe County.

1.3 At least five fire hydrants shall be installed on "stubs-outs" on the System's lines within that portion of the System comprised of the historic Plaza del Cerro and adjacent neighborhoods. The Santa Fe Fire Marshall shall be consulted concerning the location and design of the fire hydrant system.

1.4 Water meters shall be installed that are capable of being read remotely by radio through the System, including the Plaza del Cerro and adjacent neighborhoods.

1.5 [Reserved] An additional water storage tank will be constructed to ensure adequate fire flows as the fire hydrants installed pursuant to this Agreement and to provide redundancy. If funds are not adequate to provide an additional storage tank from the funds described available for the project and described herein, the County may nevertheless elect to construct the additional tank at its own expense. The Association shall provide a site for the tank and all necessary rights of way, and shall operate and maintain the tank as set forth in this agreement.

1.6 All improvements described herein shall be designed consistent with sound engineering principles and shall enable the replacement of the existing Plaza del Cerro system to be fully integrated and interconnected into Phase I of the System. The improvements described herein shall be constructed in a good workmanlike manner with reasonable construction supervision.

## **2.0 OWNERSHIP OF IMPROVEMENTS.**

2.1 All water system improvements constructed in the Santa Fe County side of Chimayo by the Association with previous funding, or by funding as provided through this Agreement shall be owned jointly by the Association and Santa Fe County in proportion to their respective contributions. Any disposition of the improvements enabled herein shall require approval of both

parties hereto. The specific items that are subject to the joint ownership described in this paragraph are listed in Exhibits A, B and C.-

### **3.0 FINANCING OF IMPROVEMENTS.**

3.1 All improvements described herein have been or will be constructed using revenue from three sources: (i) appropriations from PL-108-354; (ii) an appropriation from the New Mexico Legislature, the total amount of which expended thus far in that portion of the ongoing Phase I construction of new water system infrastructure which lies in Santa Fe County is \$ 2,072,390.31; and (iii) funds provided by Santa Fe County as matching funds through this Agreement for the aforementioned grant in the amount of \$500,000<sup>1</sup>,412,100.00.

3.2 The County shall either contribute funds directly to the Association from time to time to support expenditures made by the Association on the improvements, or, alternatively, may make direct expenditures ("in kind" contributions) to construct the improvements described herein. In the latter situation, the Association shall provide access and/or easements as appropriate to support construction of improvements, access to design and/or engineering work as appropriate, and other items to support the work.

3.3 If additional funds become available that permit improvements to be constructed that were not constructed because funds were not available from the sources referred to herein, the parties may nevertheless proceed to design, engineer and construct improvements with other funds, but such arrangement must be described specifically in an amendment to this Agreement. If additional contributions from the County are required to support additional design, engineering and construction work, the parties may proceed by appropriate amendment to this Agreement.

#### **4.0 PRIORITY OF CONSTRUCTION OF IMPROVEMENTS**

4.1 The improvements described herein shall be designed, engineered and constructed as funds are available, but shall ~~be~~ generally receive priority in the order the items are set forth on the Attachment B. The priority that items are constructed may be adjusted from time to time to maximize available funds and to account for changed circumstances. An amendment to this Agreement is not needed to reprioritize projects so long as the proposed reprioritization receives approval of the Technical Committee.

#### **5.0 PROCUREMENT, ADMINISTRATIVE SERVICES**

5.1 The Association shall, pursuant to the New Mexico Procurement Code, NMSA 1978, Section 13-1-1 et seq., and applicable procurement regulations, procure all the design, engineering, and construction services necessary to construct the improvements described herein, except those provided by the County (in kind) and described herein. The Association shall provide all necessary administrative services related to the foregoing. The County shall have the right to examine all documents related to the foregoing.

#### **6.0 REDUNDANCY AND LOOPING.**

6.1 Once the improvements described herein are made, the Association shall use the improvements to provide redundancy ("looping"), to improve operations of its entire System, and to transport water across the system for delivery purposes. All of the County's operations and activities pursuant to this paragraph shall be reviewed and approved by the Technical Committee for technical feasibility. In no event shall the Association's operations pursuant to this paragraph be permitted to affect water quality for customers of the Association, affect delivery of water to customers of the Association, or impact service provided to the customers of the Association.

#### **7.0 [Reserved] BACK UP WATER SUPPLY.**

7.4 The Association and County shall work to develop a back up water supply for the Association as may be needed from time to time. In the event that the County provides a back up water supply that is owned exclusively by the County, the Association shall provide twenty four hours notice of the need for back up water, or, in the event of an emergency, as much notice as is feasible. Water provided to the Water Association shall be metered at the appropriate master meter, and the Water Association shall pay reasonable charges to the County for any back up water delivered pursuant to paragraph 9 of this Agreement.

**8.0** ~~INSTALLATION OF REMOTE METERING~~

8.1 If water meters with remote reading capability are installed in the Association's system pursuant to this Agreement, the Association shall read the meters electronically. Based on the mutual agreement of the parties, the County and the Association may elect to participate in the following operations as the need may arise in the future: (i) selection and purchase of the appropriate hand held meter reading devices may be the shared responsibility of the parties; (ii) the County may elect to provide training to personnel of the Association on the use of the devices and may provide monthly reports on customer usage generated by the electronic meter reading system.

**9.0 WATER RATES AND CHARGES.**

9.1 The Association shall set its water rates and charges for its membership and upon the request of the County for informational purposes, the Association shall provide the County with its current water rates and charges.

**10.0 TECHNICAL COMMITTEE.**

10.1 A Technical Committee consisting of four persons is hereby created. Each party shall appoint two representatives to the Technical Committee; persons appointed to the Technical

Committee should have technical expertise as a result of education, training or experience, in the design, operation or maintenance of water systems.

10.2 The Technical Committee shall be charged with ensuring that the governing bodies of the parties are provided with regular reports on the progress of the work of this Agreement, and shall provide a forum for intergovernmental discussions necessary to the continued operations of the System.

10.3 The Technical Committee shall meet as often as necessary given the situation, but shall meet at least biannually.

#### **11.0 OPERATION AND MAINTENANCE OF THE SYSTEM.**

11.1 The Association shall bear all the costs of day-to-day operation of the system, including but not limited to electrical costs associated with the well owned by the Association and its related infrastructure, pumping to fill the storage tank(s), maintenance of water rights, new capital expenditures and permitting. The County shall have no responsibility to contribute to these costs, which shall be borne solely by the Association.

11.2 The parties hereto shall jointly bear the expense of routine maintenance of the improvements described herein, and shall jointly bear the cost of capital expenditures related to the improvements described herein. Any routine maintenance and capital expenditure related to the improvements described herein shall be discussed by the Technical Committee prior to making the expenditure, who shall provide a recommendation to the parties hereto concerning the proposed repair or capital expenditure. If the Technical Committee recommends making the expenditure, the Association shall make the maintenance or capital improvement, but may seek reimbursement from the County for one-half of the value of the maintenance or capital expenditure. One-half of the value of any routine maintenance or capital improvement that is

approved by the Technical Committee shall be paid by the County. If the maintenance or capital expenditure is not approved by the Technical Committee, the County may contribute to these costs but shall not be obligated to do so.

## **12.0 SERVICE AREA.**

12.1 The parties recognize that the service area boundaries of the Association have been established which includes the entire Santa Fe County side of Chimayo. Any changes to the service area by the Association shall be discussed with the County to ensure continuing good relations between the parties.

## **13.0 PARTICIPATION IN REGIONAL WATER PLANNING AND CONJUNCTIVE USE STRATEGIES**

13.1 The Association and County shall participate in regional water planning efforts, to include the County's sustainability and conjunctive use strategies, with the goal of assuring a reliable, safe and sustainable supply of water for Association county customers and for the County at large, to communicate and coordinate concerning water resource management, and to work towards sensible regional system integration and management.

13.2 The Association and the County shall work together to assure the sustainability of those ground water resources within the Santa Cruz watershed, and the region.

13.3 The Association shall cooperate with the County's Regional Plan as developed by the Regional Planning Authority (and adopted by the Board of County Commissioners and the Santa Fe City Council), the County's 40-Year Water Plan, the County's General Plan, and other relevant planning documents.

13.4 The County of Santa Fe shall meet as needed with the County of Rio Arriba Planning Department to assure that the two County land use policies will be compatible as they \* relate to the Association's service area in both counties.



**14.0 FIRE PROTECTION**

14.1 The Association, in consultation with the County Fire Marshall and other appropriate emergency management authorities, shall provide appropriate water pressure and volume to fire hydrants within its service area for fire protection. The Association shall not levy any charge or fee for the fire protection provided pursuant to this paragraph, except as set forth in paragraph 1, herein.

**15.0 APPROPRIATED FUNDS**

15.1 In the event funds are not appropriated in a given year for either party's obligations described herein, either party will have the option of terminating this Agreement as of the date when funds are exhausted; provided, that this Agreement shall not terminate while the County owns an interest in the improvements described herein.

**16.0 BOOKS AND RECORDS**

16.1 The Association shall maintain adequate and correct accounts related to the continuing operation of the improvements described herein, and of the operation and maintenance of said Association, which accounts shall be open to inspection at any reasonable time by the parties hereto, their accountants or their agents.

16.2 The Association shall prepare and present such reports as may be required by law, regulation or contract to any governmental agency.

16.3 The Association shall provide to the County a report setting forth the uses of the funds granted by the County.

16.4 There shall be strict accountability of all receipts and disbursements by the parties hereto.

**17.0. TERMINATION**

17.1 This Agreement shall be in full force and effect upon the execution of this Agreement by all of the parties and approval by the Department of Finance and Administration of the State of New Mexico, and shall continue in full force and effect, subject to amendments, until terminated by the parties pursuant to this Agreement.

17.2 Any party's participation in this Agreement may be terminated by one hundred-eighty (180) days advance written notice or upon notice as provided in paragraph \_\_\_\_; provided, that this Agreement shall not terminate while the County owns an interest in the improvements described herein.

17.3 Upon termination of this Agreement by the parties, the powers granted under this Agreement shall continue to the extent necessary to make an effective disposition of property and a full accounting.

17.4 Upon termination of this Agreement, all funds of the County that are held by the Water Association pursuant to Paragraph Section 3.2\_\_\_\_\_ and which have yet not been applied against purchase of the improvements described herein shall be returned to the County. Any other surplus funds remaining upon termination of this Agreement shall be returned to the parties in proportion to the contributions made.

#### **18.0. AMENDMENT.**

18.1 This Agreement may be amended by the parties from time to time, but any amendment shall be in writing, executed by all of the then parties thereto, and approved by the Department of Finance and Administration.

#### **19.0 SEVERABILITY**

19.1 If any one or more of the provisions contained in this Agreement shall be for any reason held invalid, illegal or unenforceable in any respect, such invalidity, illegality or

unenforceability shall not affect other provisions hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been a part hereof.

## **20.0 INSURANCE**

20.1 The parties hereto shall carry public liability insurance coverage consistent with the responsibilities of each entity under the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1 *et seq.*

20.2 The parties shall, in addition, provide workers' compensation coverage for employees and carry property damage insurance on the equipment, buildings, facilities or personalty of any kind that comprise the improvements described herein.

20.3 The expense of obtaining and maintaining the required insurance shall be each party's sole obligation.

20.4 The insurance provided for under this Section shall be maintained in full force and effect throughout the duration of this Agreement.

20.5 Each party shall obtain the insurance coverage described herein from a reliable insurance company or, alternatively, from a risk self-retention pool such as that provided by the New Mexico Association of Counties, or approved policy of self-insurance. A copy of any insurance policy shall be provided to the other party at the party's request.

## **21.0 STRICT ACCOUNTABILITY, RECORDS, AUDITS, REPORTS**

21.1 The parties hereto shall be strictly accountable for all receipts and disbursements, and shall maintain adequate, complete and correct records and statements pertaining to receipts, disbursements, and other financial matters pertaining to the improvements described herein.

21.2 Each year, the Association shall cause an annual audit to be performed by an independent certified public accountant; the audit shall be provided to the parties and shall be made available to the public.

21.3 The records and statements prepared by the Association pursuant to this Article shall be open to inspection at any reasonable time by the parties hereto, their accountants and agents.

21.4 The Association shall prepare and present such reports as may be required by law, regulation or contract to any governmental agency, and shall also render to the parties hereto, at reasonable intervals, such reports and accounting as the parties hereto may from time to time request.

## **22.0 LIABILITY**

22.1 No party hereto shall be responsible for liability incurred as a result of one of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement shall be subject to the privileges and immunities of the New Mexico Tort Claims Act (as amended).

## **23.0 THIRD PARTY BENEFICIARY**

23.1 The Parties to this Agreement do not and do not intend to create in the public, any member thereof, or any person, any rights whatsoever such as, but not limited to, the rights of a third-party beneficiary, or to authorize anyone not a party to this Agreement to maintain a suit for any claim whatsoever pursuant to the provisions of this Agreement.

## **24.0 DISPUTE RESOLUTION**

24.1 The Parties to this Agreement may use any and all methods of dispute resolution, up to and including court action or binding arbitration, to resolve any conflicts arising under this

Agreement, the expenses of which shall be shared equally. Disputes shall be first discussed by representatives of each party having the authority, if necessary, to bind the party that they represent. Such representatives shall use their best efforts to amicably and promptly resolve the dispute. If the parties are unable to resolve the dispute through informal mechanisms or mediation within thirty days of the occurrence of the event or circumstances giving rise to the dispute, either party may give notice to the other party proposes that the dispute be submitted to binding arbitration. Any dispute requiring notice shall be shall be reported to the next meeting of the respective County and Association governing bodies. If one party refuses to submit to binding arbitration, then binding arbitration cannot be used by the parties to resolve their dispute. If both governing bodies agree on binding arbitration, it shall proceed in accordance with the model guidelines of the American Arbitration Association. Such notice shall contain the name of a proposed arbitrator, and in the event the other party does not agree with the proposed arbitrator, the model guidelines of the American Arbitration Association shall be used to select an arbitrator and govern the conduct of the arbitration, rendering of an award and enforcement of the award consistent with New Mexico law. Within 60 days of notice an arbitrator shall be appointed and within 120 days of notice the arbitrator shall prepare an award. The arbitrator's award shall be binding on the parties.

#### **25.0 ENTIRE AGREEMENT**

25.1 This Agreement contains the Entire Agreement between the parties hereto with regard to the matters set forth herein.

#### **26.0 BINDING EFFECT**

26.1 This Agreement shall be binding upon and inure to the benefit of the parties and their respective representatives, successors, and assigns.

**27.0 OTHER DOCUMENTS**

27.1 The parties agree to execute such further and other agreements as reasonably may be required from time to time to carry out the provisions of this Agreement.

**28.0 LAW**

28.1 The laws of the State of New Mexico shall govern this Agreement.

**29.0 NOTICES**

29.1 Any notice, demand, request, or information authorized or related to this Agreement shall be deemed to have been given if mailed (return receipt requested), hand delivered or faxed as follows:

**To the County:** Santa Fe County Utilities Director  
Santa Fe County  
205 Montezuma  
Santa Fe, N.M. 87505  
Phone: 986-6210  
Fax: 992-8421

**With a copy to:** County Manager  
Santa Fe County  
P.O. Box 276  
Santa Fe, N.M. 87504  
Phone: 986-6200  
Fax: 986-6362

County Attorney  
Santa Fe County  
P.O. Box 276  
Santa Fe, N.M. 87504  
Phone: 986-6279  
Fax: 986-6362

**To the Association:** Ilean Martinez, President  
Greater Chimayo MDWCA  
P.O. Box 474  
Chimayo, NM 87522  
  
Phone: (505) 351-4311

Attorney for GCMDWCA

Ted J. Trujillo  
P.O. Box 2185  
Española, NM 87532

Phone: (505) 753-5150  
Fax: (505) 753-4759

IN WITNESS WHEREOF, the parties hereto have set their hands and seals by their duly authorized officers, agents or representatives effective as of the date and year first written above.

**THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY, NEW MEXICO**

By:  
Harry Montoya, Chairman

**ATTEST:**

County Clerk

**Approved as to form:**

County Attorney

**GREATER CHIMAYO MUTUAL DOMESTIC  
WATER CONSUMERS ASSOCIATION**

By:  
Its President

**ATTEST:**

Secretary

Approved as to form:

Association's Attorney



**APPROVED BY THE DEPARTMENT  
OF FINANCE AND ADMINISTRATION**

By:

(Title)

(Date)

SFC CLERK RECORDED 10/15/2007

# SANTA FE COUNTY



# WATER UTILITY PLAN

# COUNTY WATER UTILITY PLAN

“The Mission of the Santa Fe County Utilities Department is to Provide Safe and Reliable Water and Sewer Utility Service to its Customers in an Efficient and Responsible Manner” (From the Mission Statement)

## Priorities:

Secure a reliable, diverse water supply for its current and future needs

Provide for sufficient infrastructure

Plan for a growing customer base

Expand the utility beyond its current service area. Ideally, those areas would be developed in conjunction with the overall Growth Management Plan for the County.

Reduce demand through re-use of treated effluent and the promotion of conservation.

The Water Resources Division has been additionally tasked to seek ways to assist other community water systems in developing a stable water supply and infrastructure.

# PRIORITIES NEAR- to LONG-TERM

Near-term (pre-Buckman Direct Diversion Project [BDD]), the utility priority should be fulfilling the water needs within the Santa Fe urban growth areas, directed primarily toward new development

Mid-term (post-BDD but pre-regionalization), priorities should be directed toward providing an opportunity for private well owners with water quality or supply problems to hook on to the County utility, and supplementing other systems in need.

Long-term Priorities should be directed toward creating a regional system, incorporating smaller systems. Ideally, the regional system would combine the City and County of Santa Fe systems, but there could be a regional system in Santa Fe County exclusive of the City of Santa Fe

# 40-YEAR WATER PLAN

August 2002

Purpose: To demonstrate a strategy and use in order to secure water rights portfolio.

40 year water plan fulfills the requirements of the Office of the State Engineer (OSE)

Revised every five years – to be revised in conformance with this plan

Prioritized toward existing development

For new development: One major revision in this plan is to identify water service to new development within County-designated growth areas as a planning priority

# SECURE A RELIABLE SUPPLY

Over the long-term, a conjunctive use strategy is the most regionally sustainable

Near- to Mid-term: The Utility will rely on three primary water sources:

Contracted supply from the City of Santa Fe  
Surface Water from the Buckman Direct Diversion Project (BDD)

Ground Water- The Water Resources Division is in the Midst of the implementing the ground water plan:

Hydrologic Model

Well Location Selection

i. Well Location Strategy

1. Analysis of specific locations
2. Well optimization program
3. Treatment analysis
4. System Engineering analysis

# MID- to LONG-TERM

The County utility remains open to any discussion regarding future water supply, with the County as customer for those supplies. This includes importation of water from other areas. The utility also encourages other water systems in the area, particularly Eldorado, to consider participating in regional water supply projects.

## Additional Supplies: Near-to long-term

The County can obtain additional water supplies through judicious oversight of use and re-use. Reducing demand has equivalent effect of increasing available supply.

### Re-use of treated effluent may be used for irrigation

New developments can install return-flow lines alongside the sewer lines, to provide treated effluent to homes for outdoor use

Waste Water could be treated to drinking water quality, and put directly back into the potable water system

### Aquifer Storage and Recovery

Rancho Viejo has conducted a pilot test of an injection program

An ASR program has the effect of adding to aquifer storage

### Conservation

County conservation ordinances

The County utility has restrictions and conservation requirements

A tiered rate structure

# SECURE WATER RIGHTS

## Surface Water Rights

Native Rio Grande water rights

San Juan- Chama

County Lease

Other Leases

Aamodt

## Ground Water Rights

Acquisition of ground water rights

Surface water offsets

Domestic well transfers

Return-flow credits



# DEVELOP INFRASTRUCTURE

## Priority

The top priority for County utility infrastructure is within the designated service areas.

The County is participating with BDD partners to ensure that County infrastructure can accommodate BDD deliveries, while maintaining adequate deliveries to the County through the City System.

The County utility will evaluate its ability to deliver supplemental water supply to other water systems.

Legislative funding requests often create a project priority for the County utility. The utility will prioritize outside requests as per direction of the BCC.

# Santa Fe County Water Supply Plan

## II. Community Water Systems

Canoncito  
Chimayo  
Cuatro Villas  
Chupadero  
Sombrello  
La Cienega  
Agua Fria  
Eldorado  
Cerrillos  
Madrid  
Sunlit Hills  
Entranosa  
Galisteo

### Criteria for Assistance

Practicality  
Regional Hookup Potential  
Health  
Water Infrastructure  
Water Supply  
Management Capabilities  
Funding  
# of Residents  
Relationship to Waste Water

Communities in Red Font will be assisted based on criteria

Requirements for Assistance:

County Utility is a source of Back-up water for these community systems

\*County can take over systems in the future

# RELATIONSHIP TO OTHER SYSTEMS

## Organizational Structure of County

The Water Resources Division will participate in joint planning for growth throughout the County. This is an ongoing effort that will result in water planning that will conform to an overall growth management strategy.

## Strategy for regionalization

The most effective way to serve all County constituents and maintain a sustainable water supply is to develop a regional water system. The Aamodt settlement is an example of such a regional approach. The utility strategy will be to assist and cooperate with other water systems, while working toward the goal of a regional system.

## Regional Strategy

Small systems

City of Santa Fe; Las Campanas; EAWSD (Eldorado)

# FUNDING

General Obligation Bonds  
Revenue Bonds  
Gross Receipts Tax (GRT)  
Cash Reserves  
Developer Contributions  
State Funding  
Federal Funding  
Aamodt Settlement

# **Santa Fe County Water Infrastructure Funding Plan**

## **FY 2008 – 2012**

# Where Do We Start & What Do We Have

## Current Infrastructure

### Water:

Infrastructure	\$8,266,150.00
Fleet	\$ 197,351.00

### Waste Water System:

Infrastructure	\$ 305,000.00
----------------	---------------

# Where Do We Start & What Do We Have Water Acquisitions & Rights (acre feet)

## Approved :

Buckman: 784.41 (incl. 375 San Juan-Chama)

## Pending:

Aamodt 1,788.20 (Top of the World)

Buckman 678.23

Wells 288.68 (incl. 190.75 PNM/Horse  
Park)

Total Dollars Expended To Date \$7,435,105

**WATER RIGHTS SHORTFALL – BDD  
(SURFACE WATER)**

**Capacity at BDD = 1700 af**

**Approved or pending = 1462.64**

**Shortfall = 237.36**

***Note: Assumes all pending applications  
are approved for transfer***



# WATER RIGHTS SHORTFALL – WELLS (GROUND WATER)

**Minimum (shortfall) scenario: 0 af**

OSE approves “rolling average” for water rights  
or 500 af wholesale from City set aside as drought reserve

**Middle scenario: 111.32 af**

OSE requires standard yearly water rights  
All wholesale from City committed to new use  
Backup is 75% of BDD capacity (25% supplied by County wells;  
50% supplied by City as per agreement)

**Maximum scenario: 561.32 af**

As Middle scenario but backup is 100% of BDD capacity (50%  
supplied by County wells;50% supplied by City as per  
agreement)

***Note: Assumes all pending applications are approved  
for transfer***

# ASSET MANAGEMENT PLAN

## SFC MUST DEVELOP AN ASSET MANAGEMENT PLAN:

- An Asset Management Plan consists of three elements:
- A plan for maintaining the assets;
  - A schedule of the capital reinvestment needs of the infrastructure; and
  - A funding plan for assuring the sustainable management of these assets.

# General Policy Statements

## The Maintenance Plan:

The County will maintain all assets using methods and intervals that maximize their value to our customers while sustaining the overall infrastructure. Such methods shall include a maintenance schedule for existing infrastructure, future goals and timeline for expansion, and the means to value such assets, etc.

## The Schedule of Capital Reinvestment Needs:

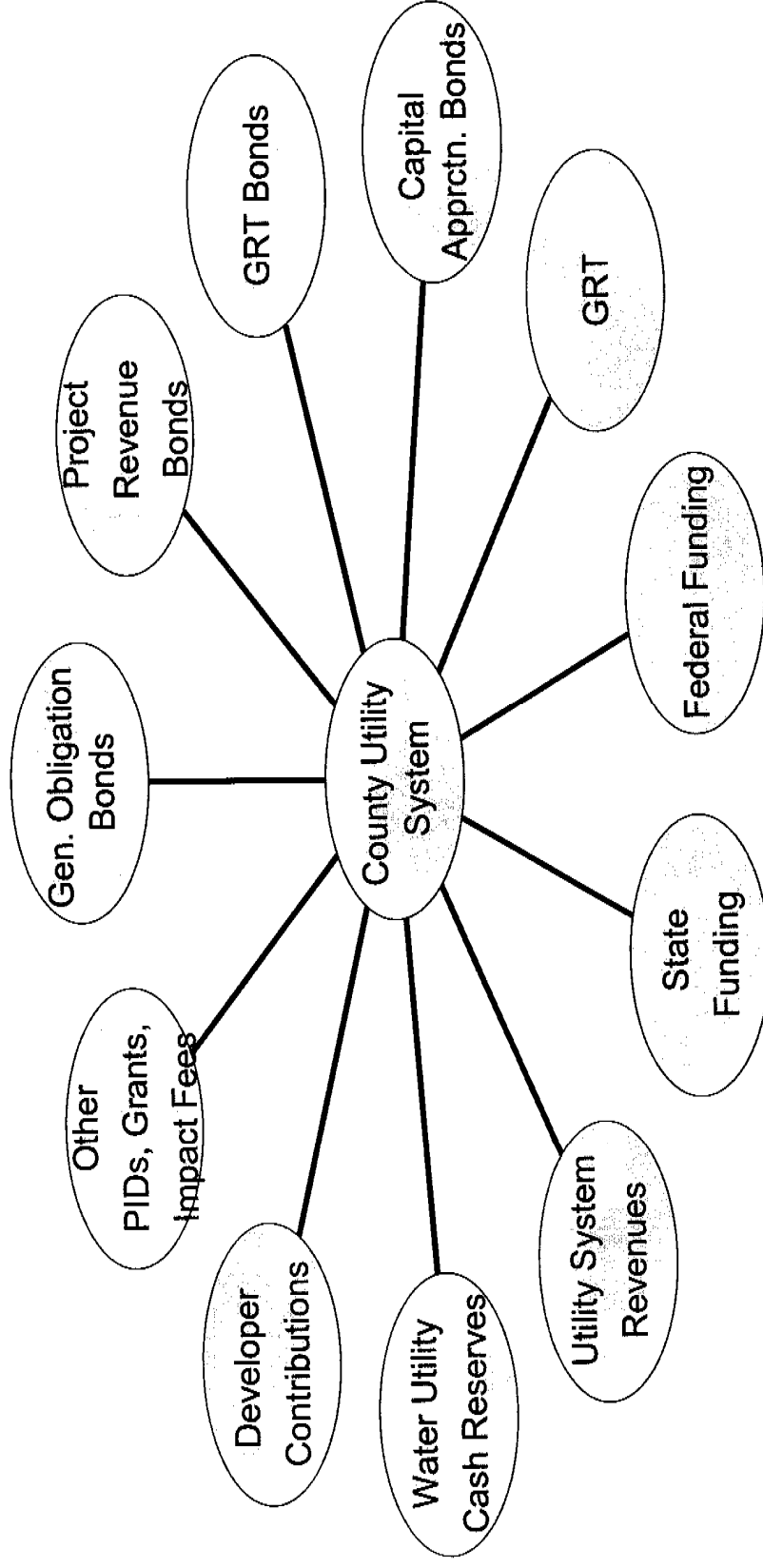
The County will undertake and maintain a life cycle funding/planning program that estimates the reinvestment needs of our infrastructure over a long period of time and supports sustaining the overall infrastructure.

# General Policy Statements cont'd

## The Funding Plan

It is the intent of the County to finance asset reinvestment needs both internally and with other available funding sources. We therefore establish and maintain a reserve fund for this purpose and will annually appropriate to this fund such amounts as are required to sustain it considering current fund balances, future contributions, and future reinvestment needs. Appropriation amounts will be revised as necessary every five years based on expected reinvestment needs over the subsequent thirty years.

# Available Funding Sources



# Available Funding Sources cont'd

## Bonds

Revenue – regular flow of revenue pledged towards debt service (property tax).

Expansion Revenue – water rate structure updated to include a utility expansion charge, which could be pledged towards debt service.

Special Assessment Debt – bonds are secured by a supplemental pledge of system revenues.

Capital Appreciation Bonds – bond is similar to a zero coupon bond in that the investor receives a single payment representing initial principal and the investment return at maturity, but differs in that the investment return is considered compound interest and only the principal amount of the bond is counted against the issuer's statutory debt limit, rather than the total par value.

# Available Funding Sources cont'd

## Gross Receipts Tax (GRT)

Capital Outlay GRT – currently 75% of revenue generated from this GRT is dedicated to Water/Waste Water Projects. These revenues are further split by a 50/50 County and Regional dedication.

The County through the FOPA is entitled to use \$31.5 million of regional portions of the GRT to meet its obligations to pay for the Buckman Direct Diversion Project.

# Available Funding Sources cont'd

## State Funding Sources

NMFA – Revolving Fund Loan funding specifically for public and drinking water projects.

Environment Department – Loan funds available for waste water systems.

Legislative Appropriations – Meet with NM Legislative Interim Committee on Water & Natural Resources to start a dialogue and define a plan of action to secure funding for water and waste water systems.

Water Trust Board Grant Funds – Loan funds available through this board.



# Available Funding Sources cont'd

## Federal Funding Sources

USDA – Rural Development Division has funds available for reclamation grants used for rehabilitation of infrastructure.  
US Environmental Protection Agency – Tax credits for green infrastructure.  
Federal Legislation  
United States Geological Survey

## Aamodt Settlement

The final settlement will have obvious repercussions on county water and waste water planning and financing options.

## Other Potential Settlements

There may be other potential settlements that the County may become a party to.

# Available Funding Sources cont'd

Federal and/or State Partnerships (to include local Indian Pueblos)

Developer Contributions

May include impact fees, capital contributions and also impact of annexation agreements.

Partnership w/Private Firm

Partnership possibly for the use of Industrial Revenue Bonds.

# Challenges of Infrastructure Funding & Financing

- Identify the System. What are the goals?
- Adopt a Long-Term Capital Improvement Plan
- Establish Written Financial Policies
- Examine Current Rates
- Develop a Transition Plan
- Consider Customer Impacts and Affordability
- Positive voter referendums are needed to continue to issue General Obligation Bonds

# Current Funding Sources

Available General Obligation Bonds \$50.0 Million

Series 1997	\$ 1.0
Series 2005	\$ 3.0
Series 2006	\$ 5.0
Future Sales	\$41.0

# Current Funding Sources cont'd

Available Capital Outlay Gross Receipts Tax  
\$24.71 Million (as of 06/30/07)

County Portion	\$12,167,855
Regional Portion	\$12,543,070

Other:

Utility Cash Reserves      \$2.934 Million (as of  
06/30/07, and specifically established for repairs to  
current infrastructure)

# Current Funding Plan

Sources:

<b>Gross Receipts Tax</b>	
County	\$15,750,000
Regional	\$15,750,000
<b>General Obligation Bonds</b>	
2006 Series	\$ 5,000,000
2005 Series	\$ 3,039,000
1997 Series	\$ 1,027,000
Future Sales	\$41,000,000

**Grant Funding**  
**Total Funding Available for Water Projects**

\$50,066,000  
 \$ 2,500,000  
 \$84,066,000

This recommendation assumed that the County would be allowed to use the Regional portion of the Capital Outlay (C/O) GRT for the County's funding share of the BDD Project.

Uses:

<b>Buckman Direct Diversion Project BDD</b>	
GOB Proceeds	\$46,000,000
Capital Outlay GRT	\$31,500,000
Grant Funding	\$ 2,500,000
	\$80,000,000
<b>Funding Available After BDD</b>	\$ 4,066,000
<b>Prioritized Projects</b>	
Valle Vista Well	\$ 2,000,000
Valle Vista Waste Water	\$ 2,000,000
Valle Vista Sewer Lines	\$ 1,000,000
Valle Vista Water	\$ 1,200,000
Agua Fria	\$ 400,000
Edgewood	\$ 400,000
Chimayo	\$ 500,000
Canoncito	\$ 1,200,000
Pojoaque Waste Water	\$ 1,000,000
County Well Program	\$ 3,000,000
Shortfall Water Rights	\$10,400,000
Public Works Well	\$ 500,000
	\$23,600,000

**Available/Shortfall**  
 f/Add'l Projects

\$ (19,534,000)

Shortfall to be covered by future bond actions taken to the voters for approval (\$15 million request in 2008) or legislative requests.

- Reflects changes from funding plan to funding plan
- Reflects data that was missing from original plan

# Additional Potential Funding Plans-1

**Sources:**

**Gross Receipts Tax**  
 County \$15,750,000  
 Regional \$15,750,000

\$ 31,500,000

**General Obligation Bonds**

2006 Series \$ 5,000,000  
 2005 Series \$ 3,039,000  
 1997 Series \$ 1,027,000  
 Future Sales \$41,000,000

**Grant Funding Available for Water Projects**  
**Total Funding Available for**  
 \$114,066,000

**Uses:**

**Buckman Direct Diversion Project BDD**  
 GOB Proceeds \$46,000,000  
 Capital Outlay GRT \$31,500,000  
 Grant Funding \$ 2,500,000  
 \$80,000,000  
 Funding Available After BDD \$34,066,000

**Prioritized Projects**

Valle Vista Well \$ 2,000,000  
 Valle Vista Waste Water \$ 2,000,000  
 Valle Vista Sewer Lines \$ 1,000,000  
 Valle Vista Water \$ 1,200,000  
 Agua Fria \$ 400,000  
 Edgewood \$ 400,000  
 Chimayo \$ 500,000  
 Canoncito \$ 1,200,000  
 Pojoaque Waste Water \$ 1,000,000  
 County Well Program \$ 3,000,000  
 Shortfall Water Rights \$10,400,000  
 Public Works Wells \$ 500,000  
 Total Funded to Date \$24,600,000

**Available/Shortfall f/Add'l Projects**  
 \$ 9,466,000

This recommendation assumes that the Capital Outlay GRT Regional portion is used to meet the County's funding requirement for the BDD project. **The amount noted for the BDD Project specifically states the County's obligation through fiscal year 2012 with a total commitment thus far of \$80.0 million.**

----- Reflects changes from funding plan to funding plan  
 ----- Reflects data that was missing from original plan

# Additional Potential Funding Plans-2

Sources:		Uses:	
<b>Gross Receipts Tax</b>		<b>Buckman Direct Diversion Project BDD</b>	
County	\$15,750,000	GOB Proceeds	\$46,000,000
Regional	\$15,750,000	Capital Outlay GRT	\$31,500,000
		Grant Funding	\$2,500,000
			\$80,000,000
<b>General Obligation Bonds</b>		Funding Available After BDD	\$47,726,000
2006 Series	\$5,000,000		
2005 Series	\$3,039,000	<b>Prioritized Projects</b>	
1997 Series	\$1,027,000	Valle Vista Well	\$2,000,000
Future Sales	\$41,000,000	Valle Vista Waste Water	\$2,000,000
		Valle Vista Sewer Lines	\$1,000,000
		Valle Vista Water	\$1,200,000
		Agua Fria	\$400,000
Grant Funding	\$2,500,000	Edgewood	\$400,000
		Chimayo	\$500,000
<b>Revenue Bond</b>		Canoncito	\$1,200,000
Future Sale	\$13,660,000	Pojoaque Waste Water	\$1,000,000
		County Well Program	\$3,000,000
<b>Total Funding Available for Water Projects</b>	\$127,726,000	Shortfall Water Rights	\$10,400,000
		Public Works Well	\$500,000
		Total Funded to Date	\$23,600,000
		<b>Available/Shortfall f/Add'l Projects</b>	\$24,126,000

This plan assumes that the Regional portion of the C/O GRT is used to meet the County's funding requirement for the BDD project. This recommendation also considers a Revenue Bond pledged by gross receipt taxes. The amount pledged equals \$1.0 million available from the C/O GRT, which could generate estimated net proceeds of \$13.66 million.

----- Reflects changes from funding plan to funding plan  
 ----- Reflects data that was missing from original plan



# Key Considerations!!!

Voter authorization from the 2004 Bond Election expires November 2008! If the bonds are not sold prior to November 2008 the bonds must be re-authorized.

As the 2004 Bonds (for each series of bonds) are sold, funds from the sales must be expended within a three year period to avoid IRS penalties.

If BDD expenditures do not materialize by December 2009, and if a significant amount of the available general obligation funding is not used by late 2011, we need to determine what other projects could be funded by bond dollars???

Potential Future Bond Sales for Other Water Projects

\$15 million in 2009

\$15 million in 2011

\$23 million in 2013

\$22 million in 2015

# FINAL FUNDING SUMMARY

<u>Project</u> (Amounts stated in Millions)	<u>Anticipated Project Cost</u>	<u>Amt. Allocated</u>	<u>Additional Need</u>
Buckman Direct Diversion Project	\$ 80.0	\$ 80.0	
County Obligation Reflected Thru 2012		\$ 46.0	
General Obligation Proceeds		\$ 31.5	
Capital Outlay GRT		\$ 2.5	\$ 0.0
Grant Funding			
<b>Projects Funded By BCC to date and Additional Projects::</b>			
Valle Vista Wells	\$ 2.0	\$ 2.0	\$ ---
Valle Vista Waste Water Trmt. Plant Upgrade	\$ 10.0	\$ 2.0	\$ 8.0 (1)
Valle Vista Sewer Line Replacements	\$ 1.7	\$ 1.0	\$ .7
Valle Vista Water System Upgrade	\$ 2.2	\$ 1.2	\$ 1.0
Agua Fria	\$ .4	\$ .4	\$ ---
Edgewood	\$ .4	\$ .5	\$ ---
Chimayo	\$ 4.3	\$ 1.2	\$ 3.1 (2)
Canoncito	\$ 12.0	\$ 1.0	\$ 11.0 (3)
Pojoaque Waste Water	\$ 1.0	\$ 0.35	\$ .65 (4)
Sombrillo Waste Water	\$ 3.0	\$ 0.25	\$ 2.75 (5)
County Well Program	\$ 7.1	\$ 0.0	\$ 7.1
BDD Shortfall (237.36 acre feet)	\$ 3.3	\$ 0.0	\$ 3.3 (6)
Well Shortfall (middle scenario) 11.32 acre feet	\$ 126.6	\$ 90.30	\$ 37.60
<b>Total</b>			

Need will also be funded by large user contributions, i.e. Las Soleras, etc.  
 Additional funding via a state grant for \$50,000  
 Additional funding via legislative appropriations and Pojoaque Pueblo  
 Funding noted thus far via a state grant  
 Additional funding via legislative appropriation of \$250,000  
 Assumptions made include:

- OSE requires standard yearly water rights
- All wholesale from City committed to new use
- Backup is 75% of BDD capacity (25% supplied by County wells; 50% supplied by City as per agreement)

# Funding Summary/Conclusion

If the Regional GRT is dedicated to the County portion of the BDD project, the County may not need legislative assistance for BDD and/or priority projects.

Current County Utility Project Participation Funds Allocated	\$126,600,000
TOTAL Need	\$ 90,300,000
	\$ 36,300,000

Highest Proposed Funding Plan (Option 2) \$127,726,000

Available for Add'l Projects (Includes ONLY Current County Utility Project Participation) \$ 1,126,000

Total Current County Utility Project Participation includes funding allocated to MDWA for which some of the total project cost is unknown. The County could approach the legislature to assist with the smaller community requests and focus county funding on the BDD project.

## \*\*\*\* Assumptions Made \*\*\*\*

Proposed GOB Series noted in additional funding plan options requires voter approval. The County's obligation for the BDD project remains at \$80.0 million. Costs are not inclusive of OM&R; OM&R costs currently being researched.

# Funding Summary/Conclusion

## Potential Shortfall If Add'l Projects Are Included:

<b>Sources:</b>	
Highest Funding Plan – Option 2	\$127,726,000
<b>Uses (County Funded /Legislative Commitments for Projects):</b>	
Buckman Direct Diversion Project	\$ 80,000,000
BDD Shortfall (Acre Feet)	\$ 10,400,000
County Programs (Valle Vista Water System, Wells, Waste Water Trmt, Plant, Sewer Line, County Well Program)	\$ 18,900,000
Commitments to Community Systems (Agua Fria, Edgewood, Chimayo, Canoncito)	\$ 2,500,000
Pojoaque Waste Water	\$ 1,000,000
Total Uses	\$112,800,000
Available Sources	\$ 14,926,000
Competing Need for MDWAEAW&SD	\$ 16,000,000
(Based on known information used @ March 2007 Water BCC Study Session; there are other MDWAEAW&SD projects for which the costs are unknown)	
Approach Legislature for Additional Funding	\$ ( 1,074,000)

## Legislative Funding Strategy

STATE: Pursue funding for Regional Projects in conjunction with Tribal Governments and Mutual Domestic Well Associations. (Pojoaque Waste Water, Northern SF County Waste Water System, Northern SF County Water System)

FEDERAL: Pursue funding for BDD, Aamodt, and Waste Water Projects

# CURRENT UTILITY ACTIVITIES

Water and sewer service for customers  
Hydrologic model  
Water rights – BDD and well locations  
Valle Vista WWTP upgrade  
Valle Vista sewer line replacements  
Valle Vista water system upgrade  
Public works well  
Nancy Rodriguez Community Center water hookup  
Rate study  
Technical reviews for Land Use and Utility  
Water utility and waste water utility plans  
Automated delivery units for water trucks

# COUNTY UTILITY PROJECT PARTICIPATION

BDD

County growth management plan

Pojoaque Valley WWTP

Opera WWTP

Edgewood WWTP

Sombrillo waste water system

Discussions with multiple MDWA and W&SD

Several sewer line projects in Agua Fria

Stanley fire station

# PRIORITY PROJECTS FOR WATER

Buckman Direct Diversion

Water Rights

County Well Program

Water Rights

Aamodt

Northern Santa Fe County Regional Water  
System (Sombriillo, Cuatro Villas,  
Chimayo, Santa Cruz)

Water Line to Eldorado / Canoncito



# Funding Option No. 2

Highest Funding Option (#2) \$ 127,726,000

LESS:

BDD	\$ 80,000,000
BDD Shortfall (acre feet)	\$ 10,400,000
County Programs	\$ 18,900,000
County Well Program	\$ 3,000,000
AAMODT*	\$ 15,000,000
Northern SFC Regional Water*	\$ 2,600,000
Water Line to Eldorado/ Canoncito	\$ 4,300,000
Total Project Costs	\$ 134,200,000

Total Available/Shortfall \$ (6,474,000)

(Estimated numbers based on known information  
at this time)

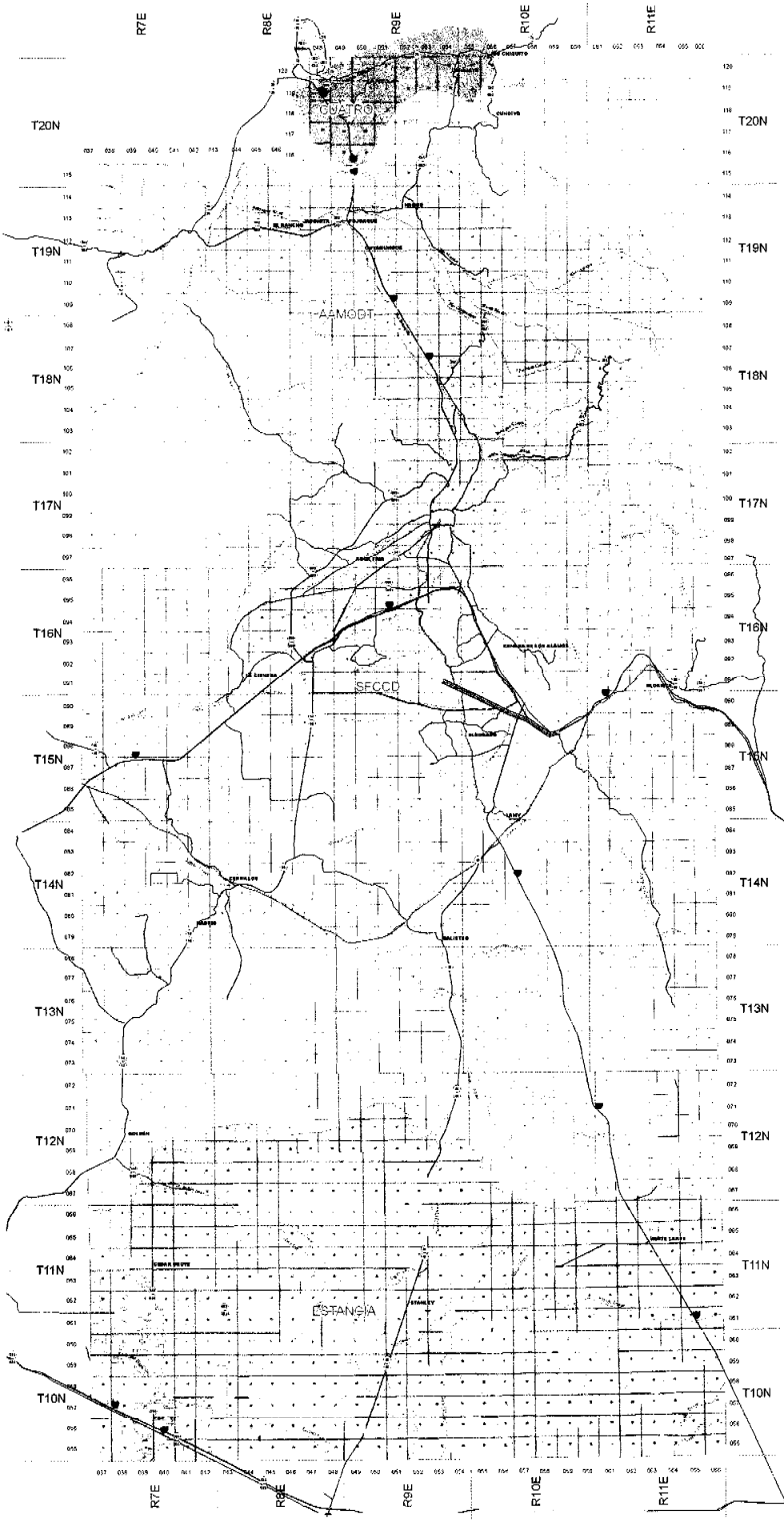
# To Do/Next Steps

Present Funding Plan to DFA	09/01/07
Update 40 year Water Plan	10/01/07
Address Challenges of Infrastructure Funding And Financing	10/01/07
Create an Asset Management Plan	10/31/07
Develop a Maintenance Plan	11/30/07
Schedule of Capital Reinvestment Needs Funding Plan	11/30/07
	12/15/07

Staff will compile this Presentation with the items listed above and this in turn will become the Santa Fe County Utilities Plan. The plan should be completed by 10/1/2007.

-DRAFT STATUS-

# Water Project Areas Santa Fe County



- Legend**
- Amoadt Area
  - Cuatro Area
  - Estancia Area
  - SFC Area
  - Proposed Water Line
  - Township and Range Lines (Surveyed and Protected)
  - Township and Range Lines (Projected across Grants)
  - PLS Section Lines (Surveyed and Protected)
  - PLS Section Lines (Projected across Grants)
  - PLS Section Numbers
  - Other Mapped Features**
  - Incorporated City Boundaries
  - Major Streams and Arroyos
  - Minor Streams and Arroyos
  - Major Roads
  - Minor Roads
  - Railroads



Scale 1 - 100,000  
1 inch represents 1.58 miles

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.

